

The Anarchist's Cookbook

Written by: The Jolly Roger

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The Anarchist's Cookbook

Counterfitting Money

Counterfeiting Money by The Jolly Roger

Before reading this article, it would be a very good idea to get a book on photo offset printing, for this is the method used in counterfeiting US currency. If you are familiar with this method of printing, counterfeiting should be a simple task for you.

Genuine currency is made by a process called "gravure", which involves etching a metal block. Since etching a metal block is impossible to do by hand, photo offset printing comes into the process.

Photo offset printing starts by making negatives of the currency with a camera, and putting the negatives on a piece of masking material (usually orange in color). The stripped negatives, commonly called "flats", are then exposed to a lithographic plate with an arc light plate maker. The burned plates are then developed with the proper developing chemical. One at a time, these plates are wrapped around the plate cylinder of the press.

The press to use should be an 11 by 14 offset, such as the AB Dick 360. Make 2 negatives of the portrait side of the bill, and 1 of the back side. After developing them and letting them dry, take them to a light table. Using opaque on one of the portrait sides, touch out all the green, which is the seal and the serial numbers. The back side does not require any retouching, because it is all one color. Now, make sure all of the negatives are registered (lined up correctly) on the flats. By the way, every time you need another serial number, shoot 1 negative of the portrait side, cut out the serial number, and remove the old serial number from the flat replacing it with the new one.

Now you have all 3 flats, and each represents a different color: black, and 2 shades of green (the two shades of green are created by mixing inks). Now you are ready to burn the plates. Take a lithographic plate and etch three marks on it. These marks must be 2 and 9/16 inches apart, starting on one of the short edges. Do the same thing to 2 more plates. Then, take 1 of the flats and place it on the plate, exactly lining the short edge up with the edge of the plate. Burn it, move it up to the next mark, and cover up the exposed area you have already burned. Burn that, and do the same thing 2 more times, moving the flat up one more mark. Do the same process with the other 2 flats (each on a separate plate). Develop all three plates. You should now have 4 images on each plate with an equal space between each bill.

The paper you will need will not match exactly, but it will do for most situations. The paper to use should have a 25% rag content. By the way, Disaperf computer paper (invisible perforation) does the job well. Take the paper and load it into the press. Be sure to set the air, buckle, and paper thickness right. Start with the black plate (the plate without the serial numbers). Wrap it around the cylinder and load black ink in. Make sure you run more than you need because there will be a lot of rejects. Then, while that is printing, mix the inks for the serial numbers and the back side. You will need to add some white and maybe yellow to the serial number ink. You also need to add black to the back side. Experiment until you get it right. Now, clean the press and print the other side. You will now have a bill with no green seal or serial numbers. Print a few with one serial number, make another and repeat. Keep doing this until you have as many different numbers as you want. Then cut the bills to the exact size with a paper cutter. You should have printed a large amount of money by now, but there is still one problem; the paper is pure white. To dye it, mix the following in a pan: 2 cups of hot water, 4 tea bags, and about 16 to 20 drops of green food coloring (experiment with this). Dip one of the bills in and compare it to a genuine US bill. Make the necessary adjustments, and dye all the bills. Also, it is a good idea to make them look used. For example, wrinkle them, rub coffee grinds on them, etc.

As before mentioned, unless you are familiar with photo offset printing, most of the information in this article will be fairly hard to understand. Along with getting a book on photo offset printing, try to see the movie "To Live and Die in LA". It is about a counterfeiter, and the producer does a pretty good job of showing how to counterfeit. A good book on the subject is "The Poor Man's James Bond".

If all of this seems too complicated to you, there is one other method available for counterfeiting: The Canon color laser copier. The Canon can replicate ANYTHING in vibrant color, including US currency. But, once again, the main problem in counterfeiting is the paper used. So, experiment, and good luck!

-Jolly Roger-

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Credit Card Fraud

Credit Card Fraud brought to you by The Jolly Roger

For most of you out there, money is hard to come by. Until now:

With the recent advent of plastic money (credit cards), it is easy to use someone else's credit card to order the items you have always desired in life. The stakes are high, but the payoff is worth it.

Step One: Getting the credit card information

First off, you must obtain the crucial item: someone's credit card number. The best way to get credit card numbers is to take the blue carbons used in a credit card transaction at your local department store. These can usually be found in the garbage can next to the register, or for the more daring, in the garbage dumpster behind the store. But, due to the large amount of credit card fraud, many stores have opted to use a carbonless transaction sheet, making things much more difficult. This is where your phone comes in handy.

First, look up someone in the phone book, and obtain as much information as possible about them. Then, during business hours, call in a very convincing voice - "Hello, this is John Doe from the Visa Credit Card Fraud Investigations Department. We have been informed that your credit card may have been used for fraudulent purposes, so will you please read off the numbers appearing on your Visa card for verification." Of course, use your imagination! Believe it or not, many people will fall for this ploy and give out their credit information.

Now, assuming that you have your victim's credit card number, you should be able to decipher the information given.

Step Two: Recognizing information from carbon copies

Card examples:

[American Express]

XXXX XXXXXX XXXXX

MM/Y1 THRU MM/Y2

JOE SHMOE

[American Express]

XXXX XXXXXX XXXXX

MM/Y1 THRU MM/Y2

JOE SHMOE

Explanation: MM/Y1 is the date the card was issued, and MM/Y2 is the expiration date. The American Express Gold Card has numbers XXXXXX XXXXXXXXXX XXXXXXXXXX, and is covered for up to \$5000.00, even if the card holder is broke.

[Mastercard]

5XXX XXXX XXXX XXXX

XXXX AAA DD-MM-YY MM/YY

JOE SHMOE

Explanation: XXXX in the second row may be asked for during the ordering process. The first date is when the card was new, and the second is when the card expires. The most frequent number combination used is 5424 1800 XXXX XXXX. There are many of these cards in circulation, but many of these are on wanted lists, so check these first.

[Visa]

4XXX XXX(X) XXX(X) XXX(X)

MM/YY MM/YY*VISA

JOE SHMOE

Explanation: Visa is the most abundant card, and is accepted almost everywhere. The "*VISA" is sometimes replaced with "BWG", or followed with a special code. These codes are as follows:

[1] MM/YY*VISA V - Preferred Card

[2] MM/YY*VISA CV - Classic Card

[3] MM/YY*VISA PV - Premier Card

Preferred Cards are backed with money, and are much safer to use. Classic Cards are newer, harder to reproduce cards with decent backing. Premier Cards are Classic Cards with Preferred coverage. Common numbers are 4448 020 XXX XXX, 4254 5123 6000 XXXX, and 4254 5123 8500 XXXX. Any 4712 1250 XXXX XXXX cards are IBM Credit Union cards, and are risky to use, although they are usually covered for large purchases.

Step Three: Testing credit

You should now have a Visa, Mastercard, or American Express credit card number, with the victim's address, zip code, and phone number. By the way, if you have problems getting the address, most phone companies offer the Address Tracking Service, which is a special number you call that will give you an address from a phone number, at a nominal charge. Now you need to check the balance of credit on the credit card (to make sure you don't run out of money), and you must also make sure that the card isn't stolen. To do this you must obtain a phone number that businesses use to check out credit cards during purchases. If you go to a department store, watch the cashier when someone makes a credit card purchase. He/she will usually call a phone number, give the credit information, and then give what is called a "Merchant Number". These numbers are usually written down on or around the register. It is easy to either find these numbers and copy them, or to wait until they call one in. Watch what they dial and wait for the 8 digit (usually) merchant number. Once you call the number, in a calm voice, read off the account number, merchant number, amount, and expiration date. The credit bureau will tell you if it is ok, and will give you an authorization number. Pretend you are writing this number down, and repeat it back to them to check it. Ignore this number completely, for it serves no real purpose. However, once you do this, the bank removes dollars equal to what you told them, because the card was supposedly used to make a purchase. Sometimes you can trick the operator by telling her the customer changed his mind and decided not to charge it. Of course, some will not allow this. Remember at all times that you are supposed to be a store clerk calling to check out the card for a purchase. Act like you are talking with a customer when he/she "cancels".

Step Four: The drop

Once the cards are cleared, you must find a place to have the package sent. NEVER use a drop more than once. The following are typical drop sites:

[1] An empty house

An empty house makes an excellent place to send things. Send the package UPS, and leave a note on the door saying, "UPS. I work days, 8 to 6. Could you please leave the package on the back door step?" You can find dozens of houses from a real estate agent by telling them you want to look around for a house. Ask for a list of twenty houses for sale, and tell them you will check out the area. Do so, until you find one that suits your needs.

[2] Rent A Spot

U-Haul sometimes rents spaces where you can have packages sent and signed for. End your space when the package arrives.

[3] People's houses

Find someone you do not know, and have the package sent there. Call ahead saying that "I called the store and they sent the package to the wrong address. It was already sent, but can you keep it there for me?" This is a very reliable way if you keep calm when talking to the people.

Do NOT try post office boxes. Most of the time, UPS will not deliver to a post office box, and many people have been caught in the past attempting to use a post office box. Also, when you have determined a drop site, keep an eye on it for suspicious characters and cars that have not been there before.

Step Five: Making the transaction

You should now have a reliable credit card number with all the necessary billing information, and a good drop site.

The best place to order from is catalogues, and mail order houses. It is in your best interest to place the phone call from a pay phone, especially if it is a 1-800 number. Now, when you call, don't try to disguise your voice, thinking you will trick the salesperson into believing you are an adult. These folks are trained to detect this, so your best bet is to order in your own voice. They will ask for the following: name, name as it appears on card, phone number, billing address, expiration date, method of shipping, and product. Ask if they offer UPS Red shipping (next day arrival), because it gives them less time to research an order. If you are using American Express, you might have a bit of a problem shipping to an address other than the billing address. Also, if the salesperson starts to ask questions, do NOT hang up. Simply talk your way out of the situation, so you won't encourage investigation on the order.

If everything goes right, you should have the product, free of charge. Insurance picks up the tab, and no one is any wiser. Be careful, and try not to order anything over \$500. In some states, UPS requires a signature for anything over \$200, not to mention that anything over \$200 is defined as grand theft, as well as credit fraud. Get caught doing this, and you will bite it for a couple of years. Good luck!

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Making Plastic Explosives From Bleach

Making Plastic Explosives from Bleach by The Jolly Roger

Potassium chlorate is an extremely volatile explosive compound, and has been used in the past as the main explosive filler in grenades, land mines, and mortar rounds by such countries as France and Germany. Common household bleach contains a small amount of potassium chlorate, which can be extracted by the procedure that follows.

First off, you must obtain:

[1] A heat source (hot plate, stove, etc.)

[2] A hydrometer, or battery hydrometer

[3] A large Pyrex, or enameled steel container (to weigh chemicals)

[4] Potassium chloride (sold as a salt substitute at health and nutrition stores)

Take one gallon of bleach, place it in the container, and begin heating it. While this solution heats, weigh out 63 grams of potassium chloride and add this to the bleach being heated. Constantly check the solution being heated with the hydrometer, and boil until you get a reading of 1.3. If using a battery hydrometer, boil until you read a FULL charge.

Take the solution and allow it to cool in a refrigerator until it is between room temperature and 0 degrees Celcius. Filter out the crystals that have formed and save them. Boil this solution again and cool as before. Filter and save the crystals.

Take the crystals that have been saved, and mix them with distilled water in the following proportions: 56 grams per 100 milliliters distilled water. Heat this solution until it boils and allow to cool. Filter the solution and save the crystals that form upon cooling. This process of purification is called "fractional crystalization". These crystals should be relatively pure potassium chlorate.

Powder these to the consistency of face powder, and heat gently to drive off all moisture.

Now, melt five parts Vaseline with five parts wax. Dissolve this in white gasoline (camp stove gasoline), and pour this liquid on 90 parts potassium chlorate (the powdered crystals from above) into a plastic bowl. Knead this liquid into the potassium chlorate until intimately mixed. Allow all gasoline to evaporate.

Finally, place this explosive into a cool, dry place. Avoid friction, sulfur, sulfides, and phosphorous compounds. This explosive is best molded to the desired shape and density of 1.3 grams in a cube and dipped in wax until water proof. These block type charges guarantee the highest detonation velocity. Also, a blasting cap of at least a 3 grade must be used.

The presence of the afore mentioned compounds (sulfur, sulfides, etc.) results in mixtures that are or can become highly sensitive and will possibly decompose explosively while in storage. You should never store homemade explosives, and you must use **EXTREME** caution at all times while performing the processes in this article.

You may obtain a catalog of other subject of this nature by writing:

Information Publishing Co.

Box 10042

Odessa, Texas 79762

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Picking Master Locks

Picking Master Locks by The Jolly Roger

Have you ever tried to impress someone by picking one of those Master combination locks and failed?

The Master lock company made their older combination locks with a protection scheme. If you pull the handle too hard, the knob will not turn. That was their biggest mistake.

The first number:

Get out any of the Master locks so you know what is going on. While pulling on the clasp (part that springs open when you get the combination right), turn the knob to the left until it will not move any more, and add five to the number you reach. You now have the first number of the combination.

The second number:

Spin the dial around a couple of times, then go to the first number you got. Turn the dial to the right, bypassing the first number once. When you have bypassed the first number, start pulling on the clasp and turning the knob. The knob will eventually fall into the groove and lock. While in the groove, pull the clasp and turn the knob. If the knob is loose, go to the next groove, if the knob is stiff, you have the second number of the combination.

The third number:

After getting the second number, spin the dial, then enter the two numbers. Slowly spin the dial to the right, and at each number, pull on the clasp. The lock will eventually open if you did the process right.

This method of opening Master locks only works on older models. Someone informed Master of their mistake, and they employed a new mechanism that is foolproof (for now).

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The Arts Of Lockpicking Part II

The Arts of Lockpicking II courtesy of The Jolly Roger

So you want to be a criminal. Well, if you want to be like James Bond and open a lock in fifteen seconds, then go to Hollywood, because that is the only place you are ever going to do it. Even experienced locksmiths can spend five to ten minutes on a lock if they are unlucky. If you are wanting extremely quick access, look elsewhere. The following instructions will pertain mostly to the "lock in knob" type lock, since it is the easiest to pick.

First of all, you need a pick set. If you know a locksmith, get him to make you a set. This will be the best possible set for you to use. If you find a locksmith unwilling to supply a set, don't give up hope. It is possible to make your own, if you have access to a grinder (you can use a file, but it takes forever).

The thing you need is an allen wrench set (very small). These should be small enough to fit into the keyhole slot. Now, bend the long end of the allen wrench at a slight angle (not 90 degrees). Now, take your pick to a grinder or a file, and smooth the end until it is rounded so it won't hang inside the lock. Test your tool out on doorknobs at your house to see if it will slide in and out smoothly. Now, this is where the screwdriver comes in. It must be small enough for it and your pick to be used in the same lock at the same time, one above the other. In the coming instructions, please refer to this chart of the interior of a lock:

[Please Download the cookbook and look at this, it looks like garbage in HTML. =(

The object is to press the pin up so that the space between the upper pin and the lower pin is level with the cylinder wall. Now, if you push a pin up, it's tendency is to fall back down, right? That is where the screwdriver comes in. Insert the screwdriver into the slot and turn. This tension will keep the "solved" pins from falling back down. Now, work from the back of the lock to the front, and when you are through, there will be a click, the screwdriver will turn freely, and the door will open.

Do not get discouraged on your first try! It will probably take you about twenty to thirty minutes your first time. After that, you will quickly improve with practice.

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Solidox Bombs

Solidox Bombs by The Jolly Roger

Most people are not aware that a volatile, extremely explosive chemical can be bought over the counter: Solidox.

Solidox comes in an aluminum can containing 6 grey sticks, and can be bought at Kmart, and various hardware supply shops for around \$7.00. Solidox is used in welding applications as an oxidizing agent for the hot flame needed to melt metal. The most active ingredient in Solidox is potassium chlorate, a filler used in many military applications in the WWII era.

Since Solidox is literally what the name says: SOLID OXYgen, you must have an energy source for an explosion. The most common and readily available energy source is common household sugar, or sucrose. In theory, glucose would be the purest energy source, but it is hard to find a solid supply of glucose.

Making the mixture:

[1] Open the can of Solidox, and remove all 6 sticks. One by one, grind up each of the sticks (preferably with a mortar and pestle) into the finest powder possible.

[2] The ratio for mixing the sugar with the Solidox is 1:1, so weigh the Solidox powder, and grind up the equivalent amount of sugar.

[3] Mix equivalent amounts of Solidox powder, and sugar in a 1:1 ratio.

It is just that simple! You now have an extremely powerful substance that can be used in a variety of applications. A word of caution: be **EXTREMELY** careful in the entire process. Avoid friction, heat, and flame. A few years back, a teenager I knew blew 4 fingers off while trying to make a pipe bomb with Solidox. You have been warned!

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High Tech Revenge: The Beigebox rev. 4.14

by -= Exodus =-

-----Introduction-----

Have you ever wanted a lineman's handset? Surely every phreak has at least once considered the phun that he could have with one. After searching unlocked phone company trucks for months, we had an idea. We could build one. We did, and named it the "Beige Box" simply because that is the color of ours. The beigebox is simply a consumer lineman's handset, which is a phone that can be attached to the outside of a person's house. To fabricate a beigebox, follow along

-----Construction and Use-----

The construction is very simple. First you must understand the concept of the device. In a modular jack, there are four wires. These are red, green, yellow, and black. or a single line telephone, however, only two matter: the red (ring) and green (tip). The yellow and the black are not necessary for this project. A lineman's handset has two clips on it: the ring and the tip. Take a modular jack and look at the bottom of it's casing. There should be a grey jack with four wires (red, green, yellow & black) leading out of it. To the end of the red wire attach a red aligator clip. To the end of the green wire attatch a green aligator clip. The yellow and black wires can be removed, although I would only set them aside so that you can use the modular jack in future projects. Now insert your telephone's modular plug into the modular jack.

That's it. This particular model is nice because it is can be easily made, is inexpensive, uses common parts that are readily available, is small, is lightweight, and does not require the destruction of a phone.

-----Beige Box Uses-----

There are many uses for a Beige Box. However, before you can use it, you must know how to attach it to the output device. This device can be of any of Bell switching apparatus that include germinal sets (i.e. remote switching centers, bridgin heads, cans, etc.). To open most Bell Telephone switching apparatus, you must have a 7/16 inch hex driver (or a good pair of needle nose pliers work also). This piece of equipment can be picked up at your local hardware store. With your hex driver (or pliers), turn the security bolt(s) approximately 1/8 of an inch counter-clockwise and open. If your output device is locked, then you must have some knowledge of destroying and/or picking locks. However, we have never encountered a

locked output device. Once you have opened your output device, you should see a mass of wires connected to terminals.

On most output devices, the terminals should be labeled "T" (Tip -- if not labeled, it is usually on the left) and "R" (Ring -- if not labeled, usually on the right). Remember: Ring - red - right. The "Three R's" -- a simple way to remember which is which. Now you must attach all the red alligator clip (Ring) to the "R" (Ring) terminal. Attach the green alligator clip (Tip) to the "T" (Tip) terminal.

Note: If instead of a dial tone you hear nothing, adjust the alligator clips so that they are not touching each other terminals. Also make sure they are firmly attached. By this time you should hear a dial tone. Dial ANI to find out the number you are using (you wouldn't want to use your own). Here are some practice applications:

- * Eavesdropping
- * Long distance, static free free fone calls to phriends
- * Dialing direct to Alliance Teleconferencing (also no static)
- * Phucking people over
- * Bothering the operator at little risk to yourself
- * Blue Boxing with greatly reduced chance of getting caught
- * Anything at all you want, since you are on an extension of that line.

Eavesdropping

To be most effective, first attach the Beige Box then your phone. This eliminates the static caused by connecting the box, therefore reducing the potential suspicion of your victim. When eavesdropping, it is always best to be neither seen nor heard. If you hear someone dialing out, do not panic; but rather hang up, wait, and pick up the receiver again. The person will either have hung up or tried to complete their call again. If the latter is true, then listen in, and perhaps you will find information worthy of blackmail! If you would like to know who you are listening to, after dialing ANI, pull a CN/A on the number.

Dialing Long Distance

This section is self explanatory, but don't forget to dial a "1" before the NPA. Dialing Direct to Alliance Teleconferencing Simply dial 0-700-456-1000 and you will get instructions from there. I prefer this method over PBX's, since PBX's often have poor reception and are more difficult to come by.

Phucking People Over

This is a very large topic of discussion. Just by using the other topics described, you can

create a large phone bill for the person (they will not have to pay for it, but it will be a big hassle for them). In addition, since you are an extension of the person's line, you can leave your phone off the hook, and they will not be able to make or receive calls. This can be extremely nasty because no one would expect the cause of the problem.

Bothering the Operator

This is also self explanatory and can provide hours of entertainment. Simply ask her things that are offensive or you would not like traced to your line. This also corresponds to the previously described section, Phucking People Over. After all, guess who's line it gets traced to? He he he...

Blue Boxing

See a file on Blue Boxing for more details. This is an especially nice feature if you live in an ESS-equipped prefix, since the calls are, once again, not traced to your line...

---POTENTIAL RISKS OF BEIGE BOXING----

Overuse of the Beige Box may cause suspicions within the Gestapo, and result in legal problems. Therefore, I would recommend you:

- * Choose a secluded spot to do your Beige Boxing,
- * Use more than one output device
- * Keep a low profile (i.e., do not post under your real name on a public BBS concerning your accomplishments)
- * In order to make sure the enemy has not been inside your output device, I recommend you place a piece of transparent tape over the opening of your output device. Therefore, if it is opened in your absence, the tapque will be displaced and you will be aware of the fact that someone has intruded on your territory. Now, imagine the possibilities: a \$2000 dollar phone bill for that special person, 976 numbers galore, even harassing the operator at no risk to you! Think of it as walking into an enemies house, and using their phone to your heart's content.

Exodus

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CO2 Bombs

How to make a CO2 bomb by the Jolly Roger

You will have to use up the cartridge first by either shooting it or whatever. With a nail, force a hole bigger so as to allow the powder and wick to fit in easily. Fill the cartridge with black powder and pack it in there real good by tapping the bottom of the cartridge on a hard surface (I said TAP not SLAM!). Insert a fuse. I recommend a good water-proof cannon fuse, or an m-80 type fuse, but firecracker fuses work, if you can runfast enough. Now, light it and run like hell! It does wonders for a row of mailboxes (like the ones in apartment complexes), a car (place under the gas tank), a picture window (place on window sill), a phone booth (place right under the phone), or any other devious place. This thing throws shrapnel, and can make quit a mess!!

-Jolly Roger-

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Thermite Bombs

Thermite II... or A better way to make Thermite by Jolly Roger

Thermite is nasty shit. Here is a good and easy way to make it. The first step is to get some iron-oxide (which is RUST!). Here is a good way to make large quantities in a short time:

- Get a DC convertor like the one used on a train set. Cut the connector off, separate the wires, and strip them both.
- Now you need a jar of water with a tablespoon or so of sodium chloride (which is SALT!) added to it. This makes the water conductive.
- Now insert both wires into the mixture (I am assuming you plugged the convertor in...) and let them sit for five minutes. One of them will start bubbling more than the other. This is the POSITIVE(+) wire. If you do not do this test right, the final product will be the opposite (chemically) of rust, which is RUST ACID. You have no use for this here (although it IS useful!).
- Anyway, put the nail tied to the positive wire into the jar. Now put the negative wire in the other end. Now let it sit overnight and in the morning scrape the rust off of the nail & repeat until you got a bunch of rust on the bottom of the glass. Be generous with your rust collection. If you are going through the trouble of making thermite, you might as well make a lot, right?
- Now remove the excess water and pour the crusty solution onto a cookie sheet. Dry it in the sun for a few hours, or inside overnight. It should be an orange-brown color (although I have seen it in many different colors! Sometimes the color gets fucked up, what can I say... but it is still iron oxide!)
- Crush the rust into a fine powder and heat it in a cast-iron pot until it is red. Now mix the pure iron oxide with pure aluminum filinos which can be bought or filed down by hand from an aluminum tube or bar. The ratio of iron oxide to aluminum is 8 grams to 3 grams.
- Congrats! You have just made THERMITE! Now, to light it...
- Thermite requires a LOT of heat (more than a blow torch!) to ignite. However, a magnesium ribbon

(which is sorta hard to find.. call around) will do the trick. It takes the heat from the burning magnesium to light the thermite.

- Now when you see your victim's car, pour a fifty-cent sized pile onto his hood, stick the ribbon in it, and light the ribbon with the blow torch. Now chuckle as you watch it burn through the hood, the block, the axle, and the pavement. BE CAREFUL! The ideal mixtures can vaporize CARBON STEEL! Another idea is to use thermite to get into pay phone cash boxes. HAVE FUN!!

-Jolly Roger-

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Touch Explosives

Touch Explosives by the Jolly Roger

This is sort of a mild explosive, but it can be quite dangerous in large quantities. To make touch explosive (such as that found in a snap-n-pop, but more powerful), use this recipe:

- Mix iodine crystals into ammonia until the iodine crystals will not dissolve into the ammonia anymore. Pour off the excess ammonia and dry out the crystals on a baking sheet the same way as you dried the thermite (in other words, just let it sit overnight!).

- Be careful now because these crystals are now your touch explosive. Carefully wrap a bunch in paper (I mean carefully! Friction sets 'em off!) and throw them around.. pretty loud, huh? They are fun to put on someone's chair. Add a small fish sinker to them and they can be thrown a long distance (good for crowds, football games, concerts, etc.) Have fun!

-Jolly Roger-

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Letter Bombs

Letter Bombs by The Jolly Roger

- You will first have to make a mild version of thermite. Use my recipe, but substitute iron fillings for rust.
- Mix the iron with aluminum fillings in a ratio of 75% aluminum to 25% iron. This mixture will burn violently in a closed space (such as an envelope). This bring us to our next ingredient...
- Go to the post office and buy an insulated (padded) envelope. You know, the type that is double layered... Separate the layers and place the mild thermite in the main section, where the letter would go. Then place magnesium powder in the outer layer. There is your bomb!!
- Now to light it... this is the tricky part and hard to explain. Just keep experimenting until you get something that works. The fuse is just that touch explosive I have told you about in another one of my anarchy files. You might want to wrap it like a long cigarette and then place it at the top of the envelope in the outer layer (on top of the powdered magnesium). When the touch explosive is torn or even squeezed hard it will ignite the powdered magnesium (sort of a flash light) and then it will burn the mild thermite. If the thermite didn't blow up, it would at least burn the fuck out of your enemy (it does wonders on human flesh!).

NOW that is REVENGE! -Jolly Roger-

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Paint Bombs

Paint Bombs by The Jolly Roger

To make a pain bomb you simply need a metal pain can with a refastenable lid, a nice bright color paint (green, pink, purple, or some gross color is perfect!), and a quantity of dry ice. Place the paint in the can and then drop the dry ice in. Quicky place the top on and then run like hell! With some testing you can time this to a science. It depends on the ratio of dry ice to paint to the size of the can to how full it is. If you are really pissed off at someone, you could place it on their doorstep, knock on the door, and then run!! Paint will fly all over the place HAHHAHA!!

-Jolly Roger-

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Ways to send a car to HELL

Ways to send a car to Hell by The Jolly Roger

There are 1001 ways to destroy a car but I am going to cover only the ones that are the most fun (for you), the most destructive (for them), and the hardest to trace (for the cops).

- Place thermite on the hood, light it, and watch it burn all the way through the pavement!
- Tape a CO2 bomb to the hood, axel, gas tank, wheel, muffler, etc.)
- Put a tampon, dirt, sugar (this one is good!), a ping pong ball, or just about anything that will dissolve in the gas tank.
- Put potatoes, rocks, banannas, or anything that will fit, into the tailpipe. Use a broom handle to stuff 'em up into the tailpipe.
- Put a long rag into the gas tank and light it...
- Steal a key, copy it, replace it, and then steal the stereo.
- Break into the car. Cut a thin metal ruler into a shape like this:

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Slide it into the outside window and keep pulling it back up until you catch the lock cable which should unlock the door. This device is also called a SLIM JIM. Now get the stereo, equalizer, radar detector, etc. Now destroy the inside. (A sharp knife does wonders on the seats!)

Have Fun! -Jolly Roger-

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Do ya hate school?

Do ya hate school? by The Jolly Roger

- One of my favorites for getting out of a class or two is to call in a bomb threat. Tell 'em that it is in a locker. Then they have to check them all, whilst you can slip away for an hour or two. You can even place a fake bomb (in any locker but YOURS!). They might cancel school for a week while they investigate (of course, you will probably have to make it up in the summer...).
- Get some pure potassium or pure sodium, put it in a capsule, and flush it down the toilet (smells awful! Stinks up the whole school!).
- Use a smoke grenade in the hallway.
- Steal the computer passwords & keys. Or steal the 80 column cards inside if they are (gag) IBM.
- Make friends with student assistants and have them change your grades when the teachers hand in their bubble sheets for the report cards.
- Spit your gum out on the carpet in the library or whatever and grind it into the carpet. Watch the janitors cry!
- Draw on lockers or spraypaint on the building that the principal is a fascist.
- Stick a potato in the tailpipe of the principal's car.
- USE YOUR IMAGINATION! -Jolly Roger-

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Phone related vandalism

Phone related vandalism by the Jolly Roger

If you live where there are underground lines then you will be able to ruin someone's phone life very easily. All you must do is go to their house and find the green junction box that interfaces their line (and possibly some others in the neighborhood) with the major lines. These can be found just about anywhere but they are usually underneath the nearest phone pole. Take a socket wrench and loosen the nut on the right. Then just take clippers or a sledge hammer or a bomb and destroy the insides and pull up their phone cable. Now cut it into segments so it can't be fixed but must be replaced (There is a week's worth of work for 'em!!)

-Jolly Roger-

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Highway police radar jamming

Highway radar jamming by The Jolly Roger

Most drivers wanting to make better time on the open road will invest in one of those expensive radar detectors. However, this device will not work against a gun type radar unit in which the radar signal is not present until the cop has your car in his sights and pulls the trigger. Then it is TOO LATE for you to slow down. A better method is to continuously jam any signal with a radar signal of your own. I have tested this idea with the cooperation of a local cop and found that his unit reads random numbers when my car approached him. It is surprisingly easy to make a low power radar transmitter. A nifty little semiconductor called a Gunn Diode will generate microwaves when supplied with the 5 to 10 volt DC and enclosed in the correct size cavity (resonator). An 8 to 3 terminal regulator can be used to get this voltage from a car's 12v system. However, the correct construction and tuning of the cavity is difficult without good microwave measurement equipment. Police radars commonly operate on the K band at 22 ghz. Or more often on the X band at 10.525 ghz. most microwave intruder alarms and motion detectors (mounted over automatic doors in supermarkets & banks, etc.) contain a Gunn type transmitter/receiver combination that transmits about 10 kilowatts at 10.525 ghz. These units work perfectly as jammers. If you cannot get one locally, write to Microwave Associates in Burlington, Massachusettes and ask them for info on 'Gunnplexers' for ham radio use. When you get the unit it may be mounted in a plastic box on the dash or in a weather-proff enclosure behind the PLASTIC grille. Switch on the power when on an open highway. The unit will not jam radar to the side or behind the car so don't go speeding past the radar trap. An interesting phenomena you will notice is that the drivers who are in front of you who are using detectors will hit their brakes as you approach large metal signs and bridges. Your signal is bouncing off of these objects and triggering their radar detectors! HAVE FUN!

-Jolly Roger-

P.S. If you are interested in this sort of thing, get a copy of POPULAR COMMUNICATIONS. The ads in there tell you where you can get all kinds of info on all kinds of neat equipment for all kinds of neat things!

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Smoke Bombs

Smoke Bombs by the Jolly Roger

Here is the recipe for one helluva smoke bomb!

4 parts sugar

6 parts potassium nitrate (Salt Peter)

Heat this mixture over a LOW flame until it melts, stirring well. Pour it into a future container and, before it solidifies, imbed a few matches into the mixture to use as fuses. One pound of this stuff will fill up a whole block with thick, white smoke!

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Mail Box Bombs

Mail Box Bombs by the Jolly Roger

(1) Two litre bottle of chlorine (must contain sodium hypochlorate)

Small amount of sugar

Small amount of water

Mix all three of these in equal amounts to fill about 1/10 of the bottle. Screw on the lid and place in a mailbox. It's hard to believe that such a small explosion will literally rip the mailbox in half and send it 20 feet into the air! Be careful doing this, though, because if you are caught, it is not up to the person whose mailbox you blew up to press charges. It is up to the city.

-Jolly Roger-

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Hotwiring cars

The easiest way to hotwire cars by the Jolly Roger

Get in the car. Look under the dash. If it enclosed, forget it unless you want to cut through it. If you do, do it near the ignition. Once you get behind or near the ignition look for two red wires. In older cars red was the standard color, if not, look for two matched pairs. When you find them, cross them and take off!

-Jolly Roger-

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Napalm

How to make Napalm by the Jolly Roger

- Pour some gas into an old bowl, or some kind of container.
- Get some styrofoam and put it in the gas, until the gas won't eat anymore. You should have a sticky syrup.
- Put it on the end of something (don't touch it!!). The unused stuff lasts a long time!

-Jolly Roger-

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Napalm II

Napalm (Another way to make it...) by the Jolly Roger

(See [Napalm](#) for an easy way to make it!!)

About the best fire bomb is napalm. It has a thick consistency, like jam and is best for use on vehicles or buildings. Napalm is simply one part gasoline and one part soap. The soap is either soap flakes or shredded bar soap. Detergents won't do. The gasoline must be heated in order for the soap to melt. The usual way is with a double boiler where the top part has at least a two-quart capacity. The water in the bottom part is brought to a boil and the double boiler is taken from the stove and carried to where there is no flame.

Then one part, by volume, of gasoline is put in the top part and allowed to heat as much as it will and the soap is added and the mess is stirred until it thickens. A better way to heat gasoline is to fill a bathtub with water as hot as you can get it. It will hold its heat longer and permit a much larger container than will the double boiler.

-----Jolly Roger

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How to Grow Marijuana

How to grow Marijuana courtesy of the Jolly Roger

MARIJUANA

Marijuana is a deciduous plant which grows from seeds. The fibrous section of the plant was (has been replaced by synthetics) used to make rope. The flowering tops, leaves, seeds, and resin of the plant is used by just about everyone to get HIGH.

Normally, the vegetable parts of the plant are smoked to produce this "high," but they can also be eaten. The active ingredient in marijuana resin is THC (tetahydrocannabinol). Marijuana contains from 1 - 4 per cent THC (4 per cent must be considered GOOD dope). Marijuana grows wild in many parts of the world, and is cultivated in Mexico, Vietnam, Africa, Nepal, India, South America, etc.,etc. The marijuana sold in the United States comes primarily from, yes, the United States.

It is estimated that at least 50 per cent of the grass on the streets in America is homegrown. The next largest bunch comes across the borders from Mexico, with smaller amounts filtering in from Panama, occasionally South America, and occasionally, Africa. Hashish is the pure resin of the marijuana plant, which is scraped from the flowering tops of the plant and lumped together. Ganja is the ground-up tops of the finest plants. (It is also the name given to any sort of marijuana in Jamaica.)

Marijuana will deteriorate in about two years if exposed to light, air or heat. It should always be stored in cool places. Grass prices in the United States are a direct reflection of the laws of supply and demand (and you thought that high school economics would never be useful). A series of large border busts, a short growing season, a bad crop, any number of things can drive the price of marijuana up. Demand still seems to be on the increase in the U.S., so prices seldom fall below last year's level.

Each year a small seasonal drought occurs, as last year's supply runs low, and next year's crop is not up yet. Prices usually rise about 20 - 75 per cent during this time and then fall back to "normal." Unquestionably, a large shortage of grass causes a percentage of smokers to turn to harder drugs instead. For this reason, no grass control program can ever be beneficial or "successful."

GROW IT!

There is one surefire way of avoiding high prices and the grass DT's: Grow your own. This is not as difficult as some "authorities" on the subject would make you believe. Marijuana is a weed, and a fairly

vivacious one at that, and it will grow almost in spite of you.

OUTDOORS

Contrary to popular belief, grass grows well in many places on the North American continent. It will flourish even if the temperature does not raise above 75 degrees.

The plants do need a minimum of eight hours of sunlight per day and should be planted in late April/early May, BUT DEFINITELY, after the last frost of the year.

Growing an outdoor, or "au naturel", crop has been the favored method over the years, because grass seems to grow better without as much attention when in its natural habitat.

Of course, an outdoors setting requires special precautions not encountered with an indoors crop; you must be able to avoid detection, both from law enforcement freaks and common freaks, both of whom will take your weed and probably use it. Of course, one will also arrest you. You must also have access to the area to prepare the soil and harvest the crop. There are two schools of thought about starting the seeds. One says you should start the seedlings for about ten days in an indoor starter box (see the indoor section) and then transplant. The other theory is that you should just start them in the correct location. Fewer plants will come up with this method, but there is no shock of transplant to kill some of the seedlings halfway through.

The soil should be preprepared for the little devils by turning it over a couple of times and adding about one cup of hydrated lime per square yard of soil and a little bit (not too much, now) of good water soluble nitrogen fertilizer. The soil should now be watered several times and left to sit about one week.

The plants should be planted at least three feet apart, getting too greedy and stacking them too close will result in stunted plants.

The plants like some water during their growing season, BUT not too much. This is especially true around the roots, as too much water will rot the root system.

Grass grows well in corn or hops, and these plants will help provide some camouflage. It does not grow well with rye, spinach, or pepperweed. It is probably a good idea to plant in many small, broken patches, as people tend to notice patterns.

GENERAL GROWING INFO

Both the male and the female plant produce THC resin, although the male is not as strong as the female. In a good crop, the male will still be plenty smokable and should not be thrown away under any circumstances. Marijuana can reach a height of twenty feet (or would you rather wish on a star) and obtain a diameter of 4 1/2 inches. If normal, it has a sex ratio of about 1:1, but this can be altered in several ways.

The male plant dies in the 12th week of growing, the female will live another 3 - 5 weeks to produce her

younguns. Females can weigh twice as much as males when they are mature.

Marijuana soil should compact when you squeeze it, but should also break apart with a small pressure and absorb water well. A nice test for either indoor or outdoor growing is to add a bunch of worms to the soil, if they live and hang around, it is good soil, but if they don't, well, change it. Worms also help keep the soil loose enough for the plants to grow well.

SEEDS

To get good grass, you should start with the right seeds. A nice starting point is to save the seeds from the best batch you have consumed. The seeds should be virile, that is, they should not be grey and shriveled up, but green, meaty, and healthy appearing. A nice test is to drop the seeds on a hot frying pan. If they "CRACK," they are probably good for planting purposes.

The seeds should be soaked in distilled water overnight before planting. BE SURE to plant in the ground with the pointy end UP. Plant about 1/2" deep. Healthy seeds will sprout in about five days.

SPROUTING

The best all around sprouting method is probably to make a sprouting box (as sold in nurseries) with a slatted bottom or use paper cups with holes punched in the bottoms. The sprouting soil should be a mixture of humus, soil, and fine sand with a bit of organic fertilizer and water mixed in about one week before planting.

When ready to transplant, you must be sure and leave a ball of soil around the roots of each plant. This whole ball is dropped into a baseball-sized hole in the permanent soil.

If you are growing/transplanting indoors, you should use a green safe light (purchased at nurseries) during the transplanting operation. If you are transplanting outdoors, you should time it about two hours before sunset to avoid damage to the plant. Always wear cotton gloves when handling the young plants.

After the plants are set in the hole, you should water them. It is also a good idea to use a commercial transplant chemical (also purchased at nurseries) to help them overcome the shock.

INDOOR GROWING

Indoor growing has many advantages, besides the apparent fact that it is much harder to have your crop "found," you can control the ambient conditions just exactly as you want them and get a guaranteed "good" plant.

Plants grown indoors will not appear the same as their outdoor cousins. They will be scrawnier appearing with weak stems and may even require you to tie them to a growing post to remain upright, **BUT THEY WILL HAVE AS MUCH OR MORE RESIN!**

If growing in a room, you should put tar paper on the floors and then buy sterilized bags of soil from a

nursery. You will need about one cubic foot of soil for each plant.

The plants will need about 150 ml. of water per plant/per week. They will also need fresh air, so the room must be ventilated. (however, the fresh air should contain NO TOBACCO smoke.)

At least eight hours of light a day must be provided. As you increase the light, the plants grow faster and show more females/less males. Sixteen hours of light per day seems to be the best combination, beyond this makes little or no appreciable difference in the plant quality. Another idea is to interrupt the night cycle with about one hour of light. This gives you more females.

The walls of your growing room should be painted white or covered with aluminum foil to reflect the light.

The lights themselves can be either bulbs or fluorescent. Figure about 75 watts per plant or one plant per two feet of fluorescent tube. The fluorescents are the best, but do not use "cool white" types. The light sources should be an average of twenty inches from the plant and NEVER closer than 14 inches. They may be mounted on a rack and moved every few days as the plants grow.

The very best light sources are those made by Sylvania and others especially for growing plants (such as the "gro lux" types).

HARVESTING AND DRYING

The male plants will be taller and have about five green or yellow sepals, which will split open to fertilize the female plant with pollen.

The female plant is shorter and has a small pistillate flower, which really doesn't look like a flower at all but rather a small bunch of leaves in a cluster.

If you don't want any seeds, just good dope, you should pick the males before they shed their pollen as the female will use some of her resin to make the seeds.

After another three to five weeks, after the males are gone, the females will begin to wither and die (from loneliness?), this is the time to pick. In some nefarious Middle Eastern countries, farmers reportedly put their beehives next to fields of marijuana. The little devils collect the grass pollen for their honey, which is supposed to contain a fair dosage of THC.

The honey is then enjoyed by conventional methods or made into ambrosia. If you want seeds - let the males shed his pollen then pick him. Let the female go another month and pick her.

To cure the plants, they must be dried. On large crops, this is accomplished by constructing a drying box or drying room. You must have a heat source (such as an electric heater) which will make the box/room each 130 degrees. The box/room must be ventilated to carry off the water-vapor-laden air and replace it with fresh. A good box can be constructed from an orange crate with fiberglass insulated walls, vents in the tops, and screen shelves to hold the leaves. There must be a baffle between the leaves and the heat

source.

A quick cure for smaller amounts is to: cut the plant at the soil level and wrap it in a cloth so as not to lose any leaves. Take out any seeds by hand and store. Place all the leaves on a cookie sheet or aluminum foil and put them in the middle shelf of the oven, which is set on "broil." In a few seconds, the leaves will smoke and curl up, stir them around and give another ten seconds before you take them out.

TO INCREASE THE GOOD STUFF

There are several tricks to increase the number of females, or the THC content of plants:

You can make the plants mature in 36 days if you are in a hurry, by cutting back on the light to about 14 hours, but the plants will not be as big.

You should gradually shorten the light cycle until you reach fourteen hours.

You can stop any watering as the plants begin to make the resin rise to the flowers. This will increase the resin a bit.

You can use a sunlamp on the plants as they begin to develop flower stalks.

You can snip off the flower, right at the spot where it joins the plant, and a new flower will form in a couple of weeks.

This can be repeated two or three times to get several times more flowers than usual.

If the plants are sprayed with Ethrel early in their growing stage, they will produce almost all female plants. This usually speeds up the flowering also, it may happen in as little as two weeks.

You can employ a growth changer called colchicine. This is a bit hard to get and expensive. (Should be ordered through a lab of some sort and costs about \$35 a gram.)

To use the colchicine, you should prepare your presoaking solution of distilled water with about 0.10 per cent colchicine. This will cause many of the seeds to die and not germinate, but the ones that do come up will be polyploid plants. This is the accepted difference between such strains as "gold" and normal grass, and yours will DEFINITELY be superweed.

The problem here is that colchicine is a poison in larger quantities and may be poisonous in the first generation of plants. Bill Frake, author of CONNOISSEUR'S HANDBOOK OF MARIJUANA runs a very complete colchicine treatment down and warns against smoking the first generation plants (all succeeding generations will also be polyploid) because of this poisonous quality.

However, the Medical Index shows colchicine being given in very small quantities to people for treatment of various ailments. Although these quantities are small, they would appear to be larger than

any you could receive from smoking a seed-treated plant.

It would be a good idea to buy a copy of CONNOISSEUR'S, if you are planning to attempt this, and read Mr. Drake's complete instructions.

Another still-experimental process to increase the resin is to pinch off the leaf tips as soon as they appear from the time the plant is in the seedling stage on through its entire life-span. This produces a distorted, wrecked-looking plant which would be very difficult to recognize as marijuana. Of course, there is less substance to this plant, but such wrecked creatures have been known to produce so much resin that it crystallizes a strong hash all over the surface of the plant - might be wise to try it on a plant or two and see what happens.

PLANT PROBLEM CHART

Always check the overall environmental conditions prior to passing judgment - soil around 7 pH or slightly less - plenty of water, light, fresh air, loose soil, no water standing in pools.

SYMPTOM PROBABLY PROBLEM/CURE

Larger leaves turning yellow - smaller leaves still green.

Nitrogen deficiency - add nitrate of soda or organic fertilizer.

Older leaves will curl at edges, turn dark, possibly with a purple cast.

Phosphorus deficiency - add commercial phosphate.

Mature leaves develop a yellowish cast to least veinal areas.

Magnesium deficiency - add commercial fertilizer with a magnesium content.

Mature leaves turn yellow and then become spotted with edge areas turning dark grey.

Potassium deficiency - add muriate of potash.

Cracked stems, no healthy support tissue.

Boron deficiency - add any plant food containing boron.

Small wrinkled leaves with yellowish vein systems.

Zinc deficiency - add commercial plant food containing zinc.

Young leaves become deformed, possibly yellowing.

Molybdenum deficiency - use any plant food with a bit of molybdenum in it.

EXTRA SECTION:

BAD WEED/GOOD WEED

Can you turn bad weed into good weed? Surprisingly enough, the answer to this oft-asked inquiry is, yes!

Like most other things in life, the amount of good you are going to do relates directly to how much effort you are going to put into it. There are no instant, supermarket products which you can spray on Kansas catnip and have wonderweed, but there are a number of simplified, inexpensive processes (Gee, Mr. Wizard!) which will enhance mediocre grass somewhat, and there are a couple of fairly involved processes which will do up even almost-parsley weed into something worth writing home about.

EASES

1. Place the dope in a container which allows air to enter in a restricted fashion (such as a can with nail holes punched in its lid) and add a bunch of dry ice, and then place the whole shebang in the freezer for a few days. This process will add a certain amount of potency to the product, however, this only works with dry ice, if you use normal, everyday freezer ice, you will end up with a soggy mess...
2. Take a quantity of grass and dampen it, place in a baggie or another socially acceptable container, and store it in a dark, dampish place for a couple of weeks (burying it also seems to work). The grass will develop a mold which tastes a bit harsh, and burns a tiny bit funny, but does increase the potency.
3. Expose the grass to the high intensity light of a sunlamp for a full day or so. Personally, I don't feel that this is worth the effort, but if you just spent \$400 of your friend's money for this brick of super-Colombian, right-from-the-President's-personal-stash, and it turns out to be Missouri weed, and you're packing your bags to leave town before the people arrive for their shares, well, you might at least try it. Can't hurt.
4. Take the undisirable portions of our stash (stems, seeds, weak weed, worms, etc.) and place them in a covered pot, with enough rubbing alcohol to cover everything.

Now CAREFULLY boil the mixture on an ELECTRIC stove or lab burner. DO

NOT USE GAS - the alcohol is too flammable. After 45 minutes of heat, remove the pot and strain the solids out, SAVING THE ALCOHOL.

Now, repeat the process with the same residuals, but fresh alcohol. When the second boil is over, remove the solids again, combine the two quantities of alcohol and reboil until you have a syrupy mixture.

Now, this syrupy mixture will contain much of the THC formerly hidden in the stems and such. One simply takes this syrup and thoroughly combines it with the grass that one wishes to improve upon.

SPECIAL SECTION ON RELATED SUBJECT MARYGIN:

Marygin is an anagram of the words marijuana and gin, as in Eli Whitney. It is a plastic tumbler which

acts much like a commercial cotton gin. One takes about one ounce of an herb and breaks it up. This is then placed in the Marygin and the protuding knod is roatated. This action turns the internal wheel, which separates the grass from the debris (seeds, stems).

It does not pulberize the grass as screens have a habit of doing and is easily washable.
Marygin is available from:

P.O. Box 5827
Tuscon, Arizona 85703
\$5.00

GRASS
Edmund Scientific Company
555 Edscorp Building
Barrington, New Jersy 08007

Free Catalog is a wonder of good things for the potential grass grower. They have an electric thermostat greenhouse for starting plants for a mere \$14.95.

Soil test kits for PH - \$2.40

Al test - \$9.95

Soil thermometer - \$2.75

Lights which approzimate the true color balance of the sun and are probably the most beneficial types available: 40 watt, 48 inch - 4 for \$15.75.

Indoor sun bulb, 75 or 150 watt - \$5.75.

And, they have a natural growth regualtor for plants (Gibberellin) which can change height, speed growth, and maturity, promote blossoming, etc. Each plant reacts differently to treatment with Gibberellin...there's no fun like experimentering - \$2.00

SUGGESTED READING

THE CONNOISSEUR'S HANDBOOK OF MARIJUANA, Bill Drake

Straight Arrow Publishing - \$3.50
625 Third Street
San Francisco, California

FLASH
P.O.Box 16098
San Fransicso, California 94116
Stocks a series of pamphlets on grass, dope manufacture, cooking.

Includes the Mary Jane Superweed series.

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The Anarchist's Cookbook

Match Head Bomb

Match Head Bomb by the Jolly Roger

Simple safety match heads in a pipe, capped at both ends, make a devastating bomb. It is set off with a regular fuse.

A plastic Baggie is put into the pipe before the heads go in to prevent detonation by contact with the metal.

Cutting enough match heads to fill the pipe can be tedious work for one but an evening's fun for the family if you can drag them away from the TV.

-----Jolly Roger

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The Anarchist's Cookbook

Terrorizing McDonalds

How To Terrorize McDonalds by the Jolly Roger
(Originally an Apple][file so excuse the upper case!!!)

NOW, ALTHOUGH Mc DONALDS IS FAMOUS FOR IT'S ADVERTISING AND MAKING THE WHOLE WORLD THINK THAT THE BIG MAC IS THE BEST THING TO COME ALONG SINCE SLICED BREAD (BUNS?), EACH LITTLE RESTAURANT IS AS AMATEUR AND SIMPLE AS A NEW-FOUND BUSINESS. NOT ONLY ARE ALL THE EMPLOYEES RATHER INEXPERIENCED AT WHAT THEY'RE =SUPPOSED= TO DO, BUT THEY WILL JUST LOOSE ALL CONTROL WHEN AN EMERGENCY OCCURS....HERE WE GO!!! FIRST, GET A FEW FRIENDS (4 IS GOOD...I'LL GET TO THIS LATER) AND ENTER THE MCDONALDS RESTAURANT, TALKING LOUDLY AND REAKING OF SOME STRANGE SMELL THAT AUTOMATICALLY MAKES THE OLD COUPLE SITTING BY THE DOOR LEAVE. IF ONE OF THOSE PIMPLY-FACED GOONS IS WIPING THE FLOOR, THEN TRACK SOME CRAP ALL OVER IT (YOU COULD PRETEND TO SLIP AND BREAK YOUR HEAD, BUT YOU MIGHT ACTUALLY DO SO).

NEXT, BEFORE YOU GET THE FOOD, FIND A TABLE. START YELLING AND RELEASING SOME STRANGE BODY ODOR SO =ANYBODY= WOULD LEAVE THEIR TABLE AND WALK OUT THE DOOR. SIT 2 FRIENDS THERE, AND GO UP TO THE COUNTER WITH ANOTHER. FIND A PLACE WHERE THE LINE IS SHORT, OR IF THE LINE IS LONG SAY "I ONLY WANNA BUY A COKE" AND YOU GET MOVED UP. NOW, YOU GET TO DO THE =ORDERING= ...HEH HEH HEH. SOMEBODY =ALWAYS= MUST WANT A PLAIN HAMBURGER WITH ABSOLUTELY NOTHING ON IT (THIS TAKES EXTRA TIME TO MAKE, AND DRIVES THE LITTLE HAMBURGER-MAKERS INSANE)..ORDER A 9-PACK OF CHICKEN MCNUGGETS...NO, A 20 PACK...NO, THREE 6 PACKS...WAIT...GO BACK TO THE TABLE AND ASK WHO WANTS WHAT. YOUR OTHER FRIEND WAITS BY THE COUNTER AND MAKES A PASS AT THE FEMALE CLERK. GET BACK TO THE THING AND ORDER THREE 6-PACKS OF CHICKEN ETC....NOW SHE SAYS "WHAT KIND OF SAUCE WOULD YOU LIKE?".OF COURSE, SAY THAT YOU ALL WANT BARBECUE SAUCE ONE OF YOUR FRIENDS WANTS 2 (ONLY IF THERE ARE ONLY 2 CONTAINERS OF BARBECUE SAUCE LEFT).THEN THEY HAFTA GO INTO THE STOREROOM AND OPEN UP ANOTHER BOX. FINALLY, THE DRINKS...SOMEBODY WANTS COKE, SOMEBODY ROOT BEER, AND SOMEBODY DIET COKE. AFTER THESE ARE DELIVERED,

BRING THEM BACK AND SAY "I DIDN'T ORDER A DIET COKE! I ORDERED A SPRITE!" THIS GETS THEM MAD; BETTER YET, TURN DOWN SOMETHING TERRIBLE THAT

NOBODY WANTS TO DRINK, SO THEY HAFTA THROW THE DRINK AWAY; THEY CAN'T SELL IT. AFTER ALL THE FOOD(?) IS HANDED TO YOU, YOU MUST =NEVER= HAVE ENOUGH MONEY TO PAY. THE CLERK WILL BE SO ANGRY AND CONFUSED THAT SHE'LL LET YA GET AWAY WITH IT (ANOTHER INFLUENCE ON HER IS YOUR FRIEND ASKING HER "IF YOU LET US GO I'LL GO OUT WITH YOU" AND GIVING HER A FAKE FONE NUMBER).

NOW, BACK TO YOUR TABLE. BUT FIRST, SOMEBODY LIKES KETCHUP AND MUSTARD. AND PLENTY (TOO MUCH) OF NAPKINS. OH, AND SOMEBODY LIKES FORKS AND KNIVES, SO ALWAYS END UP BREAKING THE ONES YOU PICK OUTTA THE BOX. HAVE YOUR FRIENDS YELL OUT, "YAY!!!! WE HAVE MUNCHIES!!" AS LOUD AS THEY CAN.

THAT'LL WORRY THE ENTIRE RESTAURANT. PROCEED TO SIT DOWN. SO, YOU ARE SITTING IN THE SMOKING SECTION (BY ACCIDENT) EH? WELL, WHILE ONE OF THE TOBACCO-BREATHERS ISN'T LOOKING, PUT A SIGN FROM THE OTHER SIDE OF THE ROOM SAYING "DO NOT SMOKE HERE" AND HE'LL HAFTA MOVE...THEN HE GOES INTO THE REAL NON-SMOKING SECTION, AND GETS YELLED AT. HE THEN THINKS THAT NO SMOKING IS ALLOWED IN THE RESTAURANT, SO HE EATS OUTSIDE (IN THE POUR-ING RAIN) AFTER YOUR MEAL IS FINISHED (AND QUITE A FEW SPLATTERED-OPENED KETCHUP PACKETS ARE ALL OVER YER TABLE), TRY TO LEAVE. BUT OOPS! SOMEBODY HAS TO DO HIS DUTY IN THE MEN'S ROOM. AS HE GOES THERE, HE STICKS AN UNEATED HAMBURGGR (WOULD YOU DARE TO EAT ONE OF THEIR HAMBURGERS?) INSIDE THE TOILET, FLUSHES IT A WHILE, UNTIL IT RUNS ALL OVER THE BATHROOM. OOPS! SEND A PIMPLY-FACED TEENAGER TO CLEAN IT UP. (HE WON'T KNOW THAT BROWN THING IS A HAMBURGER, AND HE'LL GET SICK. WHEEE!)

AS YOU LEAVE THE RESTCURATION, LOOKING BACK AT YOUR UNCLEANNED TABLE, SOMEBODY MUST REMEMBER THAT THEY LEFT THEIR CHOCOLATE SHAKE THERE! THE ONE THAT'S ALMOST FULL!!!! HE TAKES IT THEN SAYS "THIS TASTES LIKE CRAP!", THEN HE TAKES OFF THE LID AND THROWS IT INTO THE GARBAGE CAN...OOPS! HE MISSED, AND NOW THE SAME POOR SOUL WHO'S CLEANING UP THE BATHROOM NOW HASTA CLEAN UP CHOCOLATE SHAKE. THEN LEAVE THE JOINT, REVERSING THE "YES, WE'RE OPEN" SIGN (AS A REMINDER OF YER VISIT THERE YOU HAVE IT! YOU HAVE JUST PUT ALL OF MCDONALDS INTO COMPLETE MAYHEM. AND SINCE THERE IS NO PENALTY FOR LITTERING IN A RESTAURANT, BUGGING PEOPLE IN A PUBLIC EATERY (OR THROW-UPERY, IN THIS CASE) YOU GET OFF SCOT-FREE. WASN'T THAT FUN?

-----Jolly Roger

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The Anarchist's Cookbook

Blue Box Plans

Blue Box courtesy of the Jolly Roger

To quote Karl Marx, blue boxing has always been the most noble form of phreaking. As opposed to such things as using an MCI code to make a free fone call, which is merely mindless pseudo-phreaking, blue boxing is actual interaction with the Bell System toll network. It is likewise advisable to be more cautious when blue boxing, but the careful phreak will not be caught, regardless of what type of switching system he is under.

In this part, I will explain how and why blue boxing works, as well as where. In later parts, I will give more practical information for blue boxing and routing information. To begin with, blue boxing is simply communicating with trunks. Trunks must not be confused with subscriber lines (or "customer loops") which are standard telephone lines. Trunks are those lines that connect central offices. Now, when trunks are not in use (i.e., idle or "on-hook" state) they have 2600Hz applied to them. If they are two-way trunks, there is 2600Hz in both directions. When a trunk IS in use (busy or "off-hook" state), the 2600Hz is removed from the side that is off-hook. The 2600Hz is therefore known as a supervisory signal, because it indicates the status of a trunk; on hook (tone) or off-hook (no tone). Note also that 2600Hz denoted SF (single frequency) signalling and is "in-band." This is very important. "In-band" means that is within the band of frequencies that may be transmitted over normal telephone lines. Other SF signals, such as 3700Hz are used also. However, they cannot be carried over the telephone network normally (they are "out-of-band" and are therefore not able to be taken advantage of as 2600Hz is. Back to trunks. Let's take a hypothetical phone call. You pick up your fone and dial 1+806-258-1234 (your good friend in Amarillo, Texas). For ease, we'll assume that you are on #5 Crossbar switching and not in the 806 area. Your central office (CO) would recognize that 806 is a foreign NPA, so it would route the call to the toll centre that serves you. [For the sake of accuracy here, and for the more experienced readers, note that the CO in question is a class 5 with LAMA that uses out-of-band SF supervisory signalling]. Depending on where you are in the country, the call would leave your toll centre (on more trunks) to another toll centre, or office of higher "rank". Then it would be routed to central office 806-258 eventually and the call would be completed.

Illustration

A---CO1-----TC1-----TC2----CO2----B

A.... you

CO1=your central office

TC1.. your toll office.

TC2.. toll office in Amarillo.
 CO2.. 806-258 central office.
 B.... your friend (806-258-1234)

In this situation it would be realistic to say that CO2 uses SF in-band (2600Hz) signalling, while all the others use out-of-band signalling (3700Hz). If you don't understand this, don't worry. I am pointing this out merely for the sake of accuracy. The point is that while you are connected to 806-258-1234, all those trunks from YOUR central office (CO1) to the 806-258 central office (CO2) do **NOT** have 2600Hz on them, indicating to the Bell equipment that a call is in progress and the trunks are in use.

Now let's say you're tired of talking to your friend in Amarillo, so you send a 2600Hz down the line. This tone travels down the line to your friend's central office (CO2) where it is detected. However, that CO thinks that the 2600Hz is originating from Bell equipment, indicating to it that you've hung up, and thus the trunks are once again idle (with 2600Hz present on them). But actually, you have not hung up, you have fooled the equipment at your friend's CO into thinking you have. Thus, it disconnects him and resets the equipment to prepare for the next call. All this happens very quickly (300-800ms for step-by-step equipment and 150-400ms for other equipment). When you stop sending 2600Hz (after about a second), the equipment thinks that another call is coming towards

--> on hook, no tone -->off hook.

Now that you've stopped sending 2600Hz, several things happen:

- 1) A trunk is seized.
- 2) A "wink" is sent to the CALLING end from the CALLED end indicating that the CALLED end (trunk) is not ready to receive digits yet.
- 3) A register is found and attached to the CALLED end of the trunk within about two seconds (max).
- 4) A start-dial signal is sent to the CALLING end from the CALLED end indicating that the CALLED end is ready to receive digits.

Now, all of this is pretty much transparent to the blue boxer. All he really hears when these four things happen is a . So, seizure of a trunk would go something like this:

- 1> Send a 2600Hz
- 2> Terminate 2600Hz after 1-2 secs.
- 3> [beep][kerchunk]

Once this happens, you are connected to a tandem that is ready to obey your every command. The next step is to send signalling information in order to place your call. For this you must simulate the signalling used by operators and automatic toll-dialing equipment for use on trunks. There are mainly two systems, DP and MF. However, DP went out with the dinosaurs, so I'll only discuss MF signalling. MF (multi-frequency) signalling is the signalling used by the majority of the inter- and intra-lata network. It is also used in international dialing known as the CCITT no.5 system. MF signals consist of 7 frequencies, beginning with 700Hz and separated by 200Hz. A different set of two of the 7 frequencies

represent the digits 0 thru 9, plus an additional 5 special keys. The frequencies and uses are as follows:

Frequencies (Hz)	Domestic	Int'l
700+900	1	1
700+1100	2	2
900+1100	3	3
700+1300	4	4
900+1300	5	5
1100+1300	6	6
700+1500	7	7
900+1500	8	8
1100+1500	9	9
1300+1500	0	0
700+1700	ST3p	Code 1
900+1700	STp	Code 1
1100+1700	KP	KP1
1300+1700	ST2p	KP2
1500+1700	ST	ST

The timing of all the MF signals is a nominal 60ms, except for KP, which should have a duration of 100ms. There should also be a 60ms silent period between digits. This is very flexible however, and most Bell equipment will accept outrageous timings. In addition to the standard uses listed above, MF pulsing also has expanded usages known as "expanded inband signalling" that include such things as coin collect, coin return, ringback, operator attached, and operator attached, and operator released. KP2, code 11, and code 12 and the ST_ps (STart "primes" all have special uses which will be mentioned only briefly here.

To complete a call using a blue box once seizure of a trunk has been accomplished by sending 2600Hz and pausing for the , one must first send a KP. This readies the register for the digits that follow.

For a standard domestic call, the KP would be followed by either 7 digits (if the call were in the same NPA as the seized trunk) or 10 digits (if the call were not in the same NPA as the seized trunk). [Exactly like dialing normal fone call]. Following either the KP and 7 or 10 digits, a STart is sent to signify that no more digits follow. Example of a complete call:

- 1> Dial 1-806-258-1234
- 2> wait for a call-progress indication (such as ring,busy,recording,etc.)
- 3> Send 2600Hz for about 1 second.
- 4> Wait for about 1l-progress indication (such as ring,busy,recording,etc.)
- 5> Send KP+305+994+9966+ST

The call will then connect if everything was done properly. Note that if a call to an 806 number were being placed in the same situation, the area code would be omitted and only KP + seven digits + ST would be sent. Code 11 and code 12 are used in international calling to request certain types of operators. KP2 is used in international calling to route a call other than by way of the normal route, whether for economic or equipment reasons. STp, ST2p, and ST3p (prime, two prime, and three prime) are used in TSPS signalling to indicate calling type of call (such as coin-direct dialing).

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The Anarchist's Cookbook

Nitroglycerin Recipe

Nitroglycerin Recipe by the Jolly Roger

Like all chemists I must advise you all to take the greatest care and caution when you are doing this. Even if you have made this stuff before.

This first article will give you information on making nitroglycerin, the basic ingredient in a lot of explosives such as straight dynamites, and geletin dynamites.

Making nitroglycerin

1. Fill a 75-milliliter beaker to the 13 ml. Level with fuming red nitric acid, of 98% pure concentration.
2. Place the beaker in an ice bath and allow to cool below room temp.
3. After it has cooled, add to it three times the amount of fuming sulferic acid (99% h_2so_4). In other words, add to the now-cool fuming nitric acid 39 ml. Of fuming sulferic acid. When mixing any acids, always do it slowly and carefully to avoid splattering.
4. When the two are mixed, lower thier temp. By adding more ice to the bath, about 10-15 degrees centigrade. (Use a mercury-operated thermometer)
5. When the acid solution has cooled to the desired temperature, it is ready for the glycerin. The glycerin must be added in small amounts using a medicine dropper. (Read this step about 10 times!) Glycerin is added slowly and carefully (i mean careful!) Until the entire surface of the acid it covered with it.
6. This is a dangerous point since the nitration will take place as soon as the glycerin is added. The nitration will produce heat, so the solution must be kept below 30 degrees centigrade! If the solution should go above 30 degrees, immediately dump the solution into the ice bath! This will insure that it does not go off in your face!
7. For the first ten minutes of nitration, the mixture should be gently stirred. In a normal reaction the nitroglycerin will form as a layer on top of the acid solution, while the sulferic acid will absorb the excess water.
8. After the nitration has taken place, and the nitroglycerin has formed on the top of the solution, the entire beaker should be transferred slowly and carefully to another beaker of water. When this is done the nitroglycerin will settle at the bottem so the other acids can be drained away.
9. After removing as much acid as posible without disturbing the nitroglycerin, remove the nitroglycerin with an eyedropper and place it in a bicarbonate of soda (sodium bicarbonate in case you didn't know) solution. The sodium is an alkalai and will nuetralize much of the acid remaining. This process should be repeated as much as necesarry using blue litmus paper to check for the presence of acid. The remaining acid only makes the nitroglycerin more unstable than it already is.

10. Finally! The final step is to remove the nitroglycerin from the bicarbonate. This is done with an eye-dropper, slowly and carefully. The usual test to see if nitration has been successful is to place one drop of the nitroglycerin on metal and ignite it. If it is true nitroglycerin it will burn with a clear blue flame.

**** Caution ****

Nitro is very sensitive to decomposition, heating dropping, or jarring, and may explode if left undisturbed and cool.

-----Jolly Roger

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The Anarchist's Cookbook

Operation: Fuckup

Operation: Fuckup by the Jolly Roger

This is a guide for Anarchists and can be funny for non-believers and 12 and 13 year old runts, and can be a lexicon of deadly knowledge for True Anarchists... Serious damage is intended to be dealt here. Do not try this stuff unless you want to do a lot of serious Anarchy.

[Simulation]

Asshole - 'Listen, you little teenager punk shit, shut the fuck up, or I'll knock you down!'

Anarchist - 'O.K.....You can't say I didn't warn you. You don't know my true power...' (soooo casually)

Asshole - 'Well, er, what do you mean?'

Anarchist - "

As you can see, the Anarchist knows something that this asshole doesn't...

[Operation Fuckup] Get a wheel barrel or two. Fill with gasoline. Get 16 rolls of toilet paper, unroll & drench in the gasoline. Rip to shreds in gasoline. Get asbestos gloves. Light a flare (to be punk), grab glob of saturated toilet paper (you can ignite the glob or not). Throw either flaming or dripping glob into:

any window (picture is the best)

front doors

rough grain siding

and best of all, brick walls.

First of all, this bitch is near impossible to get off once dried, and is a terror to people inside when lit! After this... during the night, get a pickup truck, a few wheel-barrels, and a dozen friends with shovels. The pickup can be used only for transporting people and equipment, or doing that, and carting all the dirt. When it gets around 12:00 (after the loser goes beddie - bye), dig a gargantuan hole in his front yard until about 3:00. You can either assign three or four of your friends to cart the dirt ten miles away in the pickup-bed, or bury his front door in 15' of dirt! After that is done, get three or four buckets of tar, and coat his windows. You can make an added twist by igniting the tar when you are all done and ready to run! That is if the loser has a house. If he lives inside an apartment building, you must direct the attack more toward his car, and front door.

I usually start out when he goes to work...I find out what his cheap car looks like, and memorize it for future abuse...It is always fun to paint his front door (apt.) hot pink with purple polka-dots, and off-neon

colors in diagonal stripes. You can also pound a few hundred or so four inch nails into his front door (this looks like somebody really doesn't like you from the inside). Another great is to fill his keyhole with liquid steel so that after the bastard closes his door - the only way to get back in is to break it down. If you can spare it, leave him an axe - that is, implanted three inches into, and through the door!

Now, this next one is difficult, but one of the best! Get a piece of wood siding that will more than cover his front door completely. Nail two by fours on the edges of the siding (all except the bottom) so you have a barge - like contraption. Make a hole at the top that will be large enough for a cement slide. Mix about six or seven LARGE bags of QUICK drying cement. Use the cement slide to fill the antichamber created by the 'barge' that is around his door. Use more two by fours to brace your little cement-filled barge, and let the little gem dry. When it is, remove the 'barge' so only a stone monolith remains that covers his door.

Use any remaining cement to make a base around this so he can't just push it over. When I did this, he called the fire department, and they thought he meant wood, so they brought axes. I watched with a few dozen or so other tenants, and laughed my damn ass off! This is only his door! After he parks his car for the night, the fun really begins...I start out by opening up the car by jamming a very thin, but loack - inside and out!

Then proceed to put orange-juice syrup all over the seats, so after he gets through all the other shit that you do, he will have the stickiest seats in the world. You can then get a few Sunday papers, and crack one of the windows about four inches. Lightly crumple the papers, and continue to completely fill the inside of his car with the newspapers. A copy of the Sunday New York Times will nicely fill a Volkeswagon! What is also quite amusing is to put his car on cinder blocks, slash his tires at the top, and fill them with cement! Leave the cinder blocks there so that, after he knocks the car off of them, he will get about 3 miles to the gallon with those tires, and do 0 to 60 in about two minutes! It is even more hilarious when he doesn't know why the hell why! Another is to open his hood, and then run a few wires from the sparkplugs to the METAL body. The sure is one HOT car when it is running! Now, I like to pour two pounds of sugar down his gas tank. If this doesn't blow every gasket in his engine it will do something called 'carmelizing his engine'. This is when the extreme heat turns the sugar to carmel, and you literally must completely take the engine out and apart, and clean each and every individual part!

Well, if this asshole does not get the message, you had better start to get serious. If this guide was used properly & as it was intended (no, not as kindling for the fire), this asshole will either move far away, seek professional psychological help, commit suicide, or all of the above!

-----Jolly Roger

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The Anarchist's Cookbook

Stealing Calls from Payphones

```
*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-+-*-
*
*          How to "steal" local calls from most Payphones          *
*
*          by the Jolly Roger          *
```

Now to make free local calls, you need a finishing nail. I highly recommend "6D E.G. FINISH C/H, 2 INCH" nails. These are about 3/32 of an inch in diameter and 2 inches long (of course). You also need a large size paper clip. By large I mean they are about 2 inches long (FOLDED). Then you unfold the paper clip. Unfold it by taking each piece and moving it out 90 degrees. When it is done it should look somewhat like this:

```
 /-----\
  :       :
  :       :
  :       :
  :       :
  :       :
   \-----
```

Now, on to the neat stuff. What you do, instead of unscrewing the glued-on mouthpiece, is insert the nail into the center hole of the mouthpiece (where you talk) and push it in with pressure or just hammer it in by hitting the nail on something.

Just DON'T KILL THE MOUTHPIECE! You could damage it if you insert the nail too far or at some weird angle. If this happens then the other party won't be able to hear what you say.

You now have a hole in the mouthpiece in which you can easily insert the paper clip. So, take out the nail and put in the paper clip.

Then take the other end of the paper clip and shove it under the rubber cord protector at the bottom of the handset (you know, the blue guy...).

This should end up looking remotely like...like this:

```

          /-----\      Mouthpiece
          :         :
Paper clip --> :         : /
          :   /---:---\
          :         :
          :----->
===== \---) ) ) :
          :   To earpiece ->
          ^                 ^
          \----->
          :                 :
          :                 :
          Cord             Blue guy

```

(The paper clip is shoved under the blue guy to make a good connection between the inside of the mouthpiece and the metal cord.) Now, dial the number of a local number you wish to call, sayyyy, MCI. If everything goes okay, it should ring and not answer with the "The Call You Have Made Requires a 20 Cent Deposit" recording. After the other end answers the phone, remove the paper clip. It's all that simple, see?

There are a couple problems, however. One is, as I mentioned earlier, the mouthpiece not working after you punch it. If this happens to you, simply move on to the next payphone. The one you are now on is lost. Another problem is that the touch tones won't work when the paper clip is in the mouthpiece. There are two ways around this..

A> Dial the first 6 numbers. This should be done without the paper clip making the connection, i.e., one side should not be connected. Then connect the paper clip, hold down the last digit, and slowly pull the paper clip out at the mouthpiece's end.

B> Don't use the paper clip at all. Keep the nail in after you punch it. Dial the first 6 digits. Before dialing the last digit, touch the nail head to the plate on the main body of the phone, the money safe thingy..then press the last number. The reason that this method is sometimes called clear boxing is because there is another type of phone which lets you actually make the call and listen to them say "Hello, hello?" but it cuts off the mouthpiece so they can't hear you. The Clear Box is used on that to amplify your voice signals and send it through the earpiece. If you see how this is even slightly similar to the method I have just described up there, kindly explain it to ME!! Cause I don't GET IT! Anyways, this DOES work on almost all single slot, Dial Tone First payphones (Pacific Bell for sure). I do it all the time. This is the least, I STRESS *LEAST*, risky form of Phreaking.

-----Jolly Roger

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Pool Fun

Pool Fun by the Jolly Roger

First of all, you need know nothing about pools. The only thing you need know is what a pool filter looks like. If you don't know that. Second, dress casual. Preferably, in black. Visit your "friends" house, the one whose pool looks like fun!!) Then you reverse the polarity of his/her pool, by switching the wires around. They are located in the back of the pump. This will have quite an effect when the pump goes on. In other words. Boooooooooooooommm! Thats right, when you mix + wires with - plugs, and vice- versa, the 4th of july happens again.

Not into total destruction??? When the pump is off, switch the pump to "backwash". Turn the pump on and get the phuck out! When you look the next day, phunny. The pool is dry. If you want permanant damage, yet no great display like my first one mentioned, shut the valves of the pool off. (There are usually 2) One that goes to the main drain and one that goes to the filter in the pool. That should be enough to have one dead pump. The pump must take in water, so when there isn't any...

Practical jokes: these next ones deal with true friends and there is *no* permanent damage done. If you have a pool, you must check the pool with chemicals. There is one labeled orthotolidine. The other is labeled alkaline (ph). You want orthotolidine. (It checks the chlorine).

Go to your local pool store and tell them you're going into the pool business, and to sell you orthotolidine (a CL detector) Buy this in great quantities if possible. The solution is clear. You fill 2 baggies with this chemical. And sew the bags to the inside of your suit. Next, go swimming with your friend! Then open the bags and look like you're enjoying a piss. And anyone there will turn a deep red! They will be embarrassed so much, Especially if they have guests there! Explain what it is, then add vinegar to the pool. Only a little. The "piss" disappears.

HAHA!! -----Jolly Roger

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Free Postage

Free Postage by the Jolly Roger

The increasing cost of postage to mail letters and packages is bringing down our standard of living. To remedy this deplorable situation, some counter control measures can be applied.

For example, if the stamps on a letter are coated with Elmer's Glue by the sender, the cancellation mark will not destroy the stamp: the Elmer/s drives to form an almost invisible coating that protects the stamps from the cancellation ink. Later, the receiver of the letter can remove the cancellation mark with water and reuse the stamps. Furthermore, ecological saving will also result from recycling the stamps. Help save a tree.

The glue is most efficiently applied with a brush with stiff, short bristles. Just dip the brush directly into the glue and spread it on evenly, covering the entire surface of the stamp. It will dry in about 15 minutes.

For mailing packages, just follow the same procedure as outlined above; however, the package should be weighed and checked to make sure that it has the correct amount of postage on it before it is taken to the Post Office.

Removing the cancellation and the glue from the stamps can be easily accomplished by soaking the stamps in warm water until they float free from the paper. The stamps can then be put onto a paper towel to dry. Processing stamps in large batches saves time too. Also, it may be helpful to write the word 'Elmer' at the top of the letter (not on the envelope) to cue the receiving party in that the stamps have been protected with the glue.

We all know that mailing packages can be expensive. And we also know that the handicapped are sometimes discriminated against in jobs. The Government, being the generous people they are, have given the blind free postal service.

Simply address you envelope as usual, and make one modification. In the corner where the stamp would go, write in (or stamp) the words 'FREE MATTER FOR THE BLIND". Then drop you package or letter in one of the blue fedral mailboxes. **DO NOT TAKE THE LETTER TO THE POST OFFICE, OR LEAVE IT IN YOUR MAILBOX.**

Sounds very nice of the government to do this, right? Well, they aren't that nice. The parcel is sent library rate, that is below third class. It may take four to five days to send a letter to just the next town.

This too is quite simple, but less effective. Put the address that you are sending the letter to as the return address. If you were sending a \$20 donation to the pirate's Chest, you would put our address (po box 644, lincoln ma. 01773) as the return address.

Then you would have to be careless and forget to put the stamp on the envelope. A nice touch is to put a bullshit address in the center of the envelope.

Again, you **MUST** drop the letter in a **FEDRAL** mailbox. If the post office doesn't send the letter to the return address for having no stamp, they will send it back for the reason of "No such address".

Example--

Pirates Chest Dept. 40DD
P.O. Box 644865
Lincol, Ma. 41773

Tom Bullshit
20 Fake Road
What Ever, XX 99851

One last thing you might try doing is soaking a cancelled stamp off of an envelope, and gluing it onto one you are sending. Then burn the stamp, leaveing a little bit to show that there was one there.

-----Jolly Roger

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Unstable Explosives

Unstable Explosives by the Jolly Roger

Mix solid Nitric Iodine with household ammonia. Wait overnight and then pour off the liquid. You will be left with a muddy substance. Let this dry till it hardens. Now throw it at something!!!!

-----Jolly Roger

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Weird Drugs

Weird Drugs by the Jolly Roger

Bananas:

1. Obtain 15 pounds of ripe yellow bananas
2. Peel all and eat the fruit. Save the peelings
3. Scrape all the insides of the peels with a sharp knife.
4. Put all the scraped material in a large pot and add water.
5. Boil 3 or 4 hours until it has attained a solid paste consistency.
6. Spread paste onto cookie sheets and dry in oven for about 20 minutes. This will result in fine black powder. Usually one will feel the effects after smoking three to four cigarettes.

Cough syrup:

mix robitussion a-c with an equal amount of ginger ale and drink. The effects are sedation and euphoria. Never underestimate the effects of any drug! You can overdose on cough syrup!

Toads:

1. Collect five to ten toads, frogs will not work. The best kind are tree toads.
2. Kill them as painlessly as possible, and skin immediately.
3. Allow the skins to dry in a refrigerator for four to five days, or until the skins are brittle.
4. Now crush the skins into powder and smoke. Due to its bad taste you can mix it with a more fragrant smoking medium.

Nutmeg:

1. Take several whole nutmegs and grind them up in an old grinder.
2. After the nutmegs are ground. Place in a mortar and pulverize with a pestle.
3. The usual dosage is about 10 or 15 grams. A larger dose may produce excessive thirst, anxiety, and rapid heart beat, but hallucinations are rare.

Peanuts:

1. Take 1 pound of raw peanuts (not roasted)
2. Shell them, saving the skins and discarding the shells.
3. Eat the nuts.
4. Grind up the skins and smoke them.

-----Jolly Roger

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The Art of Carding

The Art of Carding by the Jolly Roger

Obtaining a credit card number: There are many ways to obtain the information needed to card something. The most important things needed are the card number and the expiration date. Having the card-holders name doesn't hurt, but it is not essential. The absolute best way to obtain all the information needed is by trashing. The way this is done is simple. You walk around your area or any other area and find a store, mall, supermarket, etc., that throws their garbage outside on the sidewalk or dumpster. Rip the bag open and see if you can find any carbons at all. If you find little shreds of credit card carbons, then it is most likely not worth your time to tape together. Find a store that does not rip their carbons at all or only in half.

Another way is to bullshit the number out of someone. That is call them up and say "Hello, this is Visa security and we have a report that your card was stolen." They will deny it and you will try to get it out of them from that point on. You could say, "It wasn't stolen? Well what is the expiration date and maybe we can fix the problem...."

Ok and what is the number on your card?.....Thank you very much and have a nice day." Or think of something to that degree. Another way to get card numbers is through systems such as TRW and CBI, this is the hard way, and probably not worth the trouble, unless you are an expert on the system. Using credit card numbers posted on BBS's is risky. The only advantage is that there is a good chance that other people will use it, thus decreasing the chances of being the sole-offender. The last method of getting numbers is very good also. In most video rental stores, they take down your credit card number when you join to back-up your rentals. So if you could manage to steal the list or make a copy of it, then you are set for a LONG time.

Choosing a victim: Once you have the card number, it is time to make the order. The type of places that are easiest to victimize are small businesses that do mail order or even local stores that deliver. If you have an ad for a place with something you want and the order number is NOT a 1-800 number then chances are better that you will succeed.

Ordering: When you call the place up to make the order, you must have several things readily at hand.

These are the things you will need: A name, telephone number, business phone, card number (4 digit bank code if the card is MasterCard), expiration date, and a complete shipping and billing address.

I will talk about all of these in detail. A personal tip: When I call to make an order, it usually goes much smoother if the person you are talking to is a woman. In many cases they are more gullible than men.

The name: You could use the name on the card or the name of the person who you are going to send the merchandise to. Or you could use the name on the card and have it shipped to the person who lives at the drop (Say it is a gift or something).

The name is really not that important because when the company verifies the card, the persons name is never mentioned, EXCEPT when you have a Preferred Visa card. Then the name is mentioned. You can tell if you have a Preferred Visa card by the PV to the right of the expiration date on the carbon. Nophone all day long waiting for the company to call (Which they will), then the phone number to give them as your home-phone could be one of the following: A number that is ALWAYS busy, a number that ALWAYS rings, a payphone number, low end of a loop (and you will wait on the other end), or a popular BBS.

NEVER give them your home phone because they will find out as soon as the investigation starts who the phone belongs to. The best thing would be to have a payphone call forward your house (via Cosm The business number: When asked for, repeat the number you used for your home phone.

Card number: The cards you will use will be Visa, Mastercard, and American Express. The best is by far Visa. It is the most straight-forward. Mastercard is pretty cool except for the bank code.

When they ask for the bank code, they sometimes also ask for the bank that issued it. When they ask that just say the biggest bank you know of in your area. Try to avoid American Express. They tend to lead full scale investigations. Unfortunately, American Express is the most popular card out. When telling the person who is taking your call the card number, say it slow, clear, and with confidence. e.g. CC# is 5217-1234-5678-9012. Pause after each set of four so you don't have to repeat it.

Expiration date: The date must be at LEAST in that month. It is best to with more than three months to go.

The address: More commonly referred to as the 'drop'. Well the drop can range from an abandoned building to your next door neighbors apartment. If you plan to send it to an apartment building then be sure NOT to include an apartment number. This will confuse UPS or postage men a little and they will leave the package in the lobby.

Here is a list of various drops: The house next door whose family is on vacation, the apartment that was just moved out of, the old church that will be knocked down in six months, your friends house who has absolutely nothing to do with the type of merchandise you will buy and who will also not crack under heat from feds, etc..

There are also services that hold merchandise for you, but personally I would not trust them. And forget about P.O. Boxes because you need ID to get one and most places don't ship to them anyway. Other aspects of carding: Verifying cards, seeing if they were reported stolen.

Verifying cards: Stores need to verify credit cards when someone purchases something with one. They call up a service that checks to see if the customer has the money in the bank.

The merchant identifies himself with a merchant number. The service then holds the money that the merchant verified on reserve. When the merchant sends in the credit card form, the service sends the merchant the money. The service holds the money for three days and if no form appears then it is put back into the bank. The point is that if you want to verify something then you should verify it for a little amount and odds are that there will be more in the bank.

The good thing about verification is that if the card doesn't exist or if it is stolen then the service will tell you. To verify MasterCard and Visa try this number. It is voice:1-800-327-1111 merchant code is 596719.

Stolen cards: Mastercard and Visa come out with a small catalog every week where they publish EVERY stolen or fraudulently used card. I get this every week by trashing the same place on the same day. If you ever find it trashing then try to get it every week.

Identifying cards: Visa card numbers begin with a 4 and have either 13 or 16 digits. MasterCard card numbers begin with a 5 and have 16 digits. American Express begins with a 3 and has 15 digits. They all have the formats of the following:

```
3xxx-xxxxxx-xxxxx   American Express
4xxx-xxx-xxx-xxx    Visa
4xxx-xxxx-xxxx-xxxx Visa
5xxx-xxxx-xxxx-xxxx MasterCard
```

Gold cards: A gold card simply means that credit is good for \$5000. Without a gold card, credit would be normally \$2000.

To recognize a gold card on a carbon there are several techniques:

American Express-none.

Visa-PV instead of CV.

Note-When verifying a PV Visa, you have to have the real name of the cardholder.

Mastercard-An asterix can signify a gold card, but this changes depending when the card was issued.

I am going to type out a dialog between a carder and the phone operator to help you get the idea.

Operator: "Over-priced Computer Goods, may I help you?"

Carder: "Hi, I would like to place an order please."

Operator: "Sure, what would you like to order?"

Carder: "400 generic disks and a double density drive."

Operator: "Ok, is there anything else?"

Carder: "No thank you, that's all for today."

Operator: "Ok, how would you like to pay for this? MasterCard or

Visa?"

Carder: "Visa."

Operator: "And your name is?"

Carder: "Lenny Lipshitz." (Name on card)

Operator: "And your Visa card number is?"

Carder: "4240-419-001-340" (Invalid card)

Operator: "Expiration date?"

Carder: "06-92."

Operator: "And where would you like the package shipped to?"

Carder: "6732 Goatgate Port. Paris,texas,010166."

Operator: "And what is your home telephone number?"

Carder: "212-724-9970" (This number is actually always busy)

Operator: "I will also need your business phone number in case we have to reach you."

Carder: "You can reach me at the same number. 212-724-9970"

Operator: "O.K. Thank you very much and have nice day."

Carder: "Excuse me, when will the package arrive?"

Operator: "In six to seven days UPS."

Carder: "Thanks alot, and have a pleasant day."

Now you wait 6-7 days when the package will arrive to the address which is really a house up for sale. There will be a note on the door saying, "Hello UPS, please leave all packages for Lenny Lipshitz in the lobby or porch. Thanks alot, Lenny Lipshitz" (Make the signature half-way convincing)

-----Jolly Roger

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Recognizing Credit Cards

Recognizing credit cards by the Jolly Roger

```
[Sample: American Express]
XXXX XXXXXX XXXXX
MM/Y1 THRU MM/Y2      Y1
John Doe              AX
```

Explanation:

The first date is the date the person got the card, the second date is the expiration date, after the expiration date is the same digits in the first year. The American Express Gold has many more numbers (I think 6 8 then 8). If you do find a Gold card keep it for it has a \$5000.00 backup even when the guy has no money!

```
[Sample: Master Card]
5XXX XXXX XXXX XXXX
XXXX AAA DD-MM-YY MM/YY
John Doe.
```

Explanation:

The format varies, I have never seen a card that did not start with a 5XXX there is another 4 digits on the next line that is sometimes asked for when ordering stuff, (and rarely a 3 digit letter combo (e. ANB)). The first date is the date the person got the card and the second date is the expiration date. Master Card is almost always accepted at stores.

```
[Sample: VISA]
XXXX XXX(X) XXX(X) XXX(X)
MM/YY      MM/YY*VISA
John Doe
```

Explanation:

Visa is the most straight forward of the cards, for it has the name right on the card itself, again the first date is the date he got the card and the second is the expiration date. (Sometimes the first date is left out). The numbers can either be 4 3 3 3 or 4 4 4 4. Visa is also almost always accepted at stores, therefore, the best of cards to use.

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How to Get a New Identity

How To Create A New Identity By The Walking Glitch
Courtesy of the Jolly Roger!

You might be saying, "Hey Glitch, what do I need a new identity for?" The answer is simple. You might want to go buy liquor somewhere, right? You might want to go give the cops the false name when you get busted so you keep your good name, eh? You might even want to use the new identity for getting a P. O. Box for carding. Sure! You might even want the stuff for renting yourself a VCR at some dickless loser of a convenience store. Here we go:

Getting a new ID isn't always easy, no one said it would be. By following these steps, any bozo can become a new bozo in a coupla weeks.

STEP 1

The first step is to find out who exactly you'll become. The most secure way is to use someone's ID who doesn't use it themselves. The people who fit that bill the best are dead. As an added bonus they don't go complaining one bit. Go to the library and look through old death notices. You have to find someone who was born about the same time as you were, or better yet, a year or two older so you can buy booze, etc. You should go back as far as you can for the death because most states now cross index deaths to births so people can't do this in the future. The cutoff date in Wisconsin is 1979, folks in this grand state gotta look in 1978 or earlier. Anything earlier there is cool. Now, this is the hardest part if you're younger. Brats that young happen to be quite resilient, takin' falls out of three story windows and eating rat poison like its Easter candy, and not a scratch or dent. There ain't many that die, so ya gotta look your ass off. Go down to the library and look up all the death notices you can, if it's on microfilm so much the better. You might have to go through months of death notices though, but the results are well worth it.

You gotta get someone who died locally in most instances: the death certificate is filed only in the county of death. Now you go down to the county courthouse in the county where he died and get the death certificate, this will cost you around \$3-\$5 depending on the state you're in. Look at this hunk of paper, it could be your way to vanish in a clould of smoke when the right time comes, like right after that big scam. If You're lucky, the slob's parents signed him up with social security when he was a snot nosed brat. That'll be another piece of ID you can get. If not, that's ok too. It'll be listed on the death certificate if he has one. If you're lucky, the stiff was born locally and you can get his birth certificate right away.

STEP 2

Now check the place of birth on the death certificate, if it's in the same place you standing now you're all set. If not, you can mail away for one from that county but its a minor pain and it might take a while to get, the librarian at the desk has listings of where to write for this stuff and exactly how much it costs. Get the Birth certificate, its worth the extra money to get it certified because thats the only way some people will accept it for ID. When yur gettin this stuff the little forms ask for the reason you want it, instead of writing in "Fuck you", try putting in the word "Geneology".

They get this all the time. If the Death certificate looks good for you, wait a day or so before getting the certified birth certificate in case they recognize someone wanting it for a dead guy.

STEP 3

Now your cookin! You got your start and the next part's easy. Crank out your old Dot matrix printer and run off some mailing labels addressed to you at some phony address. Take the time to check your phony address that there is such a place. Hotels that rent by the month or large apartment buildings are good, be sure to get the right zip code for the area. These are things that the cops might notice that will trip you up. Grab some old junk mail and paste your new lables on them. Now take them along with the birth certificate down to the library.

Get a new library card. If they ask you if you had one before say that you really aren't sure because your family moved around alot when you were a kid. Most libraries will allow you to use letters as a form of ID when you get your card. If they want more give them a sob story about how you were mugged and got your wallet stolen with all your identification. Your card should be waiting for you in about two weeks. Most libraries ask for two forms of ID, one can be your trusty Birth Certificate, and they do allow letters addressed to you as a second form.

STEP 4

Now you got a start, it isn't perfect yet, so let's continue. You should have two forms of ID now. Throw away the old letters, or better yet stuff them inside the wallet you intend to use with this stuff. Go to the county courthouse and show them what nice ID you got and get a state ID card. Now you got a picture ID. This will take about two weeks and cost about \$5, its well worth it.

STEP 5

If the death certificate had a social security number on it you can go out and buy one of those metal SS# cards that they sell. If it didn't, then you got all kinds of pretty ID that shows exactly who you are. If you don't yet have an SS#, Go down and apply for one, these are free but they could take five or six weeks to get, Bureaucrats you know... You can invent a SS# too if ya like, but the motto of 'THE WALKING GLITCH' has always been "Why not excellence?".

STEP 6

If you want to go whole hog you can now get a bank account in your new name. If you plan to do alot of traveling then you can put alot of money in the account and then say you lost the account book. After you get the new book you take out all the cash. They'll hit you with a slight charge and maybe tie-up your money some, but if you're ever broke in some small town that bank book will keep you from being thrown in jail as a vagrant.

ALL DONE?

So kiddies, you got ID for buying booze, but what else? In some towns (the larger the more likely) the cops if they catch you for something petty like shoplifting stuff under a certain dollar amount, will just give you a ticket, same thing for pissing in the street. Thats it!

No fingerprints or nothing, just pay the fine (almost always over \$100) or appear in court. Of course they run a radio check on your ID, you'll be clean and your alter-ego gets a blot on his record.

Your free and clear. Thats worth the price of the trouble you've gone through right there. If your smart, you'll toss that ID away if this happens, or better yet, tear off your picture and give the ID to someone you don't like, maybe they'll get busted with it.

If you're a working stiff, here's a way to stretch your dollar. Go to work for as long as it takes to get unemployment and then get yourself fired. Go to work under the other name while your getting the unemployment. With a couple of sets of ID, you can live like a king. These concepts for survival in the new age come to you compliments of THE WALKING GLITCH.

First release of this phile 7/7/88.

brought to you in the Cookbook courtesy of...

-----The Jolly Roger

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The Anarchist's Cookbook

Phreaker's Guide to Loop Lines

The Phreaker's Guide to Loop Lines courtesy of the Jolly Roger

A loop is a wonderous device which the telephone company created as test numbers for telephone repairmen when testing equipment. By matching the tone of the equipment with the tone of the loop, repairmen can adjust and test the settings of their telephone equipment.

A loop, basically, consists of two different telephone numbers. Let's use A and B as an example. Normally if you call A, you will hear a loud tone (this is a 1004 hz tone), and if you call B, the line will connect, and will be followed by silence.

This is the format of a loop line. Now, if somebody calls A and someone else calls B--Viola!--A and B loop together, and one connection is made. Ma Bell did this so repairmen can communicate with each other without having to call their own repair office. They can also use them to exchange programs, like for ANA or Ringback. Also, many CO's have a "Loop Assignment Center". If anyone has any information on these centers please tell me.

Anyway, that is how a loop is constructed. From this information, anyone can find an actual loop line. Going back to the A and B example, Note: the tone side and the silent side can be either A or B. Don't be fooled if the phone company decides to scramble them around to be cute.

As you now know, loops come in pairs of numbers. Usually, right after each other.

For example: 817-972-1890

and

817-972-1891

Or, to save space, one loop line can be written as 817-972-1890/1.

This is not always true. Sometimes, the pattern is in the tens or hundreds, and, occasionally, the numbers are random.

In cities, usually the phone company has set aside a phone number suffix that loops will be used for. Many different prefixes will correspond with that one suffix.

In Arlington, Texas, a popular suffix for loops is 1893 and 1894, and a lot of prefixes match with them to make the number.

For Example: 817-460-1893/4

817-461-1893/4

817-465-1893/4

817-467-1893/4

817-469-1893/4

...are all loops...

or a shorter way to write this is:

817-xxx-1893/4

xxx= 460, 461, 465, 467, 469

Note: You can mix-and-match a popular suffix with other prefixes in a city, and almost always find other loops or test numbers.

Note: For Houston, the loop suffixes are 1499 and 1799. And for Detroit it's 9996 and 9997.

When there are a large number of loops with the same prefix format, chances are that many loops will be inter-locked. Using the above example of Arlington loops again, (I will write the prefixes to save space) 460, 461, and 469 are interlocked loops. This means that only one side can be used at a given time. This is because they are all on the same circuit.

To clarify, if 817-461-1893 is called, 817-460 and 469-1893 cannot be called because that circuit is being used. Essentially, interlocked loops are all the same line, but there are a variety of telephone numbers to access the line.

Also, if the operator is asked to break in on a busy loop line he/she will say that the circuit is overloaded, or something along those lines. This is because Ma Bell has taken the checking equipment off the line. However, there are still many rarely used loops which can be verified and can have emergency calls taken on them.

As you have found out, loops come in many types. Another type of loop is a filtered loop. These are loop lines that the tel co has put a filter on, so that normal human voices cannot be heard on either line. However, other frequencies may be heard. It all depends on what the tel co wants the loop to be used for. If a loop has gotten to be very popular with the local population or used frequently for conferences, etc. the tel co may filter the loop to stop the unwanted "traffic". Usually, the filter will be removed after a few months, though.

-----Brought to you by the Jolly Roger

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The Anarchist's Cookbook

Ma-Bell Tutorial

How Ma Bell Works by the Jolly Roger

In this article, I will first describe the termination, wiring, and terminal hardware most commonly used in the Bell system, and I will include section on methods of using them.

LOCAL NETWORK

The local telephone network between the central office/exchange and the telephone subscribers can be briefly described as follows:

From the central office (or local exchange) of a certain prefix(es), underground area trunks go to each area that has that prefix (Usually more than one prefix per area.) At every few streets or tract areas, the underground cables surface. They then go to the telephone pole (or back underground, depending on the area) and then to the subscribers house (or in the case of an apartment building or mutliline business, to a splitter or dis-tribution box/panel).

Now that we have the basics, I'll try and go in-depth on the subject.

UNDERGROUND CABLES

These are sometimes inter-office trunks, but usually in a residential area they are trunk lines that go to bridging heads or distribution cases. The cables are about 2-3 inches thick (varies), and are either in a metal or pvc-type pipe (or similiar). Rarely (maybe not in some remote rural areas) are the cables just 'alone' in the ground. Instead they are usually in an underground cement tunnel (resembles a small sewer or storm- drain.) The manholes are >heavy< and will say 'Bell system' on them. they can be opened with a 1/2 inch wide crowbar (Hookside) inserted in the top rectangular hole. There are ladder rungs to help you climb down. You will see the cable pipes on the wall, with the blue and white striped one being the

inter-office trunk (at least in my area). The others are local lines, and are usually marked or color coded. There is almost always a posted color code chart on the wall, not to mention Telco manuals describing the cables and terminals, so I need not get into detail. Also, there is usually some kind of test equipment, and often Bell test sets are left in there.

 BRIDGING HEADS

The innocent-looking grayish-green boxes. These can be either trunk bridges or bridging for residences. The major trunk bridging heads are usually larger, and they have the 'Western Electric' logo at the bottom, whereas the normal bridging heads (which may be different in some areas-depending on the company you are served by. GTE B.H.'s look slightly different. Also, do not be fooled by sprinkler boxes!) They can be found in just about every city.

To open a bridging head: if it is locked (and you're feeling destructive), put a hammer or crowbar (the same one you used on the manhole) in the slot above the top hinge of the right door. Pull hard, and the door will rip off. Very effective! If it isn't locked (as usual), take a 7/8 inch hex socket and with it, turn the bolt about 1/8 of a turn to the right (you should hear a spring release inside). Holding the bolt, turn the handle all the way to the left and pull out.

To Check for a test-set (which are often left by Bell employees), go inside - First check for a test-set (which are often left by Bell employees). There should be a panel of terminals and wires. Push the panel back about an inch or so, and rotate the top latch (round with a flat section) downward. Release the panel and it will fall all the way forward. There is usually a large amount of wire and extra terminals. The test-sets are often hidden here, so don't overlook it (Manuals, as well, are sometimes placed in the head). On the right door is a metal box of alligator clips. Take a few (Compliments of Bell.). On each door is a useful little round metal device. (Says 'insert gently' or 'clamp gently - do not overtighten' etc..) On the front of the disc, you should find two terminals. These are for your test set. (If you dont have one, dont despair -I'll show you ways to make basic test sets later in this article).

Hook the ring (-) wire to the 'r' terminal; and the tip (+) wire to the other. (By the way, an easy way to determine the correct polarity is with a 1.5v LED. Tap it to the term. pair, if it doesnt light, switch the poles until it does. When it lights,find the longer of the two LED poles: This one will be on the tip wire (+). Behind the disc is a coiled up cord. This should have two alligator clips on it.. Its very useful, because you dont have to keep connecting and disconnecting the fone (test set) itself, and the clips work nicely.

On the terminal board, there should be about 10 screw terminals per side. Follow the wires, and you can see which cable pairs are active. Hook the clips to the terminal pair, and you're set! Dial out if you want, or just listen (If someone's on theline). Later, I'll show you a way to set up a true 'tap' that will let the person dial out on his line and receive calls as normal, and you can listen in the whole time. More about

this later...

On major prefix-area bridging heads, you can see 'local loops' ,which are two cable pairs (cable pair = ring+tip, a fone line) that are directly connected to each other on the terminal board. These 'cheap loops' as they are called, do not work nearLy as well as the existing ones set up in the switching hardware at the exchange office. (Try scanning your prefixes' 00xx to 99xx #'s.) The tone sides will announce themselves with the 1008 hz loop tone, and the hang side will give no response. The first person should dial the 'hang' side, and the other person dial the tone side, and the tone should stop if you have got the right loop.)

If you want to find the number of the line that you're on, you can either try to decipher the 'bridging log' (or whatever), which is on the left door. If that doesnt work, you can use the follwing:

```
-----
ANI # (Automatic Number ID)
-----
```

This is a Telco test number that reports to you the number that youre calling from (It's the same, choppy 'Bell bitch' voice that you get when you reach a disconnected #)

For the 213 NPA - Dial 1223

408 NPA - Dial 760

914 NPA - Dial 990

These are extremely useful when messing with any kind of line terminals, house boxes, etc.

Now that we have bridging heads wired, we can go on... (don't forget to close and latch the box after all... Wouldnt want GE and Telco people mad, now, would we?)

```
-----
"CANS" - Telephone Distribution Boxes
-----
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Basically, two types:

- 1> Large, rectangular silver box at the end of each street.
- 2> Black, round, or rectangular thing at every telephone pole.

Type 1 - This is the case that takes the underground cable from the bridge and runs it to the telephone pole cable (The lowest, largest one on the telephone pole.) The box is always on the pole nearest the briging head, where the line comes up. Look for the 'Call before you Dig - Underground cable' stickers..

The case box is hinged, so if you want to climb the pole, you can open it with no problems. These usually have 2 rows of terminal sets.

You could try to impersonate a Telco technician and report the number as 'new active' (giving a fake name and fake report, etc.) I don't recommend this, and it probably won't (almost positively won't) work, but this is basically what Telco linemen do).

Type 2 - This is the splitter box for the group of houses around the pole (Usually 4 or 5 houses). Use it like I mentioned before. The terminals (8 or so) will be in 2 horizontal rows of sets. The extra wires that are just 'hanging there' are provisions for extra lines to residences (1 extra line per house, that's why the insane charge for line #3!) If it's the box for your house also, have fun and swap lines with your neighbor! 'Piggyback' them and wreak havoc on the neighborhood (It's eavesdropping time...) Again, I don't recommend this, and it's difficult to do it correctly. Moving right along...

```

-----
APARTMENT / BUSINESS MULTILINE
DISTRIBUTION BOXES
-----

```

Found outside the building (most often on the right side, but not always... Just follow the wire from the telephone pole) or in the basement. It has a terminal for all the lines in the building. Use it just like any other termination box as before.

Usually says 'Bell system' or similar. Has up to 20 terminals on it (usually.) the middle ones are grounds (forget these). The wires come from the cable to one row (usually the left one), with the other row of terminals for the other row of terminals for the building fone wire pairs. The ring (-) wire is usually the top terminal if the set in the row (1 of 10 or more), and the tip is in the clamp/screw below it. This can be reversed, but the cable pair is always terminated one-on-top-of-each-other, not on the one next to it. (I'm not sure why the other one is there, probably as a provision for extra lines) Don't use it though, it is usually too close to the other terminals, and in my experiences you get a noisy connection.

Final note: Almost every apartment, business, hotel, or anywhere there is more than 2 lines this termination lines this termination method is used. If you can master this type, you can be in control of many things... Look around in your area for a building that uses this type, and practice hooking up to the line, etc.

As an added help, here is the basic 'standard' color-code for multiline terminals/wiring/etc...

Single line: Red = Ring

Green = Tip

Yellow = Ground *

* (Connected to the ringer coil in individual and bridged ringer phones (Bell only) Usually connected to the green (Tip)

R

ing (-) = Red

White/Red Stripe
 Brown
 White/Orange Stripe
 Black/Yellow Stripe
 Tip (+) = Green (Sometimes
 yellow, see above.)
 White/Green Stripe
 White/Blue Stripe
 Blue
 Black/White Stripe
 Ground = Black
 Yellow

 RESIDENCE TERMINAL BOX

Small, gray (can be either a rubber (Pacific Telephone) or hard plastic (AT & T) housing deal that connects the cable pair from the splitter box (See type 2, above) on the pole to your house wiring. Only 2 (or 4, the 2 top terminals are hooked in parallel with the same line) terminals, and is very easy to use. This can be used to add more lines to your house or add an external line outside the house.

 TEST SETS

Well, now you can consider yourself a minor expert on the terminals and wiring of the local telephone network. Now you can apply it to whatever you want to do.. Here's another helpful item:

How to make a Basic Test-Set and how to use it to dial out, eavsdrop, or seriously tap and record line activity.

These are the (usually) orange hand set fones used by Telco technicians to test lines. To make a very simple one, take any Bell (or other, but I recommend a good Bell fone like a princess or a trimline. gte flip fones work excellently, though..) fone and follow the instructions below. Note: A 'black box' type fone mod will let you tap into their line, and with the box o, it's as if you werent there. they can recieve calls and dial out, and you can be listening the whole time! very useful. With the box off, you have a normal fone test set.

Instructions:

A basic black box works well with good results. Take the cover off the fone to expose the network box (Bell type fones only). The terminal should have a green wire going to it (orange or different if touch

tone - doesn't matter, it's the same thing). Disconnect the wire and connect it to one pole of an SPST switch. Connect a piece of wire to the other pole of the switch and connect it to the terminal. Now take a 10k ohm 1/2 watt 10% resistor and put it between the terminal and the terminal, which should have a blue and a white wire going to it (different for touch tone). It should look like this:

```

-----Blue wire-----F
                        |
                        |
----White wire----!
                        |
                        |
                    10k Resistor
                        |
                        |
--Green wire--      !----RR
                    |
                    |
                    SPST

```

What this does in effect is keep the hookswitch / dial pulse switch (F to RR loop) open while holding the line high with the resistor. This gives the same voltage effect as if the fone was 'on-hook', while the 10k ohms holds the voltage right above the 'off hook' threshold (around 22 volts or so, as compared to 15-17 or normal off hook 48 volts for normal 'on-hook'), giving

Test Set Version 2. Another design is similar to the 'type 1' test set (above),

but has some added features:

When the SPST switch is on, the LED will light, and the fone will become active. The green light should be on. If it isn't, switch the dpst. If it still isn't, check the polarity of the line and the LEDs. With both lights on, hang up the fone. They should all be off now. Now flip the dpst and pick up the fone. The red LED should be on, but the green shouldn't. If it is, something is wrong with the circuit. You won't get a dial tone if all is correct.

When you hook up to the line with the alligator clips (Assuming you have put this circuit inside our fona and have put alligator clips on the ring and tip wires (As we did before)) you should have the spst #1 in the off position. This will greatly reduce the static noise involved in hooking up to a line. The red LED can also be used to check if you have the correct polarity.

With this fone you will have the ability to listen in on >all< audible line activity, and the people (the 'eavesdroppers') can use their fone as normal.

Note that test sets #1 and #2 have true 'black boxes', and can be used for free calls (see an article about black boxes).

Test Set Version 3

To do test set 3:

Using a trimline (or similar) phone, remove the base and cut all of the wire leads off except for the red (ring -) and the green (tip +). Solder alligator clips to the lug. The wire itself is 'tinsel' wrapped in rayon, and doesn't solder well. Inside the one handset, remove the light socket (if it has one) and install a small slide or toggle switch (Radio Shack's micro- miniature spst works well). Locate the connection of the ring and the tip wires on the pc board near where the jack is located at the bottom of the handset. (The wires are sometimes black or brown instead of red and green, respectively). Cut the foil and run 2 pieces of wire to your switch. In parallel with the switch add a .25 uf 200 VDC capacitor (mylar, silvered mica, ceramic, not an electrolytic). When the switch is closed, the handset functions normally. With the switch in the other position, you can listen without being heard.

Note: To reduce the noise involved in connecting the clips to a line, add a switch selectable 1000 ohm 1/2 watt resistor in series with the tip wire. Flip it in circuit when connecting, and once on the line, flip it off again. (or just use the 'line disconnect' type switch as in the type 2 test set (above)). Also avoid touching the alligator clips to any metal parts or other terminals, for it causes static on the line and raises people's suspicions.

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RECORDING
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If you would like to record any activity, use test set 1 or 2 above (for unattended recording of >all< line activity), or just any test set if you are going to be there to monitor when they are dialing, talking, etc.

Place a telephone pickup coil (I recommend the Becoton T-5 TP coil or equivalent) onto the test set, and put the TP plug into the mic. jack of any standard tape recorder. Hit play, rec, and pause. Alternate pause when you want to record (I don't think anyone should have any difficulty with this at all...) Well, if you still can't make a test set or you don't have the parts, there's still hope. Alternate methods:

- 1> Find a bell test set in a manhole or a bridging head and 'Borrow it indefinitely...
- 2> Test sets can be purchased from:

```

Techni-Tool
5 Apollo Road
Box 368
Plymouth Meeting PA., 19462

```

Ask for catalog #28

They are usually \$300 - \$600, and are supposed to have MF dialing capability as well as TT dialing. They are also of much higher quality than the standard bell test sets. If you would like to learn more about the subjects covered here,

I suggest:

- 1> Follow Bell trucks and linemen or technicians and ask subtle questions. also try 611 (repair service) and ask questions..
- 2> Explore your area for any Bell hardware, and experiment with it. Don't try something if you are not sure what youre doing, because you wouldnt want to cause problems, would you?

-----Jolly Roger

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The Anarchist's Cookbook

Getting Money out of Pay Phones

Getting Money out of Pay Phones by the Jolly Roger

I will now share with you my experiences with pay telephones. You will discover that it is possible to get money from a pay phone with a minimum of effort.

Theory: Most pay phones use four wires for the transmission of data and codes to the central office. Two of them are used for voice (usually red and green), one is a ground, and the last is used with the others for the transmission of codes. It is with this last wire that you will be working with. On the pay phone that

I usually did this to, it was colored purple, but most likely will be another color.

What you will do is simply find a pay phone which has exposed wires, such that one of them can be disconnected and connected at ease without fear of discovery. You will discover that it is usually a good idea to have some electrical tape along with you and some tool for cutting this tape.

Through trial and error, you will disconnect one wire at a time starting with the wires different than green and red. You do want a dial tone during this operation.

What you want to disconnect is the wire supplying the codes to the telephone company so that the pay phone will not get the 'busy' or 'hang-up' command.

Leave this wire disconnected when you discover it. What will happen: Anytime that someone puts any amount of money into the pay phone, the deposit will not register with the phone company and it will be held in the 'temporary' chamber of the pay phone.

Then, (a day later or so) you just code back to the phone, reconnect the wire, and click the hook a few times and the phone will dump it all out the shute.

(What is happening is that the 'hangup' code that the phone was not receiving due to the wire being disconnected suddenly gets the code and dumps its 'temporary' storage spot.)

You can make a nice amount of money this way, but remember that a repairman will stop by every few times it is reported broken and repair it, so check it at least once a day.

Enjoy and have fun.. Many phones I have done this to, and it works well with each..

-----Jolly Roger

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The Phreak File

The Phreak file courtesy of the Jolly Roger

```
202 282 3010 UNIV. OF D.C.
202 553 0229 PENTAGON T.A.C.
202 635 5710 CATHOLIC UNIV. OF AMERICA
202 893 0330 DEFENSE DATA NETWORK
202 893 0331 DEFENSE DATA NETWORK
202 965 2900 WATERGATE
203 771 4930 TELEPHONE PIONEERS
206 641 2381 VOICE OF CHESTER
212 526 1111 NEW YORK FEED LINE
212 557 4455 SEX HOT LINE
212 799 5017 ABC NY FEED LINE
212 934 9090 DIAL-AN-IDIOT
212 976 2727 P.D.A.
212 986 1660 STOCK QUOTES
213 541 2462 STOCK MARKET REPORTS
213 547 6801 NAVY SHIPS INFO
213 576 6061 "      "
213 664 3321 NEWS FOR THE BLIND
301 393 1000 "      "
301 667 4280 LOTTERY INFO
312 939 1600 "      "
404 221 5519 NUCLEAR COMMISSION
408 248 8818 1ST NAT'L BANK
415 642 2160 EARTHQUAKE REPCRT
505 883 6828 "      "
512 472 2181 "      "
512 472 4263 WIERD RECORDING
512 472 9833 "      "
512 472 9941 INSERT 25 CENTS
512 472 9941 SPECIAL RECORDING
512 870 2345 "      "
516 794 1707 "      "
```

619 748 0002 LOOP LINE
619 748 0003 " "
703 331 0057 MCI (5 DIGITS)
703 334 6831 WASH. POST
703 354 8723 COMPEL INC.
703 737 2051 METROPHONE (6 DIGITS)
703 835 0500 VALNET (5 DIGITS)
703 861 7000 SPRINT (6/8 DIGITS)
703 861 9181 SPRINT (6/8 DIGITS)
714 974 4020 CA. MAINFRAME
716 475 1072 N.Y. DEC-SYSTEM
800 222 0555 RESEARCH INSTITUTE
800 223 3312 CITIBANK
800 227 5576 EASTERN AIRLINES
800 248 0151 WHITE HOUSE PRESS
800 321 1424 FLIGHT PLANES
800 323 3026 TEL-TEC (6 GIGITS)
800 323 4756 MOTOROLA DITELL
800 323 7751 M.C.I. MAINFRAME
800 325 4112 EASYLINK
800 325 6397 F.Y.I.
800 344 4000 MSG SYSTEM
800 368 6900 SKYLINE ORDER LINE
800 424 9090 RONALD REAGAN'S PRESS
800 424 9096 WHITE HOUSE SWITCH
800 438 9428 ITT CITY CALL SWITCHING
800 521 2255 AUTONET
800 521 8400 TRAVELNET (8 DIGITS)
800 526 3714 RCA MAINFRAME
800 527 1800 TYMNET
800 621 3026 SPECIAL OPERATOR
800 621 3028 " "
800 621 3030 " "
800 621 3035 " "
800 631 1146 VOICE STAT
800 821 2121 BELL TELEMARKETING
800 828 6321 XEROX \$
800 858 9313 RECORD-A-VOICE
800 882 1061 AT&T STOCK PRICES
914 997 1277 " "
916 445 2864 JERRY BROWN
N/A 950 1000 SPRINT
N/A 950 1022 MCI EXECUNET

N/A 950 1033 US TELEPHONE
 N/A 950 1044 ALLNET (6 DIGITS)
 N/A 950 1066 LEXITEL
 N/A 950 1088 SKYLINE (6 DIGITS)

```

-----
PHONE # | DESCRIPTION/CODE
-----
201-643-2227 | CODES:235199,235022
                | AND 121270
800-325-4112 | WESTERN UNION
800-547-1784 | CODES:101111,350009
                | AND 350008
800-424-9098 | TOLL FREE WHITE HS.
800-424-9099 | DEFENSE HOT LINE
202-965-2900 | WATERGATE
800-368-5693 | HOWARD BAKER HOTLN
202-456-7639 | REAGANS SECRETARY
202-545-6706 | PENTAGON
202-694-0004 | PENTAGON MODEM
201-932-3371 | RUTGERS
800-325-2091 | PASSWORD: GAMES
800-228-1111 | AMERICAN EXPRESS
617-258-8313 | AFTER CONNECT
                | PRESS CTRL-C
800-323-7751 | PASSWORD:REGISTER
800-322-1415 | CODES:266891,411266
                | AND 836566
  
```

| (USED BY SYSOP)

 The following 800 #'s have been collected however no codes have been found yet! if you hack any please let me know...

phone #	codes:
800-321-3344	?????????????
800-323-3027	?????????????
800-323-3208	?????????????
800-323-3209	?????????????
800-325-7222	?????????????
800-327-9895	?????????????
800-327-9136	?????????????
800-343-1844	?????????????
800-547-1784	?????????????
800-547-6754	?????????????
800-654-8494	?????????????
800-682-4000	?????????????
800-858-9000	?????????????

800 #'s with carriers.

800-323-9007
 800-323-9066
 800-323-9073
 800-321-4600
 800-547-1784

1-800 numbers of the goverment.

800-321-1082:NAVY FINANCE CENTER.
 800-424-5201:EXPORT IMPORT BANK.
 800-523-0677:ALCOHOL TOBACCO AND.
 800-532-1556:FED INFORMATION CNTR1-1082:NAVY FINANCE CENTER.
 800-424-5201:EXPORT IMPORT BANK.
 800-523-0677:ALCOHOL TOBACCO AND.
 800-532-1556:FED INFORMATION CNTR.
 800-325-4072:COMBAT & ARMS SERVICE.
 800-325-4095:COMBAT SUPPORT BRANCH.
 800-325-4890:ROPD USAR COMBAT ARMS.
 800-432-3960:SOCIAL SECURITY.
 800-426-5996:PUGET NAVAL SHIPYARD.
 Directory of toll free numbers.
 800-432-3960:SOCIAL SECURITY.

800-426-5996:PUGET NAVAL SHIPYARD.
Directory of toll free numbers.
301-234-0100:BALTIMORE ELECTRIC.
202-456-1414:WHITE HOUSE.
202-545-6706:PENTAGON.
202-343-1100:EPA.
714-891-1267:DIAL-A-GEEK.
714-897-5511:TIMELY.
213-571-6523:SATANIC MESSAGES.
213-664-7664:DIAL-A-SONG.
405-843-7396:SYNTHACER MUSIC.
213-765-1000:LIST OF MANY NUMBERS.
512-472-4263:WIIRD.
512-472-9941:INSERT 25.
203-771-3930:PIONEERS.
213-254-4914:DIAL-A-ATHIEST.
212-586-0897:DIRTY.
213-840-3971:HOROWIIRD
203-771-3930:PIONEERS
471-9420,345-9721,836-8962
836-3298,323-4139,836-5698
471-9440,471-9440,471-6952
476-6040,327-9772,471-9480
800-325-1693,800-325-4113
800-521-8400:VOICE ACTIVATED
213-992-8282:METROFONE ACCESS NUMBER
617-738-5051:PIRATE HARBOR
617-720-3600:TIMECOR #2
301-344-9156:N.A.S.A PASSWORD:GASET
318-233-6289:UNIVERSITY LOUISIANA
213-822-2112:213-822-3356
213-822-1924:213-822 3127
213-449-4040:TECH CENTER
213-937-3580:TELENET
1-800-842-8781
1-800-368-5676
1-800-345-3878
212-331-1433
213-892-7211
213-626-2400
713-237-1822
713-224-6098
713-225-1053

713-224-9417

818-992-8282

1-800-521-8400

After entering the sprint code, and, C+Destination number. Then enter this:

number:"205#977#22", And the main tracer for sprint will be disabled.

215-561-3199/SPRINT LONG DISTANCE

202-456-1414/WHITE HOUSE

011-441-930-4832/QUEEN ELIZABETH

916-445-2864/JERRY BROWN

800-424-9090/RONALD REAGAN'S PRESS

212-799-5017/ABC NEW YORK FEED LINE

800-882-1061/AT & T STOCK PRICES

212-986-1660/STOCK QUOTES

213-935-1111/WIERD EFFECTS!

512-472-4263/WIERD RECORDING

212-976-2727/P.D.A.

619-748-0002/FONE CO. TESTING LINES

900-410-6272/SPACE SHUTTLE COMM.

201-221-6397/AMERICAN TELEPHONE

215-466-6680/BELL OF PENNSYLVANIA

202-347-0999/CHESAPEAKE TELEPHONE

213-829-0111/GENERAL TELEPHONE

808-533-4426/HAWAIIAN TELEPHONE

312-368-8000/ILLINOIS BELL TELEPHONE

317-265-8611/INDIANA BELL

313-223-7233/MICHIGAN BELL

313-223-7223/NEVADA BELL

207-955-1111/NEW ENGLAND TELEPHONE

201-483-3800/NEW JERSEY BELL

212-395-2200/NEW YORK TELEPHONE

515-243-0890/NORTHWESTERN BELL

216-822-6980/OHIO BELL

206-345-2900/PACIFIC NORTHWEST BELL

213-621-4141/PACIFIC TELEPHONE

205-321-2222/SOUTH CENTRAL BELL

404-391-2490/SOUTHERN BELL

203-771-4920/SOUTHERN NEW ENGLAND

314-247-5511/SOUTHWESTERN BELL

414-678-3511/WISCONSIN TELEPHONE

800-327-6713/UNKNOWN ORIGIN

303-232-8555/HP3000

315-423-1313/DEC-10

313-577-0260/WAYNE STATE
512-474-5011/AUSTIN COMPUTERS
516-567-8013/LYRICS TIMESHARING
212-369-5114/RSTS/E
415-327-5220/NEC
713-795-1200/SHELL COMPUTERS
518-471-8111/CNA OF NY
800-327-6761/AUTONET
800-228-1111/VISA CREDIT CHECK
713-483-2700/NASUA
213-383-1115/COSMOS
408-280-1901/TRW
404-885-3460/SEARS CREDIT CHECK
414-289-9988/AARDVARK SOFTWARE
919-852-1482/ANDROMEDA INCORPORATED
213-985-2922/ARTSCI
714-627-9887/ASTAR INTERNATIONAL
415-964-8021/AUTOMATED SIMULATIONS
503-345-3043/AVANT GARDE CREATIONS
415-456-6424/BRODERBUND SOFTWARE
415-658-8141/BUDGE COMPANY
714-755-5392/CAVALIER COMPUTER
801-753-6990/COMPUTER DATA SYSTEMS
213-701-5161/DATASOFT INC.
213-366-7160/DATAMOST
716-442-8960/DYNACOMP
213-346-6783/EDU-WARE
800-631-0856/HAYDEN
919-983-1990/MED SYSTEMS SOFTWARE
312-433-7550/MICRO LAB
206-454-1315/MICROSOFT
301-659-7212/MUSE SOFTWARE
209-683-6858/ON-LINE SYSTEMS
203-661-8799/PROGRAM DESIGN (PDI)
213-344-6599/QUALITY SOFTWARE
303-925-9293/SENTIENT SOFTWARE
702-647-2673/SIERRA SOFTWARE
916-920-1939/SIRIUS SOFTWARE
215-393-2640/SIR-TECH
415-962-8911/SOFTWARE PUBLISHERS
415-964-1353/STRATEGIC SIMULATIONS
217-359-8482/SUBLOGIC COM.
206-226-3216/SYNERGISTIC SOFTWARE

Here are a few tips on how not to get caught when using MCI or other such services:

- 1- Try not to use them for voice to voice personal calls. Try to use them for computer calls only. Here is why:
MCI and those other services can't really trace the calls that come through the lines, they can just monitor them. They can listen in on your calls and from that, they can get your name and other information from the conversation. They can also call the number you called and ask your friend some questions. If you call terminals and BBS'S then it is much harder to get information. For one thing, most sysops won't give these dudes that call any info at all or they will act dumb because they PHREAK themselves!
- 2- Beware when using colored boxes! They are easy to find!!!!
- 3- Try to find a sine-wave number. Then use an MCI or other service to call it. You will hear a tone that goes higher and lower. If the tone just stops, then that code is being monitored and you should beware when using it.

If you do get caught, then if you think you can, try to weasel out of it.

I have heard many stories about people that have pleaded with the MCI guys and have been let off. You will get a call from a guy that has been monitoring you. Act nice. Act like you know it is now wrong to do this kind of thing.....just sound like you are sorry for what you did. (If you get a call, you probably will be a little sorry!) Otherwise, it is very dangerous!!!!!! (Very with a capital V!

-----Jolly Roger

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Red Box Plans

Red Box Plans by the Jolly Roger

Red boxing is simulating the tones produced by public payphones when you drop your money in. The tones are beeps of 2200 Hz + 1700 Hz

Nickle = 1 beep for 66 milliseconds.

Dime = 2 beeps, each 66 milliseconds with a 66 millisecond pause between beeps.

Quarter = 5 beeps, each 33 milliseconds with a 33 millisecond pause between beeps.

There are two commonly used methods being used by Phreaks to make free calls.

1. An electronic hand-held device that is made from a pair of Wien-bridge oscillators with the timing controlled by 555 timing chips.
2. A tape recording of the tones produced by a home computer. One of the best computers to use would be an Atari ST. It is one of the easier computers to use because the red box tones can be produced in basic with only about 5 statments.

-----Jolly Roger

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RemObs

[__RemObs__] by the Jolly Roger

Some of you may have heard of devices called Remobs which stands for Remote Observation System. These Devices allow supposedly authorized telephone employees to dial into them from anywhere, and then using an ordinary touch tone fone, tap into a customer's line in a special receive only mode. [The mouthpiece circuit is deactivated, allowing totally silent observation from any fone in the world (Wire tapping without a court order is against the law)]

[__How Remobs Work__]

Dial the number of a Remob unit. Bell is rumored to put them in the 555 information exchanges, or on special access trunks [Unreachable except via blue box]. A tone will then be heard for approximately 2 seconds and then silence. You must key in (In DTMF) a 2 to 5 digit access code while holding each digit down at least 1 second. If the code is not entered within 5 or 6 seconds, the Remob will release and must be dialed again. If the code is supposedly another tone will be heard. A seven digit subscriber fone number can then be entered [The Remob can only handle certain 'exchanges' which are prewired, so usually one machine cannot monitor an entire NPA]. The Remob will then connect to the subscribers line. The listener will hear the low level idle tone as long as the monitored party is on hook. As the monitored party dials [rotary or DTMF], the listener would hear [And Record] the number being dialed. Then the ENTIRE conversation, datalink, whatever is taking place, all without detection. There is no current box which can detect Remob observation, since it is being done with the telephone equipment that makes the connection. When the listener is finished monitoring of that particular customer, he keys the last digit of the access code to disconnects him from the monitored line and return to the tone so that he can key in another 7 digit fone #. When the listener is totally finished with the Remob, he keys a single 'disconnect digit' which disconnects him from the Remob so that the device can reset and be ready for another caller.

[__History of Remobs__]

Bell has kept the existance of Remobs very low key. Only in 1974, Bell acknowledged that Remobs existed. The device was first made public during hearings on "Telephone Monitoring Practices by Federal Agencies" before a subcommittee on government operations. House of Representatives, Ninety-Third Congress, June 1974.

It has since been stated by Bell that the Remob devices are used exclusively for monitoring Bell employees such as operators, information operators, etc., to keep tabs on their performance. [Suuureee, were stupid]

[__Possible Uses for Remobs__]

The possible uses of Remobs are almost as endless as the uses of self created fone line. Imagine the ability to monitor bank lines etc, just off the top of my head I can think of these applications:

Data Monitoring of:

TRW

National Credit Bureau

AT&T Cosmos

Bank Institutions

Compuserve and other Networks.

Voice Monitoring of:

Bank Institutions

Mail Order buisnesses.

Bell Telephone themselves.

Any place handling sensitive or important information.

Anyone that you may not like.

With just one Remob, someone could get hundreds of credit cards, find out who was on vacation, get compuserve passwords by the dozens, disconnect peoples fones, do credit checks, find out about anything that they may want to find out about. Im sure you brilliant can see the value of a telephone hobbist and a telecommunications enthusiast getting his hands on a few choice Remobs.

[_Caution_____]

If any reader should discover a Remob during his (or her) scanning excursions, please keep in mind the very strict federal laws regarding wiretapping and unauthorized use of private Bell property.

-----Jolly Roger

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Scarlet Box Plans

Scarlet Box Plans by the Jolly Roger

The purpose of a Scarlet box is to create a very bad conection, it can be used to crash a BBS or just make life miserable for those you seek to avenge.

Materials: 2 alligator clips, 3 inch wire, or a resister
(plain wire will create greatest amount of static)
(Resister will decrease the amount of static in porportion to the resister you are using)

Step (1): Find the phone box at your victims house, and pop the cover off.

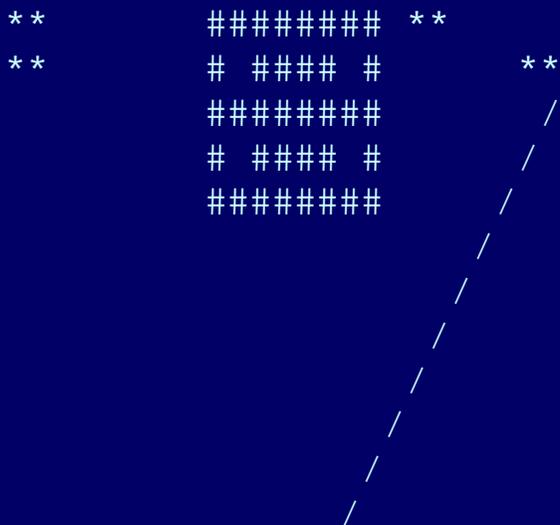
Step (2): Find the two prongs that the phone line you wish to box are connected to.

Step (3): Hook your alligator clips to your (wire/resister).

Step (4): Find the lower middle prong and take off all wires connected to it, i think this disables the ground and call waiting and shit like that.

Step (5): Now take one of the alligator clips and attach it to the upper most prong, and take the other and attach it to the lower middle prong.

Step (6): Now put the cover back on the box and take off!!



** /
**
**
**
**
**

(**) = prongs

**

(/) = (wire/resister)

(##) = some phone bullshit

-----Jolly Roger

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Silver Box Plans

Silver Box Plans by the Jolly Roger

Introduction:

First a bit of Phone Trivia. A standard telephone keypad has 12 buttons.

These buttons, when pushed, produce a combination of two tones. These tones represent the row and column of the button you are pushing.

	1	1	1
	2	3	4
	0	3	7
	9	6	7
697	(1)	(2)	(3)
770	(4)	(5)	(6)
851	(7)	(8)	(9)
941	(*)	(0)	(#)

So (1) produces a tone of 697+1209, (2) produces a tone of 697+1336, etc.

Function:

What the Silver Box does is just creates another column of buttons, with the new tone of 1633. These buttons are called A, B, C, and D.

Usefulness:

Anyone who knows anything about phreaking should know that in the old days of phreaking, phreaks used hardware to have fun instead of other people's Sprint and MCI codes. The most famous (and useful) was the good ol' Blue Box. However, Ma Bell decided to fight back and now most phone systems have protections against tone-emitting boxes. This makes boxing just about futile in most areas of the United States (ie those areas with Crossbar or Step-By-Step). If you live in or near a good-sized city, then your phone system is probably up-to-date (ESS) and this box (and most others) will be useless.

However, if you live in the middle of nowhere (no offense intended), you may find a use for this and other boxes.

Materials:

- 1 Foot of Blue Wire
- 1 Foot of Grey Wire
- 1 Foot of Brown Wire
- 1 Small SPDT Switch (*)
- 1 Standard Ma Bell Phone
- (*) SPDT = Single Pole/Double Throw

Tools:

- 1 Soldering Iron
- 1 Flat-Tip Screwdriver

Procedure:

- (1) Loosen the two screws on the bottom of the phone and take the casing off.
- (2) Loosen the screws on the side of the keypad and remove the keypad from the mounting bracket.
- (3) Remove the plastic cover from the keypad.
- (4) Turn the keypad so that *0# is facing you. Turn the keypad over. You'll see a bunch of wires, contacts, two Black Coils, etc.
- (5) Look at the Coil on the left. It will have five (5) Solder Contacts facing you. Solder the Grey Wire to the fourth Contact Pole from the left.
- (6) Solder the other end of the Grey Wire to the Left Pole of the SPDT Switch.
- (7) Find the Three (3) Gold-Plated Contacts on the bottom edge of the keypad. On the Left Contact, gently separate the two touching Connectors (they're soldered together) and spread them apart.
- (8) Solder the Brown Wire to the Contact farthest from you, and solder the other end to the Right Pole of the SPDT Switch.
- (9) Solder the Blue Wire to the Closest Contact, and the other end to the Center Pole of the SPDT Switch.
- (10) Put the phone back together.

Using The Silver Box:

What you have just done was installed a switch that will change the 369# column into an ABCD column. For example, to dial a 'B', switch to Silver Box Tones and hit '6'.

Noone is sure of the A, B, and C uses. However, in an area with an old phone system, the 'D' button has an interesting effect. Dial Directory Assistance and hold down 'D'. The phone will ring, and you should get a pulsing tone. If you get a pissed-off operator, you have a newer phone system with defenses against Silver Boxes. At the pulsing tone, dial a 6 or 7. These are loop ends.

-----Jolly Roger

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Bell Trashing

Bell Trashing by the Jolly Roger

The Phone Co. will go to extremes on occasions. In fact, unless you really know what to expect from them, they will surprise the heck out of you with their "unpublished tariffs". Recently, a situation was brought to my attention that up till then I had been totally unaware of, least to mention, had any concern about. It involved garbage! The phone co. will go as far as to prosecute anyone who rummages through their garbage and helps himself to some

Of course, they have their reasons for this, and no doubt benefit from such action. But, why should they be so picky about garbage? The answer soon became clear to me: those huge metal bins are filled up with more than waste old food and refuse... Although it is Pacific Tele. policy to recycle paper waste products, sometimes employees do overlook this sacred operation when sorting the garbage. Thus top-secret confidential Phone Co. records go to the garbage bins instead of the paper shredders. Since it is constantly being updated with "company memorandums, and supplied with extensive reference material, the Phone co. must continually dispose of the outdated materials. Some phone companies are supplied each year with the complete "System Practices" guide. This publication is an over 40 foot long library of reference material about everything to do with telephones. As the new edition arrives each year, the old version of "System Practices" must also be thrown out.

I very quickly figured out where some local phone phreaks were getting their material. They crawl into the garbage bins and remove selected items that are of particular interest to them and their fellow phreaks. One phone phreak in the Los Angeles area has salvaged the complete 1972 edition of "Bell System Practices". It is so large and was out of order (the binders had been removed) that it took him over a year to sort it out and create enough shelving for it in his garage.

Much of this "Top Secret" information is so secret that most phone companies have no idea what is in their files. They have their hands full simply replacing everything each time a change in wording requires a new revision. It seems they waste more paper than they can read!

It took quite a while for Hollywood Cal traffic manager to figure out how all of the local phone phreaks constantly discovered the switchroom test numbers

Whenever someone wanted to use the testboard, they found the local phone phreaks on the lines talking to all points all over the world. It got to the point where the local garbage buffs knew more about the office operations than the employees themselves. One phreak went so far as to call in and tell a

switchman what his next daily assignment would be. This, however, proved to be too much. The switchman traced the call and one phone phreak was denied the tool of his trade.

In another rather humorous incident, a fellow phreak was rumaging through the trash bin when he heard someone approaching. He pressed up against the side of the bin and silently waited for the goodies to come. You can imagine his surprise when the garbage from the lunchroom landed on his head. Most people find evenings best for checking out their local telco trash piles. The only thing necessary is a flashlight and, in the case mentioned above, possibly a rain coat. A word of warning though, before you rush out and dive into the trash heap. It is probably illegal, but no matter where you live, you certainly won't get the local policeman to hold your flashlight for you.

-----Jolly Roger

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Canadian WATS Phonebook

Canadian WATS Phonebook courtesy of the Jolly Roger

800-227-4004 ROLM Collagen Corp.
800-227-8933 ROLM Collagen Corp.
800-268-4500 Voice Mail
800-268-4501 ROLM Texaco
800-268-4505 Voice Mail
800-268-6364 National Data Credit
800-268-7800 Voice Mail
800-268-7808 Voice Mail
800-328-9632 Voice Mail
800-387-2097 Voice Mail
800-387-2098 Voice Mail
800-387-8803 ROLM Canadian Tire
800-387-8861 ROLM Canadian Tire
800-387-8862 ROLM Canadian Tire
800-387-8863 ROLM Canadian Tire
800-387-8864 ROLM Canadian Tire
800-387-8870 ROLM Halifax Life
800-387-8871 ROLM Halifax Life
800-387-9115 ASPEN Sunsweep
800-387-9116 ASPEN Sunsweep
800-387-9175 PBX [Hold Music=CHUM FM]
800-387-9218 Voice Messenger
800-387-9644 Carrier
800-426-2638 Carrier
800-524-2133 Aspen
800-663-5000 PBX/Voice Mail [Hold Music=CFMI FM]
800-663-5996 Voice Mail (5 rings)
800-847-6181 Voice Mail

NOTES: Each and every one of these numbers is available to the 604 (British Columbia) Area Code.

Most are available Canada Wide and some are located in the United States. Numbers designated ROLM have been identified as being connected to a ROLM Phonemail system. Numbers designated ASPEN are connected to an ASPEN voice message system. Numbers designated VOICE MAIL have not been identified as to equipment in use on that line. Numbers designated carrier are answered by a modem or data set.

Most Voice Message systems, and ALL Rolms, sound like an answering machine. Press 0 during the recording when in a rolm, * or # or other DTMF in other systems, and be propelled into another world...

Brought to you in the Cookbook by the Jolly Roger!!!!!!!!!!!!!!!!!!!!

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Hacking TRW

Hacking TRW by the Jolly Roger

When you call TRW, the dial up will identify itself with the message "TRW". It will then wait for you to type the appropriate answer back (such as CTRL-G) Once This has been done, the system will say "CIRCUIT BUILDING IN PROGRESS" Along with a few numbers. After this, it clears the screen (CTRL L) followed by a CTRL-Q. After the system sends the CTRL-Q, It is ready for the request. You first type the 4 character identifier for the geographical area of the account..

(For Example) TCA1 - for certain Calif. & Vicinity subscribers.

TCA2 - A second CALF. TRW System.

TNJ1 - Their NJ Database.

TGA1 - Their Georgia Database.

The user then types A and then on the next line, he must type his 3 char. Option. Most Requests use the RTS option. OPX, RTX, and a few others exist. (NOTE) TRW will accept an A, C, or S as the 'X' in the options above.) Then finally, the user types his 7 digit subscriber code. He appends his 3-4 character password after it. It seems that if you manage to get hold of a TRW Printout (Trashing at Sears, Saks, ETC. or from getting your credit printout from them) Their subscriber code will be on it leaving only a 3-4 character p/w up to you.

For Example,

(Call the DialUp)

TRW System Types, ST) CTRL-G

(You type, YT) Circuit building in progress 1234

(ST) CTRL-L CTRL-Q (TCA1 CYT) BTS 300000AAA

(YT]

Note: This system is in Half Duplex, Even Parity, 7 Bits per word and 2 Stop Bits.

CAUTION: It is a very stressed rumor that after typing in the TRW password Three (3) times.. It sets an Automatic Number Identification on your ass, so be careful. And forget who told you how to do this..

-----Jolly Roger

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Hacking VAX & UNIX

Hacking Vax's & Unix by the Jolly Roger

Unix is a trademark of At&t (and you know what that means)

In this article, we discuss the unix system that runs on the various vax systems. If you are on another unix-type system, some commands may differ, but since it is licenced to bell, they can't make many changes.

Hacking onto a unix system is very difficult, and in this case, we advise having an inside source, if possible. The reason it is difficult to hack a vax is this: Many vax, after you get a carrier from them, respond=>

Login:

They give you no chance to see what the login name format is. Most commonly used are single words, under 8 digits, usually the person's name. There is a way around this: Most vax have an acct. called 'suggest' for people to use to make a suggestion to the system root terminal. This is usually watched by the system operator, but at late he is probably at home sleeping or screwing someone's brains out. So we can write a program to send at the vax this type of a message:

A screen freeze (Cntrl-s), screen clear (system dependant), about 255 garbage characters, and then a command to create a login acct., after which you clear the screen again, then unfreeze the terminal. What this does: When the terminal is frozen, it keeps a buffer of what is sent. well, the buffer is about 127 characters long. so you overflow it with trash, and then you send a command line to create an acct. (System dependant). after this you clear the buffer and screen again, then unfreeze the terminal. This is a bad way to do it, and it is much nicer if you just send a command to the terminal to shut the system down, or whatever you are after...

There is always, *Always* an acct. called root, the most powerful acct. to be on, since it has all of the system files on it. If you hack your way onto this one, then everything is easy from here on...

On the unix system, the abort key is the Cntrl-d key. watch how many times you hit this, since it is also a way to log off the system!

A little about unix architecture: The root directory, called root, is where the system resides. After this come a few 'sub' root directories, usually to group things (stats here, priv stuff here, the user log here...).

Under this comes the superuser (the operator of the system), and then finally the normal users. In the unix 'Shell' everything is treated the same.

By this we mean: You can access a program the same way you access a user directory, and so on. The way the unix system was written, everything, users included, are just programs belonging to the root directory. Those of you who hacked onto the root, smile, since you can screw everything... the main level (exec level) prompt on the unix system is the \$, and if you are on the root, you have a # (superuser prompt).

Ok, a few basics for the system... To see where you are, and what paths are active in regards to your user account, then type

```
=> pwd
```

This shows your acct. seperated by a slash with another pathname (acct.), possibly many times. To connect through to another path, or many paths, you would type:

```
You=> path1/path2/path3
```

and then you are connected all the way from path1 to path3. You can run the programs on all the paths you are connected to. If it does not allow you to connect to a path, then you have insufficient privs, or the path is closed and archived onto tape. You can run programs this way also:

```
you=> path1/path2/path3/program-name
```

Unix treats everything as a program, and thus there a few commands to learn...

To see what you have access to in the end path, type

```
=> ls
```

for list. this show the programs you can run. You can connect to the root directory and run it's programs with=>

```
/root
```

By the way, most unix systems have their log file on the root, so you can set up a watch on the file, waiting for people to log in and snatch their password as it passes thru the file. To connect to a directory, use the command:

```
=> cd pathname
```

This allows you to do what you want with that directory. You may be asked for a password, but this is a good way of finding other user names to hack onto.

The wildcard character in unix, if you want to search down a path for a game or such, is the `*`.

=> `ls /*`

Should show you what you can access. The file types are the same as they are on a dec, so refer to that section when examining file. To see what is in a file, use the

=> `pr`

filename command, for print file.

We advise playing with pathnames to get the hang of the concept. There is on-line help available on most systems with a 'help' or a '?'.
We advise you look thru the help files and pay attention to anything they give you on pathnames, or the commands for the system.

You can, as a user, create or destroy directories on the tree beneath you. This means that root can kill everything but root, and you can kill any that are below you. These are the

commands for the system.

=> `mkdir pathname`

=> `rmdir pathname`

commands.

Once again, you are not alone on the system... type=>

`who`

to see what other users are logged in to the system at the time. If you want to talk to them=>

`write username`

Will allow you to chat at the same time, without having to worry about the parser. To send mail to a user, say

=> `mail`

And enter the mail sub-system. To send a message to all the users on the system, say

=> `wall`

Which stands for 'write all'. By the way, on a few systems, all you have to do is hit the key to end the message, but on others you must hit the `cntrl-d` key.

To send a single message to a user, say

=> `write username`

this is very handy again! If you send the sequence of characters discussed at the very beginning of this

article, you can have the super-user terminal do tricks for you again.

Privs:

If you want superuser privs, you can either log in as root, or edit your acct. so it can say

```
=> su
```

this now gives you the # prompt, and allows you to completely by-pass the protection. The wonderful security conscious developers at bell made it very difficult to do much without privs, but once you have them, there is absolutely nothing stopping you from doing anything you want to.

To bring down a unix system:

```
=> chdir /bin
```

```
=> rm *
```

this wipes out the pathname bin, where all the system maintenance files are.

Or try:

```
=> r -r
```

This recursively removes everything from the system except the remove command itself.

Or try:

```
=> kill -1,1
```

```
=> sync
```

This wipes out the system devices from operation. When you are finally sick and tired from hacking on the vax systems, just hit your cntrl-d and repeat key, and you will eventually be logged out.

The reason this file seems to be very sketchy is the fact that bell has 7 licenced versions of unix out in the public domain, and these commands are those common to all of them. I recommend you hack onto the root or bin directory, since they have the highest levels of privs, and there is really not much you can do (except develop software) without them.

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White Box Plans

White Box Plans by the Jolly Roger

Introduction:

The White Box is simply a portable Touch-Tone keypad. For more information on Touch-Tone, see my Silver Box Plans. Materials:

- 1 Touch-Tone Keypad
- 1 Miniature 1000 to 8 Ohm Transformer (Radio Shack # 273-1380)
- 1 Standard 8 Ohm Speaker
- 2 9V Batteries
- 2 9V Battery Clips

Procedure:

- (1) Connect the Red Wire from the Transformer to either terminal on the Speaker.
- (2) Connect the White Wire from the Transformer to the other terminal on the Speaker.
- (3) Connect the Red Wire from one Battery Clip to the Black Wire from the other Battery Clip.
- (4) Connect the Red Wire from the second Battery Clip to the Green Wire from the Keypad.
- (5) Connect the Blue Wire from the Keypad to the Orange/Black Wire from the Keypad.
- (6) Connect the Black Wire from the first Battery Clip to the two above wires (Blue and Black/Orange).
- (7) Connect the Black Wire from the Keypad to the Blue Wire from the Transformer.
- (8) Connect the Red/Green Wire from the Keypad to the Green Wire from the Transformer.
- (9) Make sure the Black Wire from the Transformer and the remaining wires from the Keypad are free.
- (10) Hook up the Batteries.

Optional:

- (1) Put it all in a case.
- (2) Add a Silver Box to it.

Use:

Just use it like a normal keypad, except put the speaker next to the receiver of the phone you're using.

-----Jolly Roger

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Fertilizer Bomb

How to make a fertilizer bomb by Jolly Roger

Ingredients:

- Newspaper
- Fertilizer (the chemical kind, GREEN THUMB or ORCHO)
- Cotton
- Diesel fuel

Make a pouch out of the newspaper and put some fertilizer in it. Then put cotton on top. Soak the cotton with fuel. Then light and run like you have never ran before! This blows up 500 square feet so don't do it in an alley!! -Jolly Roger-

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Tennis Ball Bomb

Tennis Ball Bombs by The Jolly Roger

Ingredients:

- Strike anywhere matches
- A tennis ball
- A nice sharp knife
- Duct tape

Break a ton of matchheads off. Then cut a **SMALL** hole in the tennis ball. Stuff all of the matchheads into the ball, until you can't fit any more in. Then tape over it with duct tape. Make sure it is real nice and tight! Then, when you see a geek walking down the street, give it a good throw. He will have a blast!!

-Jolly Roger-

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Diskette Bombs

Diskette Bombs by the Jolly Roger

You need:

- A disk
- Scissors
- White or blue kitchen matches (they **MUST** be these colors!)
- Clear nail polish
- Carefully open up the diskette (3.5" disks are best for this!)
- Remove the cotton covering from the inside.
- Scrape a lot of match powder into a bowl (use a wooden scraper, metal might spark the matchpowder!)
- After you have a lot, spread it evenly on the disk.
- Using the nail polish, spread it over the match mixture
- Let it dry
- Carefully put the diskette back together and use the nail polish to seal it shut on the inside (where it came apart).
- When that disk is in a drive, the drive head attempts to read the disk, which causes a small fire (ENOUGH HEAT TO MELT THE DISK DRIVE AND FUCK THE HEAD UP!!). ahahahahaha! Let the fuckhead try and fix THAT!!!
- Jolly Roger-

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Unlisted Phone Numbers

Unlisted Phone Numbers by The Jolly Roger

There are a couple of different ways of doing this. Let's see if this one will help: Every city has one or more offices dedicated to assigning numbers to the telephone wire pairs. These offices are called DPAC offices and are available to service reps who are installing or repairing phones. To get the DPAC number, a service rep would call the customer service number for billing information in the town that the number is located in that he is trying to get the unlisted number of. (Got that?) The conversation would go something like this: "Hi, Amarillo, this is Joe from Anytown business office, I need the DPAC number for the south side of town." This info is usually passed out with no problems, so... if the first person you call doesn't have it, try another. REMEMBER, no one has ANY IDEA who the hell you are when you are talking on the phone, so you can be anyone you damn well please! (heheheh!) When you call the DPAC number, just tell them that you need a listing for either the address that you have, or the name. DPAC DOES NOT SHOW WHETHER THE NUMBER IS LISTED OR UNLISTED!! Also, if you're going to make a habit of chasing numbers down, you might want to check into getting a criss-cross directory, which lists phone numbers by their addresses. It costs a couple-a-hundred bux, but it is well worth it if you have to chase more than one or two numbers down!

-Jolly Roger-

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Fuses

Fuses brought to you by The Jolly Roger

You would be surprised how many files are out there that use what falls under the category of a "fuse." They assume that you just have a few lying around, or know where to get them. Well, in some parts of the country, fuses are extremely hard to come by... so this file tells you how to make your own. Both fuses presented here are fairly simple to make, and are fairly reliable.

SLOW BURNING FUSE

~~~~~

(approx. 2 inches per minute)

Materials needed:

- Cotton string or 3 shoelaces
- Potassium Nitrate or Potassium Chlorate
- Granulated sugar

Procedure:

- Wash the cotton string or shoelaces in HOT soapy water, then rinse with fresh water
- Mix the following together in a glass bowl:
  - 1 part potassium nitrate or potassium chlorate
  - 1 part granulated sugar
  - 2 parts hot water
- Soak strings or shoelaces in this solution
- Twist/braid 3 strands together and allow them to dry
- Check the burn rate to see how long it actually takes!!

### FAST BURNING FUSE

~~~~~ (40 inches per minute)

Materials needed:

- Soft cotton string
- fine black powder (empty a few shotgun shells!)
- shallow dish or pan

Procedure:

- moisten powder to form a paste

- twist/braid 3 strands of cotton together
- rub paste into string and allow to dry
- Check the burn rate!!!

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How to make Potassium Nitrate

How to make Potassium Nitrate by The Jolly Roger

Potassium Nitrate is an ingredient in making fuses, among other things. Here is how you make it:

Materials needed:

- 3.5 gallons of nitrate bearing earth or other material
- 1/2 cup of wood ashes
- Bucket or other similar container about 4-5 gallons in volume
- 2 pieces of finely woven cloth, each a bit bigger than the bottom of the bucket
- Shallow dish or pan at least as large in diameter as the bucket
- Shallow, heat resistant container
- 2 gallons of water
- Something to punch holes in the bottom of the bucket
- 1 gallon of any type of alcohol
- A heat source
- Paper & tape

Procedure:

- Punch holes on the inside bottom of the bucket, so that the metal is "puckered" outward from the bottom
- Spread cloth over the holes from the bottom
- Place wood ashes on the cloth. Spread it out so that it covers the entire cloth and has about the same thickness.
- Place 2nd cloth on top of the wood ashes
- Place the dirt or other material in the bucket
- Place the bucket over the shallow container. NOTE: It may need support on the bottom so that the holes on the bottom are not blocked.
- Boil water and pour it over the earth very slowly. Do NOT pour it all at once, as this will clog the filter on the bottom.
- Allow water to run through holes into the shallow dish on the bottom.
- Be sure that the water goes through ALL of the earth!
- Allow water in dish to cool for an hour or so
- Carefully drain the liquid in the dish away, and discard the sludge in the bottom
- Boil this liquid over a fire for at least two hours. Small grains of salt will form - scoop these out with

the paper as they form

- When the liquid has boiled down to 1/2 its original volume let it sit
- After 1/2 hour, add equal volume of the alcohol; when this mixture is poured through paper, small white crystals appear. This is the potassium nitrate.

Purification:

- Redissolve crystals in small amount of boiling water
- Remove any crystals that appear
- Pour through improvised filter then heat concentrated solution to dryness.
- Spread out crystals and allow to dry

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Exploding Lightbulbs

Exploding lightbulbs by The Jolly Roger

Materials needed:

- lightbulb (100w)
- socket (duh...)
- 1/4 cup soap chips
- blackpowder! (open some shotgun shells!)
- 1/4 cup kerosene orgasoline
- adhesive tape
- lighter or small blowtorch
- glue

Procedure for a simple exploding lightbulb:

- ~~~~~
- Drill a small hole in the top of the bulb near the threads!
 - Carefully pour the blackpowder into the hole. Use enough so that it touches the filament!
 - Insert into socket as normal (make sure the light is off or else YOU will be the victim!!)
 - Get the hell out!!

Procedure for a Napam Bulb:

- ~~~~~
- Heat kerosene/gasoline in a double boiler
 - Melt soap chips, stirring slowly.
 - Put somewhere and allow to cool
 - Heat the threads of the bulb VERY carefully to melt the glue. Remove threads, slowly drawing out the filament. Do NOT break the cheap electrical igniters and/or the filament or this won't work!!
 - Pour the liquid into the bulb, and slowly lower the filament back down into the bulb. Make sure the filament is dipped into the fluid.
 - Re-glue the threads back on. Insert it into a socket frequently used by the victim and get the hell out!!

When the victim flips the switch, he will be in for a BIG surprise!

Have fun! -Jolly Roger-

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Under water igniters

Under water igniters by The Jolly Roger

Materials needed:

- Pack of 10 silicon diodes (available at Radio Shack. you will know you got the right ones if they are very, very small glass objects!)
- Pack of matches
- 1 candle

Procedure:

- Light the candle and allow a pool of molten wax to form in the top.
- Take a single match and hold the glass part of a single diode against the head. Bend the diode pins around the matchhead so that one wraps in an upward direction and then sticks out to the side. Do the same with the other wire, but in a downward direction. The diodes should now be hugging the matchhead, but its wires **MUST NOT TOUCH EACH OTHER!**
- Dip the matchhead in wax to give it a water-proof coat. These work underwater
- repeat to make as many as you want

How to use them:

When these little dudes are hooked across a 6v battery, the diode reaches what is called breakdown voltage. When most electrical components reach this voltage, they usually produce great amounts of heat and light, while quickly melting into a little blob. This heat is enough to ignite a matchhead. These are recommended for use underwater, where most other igniters refuse to work. ENJOY!

-Jolly Roger-

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Home-brew blast cannon

Home-brew blast cannon by The Jolly Roger

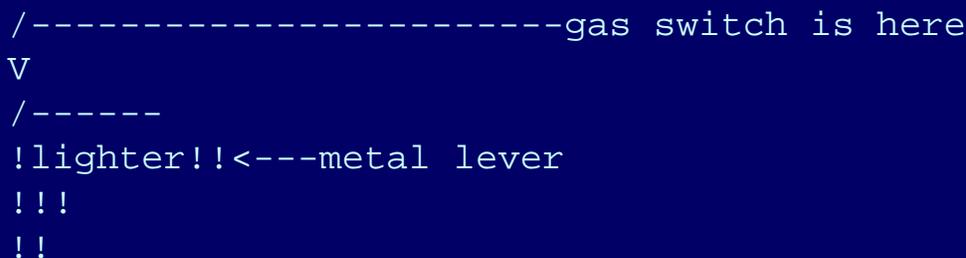
Materials needed:

- 1 plastic drain pipe, 3 feet long, at least 3 1/2 inches in diameter
- 1 smaller plastic pipe, about 6 inches long, 2 inches in diameter
- 1 large lighter, with fluid refills (this gobbles it up!)
- 1 pipe cap to fit the large pipe, 1 pipe cap to fit the small pipe
- 5 feet of bellwire
- 1 SPST rocker switch
- 16v polaroid pot-a-pulse battery
- 15v relay (get this at Radio Shack)
- Electrical Tape
- One free afternoon

Procedure:

- Cut the bell wire into three equal pieces, and strip the ends
- Cut a hole in the side of the large pipe, the same diameter as the small pipe. Thread the hole and one end of the small pipe. they should screw together easily.

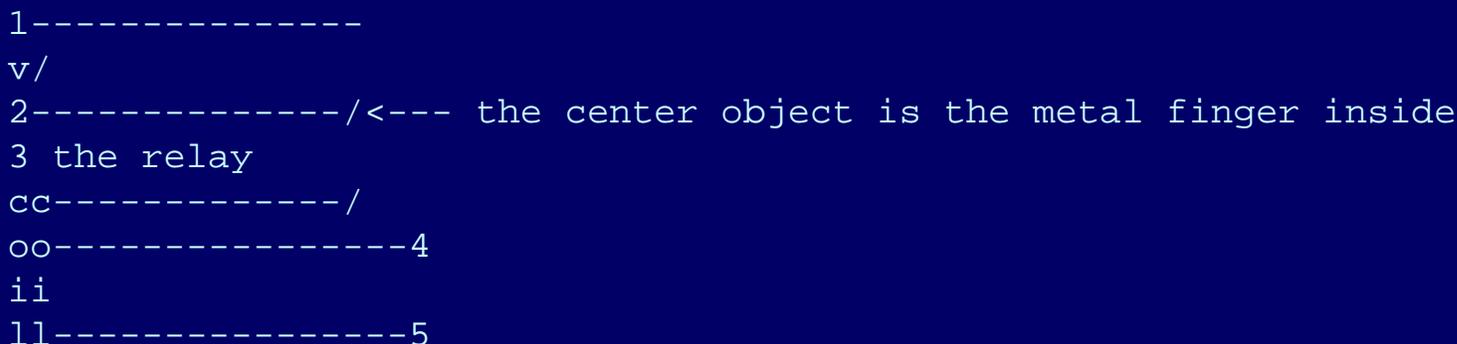
- Take a piece of scrap metal, and bend it into an "L" shape, then attach it to the level on the lighter:



Now, every time you pull the 'trigger' gas should flow freely from the lighter. You may need to enlarge the 'gas port' on your lighter, if you wish to be able to fire more rapidly.

- Connect two wires to the two posts on the switch
- Cut two holes in the side of the smaller tube, one for the switch on the bottom, and one for the metal piece on the top. Then, mount the switch in the bottom, running the wires up and out of the top.
- Mount the lighter/trigger in the top. Now the switch should rock easily, and the trigger should cause the lighter to pour out gas. Re-screw the smaller tube into the larger one, hold down the trigger a bit, let it go, and throw a match in there. If all goes well, you should hear a nice big "THUD!"

- Get a hold of the relay, and take off the top.



Connect (1) to one of the wires coming from the switch. Connect (2) to (4), and connect (5) to one side of the battery. Connect the remaining wire from the switch to the other side of the battery. Now you should be able to get the relay to make a little 'buzzing' sound when you flip the switch and you should see some tiny little sparks.

- Now, carefully mount the relay on the inside of the large pipe, towards the back. Screw on the smaller pipe, tape the battery to the side of the cannon barrel (yes, but looks aren't everything!)

- You should now be able to let a little gas into the barrel and set it off by flipping the switch.

- Put the cap on the back end of the large pipe VERY SECURELY. You are now ready for the first trial-run!

To Test:

Put something very, very large into the barrel, just so that it fits 'just right'. Now, find a strong guy (the recoil will probably knock you on your ass if you aren't careful!). Put on a shoulderpad, earmuffs, and possibly some other protective clothing (trust the Jolly Roger! You are going to need it!). Hold the trigger down for 30 seconds, hold on tight, and hit the switch. With luck and the proper adjustments, you should be able to put a frozed orange through 1/4 or plywood at 25 feet.

Have fun! -Jolly Roger-

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Chemical Equivalency List

Chemical Equivalency list by the Jolly Roger

| | |
|------------------------------------|------------------|
| Acacia..... | Gum Arabic |
| Acetic Acid..... | Vinegar |
| Aluminum Oxide..... | Alumina |
| Aluminum Potassium Sulphate..... | Alum |
| Aluminum Sulfate..... | Alum |
| Ammonium Carbonate..... | Hartshorn |
| Ammonium Hydroxide..... | Ammonia |
| Ammonium Nitrate..... | Salt Peter |
| Ammonium Oleate..... | Ammonia Soap |
| Amylacetate..... | Bananna Oil |
| Barium Sulfide..... | Black Ash |
| Carbon Carbinat..... | Chalk |
| Carbontetrachloride..... | Cleaning Fluid |
| Calcium Hypochloride..... | Bleaching Powder |
| Calcium Oxide..... | Lime |
| Calcium Sulfate..... | Plaster of Paris |
| Carbonic Acid..... | Seltzer |
| Cetyltrimethylammoniumbromide..... | Ammonium Salt |
| Ethylinedichloride..... | Dutch Fluid |
| Ferric Oxide..... | Iron Rust |
| Furfuraldehyde..... | Bran Oil |
| Glucose..... | Corn Syrup |
| Graphite..... | Pencil Lead |
| Hydrochloric Acid..... | Muriatic Acid |
| Hydrogen Peroxide..... | Peroxide |
| Lead Acetate..... | Sugar of Lead |
| Lead Tero-oxide..... | Red Lead |
| Magnesium Silicate..... | Talc |
| Magnesium Sulfate..... | Epsom Salt |
| Methylsalicylate..... | Winter Green Oil |
| Naphthalene..... | Mothballs |

| | |
|---------------------------------|---------------------|
| Phenol..... | Carbolic Acid |
| Potassium Bicarbonate..... | Cream of Tarter |
| Potassium Chromium Sulfate..... | Chromealum |
| Potassium Nitrate..... | Salt Peter |
| Sodium Oxide..... | Sand |
| Sodium Bicarbonate..... | Baking Soda |
| Sodium Borate..... | Borax |
| Sodium Carbonate..... | Washing Soda |
| Sodium Chloride..... | Salt |
| Sodium Hydroxide..... | Lye |
| Sodium Silicate..... | Glass |
| Sodium Sulfate..... | Glauber's Salt |
| Sodium Thiosulfate..... | Photographer's Hypo |
| Sulfuric Acid..... | Battery Acid |
| Sucrose..... | Cane Sugar |
| Zinc Chloride..... | Tinner's Fluid |
| Zinc Sulfate..... | White Vitriol |

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Phone Taps

Phone Taps by The Jolly Roger

Here is some info on phone taps. In this file is a schematic for a simple wiretap & instructions for hooking up a small tape recorder control relay to the phone line.

First, I will discuss taps a little. There are many different types of taps. there are transmitters, wired taps, and induction taps to name a few. Wired and wireless transmitters must be physically connected to the line before they will do any good. Once a wireless tap is connected to the line, it can transmit all conversations over a limited reception range. The phones in the house can even be modified to pick up conversations in the room and transmit them too! These taps are usually powered off of the phone line, but can have an external power source. You can get more information on these taps by getting an issue of Popular Communications and reading through the ads. Wired taps, on the other hand, need no power source, but a wire must be run from the line to the listener or to a transmitter. There are obvious advantages of wireless taps over wired ones. There is one type of wireless tap that looks like a normal telephone mike. All you have to do is replace the original mike with this and it will transmit all conversations! There is also an exotic type of wired tap known as the 'Infinity Transmitter' or 'Harmonica Bug'. In order to hook one of these, it must be installed inside the phone. When someone calls the tapped phone & *before* it rings, blows a whistle over the line, the transmitter picks up the phone via a relay. The mike on the phone is activated so that the caller can hear all of the conversations in the room. There is a sweep tone test at 415/BUG-1111 which can be used to detect one of these taps. If one of these is on your line & the test # sends the correct tone, you will hear a click. Induction taps have one big advantage over taps that must be physically wired to the phone. They do not have to be touching the phone in order to pick up the conversation. They work on the same principle as the little suction-cup tape recorder mikes that you can get at Radio Shack. Induction mikes can be hooked up to a transmitter or be wired.

Here is an example of industrial espionage using the phone: A salesman walks into an office & makes a phone call. He fakes the conversation, but when he hangs up he slips some foam rubber cubes into the cradle. The called party can still hear all conversations in the room. When someone picks up the phone, the cubes fall away unnoticed.

A tap can also be used on a phone to overhear what your modem is doing when you are wardialing, hacking, or just plain calling a bbs (like the White Ruins! Denver, Colorado! 55 megs online! Atari! Macintosh! Amiga! Ibm! CALL IT! 303-972-8566! By the way, i did this ad without the sysops consent

or knowledge!).

Here is the schematic:

```

-----)!----)! (----->
)!(
Cap ^ )!(
)!(
)!(
)!(
^^^^^----)! (----->
^ 100K
!
!
```

The 100K pot is used for volume. It should be on its highest (least resistance) setting if you hook a speaker across the output. but it should be set on its highest resistance for a tape recorder or amplifier. You may find it necessary to add another 10 - 40K. The capacitor should be around .47 MFD. It's only purpose is to prevent the relay in the phone from tripping & thinking that you have the phone off of the hook. the audio output transformer is available at Radio Shack. (part # 273-138E for input). The red & the white wires go to the output device. You may want to experiment with the transformer for the best output. Hooking up a tape recorder relay is easy. Just hook one of the phone wires (usually red) to the the end of one of the relay & the ther end just loop around. This bypasses it. It should look like this:

```

-----^^^^^^^^^-----
-----
RELAY^^
```

(part #275-004 from Radio Shack works fine)

If you think that you line is tapped, the first thing to do is to physically inspect the line yourself ESPECIALLY the phones. You can get mike replacements with bug detectors built in. However, I would not trust them too much. It is too easy to get a wrong reading.

For more info:

BUGS AND ELECTRONIC SURVEILANCE from Desert Publications HOW TO AVOID ELECTRONIC EAVESDROPPING & PRIVACY INVASION. I do not remember who this one is from... you might want to try Paladin Press.

-Jolly Roger-

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Landmines

How to make a landmine by The Jolly Roger

First, you need to get a pushbutton switch. Take the wires of it and connect one to a nine volt battery connector and the other to a solar igniter (used for launching model rockets). A very thin piece of stereo wire will usually do the trick if you are desperate, but I recommend the igniter. Connect the other wire of the nine-volt battery to one end of the switch. Connect a wire from the switch to the other lead on the solar igniter.

```
switch-----battery
```

```
\ /
```

```
\ /
```

```
\ /
```

```
\ /
```

```
solar igniter
```

```
|
```

```
|
```

```
|
```

```
explosive
```

Now connect the explosive (pipe bomb, m-80, CO2 bomb, etc.) to the igniter by attaching the fuse to the igniter (seal it with scotch tape). Now dig a hole; not too deep but enough to cover all of the materials. Think about what direction your enemy will be coming from and plant the switch, but leave the button visible (not TOO visible!). Plant the explosive about 3-5 feet away from the switch because there will be a delay in the explosion that depends on how short your wick is, and, if a homemade wick is being used, its burning speed. But if you get it right... and your enemy is close enough.....

BBBBBBBBOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO MMMM! hahahaha

-Jolly Roger-

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The Anarchist's Cookbook

A different kind of Molotov Cocktail

A different kind of Molotov Cocktail by the Jolly Roger

Here is how you do it:

- Get a coke bottle & fill it with gasoline about half full
 - Cram a piece of cloth into the neck of it nice and tight
 - Get a chlorine tablet and stuff it in there. You are going to have to force it because the tablets are bigger than the opening of the bottle.
 - Now find a suitable victim and wing it in their direction. When it hits the pavement or any surface hard enough to break it, and the chlorine and gasoline mix..... BOOM!!!!!!
- Have fun! -Jolly Roger-

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The Anarchist's Cookbook

Phone Systems Tutorial I

Phone Systems Tutorial by The Jolly Roger

To start off, we will discuss the dialing procedures for domestic as well as international dialing. We will also take a look at the telephone numbering plan.

North American Numbering Plan

~~~~~

In North America, the telephone numbering plan is as follows:

- A) a 3 digit Numbering Plan Area (NPA) code , ie, area code
  - B) a 7 digit telephone # consisting of a 3 digit Central Office (CO) code plus a 4 digit station #
- These 10 digits are called the network address or destination code. It is in the format of:

Area Code Telephone #

-----  
N\*X NXX-XXXX

Where: N = a digit from 2 to 9

\* = the digit 0 or 1

X = a digit from 0 to 9

### Area Codes

~~~~~

Check your telephone book or the seperate listing of area codes found on many bbs's. Here are the special area codes (SAC's):

510 - TWX (USA)

610 - TWX (Canada)

700 - New Service

710 - TWX (USA)

800 - WATS

810 - TWX (USA)

900 - DIAL-IT Services

910 - TWX (USA)

The other area codes never cross state lines, therefore each state must have at least one exclusive NPA code. When a community is split by a state line, the CO #'s are often interchangeable (ie, you can dial

the same number from two different area codes).

TWX (Telex II) consists of 5 teletype-writer area codes. They are owned by Western Union. These SAC's may only be reached via other TWX machines. These run at 110 baud (last I checked! They are most likely faster now!). Besides the TWX #'s, these machines are routed to normal telephone #'s. TWX machines always respond with an answerback. For example, WU's FYI TWX # is (910) 279-5956. The answerback for this service is "WU FYI MAWA".

If you don't want to but a TWX machine, you can still send TWX messages using Easylink [800/325-4112]. However you are gonna have to hack your way onto this one!

700:

700 is currently used by AT&T as a call forwarding service. It is targeted towards salesmen on the run. To understand how this works, I'll explain it with an example. Let's say Joe Q. Salespig works for AT&T security and he is on the run chasing a phreak around the country who royally screwed up an important COSMOS system. Let's say that Joe's 700 # is (700) 382-5968. Everytime Joe goes to a new hotel (or most likely SLEAZY MOTEL), he dials a special 700 #, enters a code, and the number where he is staying. Now, if his boss received some important info, all he would do is dial (700) 382-5968 and it would ring wherever Joe last programmed it to. Neat, huh?

800:

This SAC is one of my favourites since it allows for toll free calls. INWARD WATS (INWATS), or Inward Wide Area Telecommunications Service is the 800 #'s that we are all familiar with. 800 #'s are set up in service areas or bands. There are 6 of these. Band 6 is the largest and you can call a band 6 # from anywhere in the US except the state where the call is terminated (that is why most companies have one 800 number for the country and then another one for their state.) Band 5 includes the 48 contiguous states. All the way down to band 1 which includes only the states contiguous to that one. Therefore, less people can reach a band 1 INWATS # than a band 6 #.

Intrastate INWATS #'s (ie, you can call it from only 1 state) always have a 2 as the last digit in the exchange (ie, 800-NX2- XXXX). The NXX on 800 #'s represent the area where the business is located. For example, a # beginning with 800-431 would terminate at a NY CO.

800 #'s always end up in a hunt series in a CO. This means that it tries the first # allocated to the company for their 800 lines; if this is busy, it will try the next #, etc. You must have a minimum of 2 lines for each 800 #. For example, Travelnet uses a hunt series. If you dial (800) 521-8400, it will first try the # associated with 8400; if it is busy it will go to the next available port, etc. INWATS customers are billed by the number of hours of calls made to their #.

OUTWATS (OUTWARD WATS): OUTWATS are for making outgoing calls only. Large companies use OUTWATS since they receive bulk-rate discounts. Since OUTWATS numbers cannot have incoming calls, they are in the format of:

(800) *XXX-XXXX

Where * is the digit 0 or 1 (or it may even be designated by a letter) which cannot be dialed unless you box the call. The *XX identifies the type of service and the areas that the company can call.

Remember:

INWATS + OUTWATS = WATS EXTENDER

900:

This DIAL-IT SAC is a nationwide dial-it service. It is use for taking television polls and other stuff. The first minute currently costs an outrageous 50-85 cents and each additional minute costs 35-85 cents. Hell takes in a lot of revenue this way!
Dial (900) 555-1212 to find out what is currently on this service.

CO CODES

~~~~~

These identify the switching office where the call is to be routed. The following CO codes are reserved nationwide:

- 555 - directory assistance
- 844 - time. These are now in!
- 936 - weather the 976 exchange
- 950 - future services
- 958 - plant test
- 959 - plant test
- 970 - plant test (temporary)
- 976 - DIAL-IT services

Also, the 3 digit ANI & ringback #'s are regarded as plant test and are thus reserved. These numbers vary from area to area.

You cannot dial a 0 or 1 as the first digit of the exchange code (unless using a blue box!). This is due to the fact that these exchanges (000-199) contains all sorts of interesting shit such as conference #'s, operators, test #'s, etc.

950:

Here are the services that are currently used by the 950 exchange:

- 1000 - SPC
- 1022 - MCI Execunet
- 1033 - US Telephone
- 1044 - Allnet
- 1066 - Lexitel
- 1088 - SBS Skyline

These SCC's (Specialized Common Carriers) are free from fortress phones! Also, the 950 exchange will probably be phased out with the introduction of Equal Access

Plant Tests:

These include ANI, Ringback, and other various tests.

976:

Dial 976-1000 to see what is currently on the service. Also, many bbs's have listings of these numbers.

N11 codes:

-----

Bell is trying to phase out some of these, but they still exist in most areas.

011 - international dialing prefix

211 - coin refund operator

411 - directory assistance

611 - repair service

811 - business office

911 - EMERGENCY

International Dialing

~~~~~

With International Dialing, the world has been divided into 9 numbering zones. To make an international call, you must first dial: International Prefix + Country code + National #

In North America, the international dialing prefix is 011 for station-to-station calls. If you can dial International #'s directly in your area then you have International Direct Distance Dialing (IDDD).

The country code, which varies from 1 to 3 digits, always has the world numbering zone as the first digit. For example, the country code for the United Kingdom is 44, thus it is in world numbering zone 4. Some boards may contain a complete listing of other country codes, but here I give you a few:

1 - North America (US, Canada, etc.)

20 - Egypt

258 - Mozambique

34 - Spain

49 - Germany

52 - Mexico (southern portion)

7 - USSR

81 - Japan

98 - Iran (call & hassle those bastards!)

If you call from an area other than North America, the format is generally the same. For example, let's say that you wanted to call the White House from Switzerland to tell the prez that his numbered bank account is overdrawn (it happens, you know! ha ha). First you would dial 00 (the SWISS international dialing refix), then 1 (the US country code), followed by 202-456-1414 (the national # for the White House. Just ask for Georgy and give him the bad news!)

Also, country code 87 is reserved for Maritime mobile service, ie, calling ships:

871 - Marisat (Atlantic)

871 - Marisat (Pacific)

872 - Marisat (Indian)

International Switching:

In North America there are currently 7 no. 4 ESS's that perform the duty of ISC (Inter-nation Switching Centers). All international calls dialed from numbering zone 1 will be routed through one of these "gateway cities". They are:

- 182 - White Plains, NY
- 183 - New York, NY
- 184 - Pittsburgh, PA
- 185 - Orlando, FL
- 186 - Oakland, CA
- 187 - Denver, CO
- 188 - New York, NY

The 18X series are operator routing codes for overseas access (to be further discussed with blue boxes). All international calls use a signaling service called CCITT. It is an international standard for signaling.

Ok.. there you go for now! If you wanna read more about this, read part two which is the next file #36 in the Jolly Roger's cookbook!

-Jolly Roger-

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The Anarchist's Cookbook

Phone Systems Tutorial II

Phone Systems Tutorial part II by The Jolly Roger

Part II will deal with the various types of operators, office heirarchy, & switching equipment.

Operators

~~~~~

There are many types of operators in the network and the more common ones will be discussed.

#### TSPS Operator:

The TSPS [(Traffic Service Position System) ass opposed to This Shitty Phone Service] Operator is probably the bitch (or bastard, for the female libertationists out there) that most of us are used to having to deal with. Here are his/her responsibilities:

- 1) Obtaning billing information for calling card or third number calls
- 2) Identifying called customer on person-to-person calls.
- 3) Obtaining acceptance of charges on collect calls.
- 4) Identifying calling numbers. This only happens when the calling # is not automatically recorded by CAMA (Centralized Automatic Message Accounting) & forwarded from the local office. This could be caused by equipment failures (ANIF- Automatic Number Identification Failure) or if the office is not equipped for CAMA (ONI- Operator Number Identification).

I once has an equipment failure happen to me & the TSPS operator came on and said, "What # are you calling FROM?" Out of curiosity, I gave her the number to my CO, she thanked me & then I was connected to a conversation that appeared to be between a frameman & his wife. Then it started ringing the party I wanted to originally call & everyone phreaked out (excuse the pun). I immediately dropped this dual line conference!

You should not mess with the TSPS operator since she KNOWS which number that you are calling from. Your number will show up on a 10-digit LED read-out (ANI board). She also knows whether or not you are at a fortress phone & she can trace calls quite readily! Out of all of the operators, she is one of the MOST DANGEROUS.

#### INWARD operator:

This operator assists your local TSPS ("0") operatorin connecting calls. She will never question a call as

long as the call is within HER SERVICE AREA. She can only be reached via other operators or by a blue box. From a blue box, you would dial KP+NPA+121+ST for the INWARD operator that will help you connect any calls within that NPA only. (Blue Boxing will be discussed in a future file).

#### DIRECTORY ASSISTANCE Operator:

This is the operator that you are connected to when you dial: 411 or NPA-555-1212. She does not readily know where you are calling from. She does not have access to unlisted numbers, but she DOES know if an unlisted # exists for a certain listing.

There is also a directory assistance operator for deaf people who use teletypewriters. If your modem can transfer BAUDOT [(45.5 baud). One modem that I know of that will do this is the Apple Cat acoustic or the Atari 830 acoustic modem. Yea I know they are hard to find... but if you wanna do this.. look around!) then you can call him/her up and have an interesting conversation. The # is: 800-855-1155. They use the standard Telex abbreviations such as GA for go ahead. they tend to be nicer and will talk longer than your regular operators. Also, they are more vulnerable into being talked out of information through the process of "social engineering" as Chesire Catalyst would put it.

Other operators have access to their own DA by dialing KP+NPA+131+ST (MF).

#### CN/A operators:

CN/A Operators are operators that do exactly the opposite of what directory assistance operators are for. In my experience, these operators know more than the DA op's do & they are more susceptible to "social engineering." It is possible to bullshit a CN/A operator for the NON-PUB DA # (ie, you give them the name & they give you the unlisted number. See the article on unlisted numbers in this cookbook for more info about them.). This is due to the fact that they assume that you are a fellow company employee. Unfortunately, the AT&T breakup has resulted in the break-up of a few NON-PUB DA #'s and policy changes in CN/A

#### INTERCEPT Operator:

The intercept operator is the one that you are connected to when there are not enough recordings available to tell you that the # has been disconnected or changed. She usually says, "What # you callin'?" with a foreign accent. This is the lowest operator lifeform. Even though they don't know where you are calling from, it is a waste of your time to try to verbally abuse them since they usually understand very little English anyway.

Incidentally, a few area DO have intelligent INTERCEPT Operators.

#### OTHER Operators:

And then there are the: MOBILE, Ship-to-Shore, Conference, Marine Verify, "Leave Word and Call Back," Rout & Rate (KP+800+141+1212+ST), & other special operators who have one purpose or another in the network.

Problems with an Operator> Ask to speak to their supervisor... or better yet the Group Chief (who is the highest ranking official in any office) who is the equivalent of the Madame in a whorehouse.

By the way, some CO's that will allow you to dial a 0 or 1 as the 4th digit, will also allow you to call special operators & other fun Tel. Co. #'s without a blue box. This is ver rare, though! For example, 212-121-1111 will get you a NY Inward Operator.

## Office Hierarchy

~~~~~

Every switching office in North America (the NPA system), is assigned an office name and class. There are five classes of offices numbered 1 through 5. Your CO is most likely a class 5 or end office. All long-distance (Toll) calls are switched by a toll office which can be a class 4, 3, 2, or 1 office. There is also a class 4X office callen an intermediate point. The 4X office is a digital one that can have an unattended exchange attached to it (known as a Remote Switching Unit (RSU)).

The following chart will list the Office #, name, & how many of those office exist (to the best of my knowledge) in North America:

Class Name Abb # Existing

| | | |
|----|-----------------------|--------|
| 1 | Regional Center RC | 12 |
| 2 | Sectional Center SC | 67 |
| 3 | Primary Center PC | 230 |
| 4 | Toll Center TC | 1,300 |
| 4P | Toll Point TP | n/a |
| 4X | Intermediate Point IP | n/a |
| 5 | End Office EO | 19,000 |
| 6 | RSU RSU | n/a |

When connecting a call from one party to another, the switching equipment usually tries to find the shortest route between the class 5 end office of the caller & the class 5 end office of the called party. If no inter-office trunks exist between the two parties, it will then move upward to the next highest office for servicing calls (Class 4). If the Class 4 office cannot handle the call by sending it to another Class 4 or 5 office, it will then be sent to the next highest office in the hierarchy (3). The switching equipment first uses the high-usage interoffice trunk groups, if they are busy then it goes to the fina; trunk groups on the next highest level. If the call cannot be connected, you will probably get a re-order [120 IPM (interruptions per minute) busy signal] signal. At this time, the guys at Network Operations are probably shitting in their pants and trying to avoid the dreaded Network Dreadlock (as seen on TV!).

It is also interesting to note that 9 connections in tandem is called ring-around-the-rosy and it has never occured in telephone history. This would cause an endless loop connection [a neat way to really screw up the network].

The 10 regional centers in the US & the 2 in Canada are all interconnected. they form the foundation of the entire telephone network. Since there are only 12 of them, they are listed below:

Class 1 Regional Office Location NPA

Dallas 4 ESS 214
Wayne, PA 215
Denver 4T 303
Regina No. 2SP1-4W (Canada) 306
St. Louis 4T 314
Rockdale, GA 404
Pittsburgh 4E 412
Montreal No. 1 4AETS (Canada) 504

That's it for now! More info to come Future update to the Cookbook! Have fun! -Jolly Roger-

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The Anarchist's Cookbook

Basic Alliance Teleconferencing

Basic Alliance Teleconferencing Courtesy of the Jolly Roger

Introduction:

This phile will deal with accessing, understanding and using the Alliance Teleconferencing Systems.... it has many sections and for best use should be printed out...enjoy...

Alliance:

Alliance Teleconferencing is an independant company which allows the general public to access and use it's conferencing equipment. Many rumors have been floating apound that Alliance is a subsidiary of AT&T. Well, they are wrong. As stated above, Alliance is an entirely independant company. They use sophisticated equipment to allow users to talk to many people at once.

The Number:

Alliance is in the 700 exchange, thus it is not localized, well, not in a way. Alliance is only in certain states, and only residents of these certain states can access by dialing direct. This, however, will be discussed in a later chapter. The numbers for alliance are as follows:

0-700-456-1000 (chicago)

-1001 (los angeles)

-1002 (chicago)

-1003 (houston)

-2000 (?)

-2001 (?)

-2002 (?)

-2003 (?)

-3000 (?)

-3001 (?)

-3002 (?)

-3003 (?)

The locations of the first 4 numbers are known and i have stated them. However, the numbers in the 200x and 300x are not definately known. Rumor has it that the pattern repeats itself but this has not been

proven.

Dialing:

As stated before, Alliance is only in certain states and only these states can access them via dialing direct. However, dialing direct causes your residence to be charged for the conference and conference bills are not low!!!

Therefore, many ways have been discovered to start a conference without having it billed to ones house. They are as follows:

- 1) Dialing through a PBX
- 2) Incorporating a Blue Box
- 3) Billing to a loop
- 4) Billing to a forwarded call

I am sure there are many more but these are the four i will deal with.

Dialing through a PBX:

Probably the easiest method of creating a free conference is through a PBX. Simply call one in a state that has Alliance, input the PBX's code, dial 9 for an outside line and then dial alliance. An example of this would be:

PBX: 800-241-4911

When it answers it will give you a tone. At this tone input your code.

Code: 1234

After this you will receive another tone, now dial 9 for an outside line. You will now hear a dial tone. Simply dial Alliance from this point and the conference will be billed to the PBX.

Using a Blue Box:

Another rather simple way of starting a conference is with a Blue Box. The following procedure is how to box a conference: Dial a number to box off of. In this example we will use 609-609-6099 When the party answers hit 2600hz. This will cause the fone company's equipment to think that you have hung up. You will hear a You have now 'seized' a trunk. After this, switch to multi-frequency and dial:

KP-0-700-456-x00x-ST

KP=KP tone on Blue Box

x=variable between 1 and 3

ST=ST tone on Blue Box

The equipment now thinks that the operator has dialed Alliance from her switchboard and the

conference shall be billed there. Since Blue Boxing is such a large topic, this is as far as I will go into it's uses.

Billing to a loop:

A third method of receiving a free conference is by billing out to a loop. A loop is 2 numbers that when two people call, they can talk to each other. You're saying woop-tee-do right? Wrong! Loops can be very usefull to phreaks. First, dial alliance direct. After going through the beginning procedure, which will be discussed later in this tutorial, dial 0 and wait for an Alliance operator. When she answers tell her you would like to bill the conference to such and such a number. (A loop where your phriend is on the other side) She will then call that number to receive voice verification. Of course your phriend will be waiting and will accept the charges. Thus, the conference is billed to the loop.

Billing to call forwarding:

When you dial a number that is call forwarded, it is first answered by the original location, then forwarded. The original location will hang up if 2600hz is received from only ond end of the line. Therefore, if you were to wait after the forwarded residence answered, you would receive the original location's dial tone.

Example:

Dial 800-325-4067

The original residence would answer, then forward the call, a second type of ringing would be heard. When this second residence answers simply wait until they hang up. After about twenty seconds you will then receive the original residence's dial tone since it heard 2600hz from one end of the line. Simply dial Alliance from this point and the conference will be billed to the original residence. These are the four main ways to receive a free conference. I am sure many more exist, but these four are quite handy themselves.

Logon Procedure:

Once Alliance answers you will hear a two-tone combination. This is their way of saying 'How many people do you want on the conference dude?' Simply type in a 2-digit combination, depending on what bridge of Alliance you are on, between 10 and 59. After this either hit '*' to cancel the conference size and inout another or hit '#' to continue. You are now in Alliance Teleconferencing and are only seconds away from having your own roaring conference going strong!!!

Dialing in Conferees:

To dial your first conferee, dial 1+npa+pre+suff and await his/her answer.

npa=area code

pre=prefix

suff=suffix

If the number is busy, or if no one answers simply hit '*' and your call will be aborted. But, if they do answer, hit the '#' key.

This will add them to the conference.

Now commence dialing other conferees.

Joining Your Conference:

----- ----
To join your conference from control mode simply hit the '#' key. Within a second or two you will be chatting with all your buddies. To go back into control mode, simply hit the '#' key again.

Transferring Control:

----- ----
To transfer control to another conferee, go into control mode, hit the # 6+1+npa+pre+suff of the conferee you wish to give control to. If after, you wish to abort this transfer hit the '*' key.

note:Transfer of control is often not available. When you receive a message stating this, you simply cannot transfer control.

Muted Conferences:

----- ----
To request a muted conference simply hit the 9 key. I am not exactly sure what a muted conference is but it is probably a way to keep unwanted eavesdroppers from listening in.

Dialing Alliance Operators:

----- ----
Simply dial 0 as you would from any fone and wait for the operator to answer.

Ending Your Conference:

----- ----
To end your conference all together, that is kick everyone including yourself off, go into control mode and hit '*'...after a few seconds simply hang up. Your conference is over.

Are Alliance Operators Dangerous?

----- ----
No. Not in the least. The worst they can do to you while you are having a conference is drop all conferees including yourself. This is in no way harmful, just a little aggravating.

Alliance and Tracing:

----- ----
Alliance can trace, as all citizens of the United States can. But this has to all be pre-meditated and AT&T has to be called and it's really a large hassle, therefore, it is almost never done. Alliance simply does not want it known that teenagers are phucking them over. The only sort of safety equipment Alliance has on-line is a simple pen register. This little device simply records all the numbers of the

conferees dialed. No big deal. All Alliance can do is call up that persons number, threaten and question. However, legally, they can do nothing because all you did was answer your fone.

note:Almost all instructions are told to the person in command by Alliance recordings. A lot of this tutorial is just a listing of those commands plus information gathered by either myself or the phellow phreaks of the world!!!

(written by the Trooper)

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Hindenberg Bomb

Hindenberg Bomb by the Jolly Roger

Needed: 1 Balloon

1 Bottle

1 Liquid Plumr

1 Piece Aluminum Foil

1 Length Fuse

Fill the bottle 3/4 full with Liquid Plumr and add a little piece of aluminum foil to it. Put the balloon over the neck of the bottle until the balloon is full of the resulting gas. This is highly flammable hydrogen.

Now tie the balloon. Now light the fuse, and let it rise. When the fuse contacts the balloon, watch out!!!

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The Anarchist's Cookbook

How to Kill Someone with your Bare Hands

-----[=How to Kill Someone==]-----[=WITH YOUR BARE HANDS=]-----

AN EXCERPT FROM THE ANARCHISTS COOKBOOK.....

Courtesy of the Jolly Roger

This file will explain the basics of hand-to-hand combat, and will tell of the best places to strike and kill an enemy...

When engaged in hand-to-hand combat, your life is always at stake. There is only one purpose in combat, and that is to kill your enemy. Never face an enemy with the idea of knocking him out. The chances are extremely good that he will kill YOU instead. When a weapon is not available, one must resort to the full use of his natural weapons. The natural weapons are:

1. The knife edge of your hands.
2. Fingers folded at the second joint or knuckle.
3. The protruding knuckle of your second finger.
4. The heel of your hand.
5. Your boot
6. Elbows
7. Knees
8. and Teeth.

Attacking is a primary factor. A fight was never won by defensive action. Attack with all of your strength. At any point or any situation, some vulnerable point on your enemies body will be open for attack. Do this while screaming as screaming has two purposes.

1. To frighten and confuse your enemy.
2. To allow you to take a deep breath which, in turn, will put more oxygen in your blood stream. Your balance and balance of your enemy are two important factors; since, if you succeed in making your enemy lose his balance, the chances are nine to one that you can kill him in your next move. The best over-all stance is where your feet are spread about shoulders width apart, with your right foot about a foot ahead of the left. Both arms should be bent at the elbows parallel to each other. Stand on the balls of your feet and bend your waist slightly. Kinda of like a boxer's crouch. Employing a sudden movement or a scream or yell can throw your enemy off-balance. There are many vulnerable points of the body. We will cover them now:

Eyes: Use your fingers in a V-shape and attack in gouging motion.

Nose: (Extremely vulnerable) Strike with the knife edge of the hand along the bridge, which will cause breakage, sharp pain, temporary blindness, and if the blow is hard enough, death. Also, deliver a blow with the heel of your hand in an upward motion, this will shove the bone up into the brain causing death.

Adam's Apple: This spot is usually pretty well protected, but if you get the chance, strike hard with the knife edge of your hand. This should sever the wind-pipe, and then it's all over in a matter of minutes.

Temple: There is a large artery up here, and if you hit it hard enough, it will cause death. If you manage to knock your enemy down, kick him in the temple, and he'll never get up again.

Back of the Neck: A rabbit punch, or blow delivered to the base of the neck can easily break it, but to be safe, it is better to use the butt of a gun or some other heavy blunt object.

Upper lip: A large network of nerves are located. These nerves are extremely close to the skin. A sharp upward blow will cause extreme pain, and unconsciousness.

Ears: Coming from behind an enemy and cupping the hands in a clapping motion over the victim's ears can kill him immediately. The vibrations caused from the clapping motion will burst his eardrums, and cause internal bleeding in the brain.

Groin: A VERY vulnerable spot. If left open, get it with knee hard, and he'll buckle over very fast.

Kidneys: A large nerve that branches off to the spinal cord comes very close to the skin at the kidneys. A direct blow with the knife edge of your hand can cause death.

There are many more ways to kill and injure an enemy, but these should work best for the average person. This is meant only as information and I would not recommend that you use this for a simple High School Brawl. Use these methods only, in your opinion, if your life is in danger. Any one of these methods could very easily kill or cause permanent damage to someone. One more word of caution, you should practice these moves before using them on a dummy, or a mock battle with a friend. (You don't have to actually hit him to practice, just work on accuracy.)

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The Anarchist's Cookbook

Black Box Plans

Black Box Plans by The Jolly Roger

Introduction:

At any given time, the voltage running through your phone is about 20 Volts. When someone calls you, this voltage goes up to 48 Volts and rings the bell. When you answer, the voltage goes down to about 10 Volts. The phone company pays attention to this. When the voltage drops to 10, they start billing the person who called you.

Function:

The Black Box keeps the voltage going through your phone at 36 Volts, so that it never reaches 10 Volts. The phone company is thus fooled into thinking you never answered the phone and does not bill the caller. However, after about a half hour the phone company will get suspicious and disconnect your line for about 10 seconds.

Materials:

1 1.8K 1/2 Watt Resistor
 1 1.5V LED
 1 SPST Switch

Procedure:

- (1) Open your phone by loosening the two screws on the bottom and lifting the case off.
- (2) There should be three wires: Red, Green, and Yellow. We'll be working with the Red Wire.
- (3) Connect the following in parallel:
 - A. The Resistor and LED.
 - B. The SPST Switch.

In other words, you should end up with this:

(Red Wire)

!---^/\^--O--!

(Line)-----! !-----(Phone)

!-----/_/_-----!

$\wedge\wedge$ = Resistor

O = LED

$_/_$ = SPST

Use:

The SPST Switch is the On/Off Switch of the Black Box. When the box is off, your phone behaves normally. When the box is on and your phone rings, the LED flashes. When you answer, the LED stays on and the voltage is kept at 36V, so the calling party doesn't get charged. When the box is on, you will not get a dial tone and thus cannot make calls.

Also remember that calls are limited to half an hour.

-----Jolly Roger p.s. Due to new Fone Company switching systems & the like, this may or may not work in your area. If you live in bumfuck Kentucky, then try this out. I make no guarantees! (I never do...) ----JR

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The Blotto Box

The Infamous Blotto Box!! by The Jolly Roger

(I bet that NOONE has the balls to build this one!)

Finally, it is here! What was first conceived as a joke to fool the innocent phreakers around America has finally been conceived! Well, for you people who are unenlightened about the Blotto Box, here is a brief summery of a legend.

--*-=> The Blotto Box <=-*--

For years now every pirate has dreamed of the Blotto Box. It was at first made as a joke to mock more ignorant people into thinking that the function of it actually was possible. Well, if you are The Voltage Master, it is possible. Originally conceived by King Blotto of much fame, the Blotto Box is finally available to the public.

NOTE: Jolly Roger can not be responsible for the information disclosed in the file! This file is strictly for informational purposes and should not be actually built and used! Usage of this electronical impulse machine could have the severe results listed below and could result in high federal prosecution! Again, I TAKE NO RESPONSIBILITY! All right, now that that is cleared up, here is the basis of the box and it's function.

The Blotto Box is every phreaks dream... you could hold AT&T down on its knee's with this device. Because, quite simply, it can turn off the phone lines everywhere. Nothing. Blotto. No calls will be allowed out of an area code, and no calls will be allowed in. No calls can be made inside it for that matter. As long as the switching system stays the same, this box will not stop at a mere area code. It will stop at nothing. The electrical impulses that emit from this box will open every line. Every line will ring and ring and ring... the voltage will never be cut off until the box/generator is stopped. This is no 200 volt job, here. We are talking GENERATOR. Every phone line will continue to ring, and people close to the box may be electricuted if they pick up the phone.

But, the Blotto Box can be stopped by merely cutting of the line or generator. If they are cut off then nothing will emit any longer. It will take a while for the box to calm back down again, but that is merely a superficial aftereffect. Once again: Construction and use of this box is not advised! The Blotto Box will continue as long as there is electricity to continue with. OK, that is what it does, now, here are some interesting things for you to do with it...

-*-=>Blotto Functions/Installin'<=-*-

Once you have installed your Blotto, there is no turning back. The following are the instructions for construction and use of this box. Please read and heed all warnings in the above section before you attempt to construct this box.

Materials:

- A Honda portable generator or a main power outlet like in a stadium or some such place.
- 400 volt rated coupler that splices a female plug into a phone line jack.
- A meter of voltage to attach to the box itself.
- A green base (i.e. one of the nice boxes about 3' by 4' that you see around in your neighborhood. They are the main switch boards and would be a more effective line to start with. or: A regular phone jack (not your own, and not in your area code!
- A soldering iron and much solder.
- A remote control or long wooden pole.

Now. You must have guessed the construction from that. If not, here goes, I will explain in detail. Take the Honda Portable Generator and all of the other listed equipment and go out and hunt for a green base. Make sure it is one on the ground or hanging at head level from a pole, not the huge ones at the top of telephone poles. Open it up with anything convenient, if you are too feeble that fuck don't try this.

Take a look inside... you are hunting for color-coordinating lines of green and red. Now, take out your radio shack cord and rip the meter thing off. Replace it with the voltage meter about. A good level to set the voltage to is about 1000 volts. Now, attach the voltage meter to the cord and set the limit for one thousand. Plug the other end of the cord into the generator. Take the phone jack and splice the jack part off.

Open it up and match the red and green wires with the other red and green wires. NOTE: If you just had the generator on and have done this in the correct order, you will be a crispy critter. Keep the generator off until you plan to start it up. Now, solder those lines together carefully. Wrap duck tape or insulation tape around all of the wires. Now, place the remote control right on to the startup of the generator. If you have the long pole, make sure it is very long and stand back as far away as you can get and reach the pole over.

NOTICE: If you are going right along with this without reading the file first, you still realize now that your area code is about to become null! Then, getting back, twitch the pole/remote control and run for your damn life. Anywhere, just get away from it. It will be generating so much electricity that if you stand too close you will kill yourself.

The generator will smoke, etc. but will not stop. You are now killing your area code, because all of that energy is spreading through all of the phone lines around you in every direction.

Have a nice day!

--*=>The Blotto Box: Aftermath<=*--

Well, that is the plans for the most devastating and ultimately deadly box ever created. My hat goes off

to: King Blotto (for the original idea).

-----Jolly Roger

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Blowgun

Blowgun by The Jolly Roger

In this article I shall attempt to explain the use and manufacture of a powerfull blow-gun and making darts for the gun. The possession of the blow gun described in this article IS a felony. So be carefull where you use it. I don't want to get you all busted.

Needed:

1. Several strands of yarn (About 2 inches a-piece)
2. A regular pencil
3. A 2 1/4 inch long needle (hopefully with a beaded head. If not obtainable, wrap tape around end of needle.
4. 2-3 1/4 foot pipe. (PVC or Aluminum) Half a inch in diameter

Constructing the dart:

- 1st- Carefully twist and pull the metal part (Along with eraser) of the pencil till it comes off.
- 2nd- Take Pin and start putting about 5-7 Strands of yarn on the pin. Then push them up to the top of the pin. But not over the head of the pin (or the tape).
- 3rd- Push pin through the hollow part of the head where the pencil was before.
- 4th- That should for a nice looking dart. (see illustration)

#####

- >>>>>-----/ # is the yarn
- > is the head of the pencil
- is the pin it-self
- / is the head of the pin

Using the Darts:

- 1st- Now take the finished dart and insert it in the tube (if it is too small put on more yarn.)
- 2nd- Aim the tube at a door, wall, sister, ect.
- 3rd- blow on the end of the pipe.
- 4th- Sometimes the end of the pipe may be sharp. When this happens I suggest you wrap it with some black electrician tape. It should feel a lot better.

-----Jolly Roger

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Brown Box Plans

Brown Box Plans by The Jolly Roger

This is a fairly simple mod that can be made to any phone. All it does is allow you to take any two lines in your house and create a party line. So far I have not heard of anyone who has any problems with it. There is one thing that you will notice when you are one of the two people who is called by a person with a brown box. The other person will sound a little bit faint. I could overcome this with some amplifiers but then there wouldn't be very many of these made [Why not?]. I think the convenience of having two people on the line at once will make up for any minor volume loss.

Here is the diagram:

KEY:

| PART | SYMBOL |
|-----------------|--------|
| BLACK WIRE | * |
| YELLOW WIRE | = |
| RED WIRE | + |
| GREEN WIRE | - |
| SPDT SWITCH | _/_ |
| VERTICAL WIRE | |
| HORIZONTAL WIRE | - |

```

*      =      -      +
*      =      -      +
*      =      -      +
*      =      -      +
*      =      -      +
*      ==_/_-      +
*****_/_++++++
|
|
|

```



-----Jolly Roger

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Calcium Carbide Bomb

Calcium Carbide Bomb by The Jolly Roger

This is **EXTREMELY DANGEROUS**. Exercise extreme caution.... Obtain some calcium carbide. This is the stuff that is used in carbide lamps and can be found at nearly any hardware store. Take a few pieces of this stuff (it looks like gravel) and put it in a glass jar with some water. Put a lid on tightly. The carbide will react with the water to produce acetylene carbonate which is similar to the gas used in cutting torches. Eventually the glass will explode from internal pressure. If you leave a burning rag nearby, you will get a nice fireball!

-----Jolly Roger

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More Ways to Send a Car to Hell

More Ways to Send a Car to Hell by The Jolly Roger

Due to a lot of compliments, I have written an update to file #14. I have left the original intact. This expands upon the original idea, and could be well called a sequel. -----JR

How to have phun with someone else's car. If you really detest someone, and I mean detest, here's a few tips on what to do in your spare time. Move the windshield wiper blades, and insert and glue tacks. The tacks make lovely designs. If your "friend" goes to school with you, Just before he comes out of school. Light a lighter and then put it directly underneath his car door handle. Wait...Leave...Listen. When you hear a loud "shit!", you know he made it to his car in time. Remove his muffler and pour approximately 1 Cup of gas in it. Put the muffler back, then wait till their car starts. Then you have a cigarette lighter. A 30 foot long cigarette lighter. This one is effective, and any fool can do it. Remove the top air filter. That's it! Or a oldie but goodie: sugar in the gas tank. Stuff rags soaked in gas up the exhaust pipe. Then you wonder why your "friend" has trouble with his/her lungs. Here's one that takes time and many friends. Take his/her car then break into their house and reassemble it, in their living or bedroom. Phun eh? If you're into engines, say eeni mine moe and point to something and remove it. They wonder why something doesn't work. There are so many others, but the real good juicy ones come by thinking hard. -----Jolly Roger

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Ripping off Change Machines

Ripping off Change Machines by the Jolly Roger

Have you ever seen one of those really big changer machines in airports laundromats or arcades that dispense change when you put in your 1 or 5 dollar bill? Well then, here is an article for you.

- 1) Find the type of change machine that you slide in your bill length wise, not the type where you put the bill in a tray and then slide the tray in!!!
- 2) After finding the right machine, get a \$1 or \$5 bill. Start crumpling up into a ball. Then smooth out the bill, now it should have a very wrinkly surface.
- 3) Now the hard part. You must tear a notch in the bill on the left side about 1/2 inch below the little 1 dollar symbol (See Figure).
- 4) If you have done all of this right then take the bill and go out the machine. Put the bill in the machine and wait. What should happen is: when you put your bill in the machine it thinks everything is fine. When it gets to the part of the bill with the notch cut out, the machine will reject the bill and (if you have done it right) give you the change at the same time!!! So, you end up getting your bill back, plus the change!! It might take a little practice, but once you get the hang of it, you can get a lot of money!

```

!-----!
!
! (1)      /-----\      (1) !
!          !           !      !
!          !   Pic.   !      !
! (1)  /\      \-----/      (1) !
!          !!
!-----/  \-----!

```

\-----Make notch here. About 1/2 " down

from

(1)

P.S. Sorry for the "text work" but you should be able to get the idea. Have fun!!!

-----Jolly Roger

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Clear Box Plans

Clear Box Plans by The Jolly Roger

The clear box is a new device which has just been invented that can be used throughout Canada and rural United States. The clear box works on "PostPay" payphones (fortress fones). Those are the payphones that don't require payment until after the connection is established. You pick up the fone, get a dial tone, dial your number, and then insert your money after the person answers.

If you don't deposit the money then you can not speak to the person on the other end because your mouth piece is cut off but not the ear-piece. (obviously these phones are nice for free calls to weather or time or other such recordings). All you must do is to go to your nearby Radio Shack, or electronics store, and get a four-transistor amplifier and a telephone suction cup induction pick-up. The induction pick-up would be hooked up as it normally would to record a conversation, except that it would be plugged into the output of the amplifier and a microphone would be hooked to the input. So when the party that is being called answers, the caller could speak through the little microphone instead. His voice then goes through the amplifier and out the induction coil, and into the back of the receiver where it would then be broadcast through the phone lines and the other party would be able to hear the caller. The Clear Box thus 'clears up' the problem of not being heard. Luckily, the line will not be cut-off after a certain amount of time because it will wait forever for the coins to be put in.

The biggest advantage for all of us about this new clear box is the fact that this type of payphone will most likely become very common. Due to a few things: 1st, it is a cheap way of getting the DTF, dial-tone-first service, 2nd, it doesn't require any special equipment, (for the phone company) This payphone will work on any phone line. Usually a payphone line is different, but this is a regular phone line and it is set up so the phone does all the charging, not the company.

-----Jolly Roger

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CNA Number Listing

CNA List Courtesy of The Jolly Roger

| NPA | TEL NO | NPA | TEL NO |
|-----|--------------|-----|--------------|
| 201 | 201-676-7070 | 601 | 601-961-8139 |
| 202 | 304-343-7016 | 602 | 303-293-8777 |
| 203 | 203-789-6815 | 603 | 617-787-5300 |
| 204 | 204-949-0900 | 604 | 604-432-2996 |
| 205 | 205-988-7000 | 605 | 402-580-2255 |
| 206 | 206-382-5124 | 606 | 502-583-2861 |
| 207 | 617-787-5300 | 607 | 518-471-8111 |
| 208 | 303-293-8777 | 608 | 608-252-6932 |
| 209 | 415-543-2861 | 609 | 201-676-7070 |
| 212 | 518-471-8111 | 612 | 402-580-2255 |
| 213 | 415-781-5271 | 613 | 416-443-0542 |
| 214 | 214-464-7400 | 614 | 614-464-0123 |
| 215 | 412-633-5600 | 615 | 615-373-5791 |
| 216 | 614-464-0123 | 616 | 313-223-8690 |
| 217 | 217-525-5800 | 617 | 617-787-5300 |
| 218 | 402-580-2255 | 618 | 217-525-5800 |
| 219 | 317-265-4834 | 619 | 818-501-7251 |
| 301 | 304-343-1401 | 701 | 402-580-2255 |
| 302 | 412-633-5600 | 702 | 415-543-2861 |
| 303 | 303-293-8777 | 703 | 304-344-7935 |
| 304 | 304-344-8041 | 704 | 912-784-0440 |
| 305 | 912-784-0440 | 705 | 416-979-3469 |
| 306 | 306-347-2878 | 706 | *** NONE *** |
| 307 | 303-293-8777 | 707 | 415-543-6374 |
| 308 | 402-580-2255 | 709 | *** NONE *** |
| 309 | 217-525-5800 | 712 | 402-580-2255 |
| 312 | 312-796-9600 | 713 | 713-861-7194 |
| 313 | 313-223-8690 | 714 | 818-501-7251 |
| 314 | 314-721-6626 | 715 | 608-252-6932 |

| | | | |
|-----|--------------|-----|--------------|
| 315 | 518-471-8111 | 716 | 518-471-8111 |
| 316 | 816-275-2782 | 717 | 412-633-5600 |
| 317 | 317-265-4834 | 718 | 518-471-8111 |
| 318 | 504-245-5330 | 801 | 303-293-8777 |
| 319 | 402-580-2255 | 802 | 617-787-5300 |
| 401 | 617-787-5300 | 803 | 912-784-0440 |
| 402 | 402-580-2255 | 804 | 304-344-7935 |
| 403 | 403-425-2652 | 805 | 415-543-2861 |
| 404 | 912-784-0440 | 806 | 512-828-2501 |
| 405 | 405-236-6121 | 807 | 416-443-0542 |
| 406 | 303-293-8777 | 808 | 212-334-4336 |
| 408 | 415-543-6374 | 809 | 212-334-4336 |
| 409 | 713-861-7194 | 812 | 317-265-4834 |
| 412 | 413-633-5600 | 813 | 813-228-7871 |
| 413 | 617-787-5300 | 814 | 412-633-5600 |
| 414 | 608-252-6932 | 815 | 217-525-5800 |
| 415 | 415-543-6374 | 816 | 816-275-2782 |
| 416 | 416-443-0542 | 817 | 214-464-7400 |
| 417 | 314-721-6626 | 818 | 415-781-5271 |
| 418 | 514-725-2491 | 819 | 514-725-2491 |
| 419 | 614-464-0123 | 901 | 615-373-5791 |
| 501 | 405-236-6121 | 902 | 902-421-4110 |
| 502 | 502-583-2861 | 904 | 912-784-0440 |
| 503 | 206-382-5124 | 906 | 313-223-8690 |
| 504 | 504-245-5330 | 907 | *** NONE *** |
| 505 | 303-293-8777 | 912 | 912-784-0440 |
| 506 | 506-648-3041 | 913 | 816-275-2782 |
| 507 | 402-580-2255 | 914 | 518-471-8111 |
| 509 | 206-382-5124 | 915 | 512-828-2501 |
| 512 | 512-828-2501 | 916 | 415-543-2861 |
| 513 | 614-464-0123 | 918 | 405-236-6121 |
| 514 | 514-725-2491 | 919 | 912-784-0440 |
| 515 | 402-580-2255 | 516 | 518-471-8111 |
| 517 | 313-223-8690 | 518 | 518-471-8111 |
| 519 | 416-443-0542 | 900 | 201-676-7070 |

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Electronic Terrorism

Electronic Terrorism by The Jolly Roger

It starts when a big, dumb lummoX rudely insults you. Being of a rational, intelligent disposition, you wisely choose to avoid a (direct) confrontation. But as he laughs in your face, you smile inwardly---your revenge is already planned.

Step 1: follow your victim to his locker, car, or house. Once you have chosen your target site, lay low for a week or more, letting your anger boil.

Step 2: in the mean time, assemble your versatile terrorist kit(details below.)

Step 3: plant your kit at the designated target site on a monday morning between the hours of 4:00 am and 6:00 am. Include a calm, suggestive note that quietly hints at the possibility of another attack. Do not write it by hand! An example of an effective note:
"don't be such a jerk, or the next one will take off your hand. Have a nice day."

Notice how the calm tone instills fear. As if written by a homicidal psychopath.

Step 5: choose a strategic location overlooking the target site. Try to position yourself in such a way that you can see his facial contortions.

Step 6: sit back and enjoy the fireworks! Assembly of the versatile, economic, and effective terrorist kit
#1: the parts you'll need are:

- 1) 4 aa batteries
- 2) 1 9-volt battery
- 3) 1 spdt mini relay (radio shack)
- 4) 1 rocket engine(smoke bomb or m-80)
- 5) 1 solar ignitor (any hobby store)
- 6) 1 9-volt battery connector

Step 1: take the 9-volt battery and wire it through the relay's coil. This circuit should also include a pair of contacts that when separated cut off this circuit. These contacts should be held together by trapping them between the locker, mailbox, or car door. Once the door is opened, the contacts fall apart and the 9-volt circuit is broken, allowing the relay to fall to the closed position thus closing the ignition circuit. (If

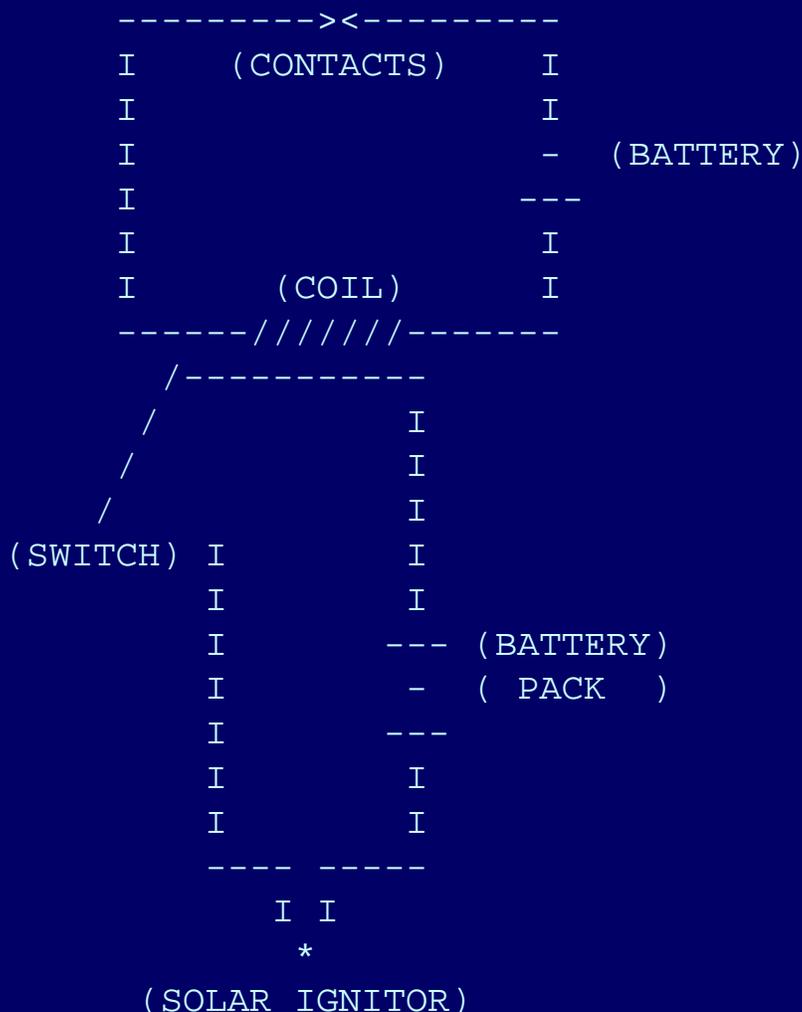
all this is confusing take a look at the schematic below.)

Step 2: take the 4 aa batteries and wire them in succession. Wire the positive terminal of one to the negative terminal of another, until all four are connected except one positive terminal and one negative terminal. Even though the four aa batteries only combine to create 6 volts, the increase in amperage is necessary to activate the solar ignitor quickly and effectively.

Step 3: take the battery pack (made in step 2) and wire one end of it to the relay's single pole and the other end to one prong of the solar ignitor. Then wire the other prong of the solar ignitor back to the open position on the relay.

Step 4: using double sided carpet tape mount the kit in his locker, mailbox, or car door. And last, insert the solar ignitor into the rocket engine (smoke bomb or m-80).

Your kit is now complete!



-----Jolly Roger

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How to Start a Conference w/o 2600hz or M-F

How to Start A Conference w/o 2600hz or M-F by The Jolly Roger

(Originally an Apple][file, forgive the upper case!)

THIS METHOD OF STARTING THE CONF. DEPENDS ON YOUR ABILITY TO BULLSHIT THE OPERATOR INTO DIALING A NUMBER WHICH CAN ONLY BE REACHED WITH AN OPERATOR'S M-F TONES. WHEN BULLSHITTING THE OPERATOR REMEMBER OPERATOR'S ARE NOT HIRED TO THINK BUT TO DO.

HERE IS A STEP-BY-STEP WAY TO THE CONF.:

1. CALL THE OPERATOR THROUGH A PBX OR EXTENDER, YOU COULD JUST CALL ONE THROUGH YOUR LINE BUT I WOULDN'T RECOMMEND IT.

2. SAY TO THE OPERATOR:

TSPS MAINTENENCE ENGINEER, RING-FORWARD TO 213+080+1100, POSITION RELEASE, THANKYOU.

(SHE WILL PROBABLY ASK YOU FOR THE NUMBER AGAIN)

DEFINITIONS: RING-FORWARD - INSTRUCTS HER TO DIAL THE NUMBER.

POSITION RELEASE - INSTUCTS HER TO RELEASE THE TRUNK AFTER SHE HAS DIALED THE NUMBER.

+ - REMBER TO SAY 213PLUS080 PLUS1100.

3. WHEN YOU ARE CONNECTED WITH THE CONF. YOU WILL HERE A WHISTLE BLOW TWICE AND A RECORDING ASKING YOU FOR YOUR OPERATOR #. DIAL IN ANY FIVE DIGITS AND HIT THE POUNDS SIGN A COUPLE OF TIMES. SIMPLY DIAL IN THE # OF THE BILLING LINE ECT. WHEN THE RECORDING ASK FOR IT.

4. WHEN IN THE CONTROL MODE OF THE CONF. HIT '6' TO TRANSFER CONTROL. HIT '001' TO REENTER THE # OF CONFEREE'S AND TIME AMOUNT WHICH YOU GAVE WHEN YOU STARED THE CONF. REMEMBER THE SIZE CAN BE FROM 2-59 CONFEREE'S. I HAVE NOT FOUND OUT THE 'LENGTHS' LIMITS.

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Dynamite

How to Make Dynamite by The Jolly Roger

Dynamite is nothing more than just nitroglycerin and a stabilizing agent to make it much safer to use. For the sake of saving time, I will abbreviate nitroglycerin with a plain NG. The numbers are percentages, be sure to mix these carefully and be sure to use the exact amounts. These percentages are in weight ratio, not volume.

no. ingredients amount

```

-----
#1  NG          32
    sodium nitrate  28
    woodmeal      10
    ammonium oxalate 29
    guncotten     1
#2  NG          24
    potassium nitrate  9
    sodium nitrate  56
    woodmeal      9
    ammonium oxalate  2
#3  NG          35.5
    potassium nitrate 44.5
    woodmeal        6
    guncotton       2.5
    vaseline        5.5
    powdered charcoal 6
#4  NG          25
    potassium nitrate 26
    woodmeal        34
    barium nitrate   5
    starch          10
#5  NG          57
    potassium nitrate 19
  
```

| | | |
|-----|--------------------------|------|
| | woodmeal | 9 |
| | ammonium oxalate | 12 |
| | guncotton | 3 |
| #6 | NG | 18 |
| | sodium nitrate | 70 |
| | woodmeal | 5.5 |
| | potassium chloride | 4.5 |
| | chalk | 2 |
| #7 | NG | 26 |
| | woodmeal | 40 |
| | barium nitrate | 32 |
| | sodium carbonate | 2 |
| #8 | NG | 44 |
| | woodmeal | 12 |
| | anhydrous sodium sulfate | 44 |
| #9 | NG | 24 |
| | potassium nitrate | 32.5 |
| | woodmeal | 33.5 |
| | ammonium oxalate | 10 |
| #10 | NG | 26 |
| | potassium nitrate | 33 |
| | woodmeal | 41 |
| #11 | NG | 15 |
| | sodium nitrate | 62.9 |
| | woodmeal | 21.2 |
| | sodium carbonate | .9 |
| #12 | NG | 35 |
| | sodium nitrate | 27 |
| | woodmeal | 10 |
| | ammonium oxalate | 1 |
| #13 | NG | 32 |
| | potassium nitrate | 27 |
| | woodmeal | 10 |
| | ammonium oxalate | 30 |
| | guncotton | 1 |
| #14 | NG | 33 |
| | woodmeal | 10.3 |
| | ammonium oxalate | 29 |
| | guncotton | .7 |
| | potassium perchloride | 27 |
| #15 | NG | 40 |

| | | |
|-----|--------------------|------|
| | sodium nitrate | 45 |
| | woodmeal | 15 |
| #16 | NG | 47 |
| | starch | 50 |
| | guncotton | 3 |
| #17 | NG | 30 |
| | sodium nitrate | 22.3 |
| | woodmeal | 40.5 |
| | potassium chloride | 7.2 |
| #18 | NG | 50 |
| | sodium nitrate | 32.6 |
| | woodmeal | 17 |
| | ammonium oxalate | .4 |
| #19 | NG | 23 |
| | potassium nitrate | 27.5 |
| | woodmeal | 37 |
| | ammonium oxalate | 8 |
| | barium nitrate | 4 |
| | calcium carbonate | .5 |

Household equivalants for chemicles

It has come to my attention that many of these chemicles are sold under brand names, or have household equivalants. here is a list that might help you out. Also, see elsewhere in this Cookbook for a more complete listing.....

| | |
|----------------------------|------------------|
| acetic acid | vinegar |
| aluminum oxide | alumia |
| aluminum potassium sulfate | alum |
| aluminum sulfate | alum |
| ammonium hydroxide | ammonia |
| carbon carbonate | chalk |
| calcium hypochloride | bleaching powder |
| calcium oxide | lime |
| calcium sulfate | plaster of paris |
| carbonic acid | seltzer |
| carbon tetrachloride | cleaning fluid |
| ethylene dichloride | Dutch fluid |
| ferric oxide | iron rust |
| glucose | corn syrup |
| graphite | pencil lead |

| | |
|--------------------------|---------------------|
| hydrochloric acid | muriatic acid |
| hydrogen peroxide | peroxide |
| lead acetate | sugar of lead |
| lead tetroxide | red lead |
| magnesium silicate | talc |
| magnesium sulfate | Epsom salts |
| naphthalene | mothballs |
| phenol | carbolic acid |
| potassium bicarbonate | cream of tartar |
| potassium chromium sulf. | chrome alum |
| potassium nitrate | saltpeter |
| sodium dioxide | sand |
| sodium bicarbonate | baking soda |
| sodium borate | borax |
| sodium carbonate | washing soda |
| sodium chloride | salt |
| sodium hydroxide | lye |
| sodium silicate | water glass |
| sodium sulfate | glauber's salt |
| sodium thiosulfate | photographer's hypo |
| sulferic acid | battery acid |
| sucrose | cane sugar |
| zinc chloride | tinner's fluid |

Keep this list handy at all times. If you can't seem to get one or more of the ingredients try another one. If you still can't, you can always buy small amounts from your school, or maybe from various chemical companies. When you do that, be sure to say as little as possible, if during the school year, and they ask, say it's for a experiment for school.

-----Jolly Roger

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Auto Exhaust Flame Thrower by The Jolly Roger

For this one, all you need is a car, a sparkplug, ignition wire and a switch. Install the spark plug into the last four or five inches of the tailpipe by drilling a hole that the plug can screw into easily. Attach the wire (this is regular insulated wire) to one side of the switch and to the spark plug. The other side of the switch is attached to the positive terminal on the battery. With the car running, simply hit the switch and watch the flames fly!!! Again be careful that no one is behind you! I have seen some of these flames go 20 feet!!!

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How to Break into BBs Express

Breaking into BBS Express Courtesy of the Jolly Roger

If you have high enough access on any BBS Express BBS you can get the Sysop's password without any problems and be able to log on as him and do whatever you like. Download the Pass file, delete the whole BBS, anything. Its all a matter of uploading a text file and d/ling it from the BBS. You must have high enough access to see new uploads to do this. If you can see a file you just uploaded you have the ability to break into the BBS in a few easy steps.

Why am I telling everyone this when I run BBS Express myself? Well there is one way to stop this from happening and I want other Sysops to be aware of it and not have it happen to them.

Breaking in is all based on the MENU function of BBS Express. Express will let you create a menu to display different text files by putting the word MENU at the top of any text file and stating what files are to be displayed. But due to a major screw up by Mr. Ledbetter you can use this MENU option to display the USERLOG and the Sysop's Passwords or anything else you like. I will show you how to get the Sysop's pass and therefore log on as the Sysop. BBs Express Sysop's have 2 passwords. One like everyone else gets in the form of X1XXX, and a Secondary password to make it harder to hack out the Sysops pass.

The Secondary pass is found in a file called SYSDATA.DAT.

This file must be on drive 1 and is therefore easy to get. All you have to do is upload this simple Text file:

```
MENU
1
D1:SYSDATA.DAT
```

Ripoff time!

after you upload this file you d/l it non-Xmodem. Stupid Express thinks it is displaying a menu and you will see this:

Ripoff time!

Selection [0]:

Just hit 1 and Express will display the SYSDATA.DAT file. OPPASS is where the Sysop's Secondary pass will be. D1:USERLOG.DAT is where you will find the name and Drive number of the USERLOG.

DAT file. The Sysop might have renamed this file or put it in a Subdirectory or even on a different drive. I Will Assume he left it as D1:USERLOG.DAT. The other parts of this file tell you where the .HLP screens are and where the LOG is saved and all the Download path names.

Now to get the Sysop's primary pass you upload a text file like this:

MENU

1

D1:USERLOG.DAT

Breaking into Bedwetter's BBS

Again you then d/l this file non-Xmodem and you will see:

Breaking into Bedwetter's BBS

Selection [0]:

You then hit 1 and the long USERLOG.DAT file comes flying at you. The Sysop is the first entry in this very long file so it is easy. You will see:

SYSOP'S NAME X1XXX

You should now have his 2 passwords.

There is only one easy way out of this that I can think of, and that is to make all new uploads go to SYSOP level (Level 9) access only. This way nobody can pull off what I just explained.

I feel this is a major Bug on Mr. Ledbetter's part. I just don't know why no one had thought of it before. I would like to give credit to Redline for the message he left on Modem Hell telling about this problem, and also to Unka for his ideas and input about correcting it.

This has been brought to you from [_The_Piper_] and the S.O.D. BBS Network!

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Firebombs

Firebombs by the Jolly Roger

Most fire bombs are simply gasoline filled bottles with a fuel soaked rag in the mouth (the bottle's mouth, not yours). The original Molotov cocktail, and still about the best, was a mixture of one part gasoline and one part motor oil. The oil helps it to cling to what it splatters on. Some use one part roofing tar and one part gasoline. Fire bombs have been found which were made by pouring melted wax into gasoline.

-----Jolly Roger

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Fuse Bomb

Fuse Ignition Bomb by The Jolly Roger

A four strand homemade fuse is used for this. It burns like fury. It is held down and concealed by a strip of bent tin cut from a can. The exposed end of the fuse is dipped into the flare igniter. To use this one, you light the fuse and hold the fire bomb until the fuse has burned out of sight under the tin. Then throw it and when it breaks, the burning fuse will ignite the contents.

-----Jolly Roger

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The BLAST Box

The BLAST Box Courtesy of the Jolly Roger

Ever want to really make yourself be heard? Ever talk to someone on the phone who just doesn't shut up? Or just call the operator and pop her eardrum? Well, up until recently it has been impossible for you to do these things. That is, unless of course you've got a blast box. All a blast box is, is a really cheap amplifier, (around 5 watts or so) connected in place of the microphone on your telephone. It works best on model 500 AT&T Phones, and if constructed small enough, can be placed inside the phone.

Construction:

Construction is not really important. Well it is, but since I'm letting you make your own amp, I really don't have to include this.

Usage:

Once you've built your blast box, simply connect a microphone (or use the microphone from the phone) to the input of the amplifier, and presto. There it is. Now, believe it or not, this device actually works. (At least on crossbar.) It seems that Illinois bell switching systems allow quite alot of current to pass right through the switching office, and out to whoever you're calling. When you talk in the phone, it comes out of the other phone (again it works best if the phone that you're calling has the standard western electric earpiece) incredibly loud. This device is especially good for PBS Subscription drives.

Have "Phun", and don't get caught!

-----Jolly Roger

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Dealing with the Rate & Route Operator

Dealing with the Rate & Route Operator

It seems that fewer and fewer people have blue boxes these days, and that is really too bad. Blue boxes, while not all that great for making free calls (since the TPC can tell when the call was made, as well as where it was too and from), are really a lot of fun to play with. Short of becoming a real live TSPS operator, they are about the only way you can really play with the network.

For the few of you with blue boxes, here are some phrases which may make life easier when dealing with the rate & route (R&R) operators. To get the R&R op, you send a KP + 141 + ST. In some areas you may need to put another NPA before the 141 (i.e., KP + 213 + 141 + ST), if you have no local R&R ops.

The R&R operator has a myriad of information, and all it takes to get this data is mumbling cryptic phrases. There are basically four special phrases to give the R&R ops. They are NUMBERS route, DIRECTORY route, OPERATOR route, and PLACE NAME.

To get an R&R an area code for a city, one can call the R&R operator and ask for the numbers route. For example, to find the area code for Carson City, Nevada, we'd ask the R&R op for "Carson City, Nevada, numbers route, please." and get the answer, "Right... 702 plus." meaning that 702 plus 7 digits gets us there.

Sometimes directory assistance isn't just NPA + 131. The way to get these routings is to call R&R and ask for "Anaheim, California, directory route, please." Of course, she'd tell us it was 714 plus, which means 714 + 131 gets us the D.A. op there. This is sort of pointless example, but I couldn't come up with a better one on short notice.

Let's say you wanted to find out how to get to the inward operator for Sacramento, California. The first six digits of a number in that city will be required (the NPA and an NXX). For example, let us use 916 756. We would call R&R, and when the operator answered, say, "916 756, operator route, please." The operator would say, "916 plus 001 plus." This means that 916 + 001 + 121 will get you the inward operator for Sacramento. Do you know the city which corresponds to 503 640? The R&R operator does, and will tell you that it is Hillsboro, Oregon, if you sweetly ask for "Place name, 503 640, please."

For example, let's say you need the directory route for Sveg, Sweden. Simply call R&R, and ask for, "International, Baden, Switzerland. TSPS directory route, please." In response to this, you'd get,

"Right... Directory to Sveg, Sweden. Country code 46 plus 1170." So you'd route yourself to an international sender, and send 46 + 1170 to get the D.A. operator in Sweden.

Inward operator routings to various countries are obtained the same way "International, London, England, TSPS inward route, please." and get "Country code 44 plus 121." Therefore, 44 plus 121 gets you inward for London.

Inwards can get you language assistance if you don't speak the language. Tell the foreign inward, "United States calling. Language assistance in completing a call to (called party) at (called number)."

R&R operators are people are people too, y'know. So always be polite, make sure use of 'em, and dial with care.

-----Jolly Roger

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Cellular Phone Phreaking

Cellular Phreaking courtesy of The Jolly Roger

The cellular/mobile phone system is one that is perfectly set up to be exploited by phreaks with the proper knowledge and equipment. Thanks to deregulation, the regional BOC's (Bell Operating Companies) are scattered and do not communicate much with each other. Phreaks can take advantage of this by pretending to be mobile phone customers whose "home base" is a city served by a different BOC, known as a "roamer". Since it is impractical for each BOC to keep track of the customers of all the other BOC's, they will usually allow the customer to make the calls he wishes, often with a surcharge of some sort.

The bill is then forwarded to the roamer's home BOC for collection. However, it is fairly simple (with the correct tools) to create a bogus ID number for your mobile phone, and pretend to be a roamer from some other city and state, that's "just visiting". When your BOC tries to collect for the calls from your alleged "home BOC", they will discover you are not a real customer; but by then, you can create an entirely new electronic identity, and use that instead.

How does the cellular system know who is calling, and where they are? When a mobile phone enters a cell's area of transmission, it transmits its phone number and its 8 digit ID number to that cell, who will keep track of it until it gets far enough away that the sound quality is sufficiently diminished, and then the phone is "handed off" to the cell that the customer has walked or driven into. This process continues as long as the phone has power and is turned on. If the phone is turned off (or the car is), someone attempting to call the mobile phone will receive a recording along the lines of "The mobile phone customer you have dialed has left the vehicle or driven out of the service area." When a call is made to a mobile phone, the switching equipment will check to see if the mobile phone being called is "logged in", so to speak, or present in one of the cells. If it is, the call will then act (to the speaking parties) just like a normal call - the caller may hear a busy tone, the phone may just ring, or the call may be answered.

How does the switching equipment know whether or not a particular phone is authorized to use the network? Many times, it doesn't. When a dealer installs a mobile phone, he gives the phone's ID number (an 8 digit hexadecimal number) to the local BOC, as well as the phone number the BOC assigned to the customer. Thereafter, whenever a phone is present in one of the cells, the two numbers are checked - they should be registered to the same person. If they don't match, the telco knows that an attempted fraud is taking place (or at best, some transmission error) and will not allow calls to be placed or received at that phone. However, it is impractical (especially given the present state of deregulation) for the telco to have records of every cellular customer of every BOC. Therefore, if you're going to create a

fake ID/phone number combination, it will need to be "based" in an area that has a cellular system (obviously), has a different BOC than your local area does, and has some sort of a "roamer" agreement with your local BOC.

How can one "phreak" a cellular phone? There are three general areas when phreaking cellular phones; using one you found in an unlocked car (or an unattended walk-about model), modifying your own chip set to look like a different phone, or recording the phone number/ID number combinations sent by other local cellular phones, and using those as your own. Most cellular phones include a crude "password" system to keep unauthorized users from using the phone - however, dealers often set the password (usually a 3 to 5 digit code) to the last four digits of the customer's mobile phone number. If you can find that somewhere on the phone, you're in luck. If not, it shouldn't be TOO hard to hack, since most people aren't smart enough to use something besides "1111", "1234", or whatever.

If you want to modify the chip set in a cellular phone you bought (or stole), there are two chips (of course, this depends on the model and manufacturer, yours may be different) that will need to be changed - one installed at the manufacturer (often epoxied in) with the phone's ID number, and one installed by the dealer with the phone number, and possible the security code. To do this, you'll obviously need an EPROM burner as well as the same sort of chips used in the phone (or a friendly and unscrupulous dealer!). As to recording the numbers of other mobile phone customers and using them; as far as I know, this is just theory... but it seems quite possible, if you've got the equipment to record and decode it.

The cellular system would probably freak out if two phones (with valid ID/phone number combinations) were both present in the network at once, but it remains to be seen what will happen.

-----Jolly Roger

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Cheesebox Plans

Cheesebox Plans Courtesy of The Jolly Roger

A Cheesebox (named for the type of box the first one was found in) is a type of box which will, in effect, make your telephone a Pay-Phone.....This is a simple,modernized, and easy way of doing it...

Inside Info:These were first used by bookies many years ago as a way of making calls to people without being called by the cops or having their numbers traced and/or tapped.....

How To Make A Modern Cheese Box

Ingredients:

1 Call Forwarding service on the line

1 Set of Red Box Tones

The number to your prefix's Intercept operator (do some scanning for this one)

How To:

After you find the number to the intercept operator in your prefix, use your call-forwarding and forward all calls to her...this will make your phone stay off the hook(actually, now it waits for a quarter to be dropped in)...you now have a cheese box...

In Order To Call Out On This Line:You must use your Red Box tones and generate the quarter dropping in...then,you can make phone calls to people...as far as I know, this is fairly safe, and they do not check much...Although I am not sure, I think you can even make credit-card calls from a cheesebox phone and not get traced...

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How to Start Your Own Conferences

HOW TO START YOUR OWN CONFERENCES! Brought to you by The Jolly Roger

BLACK BART SHOWED HOW TO START A CONFERENCE CALL THRU AN 800 EXCHANGE, AND I WILL NOW EXPLAIN HOW TO START A CONFERENCE CALL IN A MORE ORTHODOX FASHIO, THE 2600 HZ. TONE.

FIRSTLY, THE FONE COMPANY HAS WHAT IS CALLED SWITCHING SYSTEMS. THERE ARE SE VERAL TYPES, BUT THE ONE WE WILL CONCERN OURSELVES WITH, IS ESS (ELECTRONIC SWITCHING SYSTEM). IF YOUR AREA IS ZONED FOR ESS, DO NOT START A CONFERENCE CALL VIA THE 2600 HZ. TONE, OR BELL SECURITY WILL NAIL YOUR ASS! TO FND OUT IF YOU ARE UNDER ESS, CALL YOUR LOCAL BUSINESS OFFICE, AND ASK THEM IF YOU CAN GET CALL WAITING/FORWARDING, AND IF YOU CAN, THAT MEANS THAT YOU ARE IN ESS COUNTRY , AND CONFERENCE CALLING IS VERY, VERY DANGEROUS!!! NOW, IF YOU ARE NOT IN ESS, YOU WILL NEED THE FOLLOWING EQUIPMENT:

AN APPLE CAT II MODEM
A COPY OF TSPS 2 OR CAT'S MEOW
A TOUCH TONE FONE LINE
AND A TOUCH TONE FONE. (TRUE TONE)

NOW, WITH TSPS 2, DO THE FOLLOWING:

RUN TSPS 2
CHOSE OPTION 1
CHOSE OPTION 6
CHOSE SUB-OPTION 9

NOW TYPE:
1-514-555-1212 (DASHES ARE NOT NEEDED)

LISTEN WITH YOUR HANDSET, AND AS SOON AS YOU HEAR A LOUD 'CLICK', THEN TYPE
\$

TO GENERATE THE 2600 HZ. TONE. THIS OBNOXIOUS TONE WILL CONTINUE FOR A FEW

SECONDS, THEN LISTEN AGAIN AND YOU SHOULD HEAR ANOTHER LOUD 'CLICK'.

NOW TYPE:

KM2130801050S

WHERE 'K' = KP TONE

'M' = MULTI FREQUENCY MODE

'S' = S TONE

NOW LISTEN TO THE HANDSET AGAIN, AND WAIT UNTIL YOU HEAR THE 'CLICK' AGAIN. THEN TYPE:

KM2139752975S

WHERE 2139751975 IS THE NUMBER TO BILL THE CONFERENCE CALL TO. NOTE: 213-975-

1975 IS A DISCONNECTED NUMBER, AND I STRONGLY ADVISE THAT YOU ONLY BILL THE CALL TO THIS NUMBER, OR THE FONE COMPANY WILL FIND OUT, AND THEN..... REMEBER, CONFERENCE CALLS ARE ITEMIZED, SO IF YOU DO BILL IT TO AN ENEMY'S NUMB ER, HE CAN EASILY FIND OUT WHO DID IT AND HE CAN BUST YOU!

YOU SHOULD NOW HEAR 3 BEEPS, AND A SHORT PRE-RECORDED MESSAGE. FROM HERE ON, EVERYTHING IS ALL MENU DRIVEN.

CONFERENCE CALL COMMANDS

FROM THE '#' MODE:

1 = CALL A NUMBER

6 = TRANSFER CONTROL

7 = HANGS UP THE CONFERENCE CALL

9 = WILL CALL A CONFERENCE OPERATR

STAY AWAY FROM 7 AND 9! IF FOR SOME REASON AN OPERATOR GETS ON-LINE, HANG UP! IF YOU GET A BUSY SIGNAL AFTER KM2130801050S, THAT MEANS THAT THE TELECONFEREN CING LINE IS TEMPORARILY DOWN. TRY LATER, PREFERRABLY FROM 9AM TO 5PM WEEK DAYS, SINCE CONFERENCE CALLS ARE PRIMARILY DESIGNED FOR BUSINESS PEOPLE.

THE LEECH

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Gold Box Plans

Gold Box Plans by The Jolly Roger

HOW TO BUILD IT

You will need the following:

Two 10K OHM and three 1.4K OHM resistors

Two 2N3904 transistors

Two Photo Cells

Two Red LED'S (The more light produced the better)

A box that will not let light in

Red and Green Wire

Light from the #1 LED must shine directly on the photocell #1. The gold box I made needed the top of the LED's to touch the photo cell for it to work.

The same applies to the #2 photo cell and LED.

```

      1
      : -PHOTOCELL-- :
      :               :
      :               : BASE
      :   1         TTTTT
      : +LED-      TRANSISTOR
      :           TTTTT
      :           : :
      : -I ( --   : : COLLECTOR
RED1--<         >:--: :-----:-----GREEN2
      -I ( --   :           -----:
      :               :
      2         : -/+ /+ /- /+ /+ /- /+ /+ /- /+ /+ /
LED          10K   10K   1.4K 1.4K
              RESISTORES

```

-PHOTOCELL-----

: :

: BASE :

TTTTT :

TRANSISTOR :

TTTTT :

: : EMITTER :

GREEN1- -----RED2

: :

/+ /+ /

1.4K

The 1.4K resistor is variable and if the second part of the gold box is skipped it will still work but when someone picks up the phone they will hear a faint dial tone in the background and might report it to the Gestapo er...(AT&T).

1.4K will give you good reception with little risk of a Gestapo agent at your door.

Now that you have built it take two green wires of the same length and strip the ends, twist two ends together and connect them to green1 and place a piece of tape on it with "line #1" writing on it.

Continue the process with red1 only use red wire. Repeat with red2 and green2 but change to line #2.

HOW TO INSTALL

You will need to find two phone lines that are close together. Label one of the phone lines "Line #1". Cut the phone lines and take the outer coating off it. There should be 4 wires. Cut the yellow and black wires off and strip the red and green wires for both lines.

Line #1 should be in two pieces. Take the green wire of one end and connect it to one of the green wires on the gold box. Take the other half of line #1 and hook the free green wire to the green wire on the phone line. Repeat the process with red1 and the other line.

All you need to do now is to write down the phone numbers of the place you hooked it up at and go home and call it. You should get a dial tone!!! If not, try changing the emitter with the collector.

Have a great time with this! -----Jolly Roger

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The History of ESS

The History of ESS Courtesy of the Jolly Roger

Of all the new 1960s wonders of telephone technology - satellites, ultra modern Traffic Service Positions (TSPS) for operators, the picturephone, and so on - the one that gave Bell Labs the most trouble, and unexpectedly became the greatest development effort in Bell System's history, was the perfection of an electronic switching system, or ESS.

It may be recalled that such a system was the specific end in view when the project that had culminated in the invention of the transistor had been launched back in the 1930s. After successful accomplishment of that planned miracle in 1947-48, further delays were brought about by financial stringency and the need for further development of the transistor itself. In the early 1950s, a Labs team began serious work on electronic switching. As early as 1955, Western Electric became involved when five engineers from the Hawthorne works were assigned to collaborate with the Labs on the project. The president of AT&T in 1956, wrote confidently, "At Bell Labs, development of the new electronic switching system is going full speed ahead. We are sure this will lead to many improvements in service and also to greater efficiency. The first service trial will start in Morris, Ill., in 1959." Shortly thereafter, Kappel said that the cost of the whole project would probably be \$45 million.

But it gradually became apparent that the development of a commercially usable electronic switching system - in effect, a computerized telephone exchange - presented vastly greater technical problems than had been anticipated, and that, accordingly, Bell Labs had vastly underestimated both the time and the investment needed to do the job. The year 1959 passed without the promised first trial at Morris, Illinois; it was finally made in November 1960, and quickly showed how much more work remained to be done. As time dragged on and costs mounted, there was a concern at AT&T and something approaching panic at Bell Labs. But the project had to go forward; by this time the investment was too great to be sacrificed, and in any case, forward projections of increased demand for telephone service indicated that within a few years a time would come when, without the quantum leap in speed and flexibility that electronic switching would provide, the national network would be unable to meet the demand. In November 1963, an all-electronic switching system went into use at the Brown Engineering Company at Cocoa Beach, Florida. But this was a small installation, essentially another test installation, serving only a single company. Kappel's tone on the subject in the 1964 annual report was, for him, an almost apologetic: "Electronic switching equipment must be manufactured in volume to unprecedented standards of reliability.... To turn out the equipment economically and with good speed, mass production methods must be developed; but, at the same time, there can be no loss of precision..." Another year and millions of dollars later, on May 30, 1965, the first commercial electric central office was put into

service at Succasunna, New Jersey.

Even at Succasunna, only 200 of the town's 4,300 subscribers initially had the benefit of electronic switching's added speed and additional services, such as provision for three party conversations and automatic transfer of incoming calls. But after that, ESS was on its way. In January 1966, the second commercial installation, this one serving 2,900 telephones, went into service in Chase, Maryland. By the end of 1967 there were additional ESS offices in California, Connecticut, Minnesota, Georgia, New York, Florida, and Pennsylvania; by the end of 1970 there were 120 offices serving 1.8 million customers; and by 1974 there were 475 offices serving 5.6 million customers.

The difference between conventional switching and electronic switching is the difference between "hardware" and "software"; in the former case, maintenance is done on the spot, with screwdriver and pliers, while in the case of electronic switching, it can be done remotely, by computer, from a central point, making it possible to have only one or two technicians on duty at a time at each switching center. The development program, when the final figures were added up, was found to have required a staggering four thousand man-years of work at Bell Labs and to have cost not \$45 million but \$500 million!

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The Lunch Box

The Lunch Box Courtesy of the Jolly Roger

Introduction

=====

The Lunch Box is a VERY simple transmitter which can be handy for all sorts of things. It is quite small and can easily be put in a number of places. I have successfully used it for tapping fones, getting inside info, blackmail and other such things. The possibilities are endless. I will also include the plans or an equally small receiver for your newly made toy. Use it for just about anything. You can also make the transmitter and receiver together in one box and use it as a walkie talkie.

Materials you will need

=====

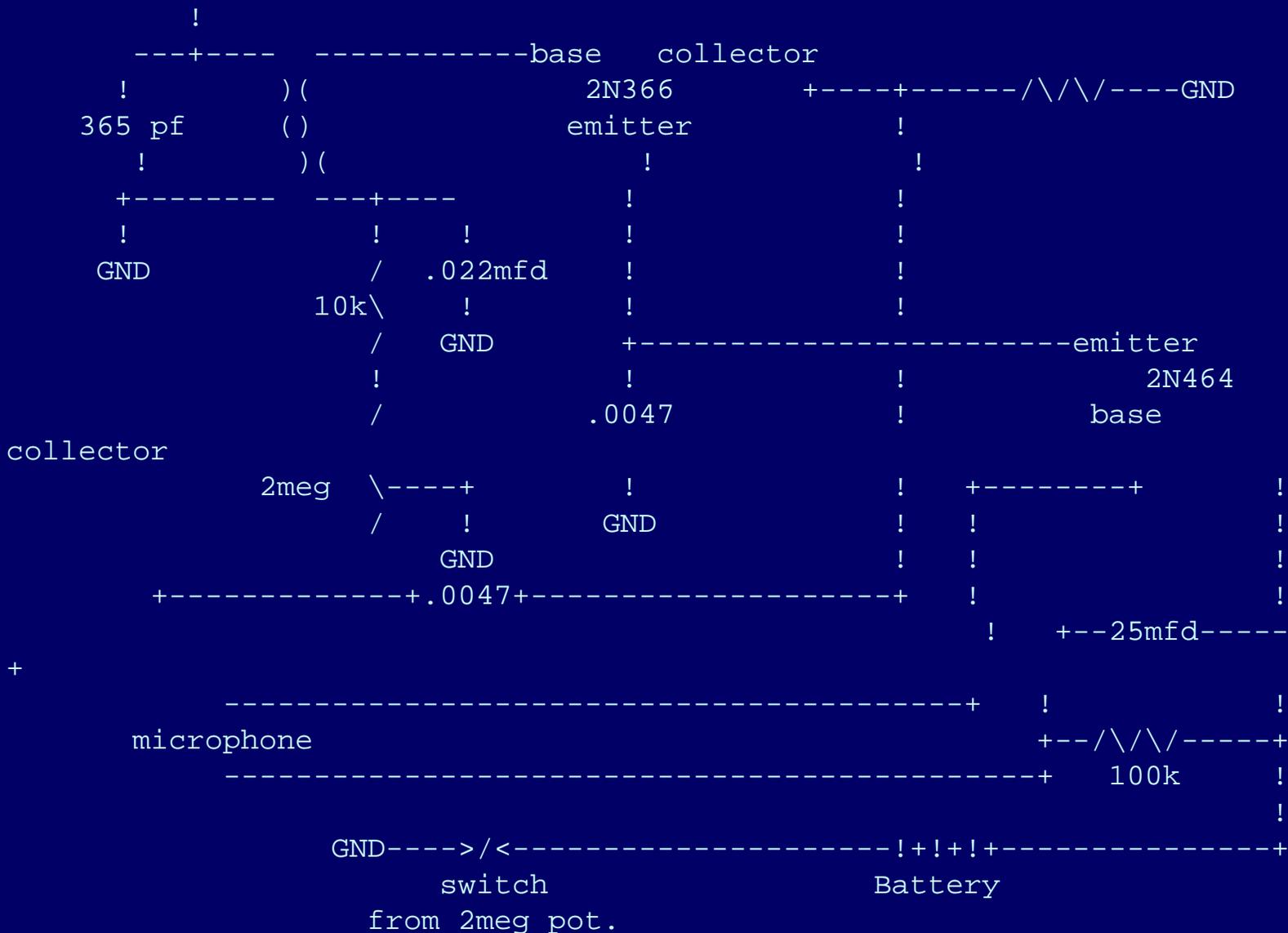
- (1) 9 volt battery with battery clip
 - (1) 25-mfd, 15 volt electrolytic capacitor
 - (2) .0047 mfd capacitors
 - (1) .022 mfd capacitor
 - (1) 51 pf capacitor
 - (1) 365 pf variable capacitor
 - (1) Transistor antenna coil
 - (1) 2N366 transistor
 - (1) 2N464 transistor
 - (1) 100k resistor
 - (1) 5.6k resistor
 - (1) 10k resistor
 - (1) 2meg potentiometer with SPST switch
- Some good wire, solder, soldering iron, board to put it on, box (optional)

Schematic for The Lunch Box

=====

This may get a tad confusing but just print it out and pay attention.

[!]
 !
 51 pf



Notes about the schematic

=====

1. GND means ground
2. The GND near the switch and the GND by the 2meg potentiometer should be connected.
3. Where you see:)(
 - ()
 -)(it is the transistor antenna coil with 15 turns of regular hook-up wire around it.
4. The middle of the loop on the left side (the left of ")") you should run a wire down to the "+" which has nothing attached to it. There is a .0047 capacitor on the correct piece of wire.
5. For the microphone use a magnetic earphone (1k to 2k).
6. Where you see "[!]" is the antenna. Use about 8 feet of wire to broadcast approx 300ft. Part 15 of the FCC rules and regulation says you can't broadcast over 300 feet without a license. (Hahaha). Use more wire for an antenna for longer distances. (Attach it to the black wire on the fone line for about a 250 foot antenna!)

Operation of the Lunch Box

=====

This transmitter will send the signals over the AM radio band. You use the variable capacitor to adjust what freq. you want to use. Find a good unused freq. down at the lower end of the scale and you're set. Use the 2 meg pot. to adjust gain. Just fuck with it until you get what sounds good. The switch on the 2meg is for turning the Lunch Box on and off. When everything is adjusted, turn on an AM radio adjust it to where you think the signal is. Have a friend lay some shit thru the Box and tune in to it. That's all there is to it.

The plans for a simple receiver are shown below:

The Lunch Box receiver

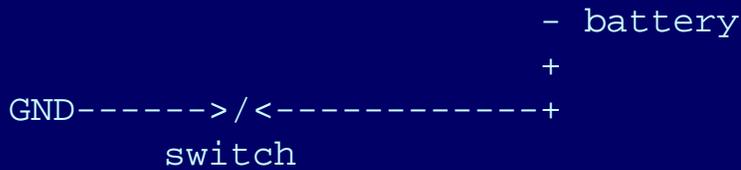
=====

- (1) 9 volt battery with battery clip
- (1) 365 pf variable capacitor
- (1) 51 pf capacitor
- (1) 1N38B diode
- (1) Transistor antenna coil
- (1) 2N366 transistor
- (1) SPST toggle switch
- (1) 1k to 2k magnetic earphone

Schematic for receiver

=====





Closing statement

=====

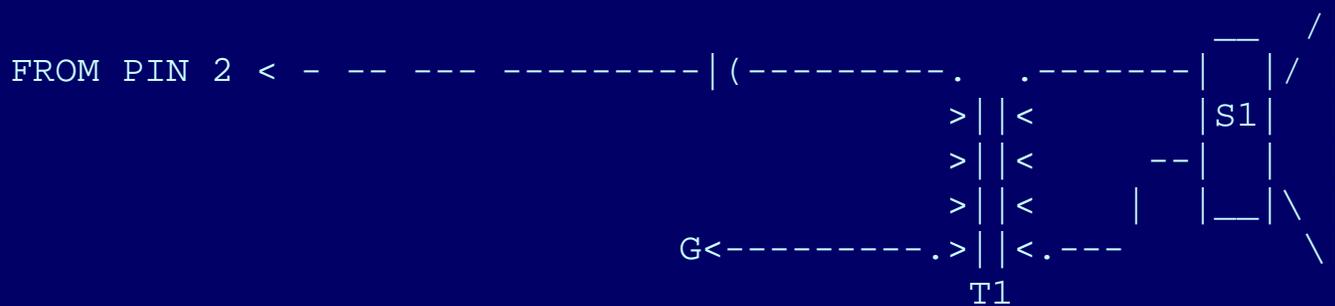
This two devices can be built for under a total of \$10.00. Not too bad. Using these devices in illegal ways is your option. If you get caught, I accept NO responsibility for your actions. This can be a lot of fun if used correctly.

Hook it up to the red wire on the phone line and it will send the conversation over the air waves.

Enjoy!

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c. Elctro magnetic transducer

Parts List

- U1 - Texas Instruments TCM1506
- T1 - 4000:8 ohm audio transfoer
- S1 - 8 ohm speaker
- R1 - 2.2k resistor
- R2 - External variable resistor; adjusts timing frequency
- C1 - .47uF capacitor
- C2 - .1uF capacitor
- C3 - 10uF capacitor
- L1 - Tip
- L2 - Ring
- L1 and L2 are the phone line.

Shift Rate:

This is the formula for determining the shift rate:

$$SR = \frac{1}{(DSR(1/f1)+DSR(1/f2))} = \frac{1}{\frac{128}{1714} + \frac{128}{1500}} = 6.25 \text{ Hz}$$

$$\begin{aligned} DSR &= \text{Shift Devider Rate ratio} = 128 \\ f1 &= \text{High Output Frequency} = 1714 \\ f2 &= \text{Low Output Frequency} = 1500 \end{aligned}$$

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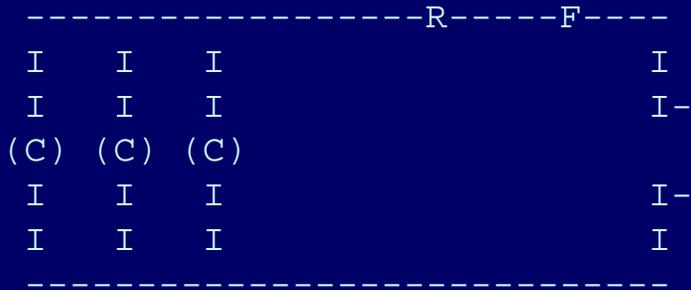
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The Tron Box

The Tron Box Written by The GREAT Captain Crunch!!
Courtesy of the Jolly Roger



- (C) =CAPACITOR
- F =FUUSE
- R =RESISTOR
- I, - ARE WIRE

PARTS LIST:

- (3) ELECTROLYTIC CAPACITORS RATED AT 50V(LOWEST) .47UF
- (1) 20-30OHM 1/2 WATT RESISTOR
- (1) 120VOLT FUSE (AMP RATING BEST TO USE AT LEAST HALF OF TOTAL HOUSE CURRENT OR EVEN LESS IT KEEPS YOU FROM BLOWING YOUR BREAKER JUST IN CASE...)
- (1) POWER CORD (CUT UP AN EXTENSTION CORD. NEED PLUG PART AND WIRE)
- (1) ELECTRICALLY INSULATED BOX

REST OF SIF YOUR DONT FILL COMFORTABLE ABOUT ELECTRICITY THEN DONT PLAY WITH THIS THERE IS VOLTAGE PRESENT THAT WILL ***KILL*** YOU.....

THE THING WORKS WHEN THE LOAD IN YOUR HOUSE IS LOW LIKE AT NIGHT TIME. IT WILL PUT A REVERSE PHASE SIGNAL ON THE LINE AND CANCEL OUT THE OTHER PHASE AND PUT A REVERSE PHASE RUNNING EVERYTHING IN THE HOUSE. WELL IF YOU HAVE EVER SWITCHED THE POWER LEADS ON A D.C. (BATTERY POWERED) MOTOR YOU WILL SEE THAT IT RUNS BACKWARDS WELL YOUR ELECTRIC METER

SORT OF WORKS THIS WAY...SO REVERSE PHASE MAKES THE METER SLOW DOWN AND IF YOUR LUCKY IT WILL GO BACKWARDS. ANYWAY IT MEANS A CHEAPER ELECTRIC BILL.

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More TRW Info

More TRW Info Courtesy of the Jolly Roger

Trw is a large database in which company's and banks can run credit checks on their customers. Example: John Jones orders 500\$ worth of stereo equipment from the Joe Blow Electronic distributng Co. Well it could be that he gave the company a phony credit card number, or doesn't have enough credit, etc. Well they call up Trw and then run a check on him, trw then lists his card numbers (everything from sears to visa) and tells the numbers, credit, when he lost it last (if he ever did) and then of course tells if he has had any prior problems paying his bills.

I would also like to add that although Trw contains information on millions of people, not every part of the country is served, although the major area are.. So if you hate someone and live in a small state, you probably wont be able to order him 300 pink toilet seats from K-mart.

Logging on

=====

To log on, you dial-up your local access number (or long-distance, what ever turns you on) and wait for it to say "trw" at this prompt, you type either an "A" or a "Ctrl-G" and it will say "circuit building in progress" it will wait for a minute and then clear the screen, now you will type one of the following.

Tca1
Tca2
Tnj1
Tga1

This is to tell it what geographical area the customer is in, it really doesnt matter which you use, because trw will automatically switch when it finds the record..

Next, you will type in the pswd and info on the person you are trying to get credit info on: you type it in a format like this:

Rts Pswd Lname Fname ...,House number First letter of street name Zip now you type ctrl s and 2 ctrl q's here is what it looks like in real life:

Ae: Dialing xxx-xxx-xxxx
(screen clear)

Trw ^G
circuit building in progress
(pause . . . screen clear)
Tca1
Rtc 3966785-cm5 Johnson David ...,4567
R 56785
^s ^q ^q
and then it will wait for a few seconds and print out the file on him (if it can locate one for the guy)

note: you may have to push return when you first connect to get the systems attention.

Getting Your Passwords

=====

To obtain pswds, you go down to your favorite bank or sears store and dig through the trash (hence the name trashing) looking for printouts, if they are a big enough place, and live in a trw area, then they will probably have some. The printouts will have the 7 digit subscriber code, leaving the 3-4 digit pswd up to you. Much like trashing down at good old ma bell.

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"Phreaker's Phunhouse"

Phreaker's Phunhouse Courtesy of the Jolly Roger

The long awaited prequel to Phreaker's Guide has finally arrived. Conceived from the boredom and loneliness that could only be derived from: The Traveler! But now, he has returned in full strength (after a small vacation) and is here to 'World Premiere' the new files everywhere. Stay cool. This is the prequel to the first one, so just relax. This is not made to be an exclusive ultra elite file, so kinda calm down and watch in the background if you are too cool for it.

/-/ Phreak Dictionary /-/

Here you will find some of the basic but necessary terms that should be known by any phreak who wants to be respected at all.

Phreak : 1. The action of using mischevious and mostly illegal ways in order to not pay for some sort of tele- communications bill, order, transfer, or other service. It often involves usage of highly illegal boxes and machines in order to defeat the security that is set up to avoid this sort of happening. [fr'eaking]. v.
2. A person who uses the above methods of destruction and chaos in order to make a better life for all. A true phreaker will not go against his fellows or narc on people who have ragged on him or do anything termed to be dishonorable to phreaks. [fr'EEK]. n.
3. A certain code or dialup useful in the action of being a phreak. (Example: "I hacked a new metro phreak last night.")

Switching System:

1. There are 3 main switching systems currently employed in the US, and a few other systems will be mentioned as background.
A) SxS: This system was invented in 1918 and was employed in over half of the country until 1978. It is a very basic system that is a general waste of energy and hard work on the linesman. A good way to identify this is that it requires a coin in the phone booth before it will give you a dial tone, or that no call waiting, call forwarding, or any other such service is available. Stands for: Step by Step
B) XB: This switching system was first employed in 1978 in order to take care of most of the faults of SxS switching. Not only is it more efficient, but it also can support different services in various forms. XB1 is Crossbar Version 1. That is very limited and is hard to distinguish from SxS except by direct view of the wiring involved. Next up was XB4, Crossbar Version 4. With this system, some of the basic things like DTMF that were not available with SxS can be accomplished. For the final stroke of XB, XB5 was created. This is a service that can allow DTMF plus most 800 type services (which were not

always available.) Stands for: Crossbar.

C) ESS: A nightmare in telecom. In vivid color, ESS is a pretty bad thing to have to stand up to. It is quite simple to identify. Dialing 911 for emergencies, and ANI [see ANI below] are the most common facets of the dread system. ESS has the capability to list in a person's caller log what number was called, how long the call took, and even the status of the conversation (modem or otherwise.) Since ESS has been employed, which has been very recently, it has gone through many kinds of revisions. The latest system to date is ESS 11a, that is employed in Washington D.C. for security reasons. ESS is truly trouble for any phreak, because it is 'smarter' than the other systems. For instance, if on your caller log they saw 50 calls to 1-800-421-9438, they would be able to do a CN/A [see Loopholes below] on your number and determine whether you are subscribed to that service or not. This makes most calls a hazard, because although 800 numbers appear to be free, they are recorded on your caller log and then right before you receive your bill it deletes the billings for them. But before that they are open to inspection, which is one reason why extended use of any code is dangerous under ESS. Some of the boxes [see Boxing below] are unable to function in ESS. It is generally a menace to the true phreak. Stands For: Electronic Switching System. Because they could appear on a filter somewhere or maybe it is just nice to know them anyways.

A) SSS: Strowger Switching System. First non-operator system available.

B) WES: Western Electronics Switching. Used about 40 years ago with some minor places out west.

Boxing: 1

) The use of personally designed boxes that emit or cancel electronical impulses that allow simpler acting while phreaking. Through the use of separate boxes, you can accomplish most feats possible with or without the control of an operator.

2) Some boxes and their functions are listed below. Ones marked with '*' indicate that they are not operatable in ESS.

*Black Box: Makes it seem to the phone company that the phone was never picked up.

Blue Box : Emits a 2600hz tone that allows you to do such things as stack a trunk line, kick the operator off line, and others.

Red Box : Simulates the noise of a quarter, nickel, or dime being dropped into a payphone.

Cheese Box : Turns your home phone into a pay phone to throw off traces (a red box is usually needed in order to call out.)

*Clear Box : Gives you a dial tone on some of the old SxS payphones without putting in a coin.

Beige Box : A simpler produced linesman's handset that allows you to tap into phone lines and extract by eavesdropping, or crossing wires, etc.

Purple Box : Makes all calls made out from your house seem to be local calls.

ANI [ANI]: 1) Automatic Number Identification. A service available on ESS that allows a phone service [see Dialups below] to record the number that any certain code was dialed from along with the number that was called and print both of these on the customer bill. 950 dialups [see Dialups below] are all designed just to use ANI. Some of the services do not have the proper equipment to read the ANI

impulses yet, but it is impossible to see which is which without being busted or not busted first.

Dialups [dy'l'ups]:

1) Any local or 800 extended outlet that allows instant access to any service such as MCI, Sprint, or AT&T that from there can be used by handpicking or using a program to reveal other peoples codes which can then be used moderately until they find out about it and you must switch to another code (preferably before they find out about it.)

2) Dialups are extremely common on both senses. Some dialups reveal the company that operates them as soon as you hear the tone. Others are much harder and some you may never be able to identify. A small list of dialups:

1-800-421-9438 (5 digit codes)
1-800-547-6754 (6 digit codes)
1-800-345-0008 (6 digit codes)
1-800-734-3478 (6 digit codes)
1-800-222-2255 (5 digit codes)

3) Codes: Codes are very easily accessed procedures when you call a dialup. They will give you some sort of tone. If the tone does not end in 3 seconds, then punch in the code and immediately following the code, the number you are dialing but strike the '1' in the beginning out first. If the tone does end, then punch in the code when the tone ends. Then, it will give you another tone. Punch in the number you are dialing, or a '9'. If you punch in a '9' and the tone stops, then you messed up a little. If you punch in a tone and the tone continues, then simply dial then number you are calling without the '1'.

4) All codes are not universal. The only type that I know of that is truly universal is Metrophone. Almost every major city has a local Metro dialup (for Philadelphia, (215)351-0100/0126) and since the codes are universal, almost every phreak has used them once or twice. They do not employ ANI in any outlets that I know of, so feel free to check through your books and call 555-1212 or, as a more devious manor, subscribe yourself. Then, never use your own code. That way, if they check up on you due to your caller log, they can usually find out that you are subscribed. Not only that but you could set a phreak hacker around that area and just let it hack away, since they usually group them, and, as a bonus, you will have their local dialup.

5) 950's. They seem like a perfectly cool phreakers dream. They are free from your house, from payphones, from everywhere, and they host all of the major long distance companies (950)1044 , 950) 1077 , 950-1088 , 950-1033 .) Well, they aren't. They were designed for ANI. That is the point, end of discussion. A phreak dictionary. If you remember all of the things contained on that fileup there, you may have a better chance of doing whatever it is you do. This next section is maybe a little more interesting...

Blue Box Plans:

These are some blue box plans, but first, be warned, there have been 2600hz tone detectors out on operator trunk lines since XB4. The idea behind it is to use a 2600hz tone for a few very naughty functions that can really make your day lighten up. But first, here are the plans, or the heart of the file:

```
700 : 1 : 2 : 4 : 7 : 11 :  
900 : + : 3 : 5 : 8 : 12 :  
1100 : + : + : 6 : 9 : KP :  
1300 : + : + : + : 10 : KP2 :  
1500 : + : + : + : + : ST :  
      : 700 : 900 : 1100 : 1300 : 1500 :
```

Stop! Before you diehard users start piecing those little tone tidbits together, there is a simpler method. If you have an Apple-Cat with a program like Cat's Meow IV, then you can generate the necessary tones, the 2600hz tone, the KP tone, the KP2 tone, and the ST tone through the dial section. So if you have that I will assume you can boot it up and it works, and I'll do you the favor of telling you and the other users what to do with the blue box now that you have somehow constructed it. The connection to an operator is one of the most well known and used ways of having fun with your blue box. You simply dial a TSPS (Traffic Service Positioning Station, or the operator you get when you dial '0') and blow a 2600hz tone through the line. Watch out! Do not dial this direct! After you have done that, it is quite simple to have fun with it. Blow a KP tone to start a call, a ST tone to stop it, and a 2600hz tone to hang up. Once you have connected to it, here are some fun numbers to call with it:

```
0-700-456-1000 Teleconference (free, because you are the  
operator! )  
(Area code)-101 Toll Switching  
(Area code)-121 Local Operator (hehe)  
(Area code)-131 Information  
(Area code)-141 Rate & Route  
(Area code)-181 Coin Refund Operator  
(Area code)-11511 Conference operator (when you dial 800-544-  
6363)
```

Well, those were the tone matrix controllers for the blue box and some other helpful stuff to help you to start out with. But those are only the functions with the operator. There are other k-fun things you can do with it.

More advanced Blue Box Stuff:

Oops. Small mistake up there. I forgot tone lengths. Um, you blow a tone pair out for up to 1/10 of a second with another 1/10 second for silence between the digits. KP tones should be sent for 2/10 of a second. One way to confuse the 2600hz traps is to send pink noise over the channel (for all of you that have decent BSR equalizers, there is major pink noise in there.)

Using the operator functions is the use of the 'inward' trunk line. That is working it from the inside. From the 'outward' trunk, you can do such things as make emergency breakthrough calls, tap into lines, busy all of the lines in any trunk (called 'stacking'), enable or disable the TSPS's, and for some 4a systems you can even re-route calls to anywhere.

All right. The one thing that every complete phreak guide should be without is blue box plans, since they were once a vital part of phreaking. Another thing that every complete file needs is a complete listing of all of the 800 numbers around so you can have some more Fu7nCđ̂ đ̂

/-/ 800 Dialup Listings /-/

| | |
|--------------------|--------------------|
| 1-800-345-0008 (6) | 1-800-547-6754 (6) |
| 1-800-245-4890 (4) | 1-800-327-9136 (4) |
| 1-800-526-5305 (8) | 1-800-858-9000 (3) |
| 1-800-437-9895 (7) | 1-800-245-7508 (5) |
| 1-800-343-1844 (4) | 1-800-322-1415 (6) |
| 1-800-437-3478 (6) | 1-800-325-7222 (6) |

All right, set Cat Hacker 1.0 on those numbers and have a fuck of a day. That is enough with 800 codes, by the time this gets around to you I dunno what state those codes will be in, but try them all out anyways and see what you get. On some 800 services now, they have an operator who will answer and ask you for your code, and then your name. Some will switch back and forth between voice and tone verification, you can never be quite sure which you will be up against.

Armed with this knowledge you should be having a pretty good time phreaking now. But class isn't over yet, there are still a couple important rules that you should know. If you hear continual clicking on the line, then you should assume that an operator is messing with something, maybe even listening in on you. It is a good idea to call someone back when the phone starts doing that. If you were using a code, use a different code and/or service to call him back.

A good way to detect if a code has gone bad or not is to listen when the number has been dialed. If the code is bad you will probably hear the phone ringing more clearly and more quickly than if you were using a different code. If someone answers voice to it then you can immediately assume that it is an operative for whatever company you are using. The famed '311311' code for Metro is one of those. You would have to be quite stupid to actually respond, because whoever you ask for the operator will always say 'He's not in right now, can I have him call you back?' and then they will ask for your name and phone number. Some of the more sophisticated companies will actually give you a carrier on a line that

is supposed to give you a carrier and then just have garbage flow across the screen like it would with a bad connection. That is a feeble effort to make you think that the code is still working and maybe get you to dial someone's voice, a good test for the carrier trick is to dial a number that will give you a carrier that you have never dialed with that code before, that will allow you to determine whether the code is good or not. For our next section, a lighter look at some of the things that a phreak should not be without. A vocabulary.

A few months ago, it was a quite strange world for the modem people out there. But now, a phreaker's vocabulary is essential if you wanna make a good impression on people when you post what you know about certain subjects.

/-/ Vocabulary /-/

- Do not misspell except certain exceptions:

phone -> fone

freak -> phreak

- Never substitute 'z's for 's's. (i.e. codez -> codes)
- Never leave many characters after a post (i.e. Hey Dudes!#!@#@!#!@)
- NEVER use the 'k' prefix (k-kool, k-rad, k-whatever)
- Do not abbreviate. (I got lotsa wares w/ docs)
- Never substitute '0' for 'o' (r0dent, l0zer).
- Forget about ye old upper case, it looks ruggyish.

All right, that was to relieve the tension of what is being drilled into your minds at the moment. Now, however, back to the teaching course. Here are some things you should know about phones and billings for phones, etc.

LATA: Local Access Transference Area. Some people who live in large cities or areas may be plagued by this problem. For instance, let's say you live in the 215 area code under the 542 prefix (Ambler, Fort Washington). If you went to dial in a basic Metro code from that area, for instance, 351-0100, that might not be counted under unlimited local calling because it is out of your LATA. For some LATA's, you have to dial a '1' without the area code before you can dial the phone number. That could prove a hassle for us all if you didn't realize you would be billed for that sort of call. In that way, sometimes, it is better to be safe than sorry and phreak.

The Caller Log: In ESS regions, for every household around, the phone company has something on you called a Caller Log. This shows every single number that you dialed, and things can be arranged so it showed every number that was calling to you. That's one main disadvantage of ESS, it is mostly computerized so a number scan could be done like that quite easily. Using a dialup is an easy way to screw that, and is something worth remembering. Anyways, with the caller log, they check up and see what you dialed. Hmm... you dialed 15 different 800 numbers that month. Soon they find that you are subscribed to none of those companies. But that is not the only thing. Most people would imagine "But wait! 800 numbers don't show up on my phone bill!". To those people, it is a nice thought, but 800 numbers are picked up on the caller log until right before they are sent off to you. So they can check

right up on you before they send it away and can note the fact that you fucked up slightly and called one too many 800 lines.

Right now, after all of that, you should have a pretty good idea of how to grow up as a good phreak. Follow these guidelines, don't show off, and don't take unnecessary risks when phreaking or hacking.

(*Greeets to Pee Wee for this file taken from his 'Hell Disk' #1*)

-----Jolly Roger

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The Anarchist's Cookbook

Sodium Chlorate

Sodium Chlorate by the Jolly Roger

Sodium Chlorate is a strong oxidizer used in the manufacture of explosives. It can be used in place of Potassium Chlorate.

Material Required

2 carbon or lead rods (1 in. diameter by 5 in. long)

Salt, or ocean water

Sulfuric acid, diluted

Motor Vehicle

Water

2 wires, 16 gauge (3/64 in. diameter approx.), 6 ft. long, insulated.

Gasoline

1 gallon glass jar, wide mouth (5 in. diameter by 6 in. high approx.)

Sticks

String

Teaspoon

Trays

Cup

Heavy cloth

Knife

Large flat pan or tray

Sources

Dry Cell Batteries
(2-1/2 in. diameter by 7" long) or plumbing supply store

Grocery store or ocean Motor Vehicle Batteries

Procedure

1) Mix 1/2 cup of salt into the one gallon glass jar with 3 litres (3 quarts) of water.

2) Add 2 teaspoons of battery acid to the solution and stir vigorously for 5 minutes.

- 3) Strip about 4 inches of insulation from both ends of the two wires.
- 4) With knife and sticks, shape 2 strips of wood 1 by 1/8 by 1-1/2. Tie the wood strips to the lead or carbon rods so that they are 1-1/2 inches apart.
- 5) Connect the rods to the battery in a motor vehicle with the insulated wire.
- 6) Submerge 4-1/2 inches of the rods in the salt water solution.
- 7) With gear in neutral position, start the vehicle engine. Depress the accelerator approx. 1/5 of its full travel.
- 8) Run the engine with the accelerator in this position for 2 hours, then shut it down for 2 hours.
- 9) Repeat this cycle for a total of 64 hours while maintaining the level of the acid-salt water solution in the glass jar.

CAUTION: This arrangement employs voltages which can be quite dangerous! Do not touch bare wire leads while engine is running!!

- 10) Shut off the engine. Remove the rods from the glass jar and disconnect wire leads from the battery.
- 11) Filter the solution through the heavy cloth into a flat pan or tray, leaving the sediment at the bottom of the glass jar.
- 12) Allow the water in the filtered solution to evaporate at room temperature (approx. 16 hours). The residue is approximately 60% or more sodium chlorate which is pure enough to be used as an explosive ingredient.

-----Jolly Roger

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Mercury Fulminate

Mercury Fulminate by the Jolly Roger

Mercury Fulminate is used as a primary explosive in the fabrication of detonators. It is to be used with a booster explosive such as picric acid or RDX (which are elsewhere in this Cookbook).

Material Required

Source

Nitric Acid, 90% conc. (1.48 sp. gr)

Elsewhere in this Cookbook, or in industrial metal processors

Mercury

Thermometers, mercury switches, old radio tubes

Ethyl (grain) alcohol (90%)

Filtering material

Paper towels

Teaspoon measure (1/4, 1/2. and 1 tsp. capacity)-aluminum, stainless steel or wax coated

Heat Source

Clean wooden stick

Clean water

Glass containers

Tape

Syringe

Procedure:

1) Dilute 5 teaspoons of nitric acid with 2-1/2 teaspoons of clean water in a glass container by adding the acid to the water.

2) Dissolve 1/8 teaspoon of mercury in the diluted nitric acid. This will yield dark red fumes. NOTE: It

may be necessary to add water, on drop at a time, to the mercury-acid solution in order to start a reaction.

CAUTION: Acid will burn skin and destroy clothing. If any is spilled, wash it away with a large quantity of water. Do NOT inhale fumes!

3) Warm 10 teaspoons of the alcohol in a container until the alcohol feels warm to the inside of the wrist.

4) Pour the metal-acid solution into the warm alcohol. Reaction should start in less than 5 minutes. Dense white fumes will be given off during the reaction. As time lapses, the fumes will become less dense. Allow 10 to 15 minutes to complete reaction. Fulminate will settle to the bottom.

CAUTION: This reaction generates large quantities of toxic, flammable fumes. The process **MUST** be conducted outdoors or in a well-ventilated area, away from sparks or open flames. **DO NOT** inhale fumes!

5) Filter the solution through a paper towel into a container. Crystals may stick to the side of the container. If so, tilt and squirt water down the sides of the container until all of the material collects on the filter paper.

6) Wash the crystals with 6 teaspoons of ethyl alcohol.

7) Allow these mercury fulminate crystals to air dry.

CAUTION: Handle dry explosive with great care. Do not scrape or handle it roughly! Keep away from sparks or open flames. Store in a cool, dry place.

-----Jolly Roger

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Improvised Black Powder

Improvised Black Powder by the Jolly Roger

Black powder can be prepared in a simple, safe manner. It may be used as blasting or gun powder.

Material Required

Potassium Nitrate, granulated, 3 cups (3/4 liter)

Wood charcoal, powdered, 2 cups

Sulfur, powdered, 1/2 cup

Alcohol, 5 pints (2-1/2 liters) (whiskey, rubbing alcohol, etc.)

Water, 3 cups (3/4 liter)

Heat source

2 buckets - each 2 gallon (7-1/2 litres) capacity, at least one of which is heat resistant (metal, ceramic, etc.)

Flat window screening, at least 1 foot (30 cm) square

Large wooden stick

Cloth, at least 2 feet (60 cm) square

Procedure:

1) Place alcohol in one of the buckets.

2) Place potassium nitrate, charcoal, and sulfur in the heat resistant bucket. Add 1 cup water and mix thoroughly with wooden stick until all ingredients are dissolved.

3) Add remaining water (2 cups) to mixture. Place bucket on heat source and stir until small bubbles begin to form.

CAUTION: DO NOT boil mixture. Be sure ALL mixture stays wet. If any is dry, as on sides of pan, it may ignite!

4) Remove bucket from heat and pour mixture into alcohol while stirring vigorously.

5) Let alcohol mixture stand about 5 minutes. Strain mixture through cloth to obtain black powder. Discard liquid. Wrap cloth around black powder and squeeze to remove all excess liquid.

6) Place screening over dry bucket. Place workable amount of damp powder on screen and granulate by rubbing solid through screen. NOTE: If granulated particles appear to stick together and change shape, recombine entire batch of powder and repeat steps 5 & 6.

7) Spread granulated black powder on flat, dry surface so that layer about 1/2 inch (1-1/4 cm) is formed. Allow to dry. Use radiator, or direct sunlight. This should be dried as soon as possible, preferably in an hour. The longer the drying period, the less effective the black powder.

CAUTION: Remove from heat AS SOON AS granules are dry. Black powder is now ready to use.

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Nitric Acid

Nitric Acid by the Jolly Roger

Nitric Acid is used in the preparation of many explosives, incendiary mixtures, and acid delay timers. It may be prepared by distilling a mixture of potassium nitrate and concentrated sulfuric acid.

Material Required

Potassium Nitrate (2 parts by volume)

store

CONCENTRATED sulfuric acid (1 part by volume)

batteries

2 bottles or ceramin jugs (narrow necks are preferable)

Pot or frying pan

Heat source (wood, charcoal, or coal)

Tape (paper, electrical, masking, but NOT cellophane!)

Paper or rags

Sources

Elsewhere in this Cookbook, or drug

Motor vehicle

Industrial plants

IMPORTANT: If sulfuric acid is obtained from a motor vehicle battery, concentrate it by boiling it UNTIL white fumes appear. **DO NOT INHALE FUMES**

NOTE: The amount of nitric acid produced is the same as the amount of potassium nitrate. Thus, for two tablespoons of nitric acid, use 2 tablespoons of potassium nitrate and 1 tablespoonful of concentrated sulfuric acid.

Procedure:

1) Place dry potassium nitrate in bottle or jug. Add sulfuric acid. Do not fill the bottle more than 1/4 full. Mix until paste is formed.

CAUTION: DO NOT INHALE FUMES!

- 2) Wrap paper or rags around necks of two bottles. securly tape necks of two bottles together. Be sure that bottles are flush against each other and that there are no air spaces.
- 3) Support bottles on rocks or cans so that empty bottle is SLIGHTLY lower than bottle containing paste so that nitric acid that is formed in receiving bottle will not run into other bottle.
- 4) Build fire in pot or frying pan.
- 5) Gently heat bottle containing mixture by gently moving fire in and out. As red fumes begin to appear periodically pour cool water over empty receiving bottle. Nitric acid will befin to form in receiving bottle.

CAUTION: Do not overheat or wet bottle containing mixture or it may shatter. As an added precaution, place bottle to be heated in heat resistant container filled with sand or gravel. Heat this outer container to produce nitric acid.

- 6) Continue the above process until no more red fumes are formed. If the nitric acid formed in the receiving bottle is not clear (cloudy) pour it into cleaned bottle and repeat steps 2-6.

CAUTION: Nitric acid should be ket away from all combustables and should be kept in a SEALED CERAMIC OR GLASS container. DO NOT inhale fumes!

-----Jolly Roger

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Dust Bomb Instructions

Dust Bomb Instructions by the Jolly Roger

An initiator which will initiate common material to produce dust explosions can be rapidly and easily constructed. This type of charge is ideal for the destruction of enclosed areas such as rooms or buildings

Material Required

A flat can, 3 in. (8 cm) in diameter and 1-1/2 in. (3-3/4 cm) high. A 6- 1/2 ounce tuna can serves the purpose quite well.

Blasting cap

Explosive

Aluminum (may be wire, cut sheet, flattened can, or powder)

Large nail, 4 in. (10 cm) long

Wooden rod - 1/4 in. (6 mm) diameter

Flour, gasoline, and powder or chipped aluminum

NOTE: Plastic explosive produce better explosions than cast explosives.

Procedure:

- 1) Using the nail, press a hole through the side of the tuna can 3/8 inch to 1/2 inch (1 to 1-1/2 cm) from the bottom. Using a rotating and lever action, enlarge the hole until it will accomodate the blasting cap.
- 2) Place the wooden rod in the hole and position the end of the rod at the center of the can.
- 3) Press explosive into the can, being sure to surround the rod, until it is 3/4 inch (2 cm) from the top of the can. Carefully remove the wooden rod.
- 4) Place the aluminum metal on top of the explosive.
- 5) Just before use, insert the blasting cap into the cavity made by the rod. The initiator is now ready to use.

NOTE: If it is desired to carry the initiator some distance, cardboard may be pressed on top of the aluminum to insure against loss of material.

How to Use:

This particular unit works quite well to initiate charges of five pounds of flour, 1/2 gallon (1-2/3 litres) of gasoline, or two pounds of flake painters aluminum. The solid materials may merely be contained in sacks or cardboard cartons. The gasoline may be placed in plastic coated paper milk cartons, as well as plastic or glass bottles. The charges are placed directly on top of the initiator and the blasting cap is actuated electrically or by a fuse depending on the type of cap employed. this will destroy a 2,000 cubic feet enclosure (building 10 x 20 x 10 feet).

Note: For larger enclosures, use proportionally larger initiators and charges.

-----Jolly Roger

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Carbon-Tet Explosive

Carbon-Tet Explosive by the Jolly Roger

A moist explosive mixture can be made from fine aluminum powder combined with carbon tetrachloride or tetrachloroethylene. This explosive can be detonated with a blasting cap.

Material Required

Fine aluminum bronzing powder
Carbon Tetrachloride
 or
tetrachloroethylene
pharmacy
Stirring rod (wood)
Mixing container (bowl, bucket, etc.)
Measuring container (cup, tablespoon, etc.)
Storage container (jar, can, etc.)
Blasting cap
Pipe, can or jar

Source

Paint store
Pharmacy, or fire
extinguisher fluid
Dry cleaners,

Procedure:

- 1) Measure out two parts aluminum powder to one part carbon tetrachloride or tetrachlorethylene liquid into mixing container, adding liquid to powder while stirring with the wooden rod.
- 2) Stir until the mixture becomes the consistency of honey syrup.

CAUTION: Fumes from the liquid are dangerous and should not be inhaled.

- 3) Store explosive in a jar or similar water proof container until ready to use. The liquid in the mixture evaporates quickly when not confined.

NOTE: Mixture will detonate in this manner for a period of 72 hours.

How to Use:

-
- 1) Pour this mixture into an iron or steel pipe which has an end cap threaded on one end. If a pipe is not available, you may use a dry tin can or glass jar.
 - 2) Insert blasting cap just beneath the surface of the explosive mix.

NOTE: Confining the open end of the container will add to the effectiveness of the explosive.

-----Jolly Roger

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Making Picric Acid from Aspirin

Making Picric Acid from Aspirin by the Jolly Roger

Picric Acid can be used as a booster explosive in detonators, a high explosive charge, or as an intermediate to preparing lead picrate.

Material Required

Aspirin tablets (5 grains per tablet)
Alcohol, 95% pure
Sulfuric acid, concentrated, (if battery acid, boil until white fumes disappear)
Potassium Nitrate (see elsewhere in this Cookbook)
Water
Paper towels
Canning jar, 1 pint
Rod (glass or wood)
Glass containers
Ceramic or glass dish
Cup
Teaspoon
Tablespoon
Pan
Heat source
Tape

Procedure:

-
- 1) Crush 20 aspirin tablets in a glass container. Add 1 teaspoon of water and work into a paste.
 - 2) Add approximately 1/3 to 1/2 cup of alcohol (100 millilitres) to the aspirin paste; stir while pouring.
 - 3) Filter the alcohol-aspirin solution through a paper towel into another glass container. Discard the solid left in the paper towel.
 - 4) Pour the filtered solution into a glass or ceramic dish.

5) Evaporate the alcohol and water from the solution by placing the dish into a pan of hot water. White powder will remain in the dish after evaporation.

NOTE: The water in the pan should be at hot bath temperature, not boiling, approx. 160 to 180 degrees Fahrenheit. It should not burn the hands.

6) Pour 1/3 cup (80 millilitres) of concentrated sulfuric acid into a canning jar. Add the white powder to the sulfuric acid.

7) Heat canning jar of sulfuric acid in a pan of simmering hot water bath for 15 minutes; then remove jar from the bath. Solution will turn to a yellow-orange color.

8) Add 3 level teaspoons (15 grams) of potassium nitrate in three portions to the yellow-orange solution; stir vigorously during additions. Solution will turn red, then back to a yellow-orange color.

9) Allow the solution to cool to ambient room temperature while stirring occasionally.

10) Slowly pour the solution, while stirring, into 1-1/4 cup (300 millilitres) of cold water and allow to cool.

11) Filter the solution through a paper towel into a glass container. Light yellow particles will collect on the paper towel.

12) Wash the light yellow particles with 2 tablespoons (25 millilitres) of water. Discard the waste liquid in the container.

13) Place articles in ceramic dish and set in a hot water bath, as in step 5, for 2 hours.

-----Jolly Roger

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Reclamation of RDX from C-4 Explosives

Reclamation of RDX from C-4 Explosives by the Jolly Roger

RDX can be obtained from C-4 explosives with the use of gasoline. It can be used as a booster explosive for detonators or as a high explosive charge.

Material Required

Gasoline
C-4 explosive
2 - pint glass jars, wide mouth
Paper towels
Stirring rod (glass or wood)
Water
Ceramic or glass dish
Pan
Heat source
Teaspoon
Cup
Tape

NOTE: Water, Ceramic or glass dish, pan, & heat source are all optional. The RDX can be air dried instead.

Procedure:

1) Place 1-1/2 teaspoons (15 grams) of C-4 explosive in one of the pint jars. Add 1 cup (240 milliliters) of gasoline.

NOTE: These quantities can be increased to obtain more RDX. For example, use 2 gallons of gasoline per 1 cup of C-4.

2) Knead and stir the C-4 with the rod until the C-4 has broken down into small particles. Allow mixture

to stand for 1/2 hour.

3) Stir the mixture again until a fine white powder remains on the bottom of the jar.

4) Filter the mixture through a paper towel into the other glass jar. Wash the particles collected on the paper towel with 1/2 cup (120 milliliters) of gasoline. Discard the waste liquid.

5) Place the RDX particles in a glass or ceramic dish. Set the dish in a pan of hot water, not boiling and dry for a period of 1 hour.

NOTE: The RDX particles may be air dried for a period of 2 to 3 hours.

-----Jolly Roger

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Egg-based Gelled Flame Fuels

Egg-based Gelled Flame Fuels by the Jolly Roger

The white of any bird egg can be used to gel gasoline for use as a flame fuel which will adhere to target surfaces.

Materials Required

Parts by

Volume

Source

85
Stations

Vehicle

14
Store

Processes Any one of the following:

1
Brine

Store

3
Plant

Ingredient

Gasoline

Egg Whites

Table Salt

Ground Coffee

How used

Motor Fuel

Stove Fuel

Solvent

Food

Industrial

Food
Industrial

Processes

Food

Common

Gas

Motor

Food

Farms

Sea Water
Natural

Food

Coffee

Food

| | | | |
|----------------|-------------------------------------|--|--------------------------------------|
| Store | | | |
| 3 | Dried Tea Leaves | Food | Tea Plant Food |
| Store | | | |
| 3
Tree | Cocoa | Food | Cacao
Food |
| Store | | | |
| 2
Cane | Sugar | Sweetening
foods | Sugar
Food |
| Store | | | |
| 1
Deposits | Saltpeter
(Potassium
Nitrate) | Pyrotechnics
Explosives
Matches
Medicine | Natural
Drug |
| Store | | | |
| 1 | Epsom Salts | Medicine
Mineral Water
Industrial
Processes | Natural
Kisserite
Drug
Food |
| Store | | | |
| Store | | | |
| 2
Store | Washing Soda
(Sal Soda) | Washing Cleaner
Medicine | Food
Drug |
| Store | | | |
| Supply | | Photography | Photo
Store |
| 1 1/2
Store | Baking Soda | Baking
Manufacturing | Food
Drug |
| Store | | of: Beverages | |

Medicines
and
Mineral
Waters

| | | | |
|----------------|---------|----------|------|
| 1 1/2
Store | Aspirin | Medicine | Drug |
| Store | | | Food |

Procedure:

CAUTION: Make sure that there are no open flames in the area when mixing flame fuels! **NO SMOKING!!**

- 1) Separate the egg white from the yolk. This can be done by breaking the egg into a dish and carefully removing the yolk with a spoon.
- 2) Pour egg white into a jar, bottle, or other container, and add gasoline.
- 3) Add the salt (or other additive) to the mixture and stir occasionally until gel forms (about 5 to 10 minutes).

NOTE: A thicker gelled flame fuel can be obtained by putting the capped jar in hot (65 degrees Centegrade) water for about 1/2 hour and then letting them cool to room temperature. **(DO NOT HEAT THE GELLED FUEL CONTAINING COFFEE!!)**

-----Jolly Roger

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Clothespin Switch

Clothespin Switch by the Jolly Roger

A spring type clothespin is used to make a circuit closing switch to actuate explosive charges, mines, booby traps, and alarm systems.

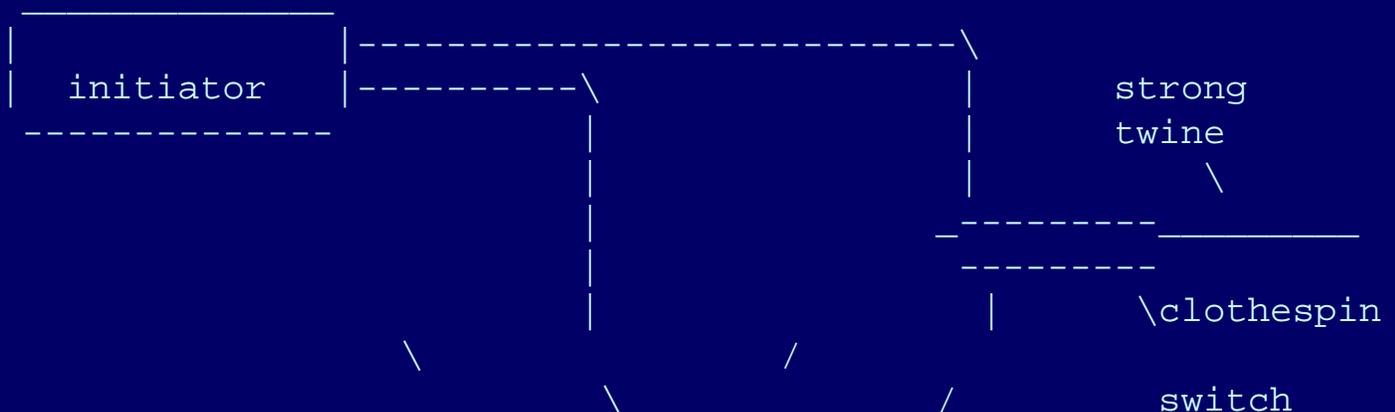
Material Required:

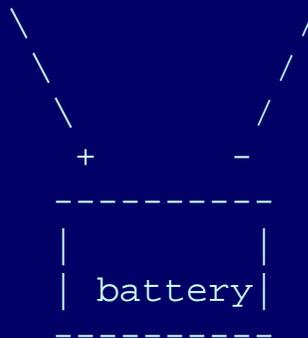
 Spring type clothespin
 Sold copper wire -- 1/16 in. (2 mm) in diameter
 Strong string on wire
 Flat piece of wood (roughly 1/8 x 1" x 2")
 Knife

Procedure:

-
- 1) Strip four in. (10 cm) of insulation from the ends of 2 solid copper wires. Scrape the copper wires with pocket knife until the metal is shiny.
 - 2) Wind one scraped wire tightly on jaw of the clothespin, and the other wire on the other jaw.
 - 3) Make a hole in one end of the flat piece of wood using a knife, heated nail or drill.
 - 4) Tie strong string or wire through the hole.
 - 5) Place flat piece of wood between the jaws of the clothespin switch.

Basic Firing Circuit:





When the flat piece of wood is removed by pulling the string, the jaws of the clothespin will close, completing the circuit.

CAUTION: Do not attach the battery until the switch and trip wire have been emplaced and examined. Be sure that the flat piece of wood is seperating the jaws of the switch.

-----Jolly Roger

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Flexible Plate Switch

Flexible Plate Switch by the Jolly Roger

This flexible plate switch is used for initiating emplaced mines and explosives.

Material Required:

Two flexible metal sheets
one approximately 10 in. (25 cm) square
one approximately 10 in. x 8 in. (20 cm)
Piece of wood 10 in. square x 1 in. thick
Four soft wood blocks 1 in. x 1 in. x 1/4 in.
Eight flat head nails, 1 in. long
Connecting wires
Adhesive tape

Procedure:

- 1) Nail 10 in. by 8 in. metal sheet to 10 in. square piece of wood so that 1 in. of wood shows on each side of the metal. Leave one of the nails sticking up about 1/4 in.
- 2) Strip insulation from the end of one connecting wire. Wrap this end around the nail and drive the nail all the way in.
- 3) Place the four wood blocks on the corners of the wood base.
- 4) Place the 10 in. square flexible metal sheet so that it rests on the blocks in line with the wood base.
- 5) Drive four nails through the metal sheet and the blocks (1 per block) to fasten the sheet to the wood base. A second connecting wire is attached to one of the nails as in step #2.
- 6) Wrap the adhesive tape around the edges of the plate and wood base. This will assure that no dirt or other foreign matter will get between the plates and prevent the switch from operating.

How to use:

The switch is placed in a hole in the path of expected traffic and covered with a thin layer of dirt or other camouflaging material. The mine or other explosive device connected to the switch can be buried with the switch or emplaced elsewhere as desired.

When a vehicle passes over the switch, the two metal plates make contact closing the firing circuit.

-----Jolly Roger

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Low Signature Systems (Silencers)

Low Signature Systems (Silencers) by the Jolly Roger

Low signature systems (silencers) for improvised small arms weapons can be made from steel gas or water pipe and fittings.

Material Required:

Grenade Container

Steel pipe nipple, 6 in. (15 cm) long - (see table 1 for diameter)

2 steel pipe couplings - (see table 2 for dimensions)

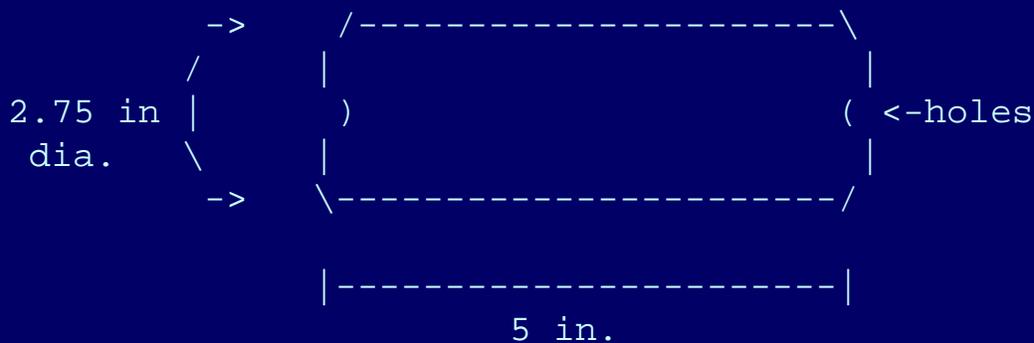
Cotton cloth - (see table 2)

Drill

Absorbent cotton

Procedure:

1) Drill hole in grenade container at both ends to fit outside diameter of pipe nipple. (see table 1)



2) Drill four rows of holes in pipe nipple. Use table 1 for diameter and location of holes. (Note: I suck at ASCII art!)

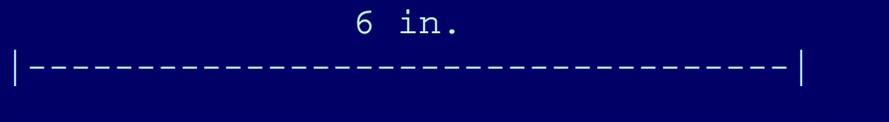


TABLE 2 -- Cotton Wadding - Sizes

| Weapon | Cotton Wadding Size |
|---------|---------------------|
| .45 cal | 1-1/2 x 6 inches |
| .38 cal | 1 x 4 inches |
| 9 mm | 1 x 4 inches |
| 7.62 mm | 1 x 4 inches |
| .22 cal | Not needed |

-----Jolly Roger

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Delay Igniter From Cigarette

Delay Igniter from a Cigarette by the Jolly Roger

A simple and economical (everyone wants to save money haha) time delay can be made with a common cigarette.

Materials Required:

Cigarette

Paper match

String (shoelace or similar cord)

Fuse cord (improvised or commercial)

Procedure:

- 1) Cut end of fuse cord at a slant to expose inner core
- 2) Light cigarette in normal fashion. Place a paper match so that the had is over exposed exposed end of fuse cord and tie both to the side of the burning cigarette with string.
- 3) Position the burning cigarette with fuse so that it burns freely. A suggested method is to hang the delay on a twig.

Note: Common dry cigarettes burn about 1 inch every 7 or 8 minutes in still air. (Now I am talking about all except American brands, which burn about 1 inch every 4-5 minutes) If the fuse cord is place one inch from the burning end of the cigarette a time delay of 7 or 8 minutes will result.

Delay time will vary depending upon type of cigarette, wind, moisture, and other atmospherc conditions (get to know your cigarette!)

To obtain accurate delay time, a test run should be made under "use" conditions.

-----Jolly Roger

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Nicotine

Nicotine by the Jolly Roger

Nicotine is an abundant poison. Easily found in tobacco products, in concentrated form a few drops can quickly kill someone. Here is how to concentrate it:

First get a can of chewing tobacco or pipe tobacco. Remove the contents and soak in water overnight in a jar (about 2/3 cup of water will do...). In the morning, strain into another jar the mixture through a porous towel. Then wrap the towel around the ball of tobacco and squeeze it until all of the liquid is in the jar. Throw away the tobacco--you will not need it anymore.

Now you have two options. I recommend the first. It makes the nicotine more potent.

- 1) Allow to evaporate until a sticky syrup results in the jar. This is almost pure nicotine (hell, it is pure enough for sure!).
- 2) Heat over low flame until water is evaporated and a thick sticky syrup results (I don't know how long it takes... shouldn't take too long, though.).

Now all you have to do, when you wish to use it, is to put a few drops in a medicine dropper or equivalent, and slip about 4 or 5 drops into the victim's coffee. Coffee is recommended since it will disguise the taste. Since nicotine is a drug, the victim should get quite a buzz before they turn their toes up to the daisies, so to speak.

Note: If the syrup is too sticky, dilute it with a few drops of water. And while you are at it, better add an extra drop to the coffee just to be sure!

-----Jolly Roger

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Dried Seed Timer

Dried Seed Timer by the Jolly Roger

A time delay device for electrical firing circuits can be made using the principle of expansion of dried seeds.

Material Required:

Dried peas, beans, or other dehydrated seeds
Wide-mouth glass jar with non-metal cap
Two screws or bolts
Thin metal plate
Hand drill
Screwdriver

Procedure:

- 1) Determine the rate of the rise of the dried seeds selected. This is necessary to determine the delay time of the timer.
 - a) Place a sample of the dried seeds in the jar and cover with water.
 - b) Measure the time it takes for the seeds to rise a given height. Most dried seeds increase 50% in one to two hours.
- 2) Cut a disc from thin metal plate. Disc should fit loosely inside the jar.

NOTE: If metal is painted, rusty, or otherwise coated, it must be scraped or sanded to obtain a clean metal surface

- 3) Drill two holes in the cap of the jar about 2 inches apart. Diameter of holes should be such that screws or bolts will thread tightly into them. If the jar has a metal cap or no cap, a piece of wood or plastic (NOT METAL) can be used as a cover.
- 4) Turn the two screws or bolts through the holes in the cap. Bolts should extend about one in. (2 1/2 cm) into the jar.

IMPORTANT: Both bolts must extend the same distance below the container cover.

- 5) Pour dried seeds into the container. The level will depend upon the previously measured rise time and

the desired delay.

6) Place the metal disc in the jar on top of the seeds.

How to use:

- 1) Add just enough water to completely cover the seeds and place the cap on the jar.
- 2) Attach connecting wires from the firing circuit to the two screws on the cap.

Expansion of the seeds will raise the metal disc until it contacts the screws and closes the circuit.

-----Jolly Roger

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Nail Grenade

Nail Grenade by the Jolly Roger

Effective fragmentation grenades can be made from a block of tnt or other blasting explosive and nails.

Material Required:

- Block of TNT or other blasting explosive
- Nails
- Non-electric (military or improvised) blasting cap
- Fuse Cord
- Tape, string, wire, or glue

Procedure:

- 1) If an explosive charge other than a standard TNT block is used, make a hole in the center of the charge for inserting the blasting cap. TNT can be drilled with relative safety. With plastic explosives, a hole can be made by pressing a round stick into the center of the charge. The hole should be deep enough that the blasting cap is totally within the explosive.
- 2) Tape, tie, or glue one or two rows of closely packed nails to the sides of the explosive block. Nails should completely cover the four surfaces of the block.
- 3) Place blasting cap on one end of the fuse cord and crimp with pliers.

NOTE: To find out how long the fuse cord should be, check the time it takes a known length to burn. If 12 inches (30 cm) burns for 30 seconds, a 10 second delay will require a 4 inch (10 cm) fuse.

- 4) Insert the blasting cap in the hole in the block of explosive. Tape or tie fuse cord securly in place so that it will not fall out when the grenade is thrown.

Alternate Use:

An effective directional anti-personnel mine can be made by placing nails on only one side of the explosive block. For thi case, and electric blasting cap can be used.

-----Jolly Roger

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Bell Glossary

The Bell Glossary

courtesy of the Jolly Roger

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ACD: Automatic Call Distributor - A system that automatically distributes calls to operator pools (providing services such as intercept and directory assistance), to airline ticket agents, etc.

Administration: The tasks of record-keeping, monitoring, rearranging, prediction need for growth, etc.

AIS: Automatic Intercept System - A system employing an audio-response unit under control of a processor to automatically provide pertinent info to callers routed to intercept.

Alert: To indicate the existence of an incoming call, (ringing).

ANI: Automatic Number Identification - Often pronounced "Annie," a facility for automatically identify the number of the calling party for charging purposes.

Appearance: A connection upon a network terminal, as in "the line has two network appearances."

Attend: The operation of monitoring a line or an incoming trunk for off-hook or seizure, respectively.

Audible: The subdued "image" of ringing transmitted to the calling party during ringing; not derived from the actual ringing signal in later systems.

Backbone Route: The route made up of final-group trunks between end offices in different regional center areas.

BHC: Busy Hour Calls - The number of calls placed in the busy hour.

Blocking: The ratio of unsuccessful to total attempts to use a facility; expresses as a probability when computed a priority.

Blocking Network: A network that, under certain conditions, may be unable to form a transmission path from one end of the network to the other. In general, all networks used within the Bell Systems are of the blocking type.

Blue Box: Equipment used fraudulently to synthesize signals, gaining access to the toll network for the placement of calls without charge.

BORSCHT Circuit: A name for the line circuit in the central office. It functions as a mnemonic for the functions that must be performed by the circuit: Battery, Overvoltage, Ringing, Supervision, Coding, Hybrid, and Testing.

Busy Signal: (Called-line-busy) An audible signal which, in the Bell System, comprises 480hz and 620hz interrupted at 60IPM.

Bylink: A special high-speed means used in crossbar equipment for routing calls incoming from a step-by-step office. Trunks from such offices are often referred to as "bylink" trunks even when incoming to noncrossbar offices; they are more properly referred to as "dc incoming trunks." Such high-speed means are necessary to assure that the first incoming pulse is not lost.

Cable Vault: The point which phone cable enters the Central Office building.

CAMA: Centralized Automatic Message Accounting - Pronounced like Alabama.

CCIS: Common Channel Interoffice Signaling - Signaling information for trunk connections over a separate, nonspeech data link rather than over the trunks themselves.

CCITT: International Telegraph and Telephone Consultative Committee- An International committee that formulates plans and sets standards for intercountry communication means.

CDO: Community Dial Office - A small usually rural office typically served by step-by-step equipment.

CO: Central Office - Comprises a switching network and its control and support equipment. Occasionally improperly used to mean "office code."

Centrex: A service comparable in features to PBX service but implemented with some (Centrex CU) or all (Centrex CO) of the control in the central office. In the later case, each station's loop connects to the central office.

Customer Loop: The wire pair connecting a customer's station to the central office.

DDD: Direct Distance Dialing - Dialing without operator assistance over the nationwide intertoll network.

Direct Trunk Group: A trunk group that is a direct connection between a given originating and a given terminating office.

EOTT: End Office Toll Trunking - Trunking between end offices in different toll center areas.

ESB: Emergency Service Bureau - A centralized agency to which 911 "universal" emergency calls are routed.

ESS: Electronic Switching System - A generic term used to identify as a class, stored-program switching systems such as the Bell System's No.1 No.2, No.3, No.4, or No.5.

ETS: Electronic Translation Systems - An electronic replacement for the card translator in 4A Crossbar systems. Makes use of the SPC 1A Processor.

False Start: An aborted dialing attempt.

Fast Busy: (often called reorder) - An audible busy signal interrupted at twice the rate of the normal busy signal; sent to the originating station to indicate that the call blocked due to busy equipment.

Final Trunk Group: The trunk group to which calls are routed when available high-usage trunks overflow; these groups generally "home" on an office next highest in the hierarchy.

Full Group: A trunk group that does not permit rerouting off-contingent foreign traffic; there are seven such offices.

Glare: The situation that occurs when a two-way trunk is seized more or less simultaneously at both ends.

High Usage Trunk Group: The appellation for a trunk group that has alternate routes via other similar groups, and ultimately via a final trunk group to a higher ranking office.

Intercept: The agency (usually an operator) to which calls are routed when made to a line recently removed from a service, or in some other category requiring explanation. Automated versions (ASI) with automatic voiceresponse units are growing in use.

Interrupt: The interruption on a phone line to disconnect and connect with another station, such as an Emergence Interrupt.

Junctor: A wire or circuit connection between networks in the same office. The functional equivalent to an intraoffice trunk.

MF: Multifrequency - The method of signaling over a trunk making use of the simultaneous application of two out of six possible frequencies.

NPA: Numbering Plan Area.

ONI: Operator Number Identification - The use of an operator in a CAMA office to verbally obtain the calling number of a call originating in an office not equipped with ANI.

PBX: Private Branch Exchange - (PABX: Private Automatic Branch Exchange) An telephone office serving a private customer, Typically , access to the outside telephone network is provided.

Permanent Signal: A sustained off-hook condition without activity (no dialing or ringing or completed

connection); such a condition tends to tie up equipment, especially in earlier systems. Usually accidental, but sometimes used intentionally by customers in high-crime-rate areas to thwart off burglars.

POTS: Plain Old Telephone Service - Basic service with no extra "frills".

ROTL: Remote Office Test Line - A means for remotely testing trunks.

RTA: Remote Trunk Arrangement - An extension to the TSPS system permitting its services to be provided up to 200 miles from the TSPS site.

SF: Single Frequency. A signaling method for trunks: 2600hz is impressed upon idle trunks.

Supervise: To monitor the status of a call.

SxS: (Step-by-Step or Strowger switch) - An electromechanical office type utilizing a gross-motion stepping switch as a combination network and distributed control.

Talkoff: The phenomenon of accidental synthesis of a machine-intelligible signal by human voice causing an unintended response. "whistling a tone".

Trunk: A path between central offices; in general 2-wire for interlocal, 4-wire for intertoll.

TSPS: Traffic Service Position System - A system that provides, under stored- program control, efficient operator assistance for toll calls. It does not switch the customer, but provides a bridge connection to the operator.

X-bar: (Crossbar) - An electromechanical office type utilizing a "fine-motion" coordinate switch and a multiplicity of central controls (called markers).

There are four varieties:

No.1 Crossbar: Used in large urban office application; (1938)

No 3 Crossbar: A small system started in (1974).

No.4A/4M Crossbar: A 4-wire toll machine; (1943).

No.5 Crossbar: A machine originally intended for relatively small suburban applications; (1948)

Crossbar Tandem: A machine used for interlocal office switching.

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Phone Dial Locks -- How to Beat'em

Phone Dial Locks -- How to Beat'em courtesy of the Jolly Roger

Have you ever been in an office or somewhere and wanted to make a free phone call but some asshole put a lock on the phone to prevent out-going calls? Fret no more phellow phreake, for every system can be beaten with a little knowledge!

There are two ways to beat this obstacle, first pick the lock, I don't have the time to teach locksmithing so we go to the second method which takes advantage of telephone electronics.

To be as simple as possible when you pick up the phone you complete a circuit known as a local loop. When you hang up you break the circuit. When you dial (pulse) it also breaks the circuit but not long enough to hang up! So you can "Push-dial." To do this you >>> RAPIDLY <<< depress the switchhook. For example, to dial an operator (and then give her the number you want to call) >>> RAPIDLY <<< & >>> EVENLY <<< depress the switchhook 10 times. To dial 634-1268, depress 6 X'S pause, then 3 X'S, pause, then 4X'S, etc. It takes a little practice but you'll get the hang of it. Try practicing with your own # so you'll get a busy tone when right. It'll also work on touch-tone(tm) since a DTMF line will also accept pulse. Also, never depress the switchhook for more than a second or it'll hang up!

Finally, remember that you have just as much right to that phone as the asshole who put the lock on it! (From the Official Phreaker's Guide)

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Generic Bomb

Generic Bomb by the Jolly Roger

- 1) Aquire a glass container
- 2) Put in a few drops of gasoline
- 3) Cap the top
- 4) Now turn the container around to coat the inner surfaces and then evaporates
- 5) Add a few drops of potassium permanganate (<-Get this stuff from a snake bite kit)
- 6) The bomb is detonated by throwing aganist a solid object.

AFTER THROWING THIS THING RUN LIKE HELL THIS THING PACKS ABOUT 1/2 STICK OF DYNAMITE

-----Jolly Roger

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Green Box Plans

Green Box Plans by the Jolly Roger

Paying the initial rate in order to use a red box (on certain fortresses) left a sour taste in many red boxers mouths, thus the green box was invented. The green box generates useful tones such as COIN COLLECT, COIN RETURN, AND RINGBACK. These are the tones that ACTS or the TSPS operator would send to the CO when appropriate.

Unfortunately, the green box cannot be used at the fortress station but must be used by the CALLED party.

Here are the tones:

COIN COLLECT 700+1100hz

COIN RETURN 1100+1700hz

RINGBACK 700+1700hz

Before the called party sends any of these tones, an operator release signal should be sent to alert the MF detectors at the CO. This can be done by sending 900hz + 1500hz or a single 2600 wink (90 ms.) Also do not forget that the initial rate is collected shortly before the 3 minute period is up. Incidentally, once the above MF tones for collecting and returning coins reach the CO, they are converted into an appropriate DC pulse (-130 volts for return and +130 for collect). This pulse is then sent down the tip to the fortress. This causes the coin relay to either return or collect the coins.

The alledged "T-network" takes advantage of this information. When a pulse for coin collect (+130 VDC) is sent down the line, it must be grounded somewhere. This is usually the yellow or black wire. Thus, if the wires are exposed, these wires can be cut to prevent the pulse from being grounded. When the three minute initial period is almost up, make sure that the black and yellow wires are severed, then hang up, wait about 15 seconds in case of a second pulse, reconnect the wires, pick up the phone, and if all goes well, it should be "JACKPOT" time.

-----Jolly Roger

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Portable Grenade Launcher

Portable Grenade Launcher by the Jolly Roger

If you have a bow, this one is for you. Remove the ferrule from an aluminum arrow, and fill the arrow with black powder (I use grade FFFF, it burns easy) and then glue a shotshell primer into the hole left where the ferrule went. Next, glue a BB on the primer, and you are ready to go! Make sure no one is nearby.... Little shreds of aluminum go all over the place!!

-----Jolly Roger

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Basic Hacking Tutorial I

Hacking Tutorial Courtesy of the Jolly Roger

What is hacking?

According to popular belief the term hacker and hacking was founded at mit it comes from the root of a hack writer, someone who keeps "hacking" at the typewriter until he finishes the story. a computer hacker would be hacking at the keyboard or password works.

What you need:

To hack you need a computer equipped with a modem (a device that lets you transmit data over phone lines) which should cost you from \$100 to \$1200.

How do you hack?

Hacking requires two things:

1. The phone number
2. Answer to identity elements

How do you find the phone #?

There are three basic ways to find a computers phone number.

1. Scanning,
2. Directory
3. Inside info.

What is scanning?

Scanning is the process of having a computer search for a carrier tone. For example, the computer would start at (800) 111-1111 and wait for carrier if there is none it will go on to 111-1112 etc. if there is a carrier it will record it for future use and continue looking for more.

What is directory assistance?

This way can only be used if you know where your target computer is. For this example say it is in menlo park, CA and the company name is sri.

1. Dial 411 (or 415-555-1212)
2. Say "Menlo park"
3. Say "Sri"
4. Write down number
5. Ask if there are any more numbers
6. If so write them down.
7. Hang up on operator
8. Dial all numbers you were given
9. Listen fir carrier tone
10. If you hear carrier tone write down number, call it on your modem and your set to hack!

-----Jolly Roger

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Basic Hacking Tutorial II

The Basics of Hacking II Courtesy of the Jolly Roger

Basics to know before doing anything, essential to your continuing career as one of the elite in the country... This article, "the introduction to the world of hacking" is meant to help you by telling you how not to get caught, what not to do on a computer system, what type of equipment should I know about now, and just a little on the history, past present future, of the hacker.

Welcome to the world of hacking! We, the people who live outside of the normal rules, and have been scorned and even arrested by those from the 'civilized world', are becoming scarcer every day. This is due to the greater fear of what a good hacker (skill wise, no moral judgements here)|can do nowadays, thus causing anti- hacker sentiment in the masses. Also, few hackers seem to actually know about the computer systems they hack, or what equipment they will run into on the front end, or what they could do wrong on a system to alert the 'higher' authorities who monitor the system. This article is intended to tell you about some things not to do, even before you get on the system. I will tell you about the new wave of front end security devices that are beginning to be used on computers.

I will attempt to instill in you a second identity, to be brought up at time of great need, to pull you out of trouble. And, by the way, I take no, repeat,no, responsibility for what we say in this and the forthcoming articles.

Enough of the bullshit, on to the fun: after logging on your favorite bbs, you see on the high access board a phone number! It says it's a great system to "fuck around with!" This may be true, but how many other people are going to call the same number? So: try to avoid calling a number given to the public. This is because there are at least every other user calling, and how many other boards will that number spread to?

If you call a number far, far away, and you plan on going thru an extender or a re-seller, don't keep calling the same access number (I.E. As you would if you had a hacker running), this looks very suspicious and can make life miserable when the phone bill comes in the mail. Most cities have a variety of access numbers and services, so use as many as you can. Never trust a change in the system... The 414's, the assholes, were caught for this reason: when one of them connected to the system, there was nothing good there. The next time, there was a trek game stuck right in their way! They proceeded to play said game for two, say two and a half hours, while telenet was tracing them! Nice job, don't you think? If anything looks suspicious, drop the line immediately!! As in, yesterday!! The point we're trying to get across is: if you use a little common sence, you won't get busted. Let the little kids who aren't smart enough to recognize a trap get busted, it will take the heat off of the real hackers. Now, let's say you get on a computer system... It looks great, checks out, everything seems fine.

Ok, now is when it gets more dangerous. You have to know the computer system to know what not to

do. Basically, keep away from any command something, copy a new file into the account, or whatever! Always leave the account in the same status you logged in with. Change *nothing*... If it isn't an account with priv's, then don't try any commands that require them! All, yes all, systems are going to be keeping log files of what users are doing, and that will show up. It is just like dropping a trouble-card in an ESS system, after sending that nice operator a pretty tone.

Spend no excessive amounts of time on the account in one stretch. Keep your calling to the very late night if possible, or during business hours (believe it or not!). It so happens that there are more users on during business hours, and it is very difficult to read a log file with 60 users doing many commnds every minute.

Try to avoid systems where everyone knows each other, don't try to bluff. And above all: never act like you own the system, or are the best there is. They always grab the people who's heads swell... There is some very interesting front end equipment around nowadays, but first let's define terms... By front end, we mean any device that you must pass thru to get at the real computer. There are devices that are made to defeat hacker programs, and just plain old multiplexers.

To defeat hacker programs, there are now devices that pick up the phone and just sit there... This means that your device gets no carrier, thus you think there isn't a computer on the other end. The only way around it is to detect when it was picked up. If it pickes up after the same number ring, then you know it is a hacker-defeater. These devices take a multi-digit code to let you into the system. Some are, in fact, quite sophisticated to the point where it will also limit the user name's down, so only one name or set of names can be valid logins after they input the code... Other devices input a number code, and then they dial back a pre-programmed number for that code. These systems are best to leave alone, because they know someone is playing with their phone. You may think "but i'll just reprogram the dial-back." Think again, how stupid that is... Then they have your number, or a test loop if you were just a little smarter. If it's your number, they have your balls (if male...), If its a loop, then you are screwed again, since those loops are *monitored*. As for multiplexers... What a plexer is supposed to do is this:

The system can accept multiple users. We have to time share, so we'll let the front-end processor do it... Well, this is what a multiplexer does. Usually they will ask for something like "enter class" or "line:". Usually it is programmed for a double digit number, or a four to five letter word. There are usually a few sets of numbers it accepts, but those numbers also set your 300/1200/2400 baud data type.

These multiplexers are inconvenient at best, so not to worry. A little about the history of hacking: hacking, by my definition, means a great knowledge of some special area. Doctors and lawyers are hackers of a sort, by this definition. But most often, it is being used in the computer context, and thus we have a definition of "anyone who has a great amount of computer or telecommunications knowledge." You are not a hacker because you have a list of codes... Hacking, by my definition, has then been around only about 15 years. It started, where else but, mit and colleges where they had computer science or electrical engineering departments.

Hackers have created some of the best computer languages, the most awesome operating systems, and even gone on to make millions. Hacking used to have a good name, when we could honestly say "we know what we are doing". Now it means (in the public eye): the 414's, ron austin, the nasa hackers, the

arpanet hackers...

All the people who have been caught, have done damage, and are now going to have to face fines and sentences. Thus we come past the moralistic crap, and to our purpose: educate the hacker community, return to the days when people actually knew something...

-----Jolly Roger

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The Anarchist's Cookbook

Hacking DEC's

Hacking DEC's by the Jolly Roger

In this article you will learn how to log in to dec's, logging out, and all the fun stuff to do in-between. All of this information is based on a standard dec system.

Since there are dec systems 10 and 20, and I favor, the dec 20, there will be more info on them in this article. It just so happens that the dec 20 is also the more common of the two, and is used by much more interesting people (if you know what I mean...) Ok, the first thing you want to do when you are receiving carrier from a dec system is to find out the format of login names. You can do this by looking at who is on the system.

```
Dec=> ` (the 'exec' level prompt)
```

```
you=> sy
```

sy is short for sy(stat) and shows you the system status.

You should see the format of login names...

A systat usually comes up in this form:

```
job line program user
```

job: the job number (not important unless you want to log them off later)

line: what line they are on (used to talk to them...)

These are both two or three digit numbers.

Program: what program are they running under? If it says 'exec' they aren't doing anything at all...

User: ahhhahhhh! This is the user name they are logged in under...

Copy the format, and hack yourself outa working code... Login format is as such:

```
dec=> `
```

```
you=> login username password
```

username is the username in the format you saw above in the systat.

After you hit the space after your username, it will stop echoing characters back to your screen. This is the password you are typing in... Remember, people usually use their name, their dog's name, the name of a favorite character in a book, or something like this. A few clever people have it set to a key cluster (qwerty or asdfg). Pw's can be from 1 to 8 characters long, anything after that is ignored. You are finally in... It would be nice to have a little help, wouldn't it? Just type a ? Or the word help, and it will give you a whole list of topics...

Some handy characters for you to know would be the control keys, wouldn't it? Backspace on a dec 20 is rub which is 255 on your ascii chart. On the dec 10 it is cntrl-h. To abort a long listing or a program, cntrl-c works fine. Use cntrl-o to stop long output to the terminal. This is handy when playing a game,

but you don't want to cntrl-c out. Cntrl-t for the time. Cntrl-u will kill the whole line you are typing at the moment. You may accidently run a program where the only way out is a cntrl-x, so keep that in reserve. Cntrl-s to stop listing, cntrl-q to continue on both systems. Is your terminal having trouble?? Like, it pauses for no reason, or it doesn't backspace right? This is because both systems support many terminals, and you haven't told it what yours is yet... You are using a vt05 so you need to tell it you are one.

Dec=> `

you=> information terminal

or...

You=> info

this shows you what your terminal is set up as...

Dec=>all sorts of shit, then the `

you=> set ter vt05 this sets your terminal type to vt05.

Now let's see what is in the account (here after abbreviated acct.) that you have hacked onto... Say

=> dir

short for directory, it shows you what the user of the code has save to the disk. There should be a format like this:

xxxxx.Oooxxxxx is the file name, from 1 to 20 characters long. Ooo is the file type, one of: exe, txt, dat, bas, cmd and a few others that are system dependant. Exe is a compiled program that can be run (just by typing its name at the `).

Txt is a text file, which you can see by

typing=>

type xxxxx.Txt

Do not try to=> type xxxxx.Exe this is very bad for your terminal and will tell you absolutly nothing.

Dat is data they have saved.

Bas is a basic program, you can have it typed out for you.

Cmd is a command type file, a little too complicated to go into here.

Try =>

take xxxxx.Cmd

By the way, there are other users out there who may have files you can use (gee, why else am I here?).

Type => dir <*. *> (Dec 20)

=> dir [*,*] (dec 10)

* is a wildcard, and will allow you to access the files on other accounts if the user has it set for public access. If it isn't set for public access,then you won't see it. To run that program:

dec=> `

you=> username program-name

username is the directory you saw the file listed under, and file name was what else but the file name?

**** You are not alone ****

remember, you said (at the very start) sy short for systat, and how we said this showed the other users on the system? Well, you can talk to them, or at least send a message to anyone you see listed in a systat.

You can do this by:

dec=> the user list (from your systat)

you=> talkusername (dec 20)

send username (dec 10)

talk allows you and them immediate transmission of whatever you/they type to be sent to the other. Send only allow you one message to be sent, and send, they will send back to you, with talk you can just keep going. By the way, you may be noticing with the talk command that what you type is still acted upon by the parser (control program). To avoid the constant error messages type either:

you=> ;your message

you=> rem your message

the semi-colon tells the parser that what follows is just a comment. Rem is short for 'remark' and ignores you from then on until you type a cntrl-z or cntrl-c, at which point it puts you back in the exec mode. To break the connection from a talk command type:

you=> break priv's:

if you happen to have privs, you can do all sorts of things. First of all, you have to activate those privs.

You=> enable

this gives you a \$ prompt, and allows you to do this: whatever you can do to your own directory you can now do to any other directory. To create a new acct. Using your privs, just type

=>build username

if username is old, you can edit it, if it is new, you can define it to be whatever you wish. Privacy means nothing to a user with privs. By the way, there are various levels of privs: operator, wheel, cia. wheel is the most powerful, being that he can log in from anywhere and have his powers.

Operators have their power because they are at a special terminal allowing them the privs. Cia is short for 'confidential information access', which allows you a low level amount of privs.

Not to worry though, since you can read the system log file, which also has the passwords to all the other accounts. To de-activate your privs, type

you=> disable

when you have played your greedy heart out, you can finally leave the system with the command=> logout

this logs the job you are using off the system (there may be variants of this such as kjob, or killjob).

-----Jolly Roger

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The Anarchist's Cookbook

Harmless Bombs

Harmless Bombs by the Jolly Roger

To all those who do not wish to inflict bodily damage on their victims but only terror. These are weapons that should be used from high places.

1) The flour bomb.

Take a wet paper towel and pour a given amount of baking flour in the center. Then wrap it up and put on a rubber band to keep it together. When thrown it will fly well but when it hits, it covers the victim with the flour or causes a big puff of flour which will put the victim in terror since as far as they are concerned, some strange white powder is all over them. This is a cheap method of terror and for only the cost of a roll of paper towels and a bag of flour you and your friends can have loads of fun watching people flee in panic.

2) Smoke bomb projectile.

All you need is a bunch of those little round smoke bombs and a wrist rocket or any sling-shot. Shoot the smoke bombs and watch the terror since they think it will blow up!

3) Rotten eggs (good ones)

Take some eggs and get a sharp needle and poke a small hole in the top of each one. Then let them sit in a warm place for about a week. Then you've got a bunch of rotten eggs that will only smell when they hit.

4) Glow in the dark terror.

Take one of those tubes of glow in the dark stuff and pour the stuff on whatever you want to throw and when it gets on the victim, they think it's some deadly chemical or a radioactive substance so they run in total panic. This works especially well with flower bombs since a gummy, glowing substance gets all over the victim.

5) Fizzling panic.

Take a baggie of a water-baking soda solution and seal it. (Make sure there is no air in it since the solution will form a gas and you don't want it to pop on you.) Then put it in a bigger plastic bag and fill it with vinegar and seal it. When thrown, the two substances will mix and cause a violently bubbling substance to go all over the victim.

-----Jolly Roger

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The Anarchist's Cookbook

Breaking into Houses

Breaking Into Houses by the Jolly Roger

Okay You Need:

1. Tear Gas or Mace
2. A BB/Pelet Gun
3. An Ice Pick
4. Thick Gloves

What You Do Is:

1. Call the ###-#### of the house, or ring doorbell, To find out if they're home.
2. If they're not home then...
3. Jump over the fence or walk through gate (whatever).
4. If you see a dog give him the mace or tear gas.
5. Put the gloves on!!!!!!
6. Shoot the BB gun slightly above the window locks.
7. Push the ice-pick through the hole (made by the BB gun).
8. Enter window.
9. FIRST...Find the LIVING ROOM. (they're neat things there!).
10. Then goto the Bed-room to get a pillow case. Put the goodies in the pillow case.
11. Get out <-* FAST! -*>

Notes: You should have certian targets worked out (like computers, Radios, Ect.,Ect.). Also <-* NEVER *-> Steal from your own neighborhood. If you think they have an alarm...<-* FORGET IT! *->.

-----Jolly Roger

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The Anarchist's Cookbook

Hypnotism

A Guide to Hypnotism Courtesy of the Jolly Roger
(Originally an Apple][file, forgive the uppercase!)

```
+-----+
! WHAT HYPNOTISM IS !
+-----+
```

Hypnotism, contrary to common belief, is merely state when your mind and body are In a state of relaxation and your mind is open to positive, or cleverly worded Negative, influences. It is not a trance where you: > are totally influencable. > cannot lie. > a sleep which you cannot wake up from without help. This may bring down your hope somewhat, but, hypnotism is a powerful for self help, And/or mischeif.

```
+-----+ ! Your subconscious mind ! +-----+
```

Before going in further, i'd like to state that hypnotism not only is great in the way That it relaxes you and gets you (in the long run) what you want, but also that it Taps a force of incredible power, beleive it or not, this power is your subconscious Mind. The subconscious mind always knows what is going on with every part of your Body,

Every moment of the day. It protects you from negative influences, and retains the Power to slow your heartbeat down and stuff like that. The subconscious mind holds Just about all the info you would like to know about yourself, or, in this case, the Person you will be hypnotising. There are many ways to talk to your subconscious And have it talk back to you. One way is the ouja board, no its not a spirit, merely the Minds of those who are using it. Another, which i will discuss here, is the pendulum Method. Ok, here is how it goes. First, get a ring or a washer and tie it to a thread a Little longer than half of your forearm. Now, take a sheet of paper and draw a big Circle in it. In the big circle you must now draw a crosshair (a big +). Now, put the Sheet of paper on a table. Next, hold the thread with the ring or washer on it and Place it (holding the thread so that the ring is 1 inch above the paper swinging) in the Middle of the crosshair. Now, swing the thread so the washer goes up and down, say To yourself the word "yes" now, do it side to side and say the word "no". Do it counter Clockwise and say "i don't know". And lastly, do it clockwise and say "i dont want to Say." Now, with the thread back in the middle of the crosshair, ask yourself questions And wait for the pendulum to swing in the direction for the answer. (yes, no, i dont

Know or i dont wanna say...). Soon, to your amazement, it will be answering questions Like anything... Let the pendulum answer, dont try.. When you try you will never get An answer. Let the answer come to you.

+-----+ ! How to induce hypnotism ! +-----+

Now that you know how to talk to your subconscious mind, i will now tell you how To guide someone into hypnosis. Note that i said guide, you can never, hynotise Someone, they must be willing. Ok, the subject must be lying or sitting in a Comfortable position, relaxed, and at a time when things arent going to be Interrupted. Tell them the following or something close to it, in a peaceful, Monotonous tone (not a commanding tone of voice)

Note: light a candle and place it somewhere where it can be easily seen.

Take a deep breath through your nose and hold it in for a count of 8. Now, through Your mouth, exhale completely and slowly. Continued breathing long, deep, breaths Through your nose and exhaling through your mouth. Tense up all your muscles very Tight, now, counting from ten to one, release them slowly, you will find them very Relaxed. Now, look at the candle, as you look at it, with every breath and passing Momement, you are feeling increasingly more and more peaceful and relaxed. The Candles flame is peaceful and bright.

As you look at it i will count from 100 down, as a count, your eyes will become more And more relaxed, getting more and more tired with each passing moment." Now, count down from 100, about every 10 numbers say "when i reach xx your eyes (or You will find your eyes) are becoming more and more tired." Tell them they may close Their eyes whenever they feel like it. If the persons eyes are still open when you get to 50 then instead of saying

"your eyes will.."

Say "your eyes are..."

When their eyes are shut say the following. As you lie (or sit) here with your eyes Comfortably close you find yourself relaxing more and more with each moment and Breath.

The relaxation feels pleasant and blissful so, you happily give way to this wonderful Feeling. Imagege yourself on a cloud, resting peacefully, with a slight breeze Caressing your body. A tingling sensasion begins to work its way, within and without Your toes, it slowly moves up your feet, making them warm, heavy and relaxed. The Cloud is soft and supports your body with its soft texture, the scene is peaceful and Absorbing, the peacefulness absorbs you completely...

The tingling gently and slowly moves up your legs, relaxing them. Making them warm And heavy. The relaxation feels very good, it feels so good to relax and let go. As the Tingling continues its journey up

into your solar plexus, you feel your inner Stomach become very relaxed. Now, it moves slowly into your chest, making your Breathing relaxed as well. The feeling begins to move up your arms to your Shoulders, making your arms heavy and relaxed as well. You are aware of the total Relaxation you are now experiencing, and you give way to it. It is good and peaceful, The tingling now moveves into your face and head, relaxing your jaws, neck, and Facial muscles, making your cares and worries float away. Away into the blue sky as You rest blissfully on the cloud....

If they are not responsive or you think they (he or she..) Is going to sleep, then add in a "...always concentrating upon my voice, ingoring all other sounds. Even though Other sounds exist, they aid you in your relaxation..." They should soon let out a Sigh as if they were letting go, and their face should have a "woodeness" to it, Becoming featurless... Now, say the following "... You now find yourself in a hallway, The hallway is peaceful and nice. As i count from 10 to 1 you will imagine yourself Walking further and further down the hall. When i reach one you will find yourself Where you want to be, in another, higher state of concious and mind. (count from ten To one)....." Do this about three or four times. Then, to test if the subject is under Hypnosis or not, say....

"...you feel a strange sensation in your (arm they write with) arm, the

Feeling begins at your fingers and slowly moves up your arm, as it moves through Your arm your arm becomes lighter and lighter, it will soon be so light it will Becoming lighter and lighter which each breath and moment..."

Their fingers should begin to twitch and then move up, the arm following, now my Friend, you have him/hep in hypnosis. The first time you do this, while he/she is under Say good things, like: "your going to feel great tomorrow" or "every day in every way You will find yourself becoming better and better".. Or some crap like that... The more They go under, the deeper in hypnosis they will get each time you do it.

+-----+ ! What to do when hypnotised ! +-----+

When you have them under you must word things very carefully to get your way. You cannot simply say... Take off your clothes and fuck the pillow. No, that would Not really do the trick. You must say something like.... "you find your self at home, in Your room and you have to take a shower (vividly describe their room and whats Happening), you begin to take off your clothes..." Now, it cant be that simple, you must Know the persons house, room, and shower room. Then describe things vividly and Tell them to act it out (they have to be deeply under to do this...). I would just suggest That you experiment a while, and get to know ho; to do things.

+-----+ ! Waking up ! +-----+

Waking up is very easy, just say.. "...as i count from 1 to 5 you will find yourself Becoming more and more awake, more and more lively. When you wake up you will Find yourself completely alive, awake, and refreshed. Mentally and physically, Remembering the pleasant sensation that hypnosis brings...

Waking up feeling like a New born baby, reborn with life and vigor, feeling excellent. Remembering that next Time you enter hypnosis it will become an ever increasing deeper and deeper state Than before.

1- you feel energy course throughout your limbs. 2- you begin to breathe deeply, stirring. 3- begining to move more and more your eyes open, bringing you up to full concious. 4- you are up,up, up and awakening more and more. 5- you are awake and feeling great."

And thats it! You now know how to hypnotise yourself and someone else. You will Learn more and more as you experiment.

-----Jolly Roger

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The Anarchist's Cookbook

Jackpotting ATM Machines

Jackpotting ATM Machines courtesy of the Jolly Roger

JACKPOTTING was done rather successfully a while back in (you guessed it) New York. What the culprits did was:

Sever (actually cross over) the line between the ATM and the host. insert a microcomputer between the ATM and the host. insert a fraudulent card into the ATM. (card=cash card, not hardware)

What the ATM did was: send a signal to the host, saying "Hey! Can I give this guy money, or is he broke, or is his card invalid?"

What the microcomputer did was: intercept the signal from the host, discard it, send "there's no one using the ATM" signal.

What the host did was: get the "no one using" signal, send back "okay, then for God's sake don't spit out any money!" signal to ATM.

What the microcomputer did was: intercept signal (again), throw it away (again), send "Wow! That guy is like TOO rich! Give him as much money as he wants. In fact, he's so loaded, give him ALL the cash we have! He is really a valued customer." signal.

What the ATM did:

what else? Obediently dispense cash till the cows came home (or very nearly so).

What the crooks got:

well in excess of \$120,000 (for one weekend's work), and several years when they were caught.

This story was used at a CRYPTOGRAPHY conference I attended a while ago to demonstrate the need for better information security. The lines between ATM's & their hosts are usually 'weak' in the sense that the information transmitted on them is generally not encrypted in any way. One of the ways that JACKPOTTING can be defeated is to encrypt the information passing between the ATM and the host. As long as the key cannot be determined from the ciphertext, the transmission (and hence the transaction) is secure.

A more believable, technically accurate story might concern a person who uses a computer between the ATM and the host to determine the key before actually fooling the host. As everyone knows, people find cryptanalysis a very exciting and engrossing subject...don't they? (Hee-Hee)



| ____ | ->>- | | ->>- | ____ |

The B of A ATM's are connected through dedicated lines to a host computer as the Bishop said. However, for maintenance purposes, there is at least one separate dial-up line also going to that same host computer. This guy basically bs'ed his way over the phone till he found someone stupid enough to give him th number. After finding that, he had has Apple hack at the code. Simple.

Step 2: He had a friend go to an ATM with any B of A ATM card. He stayed at home with the Apple connected to the host. When his friend inserted the card, the host displayed it. The guy with the Apple modified the status & number of the card directly in the host's memory. He turned the card into a security card, used for testing purposes. At that point, the ATM did whatever it's operator told it to do.

The next day, he went into the bank with the \$2000 he received, talked to the manager and told him every detail of what he'd done. The manager gave him his business card and told him that he had a job waiting for him when he got out of school.

Now, B of A has been warned, they might have changed the system. On the other hand, it'd be awful expensive to do that over the whole country when only a handful of people have the resources and even less have the intelligence to duplicate the feat. Who knows?

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Jug Bomb

Jug Bomb by the Jolly Roger

Take a glass jug, and put 3 to 4 drops of gasoline into it. Then put the cap on, and swish the gas around so the inner surface of the jug is coated. Then add a few drops of potassium permanganate solution into it and cap it. To blow it up, either throw it at something, or roll it at something.

-----Jolly Roger

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The Anarchist's Cookbook

Fun at K-Mart

Fun at K-Mart by the Jolly Roger

Well, first off, one must realise the importance of K-Marts in society today. First off, K-Marts provide things cheaper to those who can't afford to shop at higher quality stores. Although, all I ever see in there is minorities and Senior Citizens, and the poor people in our city. Personally, I wouldn't be caught dead in there. But, once, I did.

You see, once, after The Moon Roach and Havoc Chaos(Dear friends of mine) and I were exploring such fun things as rooftops, we came along a K-Mart. Amused, and cold for that matter, we wandered in. The Tension mounts.

As we walked up to the entrance, we were nearly attacked by Youth Groups selling cheap cookies, and wheelchair sticken people selling American Flags. After laughing at these people, we entered. This is where the real fun begins...

First, we wandered around the store, and turned on all the blue lights we could find. That really distracts and confuses the attendents...Fun to do...

The first neat thing, is to go to the section of the store where they sell computers. Darkness engulf the earth the day they find Apple Computers being sold there. Instead, lesser computers like the laughable C-64 can be found there...Turn it on, and make sure nobody's looking...Then, once in Basic, type...

```
]10 PRINT "Fuck the world! Anarchy Rules!" (or something to that effect.)
```

```
]20 GOTO 10 and walk away.
```

Also, set the sample radios in the store to a santanic rock station, and turn the radio off. Then, set the alarm for two minutes ahead of the time displayed there. Turn the volume up all the way, and walk away. After about two minutes, you will see the clerk feebly attempt to turn the radio down or off. It's really neat to set ten or more radios to different stations, and walk away.

One of my favorite things to do, is to get onto the intercom system of the store. Easier typed then done. First, check out the garden department. You say there's no attendant there? Good. Sneak carefully over to the phone behind the cheap counter there, and pick it up. Dial the number corrsponding to the item that says 'PAGE'... And talk. You will note that your voice will echo all over the bowels of K-Mart. I would suggest announcing something on the lines of: "Anarchy rules!!"

-----Jolly Roger

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Mace Substitute

Mace Substitute by the Jolly Roger

3 PARTS: Alcohol

1/2 PARTS: Iodine

1/2 PARTS: Salt

Or:

3 PARTS: Alcohol

1 PARTS: Iodized Salt (Mortons)

It's not actual mace, but it does a damn good job on the eyes...

-----Jolly Roger

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Exchange Scanning

Exchange Scanning courtesy of the Jolly Roger

Almost every exchange in the bell system has test #'s and other "goodies" such as loops with dial-ups. These "goodies" are usually found betweed 9900 and 9999 in your local exchange. If you have the time and initiative, scan your exchange and you may become lucky!

Here are some findings in the 914-268 exchange:

```
9900 - ANI
9901 - ANI
9927 - OSC. TONE (POSSIBLE TONE SIDE OF A LOOP)
9936 - VOICE # TO THE TELCO CENTRAL OFFICE
9937 - VOICE # TO THE TELCO CENTRAL OFFICE
9941 - COMPUTER (DIGITAL VOICE TRANSMISSION?)
9960 - OSC. TONE (TONE SIDE LOOP) MAY ALSO BE A COMPUTER IN SOME
EXCHANGES
9961 - NO RESPONSE (OTHER END OF LOOP?)
9962 - NO RESPONSE (OTHER END OF LOOP?)
9963 - NO RESPONSE (OTHER END OF LOOP?)
9966 - COMPUTER (SEE 9941)
9968 - TONE THAT DISAPPEARS--RESPONDS TO CERTAIN TOUCH-TONE KEYS
```

Most of the numbers between 9900 & 9999 will ring or go to a "what #, please?" operator.

(from the Official Phreaker's Manual)

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A Short History of Phreaking

A Short History of Phreaking courtesy of the Jolly Roger

Well now we know a little vocabulary, and now its into history, Phreak history. Back at MIT in 1964 arrived a student by the name of Stewart Nelson, who was extremely interested in the telephone. Before entering MIT, he had built autodialers, cheese boxes, and many more gadgets. But when he came to MIT he became even more interested in "fone-hacking" as they called it. After a little while he naturally started using the PDP-1, the schools computer at that time, and from there he decided that it would be interesting to see whether the computer could generate the frequencies required for blue boxing. The hackers at MIT were not interested in ripping off Ma Bell, but just exploring the telephone network. Stew (as he was called) wrote a program to generate all the tones and set off into the vast network.

Now there were more people phreaking than the ones at MIT. Most people have heard of Captain Crunch (No not the cereal), he also discovered how to take rides through the fone system, with the aid of a small whistle found in a cereal box (can we guess which one?). By blowing this whistle, he generated the magical 2600hz and into the mouthpiece it sailed, giving him complete control over the system. I have heard rumors that at one time he made about 1/4 of the calls coming out of San Francisco. He got famous fast. He made the cover of people magazine and was interviewed several times (as you'll soon see). Well he finally got caught after a long adventurous career. After he was caught he was put in jail and was beaten up quite badly because he would not teach other inmates how to box calls. After getting out, he joined Apple computer and is still out there somewhere.

Then there was Joe the Whistler, blind form the day he was born. He could whistle a perfect 2600hz tone. It was rumored phreaks used to call him to tune their boxes.

Well that was up to about 1970, then from 1970 to 1979, phreaking was mainly done by college students, businessmen and anyone who knew enough about electronics and the fone company to make a 555 Ic to generate those magic tones. Businessmen and a few college students mainly just blue box to get free calls. The others were still there, exploring 800#'s and the new ESS systems. ESS posed a big problem for phreaks then and even a bigger one now. ESS was not widespread, but where it was, blue boxing was next to impossible except for the most experienced phreak. Today ESS is installed in almost all major cities and blue boxing is getting harder and harder.

1978 marked a change in phreaking, the Apple][, now a computer that was affordable, could be programmed, and could save all that precious work on a cassette. Then just a short while later came the Apple Cat modem. With this modem, generating all blue box tones was easy as writing a program to

count from one to ten (a little exaggerated). Pretty soon programs that could imitate an operator just as good as the real thing were hitting the community, TSPS and Cat's Meow, are the standard now and are the best.

1982-1986: LD services were starting to appear in mass numbers. People now had programs to hack LD services, telephone exchanges, and even passwords.

By now many phreaks were getting extremely good and BBS's started to spring up everywhere, each having many documentations on phreaking for the novice. Then it happened, the movie War Games was released and mass numbers of sixth grade to all ages flocked to see it. The problem wasn't that the movie was bad, it was that now EVERYONE wanted to be a hacker/phreak. Novices came out in such mass numbers, that bulletin boards started to be busy 24 hours a day. To this day, they still have not recovered. Other problems started to occur, novices guessed easy passwords on large government computers and started to play around... Well it wasn't long before they were caught, I think that many people remember the 414-hackers. They were so stupid as to say "yes" when the computer asked them whether they'd like to play games. Well at least it takes the heat off the real phreaks/hacker/krackers.

(from the Official Phreaker's Manual)

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"Bad as Shit" (story)

Bad as Shit

Recently, a telephone fanatic in the northwest made an interesting discovery. He was exploring the 804 area code (Virginia) and found out that the 840 exchange did something strange. In the vast majority of cases, in fact in all of the cases except one, he would get a recording as if the exchange didn't exist. However, if he dialed 804-840 and four rather predictable numbers, he got a ring! After one or two rings, somebody picked up. Being experienced at this kind of thing, he could tell that the call didn't "supe", that is, no charges were being incurred for calling this number. (Calls that get you to an error message, or a special operator, generally don't supervise.) A female voice, with a hint of a Southern accent said,

"Operator, can I help you?"

"Yes," he said, "What number have I reached?"

"What number did you dial, sir?"

He made up a number that was similar.

"I'm sorry that is not the number you reached." Click.

He was fascinated. What in the world was this? He knew he was going to call back, but before he did, he tried some more experiments. He tried the 840 exchange in several other area codes. In some, it came up as a valid exchange. In others, exactly the same thing happened -- the same last four digits, the same Southern belle. Oddly enough, he later noticed, the areas worked in seemed to travel in a beeline from Washington DC to Pittsburgh, PA.

He called back from a payphone. "Operator, can I help you?"

"Yes, this is the phone company. I'm testing this line and we don't seem to have an identification on your circuit. What office is this, please?"

"What number are you trying to reach?"

"I'm not trying to reach any number. I'm trying to identify this circuit."

"I'm sorry, I can't help you."

"Ma'am, if I don't get an ID on this line, I'll have to disconnect it.
We show no record of it here."

"Hold on a moment, sir."

After about a minute, she came back. "Sir, I can have someone speak to you.
Would you give me your number, please?"

He had anticipated this and he had the payphone number ready. After he gave it, she said, "Mr. XXX will get right back to you."

"Thanks." He hung up the phone. It rang. INSTANTLY! "Oh my God," he thought, "They weren't asking for my number -- they were confirming it!"

"Hello," he said, trying to sound authoritative.

"This is Mr. XXX. Did you just make an inquiry to my office concerning a phone number?"

"Yes. I need an identi--"

"What you need is advice. Don't ever call that number again. Forget you ever knew it."

At this point our friend got so nervous he just hung up. He expected to hear the phone ring again but it didn't.

Over the next few days he racked his brains trying to figure out what the number was. He knew it was something big -- that was pretty certain at this point. It was so big that the number was programmed into every central office in the country. He knew this because if he tried to dial any other number in that exchange, he'd get a local error message from his CO, as if the exchange didn't exist.

It finally came to him. He had an uncle who worked in a federal agency. He had a feeling that this was government related and if it was, his uncle could probably find out what it was. He asked the next day and his uncle promised to look into the matter.

The next time he saw his uncle, he noticed a big change in his manner. He was trembling. "Where did you get that number?!" he shouted. "Do you know I almost got fired for asking about it?!? They kept wanting to know where I got it."

Our friend couldn't contain his excitement. "What is it?" he pleaded. "What's the number?!"

"IT'S THE PRESIDENT'S BOMB SHELTER!"

He never called the number after that. He knew that he could probably cause quite a bit of excitement by calling the number and saying something like, "The weather's not good in Washington. We're coming over for a visit." But our friend was smart. he knew that there were some things that were better off unsaid and undone.

(A fucking great story from the Official Phreaker's Guide)

-----Jolly Roger

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Telenet

Telenet Courtesy of the Jolly Roger

It seems that not many of you know that Telenet is connected to about 80 computer-networks in the world. No, I don't mean 80 nodes, but 80 networks with thousands of unprotected computers. When you call your local Telenet- gateway, you can only call those computers which accept reverse-charging-calls.

If you want to call computers in foreign countries or computers in USA which do not accept R-calls, you need a Telenet-ID. Did you ever notice that you can type ID XXXX when being connected to Telenet? You are then asked for the password. If you have such a NUI (Network-User-ID) you can call nearly every host connected to any computer-network in the world. Here are some examples:

```
026245400090184 :Is a VAX in Germany (Username: DATEXP and leave
mail for
CHRIS !!!)
0311050500061 :Is the Los Alamos Integrated computing network (One
of the
hosts connected to it is the DNA (Defense Nuclear Agency)!!!)
0530197000016 :Is a BBS in New Zealand
024050256 :Is the S-E-Bank in Stockholm, Sweden (Login as
GAMES !!!)
02284681140541 :CERN in Geneva in Switzerland (one of the biggest
nuclear
research centers in the world) Login as GUEST
0234212301161 :A Videotex-standard system. Type OPTTEL to get in and
use
the
ID 999_ with the password 9_
0242211000001 :University of Oslo in Norway (Type LOGIN 17,17 to
play
the
Multi-User-Dungeon !)
0425130000215 :Something like ITT Dialcom, but this one is in
Israel ! ID
HELP with password HELP works fine with security level 3
```

0310600584401 :Is the Washington Post News Service via Tymnet (Yes, Tymnet is connected to Telenet, too !) ID and Password is: PETER You can read the news of the next day !

The prefixes are as follows:

02624 is Datex-P in Germany
02342 is PSS in England
03110 is Telenet in USA
03106 is Tymnet in USA
02405 is Telepak in Sweden
04251 is Isranet in Israel
02080 is Transpac in France
02284 is Telepac in Switzerland
02724 is Eirpac in Ireland
02704 is Luxpac in Luxembourg
05252 is Telepac in Singapore
04408 is Venus-P in Japan

...and so on... Some of the countries have more than one packet-switching-network (USA has 11, Canada has 3, etc).

OK. That should be enough for the moment. As you see most of the passwords are very simple. This is because they must not have any fear of hackers. Only a few German hackers use these networks. Most of the computers are absolutely easy to hack !!! So, try to find out some Telenet-ID's and leave them here. If you need more numbers, leave e-mail. I'm calling from Germany via the German Datex-P network, which is similar to Telenet. We have a lot of those NUI's for the German network, but none for a special Tymnet-outdial-computer in USA, which connects me to any phone #.

CUL8R, Mad Max

PS: Call 026245621040000 and type ID INF300 with password DATACOM to get more

Informations on packet-switching-networks !

PS2: The new password for the Washington Post is KING !!!!

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Fucking with the Operator

Fucking with the Operator courtesy of the Jolly Roger

Ever get an operator who gave you a hard time, and you didn't know what to do? Well if the operator hears you use a little Bell jargon, she might wise up. Here is a little diagram (excuse the artwork) of the structure of operators

```

/-----\      /-----\      /-----\
!Operator!-- > ! S.A. ! --->! BOS !
\-----/      \-----/      \-----/
!
!
V
/-----\
! Group Chief !
\-----/

```

Now most of the operators are not bugged, so they can curse at you, if they do ask INSTANTLY for the "S.A." or the Service Assistant. The operator does not report to her (95% of them are hers) but they will solve most of your problems. She MUST give you her name as she connects & all of these calls are bugged. If the SA gives you a rough time get her BOS (Business Office Supervisor) on the line. S/He will almost always back her girls up, but sometimes the SA will get tarred and feathered. The operator reports to the Group Chief, and S/He will solve 100% of your problems, but the chances of getting S/He on the line are nill.

If a lineman (the guy who works out on the poles) or an installation man gives you the works ask to speak to the Installation Foreman, that works wonders.

Here is some other bell jargon, that might come in handy if you are having trouble with the line. Or they can be used to lie your way out of situations....

An Erling is a line busy for 1 hour, used mostly in traffic studies A Permanent Signal is that terrible howling you get if you disconnect, but don't hang up.

Everyone knows what a busy signal is, but some idiots think that is the *Actual* ringing of the phone, when it just is a tone "beeps" when the phone is ringing, wouldn't bet on this though, it can (and does) get out of sync.

When you get a busy signal that is 2 times as fast as the normal one, the person you are trying to reach isn't really on the phone, (he might be), it is actually the signal that a trunk line somewhere is busy and they haven't or can't reroute your call. Sometimes you will get a Recording, or if you get nothing at all (Left High & Dry in fone terms) all the recordings are being used and the system is really overused, will probably go down in a little while. This happened when Kennedy was shot, the system just couldn't handle the calls. By the way this is called the "reorder signal" and the trunk line is "blocked".

One more thing, if an overseas call isn't completed and doesn't generate any money for AT&T, is is called an "Air & Water Call".

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International Country Code Listing

International Country Code Listing courtesy of the Jolly Roger

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*EUROPE

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*INDIA

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*CANADA

TO CALL CANADA, DIAL 1 + AREA CODE + LOCAL NUMBER.

*MEXICO

TO CALL MEXICO, DIAL 011 + 52 + CITY CODE+ LOCAL NUMBER.

To dial international calls:

International Access Code + Country code + Routing code

Example :

To call Frankfurt, Germany, you would do the following:

011 + 49 + 611 + (# wanted) + # sign(octothrope)

The # sign at the end is to tell Bell that you are done entering in all the needed info.

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Infinity Transmitter Schematic and Plans

The Infinity Transmitter courtesy of the Jolly Roger
originally typed by:

<<>>

FROM THE BOOK BUILD YOUR OWN

LASER, PHASER, ION RAY GUN & OTHER WORKING SPACE-AGE PROJECTS

BY ROBERT IANNINI (TAB BOOKS INC)

Description: Briefly, the Infinity Transmitter is a device which activates a microphone via a phone call. It is plugged into the phone line, and when the phone rings, it will immediately intercept the ring and broadcast into the phone any sound that is in the room. This device was originally made by Information Unlimited, and had a touch tone decoder to prevent all who did not know the code from being able to use the phone in its normal way. This version, however, will activate the microphone for anyone who calls while it is in operation. NOTE: It is illegal to use this device to try to bug someone. It is also pretty stupid because they are fairly noticeable.

Parts List:

Pretend that uF means micro Farad, cap= capacitor

| Part | # | Description |
|------------|---|--|
| ---- | - | ----- |
| R1,4,8 | 3 | 390 k 1/4 watt resistor |
| R2 | 1 | 5.6 M 1/4 watt resistor |
| R3,5,6 | 3 | 6.8 k 1/4 watt resistor |
| R7/S1 | 1 | 5 k pot/switch |
| R9,16 | 2 | 100 k 1/4 watt resistor |
| R10 | 1 | 2.2 k 1/4 watt resistor |
| R13,18 | 2 | 1 k 1/4 watt resistor |
| R14 | 1 | 470 ohm 1/4 watt resistor |
| R15 | 1 | 10 k 1/4 watt resistor |
| R17 | 1 | 1 M 1/4 watt resistor |
| C1 | 1 | .05 uF/25 V disc cap |
| C2,3,5,6,7 | 5 | 1 uF 50 V electrolytic cap or tant
(preferably non-polarized) |
| C4,11,12 | 3 | .01 uF/50 V disc cap |
| C8,10 | 2 | 100 uF @ 25 V electrolytic cap |
| C9 | 1 | 5 uF @ 150 V electrolytic cap |
| C13 | 1 | 10 uF @ 25 V electrolytic cap |
| TM1 | 1 | 555 timer dip |
| A1 | 1 | CA3018 amp array in can |

| | | |
|--------|-------|--|
| Q1, 2 | 2 | PN2222 npn sil transistor |
| Q3 | 1 | D40D5 npn pwr tab transistor |
| D1, 2 | 2 | 50 V 1 amp react. 1N4002 |
| T1 | 1 | 1.5 k/500 matching transformer |
| M1 | 1 | large crystal microphone |
| J1 | 1 | Phono jack optional for sense output |
| WR3 | (24") | #24 red and black hook up wire |
| WR4 | (24") | #24 black hook up wire |
| CL3, 4 | 2 | Alligator clips |
| CL1, 2 | 2 | 6" battery snap clips |
| PB1 | 1 | 1 3/4x4 1/2x.1 perfboard |
| CA1 | 1 | 5 1/4x3x2 1/8 grey enclosure fab |
| WR15 | (12") | #24 buss wire |
| KN1 | 1 | small plastic knob |
| BU1 | 1 | small clamp bushing |
| B1, 2 | 2 | 9 volt transistor battery or 9V ni-cad |

Circuit Operation: Not being the most technical guy in the world, and not being very good at electronics (yet), I'm just repeating what Mr. Iannini's said about the circuit operation. The Transmitter consists of a high gain amplifier fed into the telephone lines via transformer. The circuit is initiated by the action of a voltage transient pulse occurring across the phone line at the instant the telephone circuit is made (the ring, in other words). This transient immediately triggers a timer whose output pin 3 goes positive, turning on transistors Q2 and Q3. Timer TM1 now remains in this state for a period depending on the values of R17 and C13 (usually about 10 seconds for the values shown). When Q3 is turned on by the timer, a simulated "off hook" condition is created by the switching action of Q3 connecting the 500 ohm winding of the transformer directly across the phone lines. Simultaneously, Q2 clamps the ground of A1, amplifier, and Q1, output transistor, to the negative return of B1,B2, therefore enabling this amplifier section. Note that B2 is always required by supplying quiescent power to TM1 during normal conditions. System is off/on controlled by S1 (switch).

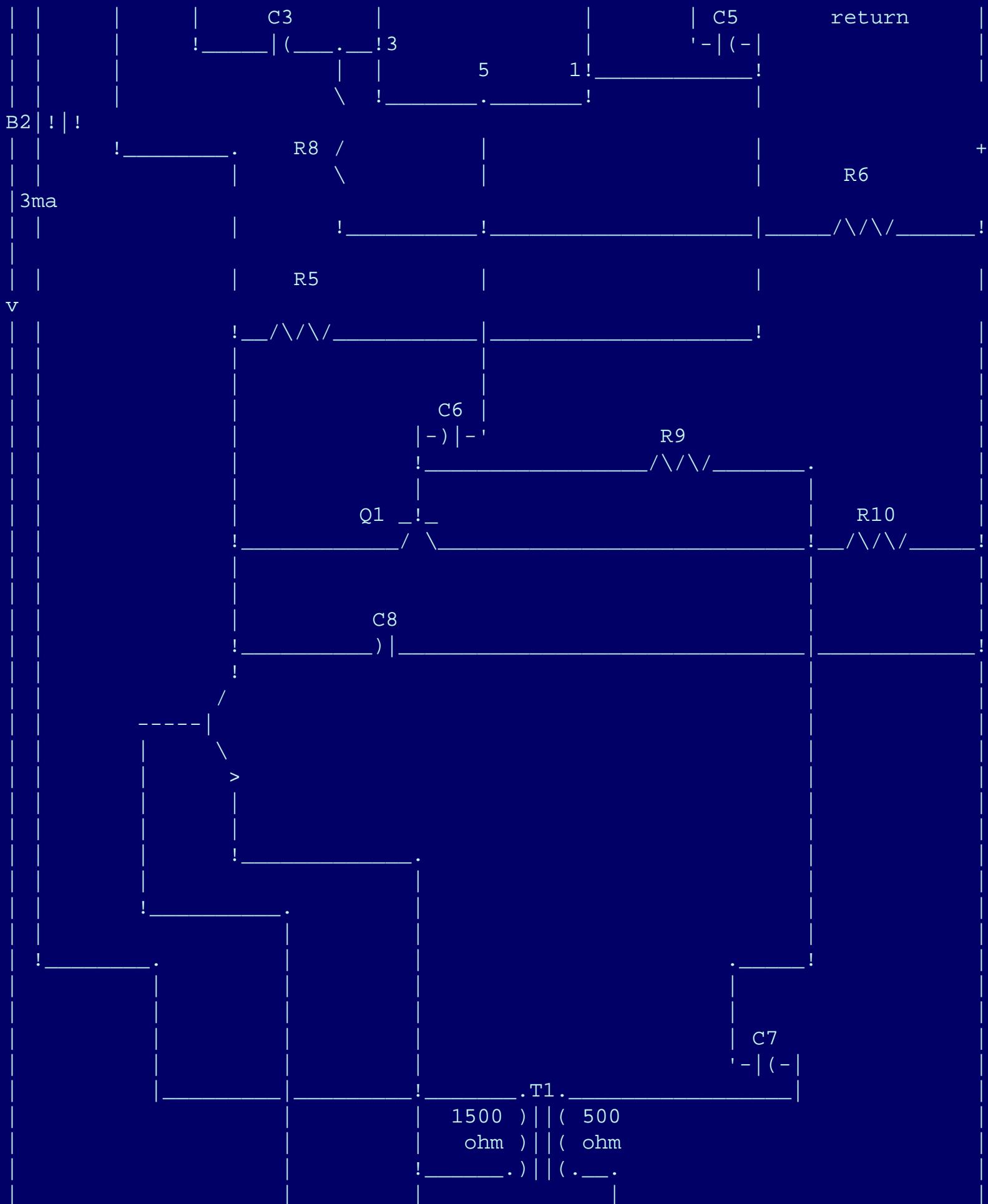
A crystal mike picks up the sounds that are fed to the first two transistors of the A1 array connected as an emitter follower driving the remaining two transistors as cascaded common emitters. Output of the array now drives Q1 capacitively coupled to the 1500 ohm winding of T1. R7 controls the pick up sensitivity of the system.

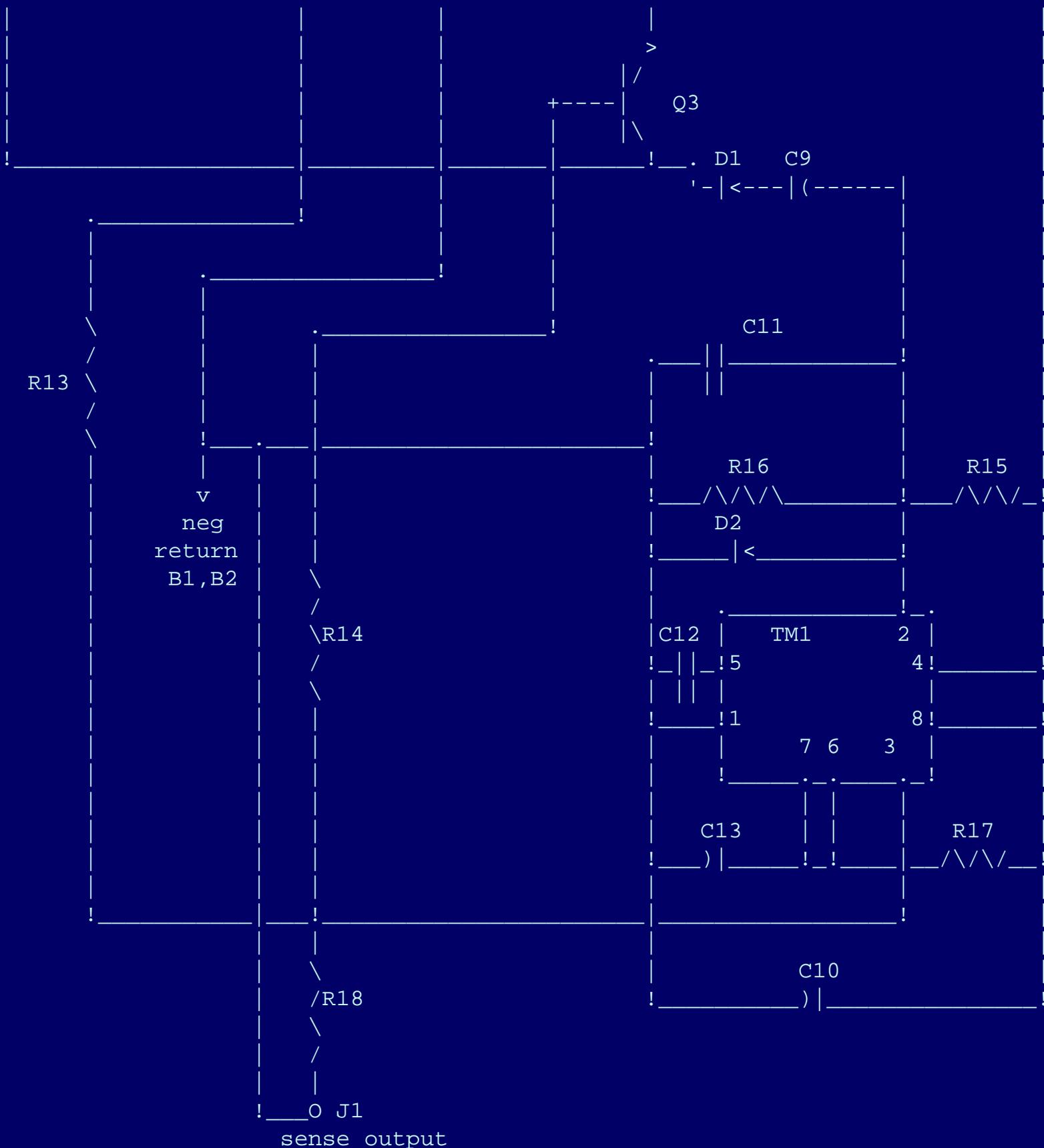
Diode D1 is forward biased at the instant of connection and essentially applies a negative pulse at pin 2 of TM1, initiating the cycle. D2 clamps any high positive pulses. C9 dc-isolates and desensitizes the circuit. The system described should operate when any incoming call is made without ringing the phone.

Schematic Diagram: Because this is text, this doesn't look too hot. Please use a little imagination! I will hopefully get a graphics drawing of this out as soon as I can on a Fontrix graffile.

To be able to see what everything is, this character: | should appear as a horizontal bar. I did this on a][e using a][e 80 column card, so I'm sorry if it looks kinda weird to you.

Symbols:





Construction notes: Because the damned book just gave a picture instead of step by step instructions, and I'll try to give you as much help as possible. Note that all the parts that you will be using are clearly labeled in the

schematic. The perfboard, knobs, 'gator clips, etc are optional. I do strongly suggest that you do use the board!!! It will make wiring the components up much much easier than if you don't use it.

The knob you can use to control the pot (R7). R7 is used to tune the IT so that it sounds ok over the phone. (You get to determine what sounds good) By changing the value of C13, you can change the amount of time that the circuit will stay open (it cannot detect a hang up, so it works on a timer.) A value of 100 micro Farads will increase the time by about 10 times. The switch (S1) determines whether or not the unit is operational. Closed is on. Open is off. The negative return is the negative terminals of the battery!! The batteries will look something like this when hooked up:



To hook this up to the phone line, there are three ways, depending upon what type of jack you have. If it is the old type (non modular) then you can just open up the wall plate and connect the wires from the transmitter directly to the terminals of the phone.

If you have a modular jack with four prongs, attach the red to the negative prong (don't ask me which is which! I don't have that type of jack... I've only seen them in stores), and the green to the positive prong, and plug in. Try not to shock yourself...

If you have the clip-in type jack, get double male extension cord (one with a clip on each end), and chop off one clip. Get a sharp knife and splice off the grey protective material. You should see four wires, including one green and one red. You attach the appropriate wires from the IT to these two, and plug the other end into the wall.

Getting the IT to work: If you happen to have a problem, you should attempt to do the following (these are common sense rules!!) Make sure that you have the polarity of all the capacitors right (if you used polarized capacitors, that is). Make sure that all the soldering is done well and has not short circuited something accidently (like if you have a glob touching two wires which should not be touching.) Check for other short circuits. Check to see if the battery is in right. Check to make sure the switch is closed.

If it still doesn't work, drop me a line on one of the Maryland or Virginia BBSs and I'll try to help you out.

The sense output: Somehow or other, it is possible to hook something else up to this and activate it by phone (like an alarm, flashing lights, etc.)

As of this writing, I have not tried to make one of these, but I will. If you actually get it working, leave me a note somewhere.

I sure hope all you people appreciate this.

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The Anarchist's Cookbook

LSD

LSD courtesy of the Jolly Roger

I think, of all the drugs on the black market today, LSD is the strangest. It is the most recent major drug to come to life in the psychedelic subculture. (Blah blah blah... let's get to the good stuff: How to make it in your kitchen!!)

- 1) Grind up 150 grams of Morning Glory seeds or baby Hawaiian wood rose seeds.
- 2) In 130 cc. of petroleum ether, soak the seeds for two days.
- 3) Filter the solution through a tight screen.
- 4) Throw away the liquid, and allow the seed mush to dry.
- 5) For two days allow the mush to soak in 110 cc. of wood alcohol.
- 6) Filter the solution again, saving the liquid and labeling it "1."
- 7) Resoak the mush in 110 cc. of wood alcohol for two days.
- 8) Filter and throw away the mush.
- 9) Add the liquid from the second soak to the solution labeled "1."
- 10) Pour the liquid into a cookie tray and allow it to evaporate.
- 11) When all of the liquid has evaporated, a yellow gum remains. This should be scraped up and put into capsules.

30 grams of Morning Glory seeds = 1 trip

15 Hawaiian wood rose seeds = 1 trip

Many companies, such as Northop-King have been coating their seeds with a toxic chemical, which is poison. Order seeds from a wholesaler, as it is much safer and cheaper. Hawaiian wood rose seeds can be ordered directly from:

Chong's Nursery and Flowers
 P.O. Box 2154
 Honolulu, Hawaii

LSD DOSAGES

The basic dosages of acid vary according to what kind of acid is available and what medium of ingestion is used. Chemically, the potency of LSD-25 is measured in micrograms, or mics. If you're chemically minded or making your own acid, then computing the number of micrograms is very important. Usually between 500 and 800 mics is plenty for an 8 hour trip, depending on the quality of the acid, of course. I

have heard of people taking as much as 1,500-2,000 mics. This is not only extremely dangerous, it is extremely wasteful.

LSD comes packaged in many different forms. The most common are listed below:

- 1) The brown spot, or a piece of paper with a dried drop of LSD on it, is always around. Usually one spot equals one trip.
- 2) Capsuled acid is very tricky, as the cap can be almost any color, size, or potency. Always ask what the acid is cut with, as a lot of acid is cut with either speed or strychnine. Also note dosage.
- 3) Small white or colored tablets have been known to contain acid, but, as with capsuled acid, it's impossible to tell potency, without asking.

(from the Anarchist's Cookbook. Typed up by Jolly Roger)

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Bananas

Bananas courtesy of the Jolly Roger

Believe it or not, bananas do contain a small quantity of *_Musa Sapientum bananadine_*, which is a mild, short-lasting psychedelic. There are much easier ways of getting high, but the great advantage to this method is that bananas are legal.

- 1) Obtain 15 lbs. of ripe yellow bananas.
- 2) Peel all 15 lbs. and eat the fruit. Save the peels.
- 3) With a sharp knife, scrape off the insides of the peels and save the scraped material.
- 4) Put all of the scraped material in a large pot and add water. Boil for three to four hours until it has attained a solid paste consistency.
- 5) Spread this paste on cookie sheets, and dry in an oven for about 20 minutes to a half hour. This will result in a fine black powder. Makes about one pound of bananadine powder. Usually one will feel the effects of bananadine after smoking three or four cigarettes.

Table of Weights

| Pounds | Ounces | Grams | Kilos |
|--------|--------|-------|--------|
| 1 | 16 | 453.6 | 0.4536 |
| 0.0625 | 1 | 28.35 | 0.0283 |
| | 0.0352 | 1 | 0.001 |
| 2.205 | 35.27 | 1,000 | 1 |

(from the Anarchist's Cookbook typed by Jolly Roger)

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The Anarchist's Cookbook

Yummy Marihuana Recipes

Yummy Marihuana Recipes courtesy of the Jolly Roger

Acapulco Green

3 ripe avocados
1/2 cup chopped onions
2 teaspoons chili powder
3 tablespoons wine vinegar
1/2 cup chopped marahuana (grass)

Mix the vinegar, grass, and chili powder together and let the mixture stand for one hour. Then add avocados and onions and mash it all together. It can be served with tacos or as a dip.

Pot Soup

1 can condensed beef broth
3 tablespoons grass
3 tablespoons lemon juice
1/2 can water
3 tablespoons chopped watercress

Combine all ingredients in a saucepan and bring to a boil over medium heat. Place in a refrigerator for two to three hours, reheat, and serve.

Pork and Beans and Pot

1 large can (1 lb. 13 oz.) pork and beans
1/2 cup grass
4 slices bacon
1/2 cup light molasses
1/2 teaspoon hickory salt
3 pineapple rings

Mix together in a casserole, cover top with pineapple and
bacon,
bake at 350 degrees for about 45 minutes. Serves about six.

The Meat Ball

1 lb. hamburger
1/4 cup chopped onions
1 can cream of mushroom soup
1/4 cup bread crumbs
3 tablespoons grass
3 tablespoons India relish

Mix it all up and shape into meat balls. Brown in frying pan
and
drain. Place in a casserole with soup and 1/2 cup water, cover
and
cook over low heat for about 30 minutes. Feeds about four
people.

Spaghetti Sauce

1 can (6 oz.) tomato paste
2 tablespoons olive oil
1/2 cup chopped onions
1/2 cup chopped grass
1 pinch pepper
1 can (6 oz.) water
1/2 clove minced garlic
1 bay leaf
1 pinch thyme
1/2 teaspoon salt

Mix in large pot, cover and simmer with frequent stirring for two hours. Serve over spaghetti.

Pot Loaf

1 packet onion soup mix
1 (16 oz.) can whole peeled tomatoes
1/2 cup chopped grass
2 lbs. ground beef or chicken or turkey
1 egg
4 slices bread, crumbled

Mix all ingredients and shape into a loaf. Bake for one hour in 400-degree oven. Serves about six.

Chili Bean Pot

2 lbs. pinto beans
1 lb. bacon, cut into two-inch sections
2 cups red wine
4 tablespoons chili powder
1/2 clove garlic
1 cup chopped grass
1/2 cup mushrooms

Soak beans overnight in water. In a large pot pour boiling water over beans and simmer for at least an hour, adding more water to keep beans covered. Now add all other ingredients and continue to simmer for another three hours. Salt to taste. Serves about ten.

Bird Stuffing

5 cups rye bread crumbs
2 tablespoons poultry seasoning
1/2 cup each of raisins and almonds

1/2 cup celery
1/3 cup chopped onions
3 tablespoons melted butter
1/2 cup chopped grass
2 tablespoons red wine

Mix it all together, and then stuff it in.

Apple Pot

4 apples (cored)
1/2 cup brown sugar
1/4 cup water
4 cherries
1/3 cup chopped grass
2 tablespoons cinnamon

Powder the grass in a blender, then mix grass with sugar and water.

Stuff cores with this paste. Sprinkle apples with cinnamon, and top with a cherry. Bake for 25 minutes at 350 degrees.

Pot Brownies

1/2 cup flour
3 tablespoons shortening
2 tablespoons honey
1 egg (beaten)
1 tablespoon water
1/2 cup grass
pinch of salt
1/4 teaspoon baking powder
1/2 cup sugar
2 tablespoons corn syrup
1 square melted chocolate
1 teaspoon vanilla
1/2 cup chopped nuts

Sift flour, baking powder, and salt together. Mix shortening,

sugar, honey, syrup, and egg. Then blend in chocolate and other ingredients, and mix well. Spread in an 8-inch pan and bake for 20 minutes at 350 degrees.

Banana Bread

1/2 cup shortening
2 eggs
1 teaspoon lemon juice
3 teaspoons baking powder
1 cup sugar
1 cup mashed bananas
2 cups sifted flour
1/2 cup chopped grass
1/2 teaspoon salt
1 cup chopped nuts

Mix the shortening and sugar, beat eggs, and add to mixture. Separately mix bananas with lemon juice and add to the first mixture. Sift flour, salt, and baking powder together, then mix all ingredients together. Bake for 1 1/4 hours at 375 degrees.

Sesame Seed Cookies

3 oz. ground roast sesame seeds
3 tablespoons ground almonds
1/4 teaspoon nutmeg
1/4 cup honey
1/2 teaspoon ground ginger
1/4 teaspoon cinnamon
1/4 oz. grass

Toast the grass until slightly brown and then crush it in a mortar. Mix crushed grass with all other ingredients, in a skillet. Place skillet over low flame and add 1 tablespoon of

salt

butter. Allow it to cook. When cool, roll mixture into
little
balls and dip them into the sesame seeds.

If you happen to be in the country at a place where pot is
being

grown, here's one of the greatest recipes you can try.

Pick a

medium-sized leaf off of the marihuana plant and dip it into a
cup
of drawn butter, add salt, and eat.

-----Jolly Roger
(from the Anarchist's Cookbook!)

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Peanuts

Peanuts by the Jolly Roger

Try this sometime when you are bored!

- 1) Take one pound of raw peanuts (not roasted!)
- 2) Shell them, saving the skins and discarding the shells.
- 3) Eat the nuts.
- 4) Grind up the skins and roll them into a cigarette, and smoke!

You'll have fun, believe me! -----Jolly Roger

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Chemical Fire Bottle

Chemical Fire Bottle by the Jolly Roger

This incendiary bottle is self-igniting on target impact.

Materials Required

| | How Used | Common Source |
|--------------------|--|----------------------------------|
| Sulphuric Acid | Storage Batteries
Material Processing | Motor Vehicles
Industrial |
| Plants | | |
| Gasoline | Motor Fuel | Gas Station or
Motor Vehicles |
| Potassium Chlorate | Medicine | Drug Stores |
| Sugar | Sweetening Foods | Food Store |

Glass bottle with stopper (roughly 1 quart size)

Small Bottle or jar with lid.

Rag or absorbant paper (paper towels, newspaper)

String or rubber bands

Procedure:

1) Sulphuric Acid **MUST** be concentrated. If battery acid or other dilute acid is used, concentrate it by boiling until dense white fumes are given off. Container used to boil should be of enamel-ware or oven glass.

CAUTION: Sulphuric Acid will burn skin and destroy clothing. If any is spilled, wash it away with a

large quantity of water. Fumes are also VERY dangerous and should not be inhaled.

- 2) Remove the acid from heat and allow to cool to room temperature.
- 3) Pour gasoline into the large (1 quart) bottle until it is approximately 1/3 full.
- 4) Add concentrated sulphuric acid to gasoline slowly until the bottle is filled to within 1" to 2" from top. Place the stopper on the bottle.
- 5) Wash the outside of the bottle thoroughly with clear water.

CAUTION: If this is not done, the fire bottle may be dangerous to handle during use!

- 6) Wrap a clean cloth or several sheets of absorbant paper around the outside of the bottle. Tie with string or fasten with rubber bands.
- 7) Dissolve 1/2 cup (100 grams) of potassium chlorate and 1/2 cup (100 grams) of sugar in one cup (250 cc) of boiling water.
- 8) Allow the solution to cool, pour into the small bottle and cap tightly. The cooled solution should be approx. 2/3 crystals and 1/3 liquid. If there is more than this, pour off excess before using.

CAUTION: Store this bottle seperately from the other bottle!

How To Use:

-
- 1) Shake the small bottle to mix contents and pour onto the cloth or paper around the large bottle. Bottle can be used wet or after solution is dried. However, when dry, the sugar-Potassium chlorate mixture is very sensitive to spark or flame and should be handled accordingly.
 - 2) Throw or launch the bottle. When the bottle breaks against a hard surface (target) the fuel will ignite.

-----Jolly Roger

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Igniter from Book Matches

Igniter from Book Matches by the Jolly Roger

This is a hot igniter made from paper book matches for use with molotov cocktail and other incendiaries.

Material Required:

Paper book matches

Adhesive or friction tape

Procedure:

- 1) Remove the staple(s) from match book and separate matches from cover.
- 2) Fold and tape one row of matches (fold in thirds)
- 3) Shape the cover into a tube with striking surface on the inside and tape. Make sure the folder cover will fit tightly around the taped match heads. Leave cover open at opposite end for insertion of the matches.
- 4) Push the taped matches into the tube until the bottom ends are exposed about 3/4 in. (2 cm)
- 5) Flatten and fold the open end of the tube so that it laps over about 1 in. (2-1/2 cm); tape in place.

Use with a Molotov Cocktail:

- 1) Tape the "match end tab" of the igniter to the neck of the molotov cocktail.
- 2) Grasp the "cover and tab" and pull sharply or quickly to ignite.

General Use:

The book match igniter can be used by itself to ignite flammable liquids, fuse cords, and similar items requiring hot ignition.

CAUTION: Store matches and completed igniters in moistureproof containers such as rubber or plastic bags until ready for use. Damp or wet paper book matches will not ignite.

-----Jolly Roger

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"Red or White Powder" Propellant

"Red or White Powder" Propellant by the Jolly Roger

"Red or White Powder" Propellant may be prepared in a simple, safe manner. The formulation described below will result in approximately 2 1/2 pounds of powder. This is a small arms propellant and should only be used in weapons with 1/2 in. diameter or less (but not pistols!).

Material Required:

Heat Source (Kitchen Stove or open fire)
2 gallon metal bucket
Measuring cup (8 ounces)
Wooden spoon or rubber spatula
Metal sheet or aluminum foil (at least 18 in. sq.)
Flat window screen (at least 1 foot square)
Potassium Nitrate (granulated) 2-1/3 cups
White sugar (granulated) 2 cups
Powdered ferric oxide (rust) 1/8 cup (if available)
Clear water, 1-1/2 cups

Procedure:

-
- 1) Place the sugar, potassium nitrate, and water in the bucket. Heat with a low flame, stirring occasionally until the sugar and potassium nitrate dissolve.
 - 2) If available, add the ferric oxide (rust) to the solution. Increase the flame under the mixture until it boils gently.

NOTE: The mixture will retain the rust coloration.

- 3) Stir and scrape the bucket sides occasionally until the mixture is reduced to one quarter of its original volume, then stir continuously.
- 4) As the water evaporates, the mixture will become thicker until it reaches the consistency of cooked breakfast cereal or homemade fudge. At this stage of thickness, remove the bucket from the heat source,

and spread the mass on the metal sheet.

- 5) While the material cools, score it with a spoon or spatula in crisscrossed furrows about 1 inch apart.
- 6) Allow the material to dry, preferably in the sun. As it dries, resore it accordingly (about every 20 minutes) to aid drying.
- 7) When the material has dried to a point where it is moist and soft but not sticky to the touch, place a small spoonful on the screen. Rub the material back and forth against the screen mesh with spoon or other flat object until the material is granulated into small worm-like particles.
- 8) After granulation, return the material to the sun to allow to dry completely.

-----Jolly Roger

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Pipe Hand Grenade

Pipe Hand Grenade by the Jolly Roger

Hand Grenades can be made from a piece of iron pipe. The filler can be of plastic or granular military explosive, improvised explosive, or propellant from shotgun or small arms munition.

Material Required:

Iron Pipe, threaded ends, 1-1/2" to 3" diameter, 3" to 8" long.
Two (2) iron pipe caps
Explosive or propellant
Nonelectric blasting cap (Commercial or military)
Fuse cord
Hand Drill
Pliers

Procedure:

1) Place blasting cap on one end of fuse cord and crimp with pliers.

NOTE: To find out how long the fuse cord should be, check the time it takes a known length to burn. If 12 inches burns in 30 seconds, a 6 inch cord will ignite the grenade in 15 seconds.

2) Screw pipe cap to one end of the pipe. Place fuse cord with blasting cap into the opposite end so that the blasting cap is near the center of the pipe.

NOTE: If plastic explosive is to be used, fill pipe BEFORE inserting blasting cap. Push a round stick into the center of the explosive to make a hole and then insert the blasting cap.

3) Pour explosive or propellant into pipe a little bit at a time. Tap the base of the pipe frequently to settle filler.

4) Drill a hole in the center of the unassembled pipe cap large enough for the fuse cord to pass through.

5) Wipe pipe threads to remove any filler material. Slide the drilled pipe cap over the fuse and screw

handtight onto the pipe.

Ready to go!

-----Jolly Roger

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The Terrorists Handbook

Some chapters are missing, don't know why...

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✓ [2.3 Preparation of chemicals](#)

* Nitric acid, Sulfuric acid, Ammonium nitrate

✓ [3.0 Explosive receipies](#)

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* Ammonium triiodide crystals, Mercury fulminate, Nitroglycerine, Picrates

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* Black powder, Nitrocellulose, Fuel-oxidizer mixtures, Perchlorates

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* R.D.X., Ammonium nitrate, ANFOS, T.N.T., Potassium chlorate, Dynamite, Nitrostarch explosives, Picric acid, Ammonium picrate, Nitrogen trichloride, Lead azide

✓ [3.5 Other "explosives"](#)

* Thermit, Molotov cocktails, Chemical fire bottle, Bottles gas explosives

✓ [4.0 Using explosives](#)

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* Fuse ignition, Impact ignition, Electrical ignition, Electro-mechanical ignition: Mercury Switches, Tripwire Switches, Radio Control Detonators

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* Bow and crossbow ammunitions, Special ammunition for blowguns, Special ammunition for wristrockets and slingshots

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* Special ammunition for B.B. guns, Special ammunition for .22 caliber pellet guns

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✓ [6.1 Rockets](#)

* Basic rocket bomb, Long range rocket bomb, Multiple warhead rocket bombs

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✓ [7.1 Smoke bombs](#)

✓ [7.2 Colored flames](#)

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* Firecrackers, Skyrockets, Roman candles

✓ [9.0 Checklist for raids on labs](#)

✓ [10.0 Useful pyrochemistry](#)

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More... more... More!!!

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2.1 ACQUIRING CHEMICALS

* TECHNIQUES FOR PICKING LOCKS

The first section deals with getting chemicals legally. This section deals with "procuring" them. The best place to steal chemicals is a college. Many state schools have all of their chemicals out on the shelves in the labs, and more in their chemical stockrooms. Evening is the best time to enter lab buildings, as there are the least number of people in the buildings, and most of the labs will still be unlocked. One simply takes a bookbag, wears a dress shirt and jeans, and tries to resemble a college freshman. If anyone asks what such a person is doing, the thief can simply say that he is looking for the polymer chemistry lab, or some other chemistry-related department other than the one they are in. One can usually find out where the various labs and departments in a building are by calling the university. There are, of course other techniques for getting into labs after hours, such as placing a piece of cardboard in the latch of an unused door, such as a back exit. Then, all one needs to do is come back at a later hour. Also, before this is done, terrorists check for security systems. If one just walks into a lab, even if there is someone there, and walks out the back exit, and slip the cardboard in the latch before the door closes, the person in the lab will never know what happened. It is also a good idea to observe the building that one plans to rob at the time that one plans to rob it several days before the actual theft is done. This is advisable since the would-be thief should know when and if the campus security makes patrols through buildings. Of course, if none of these methods are successful, there is always section 2.11, but as a rule, college campus security is pretty poor, and nobody suspects another person in the building of doing anything wrong, even if they are there at an odd hour.

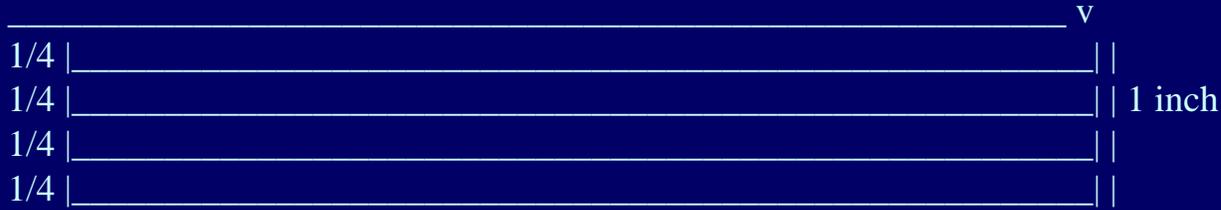
2.11 TECHNIQUES FOR PICKING LOCKS

See also the MIT guide to Lockpicking.

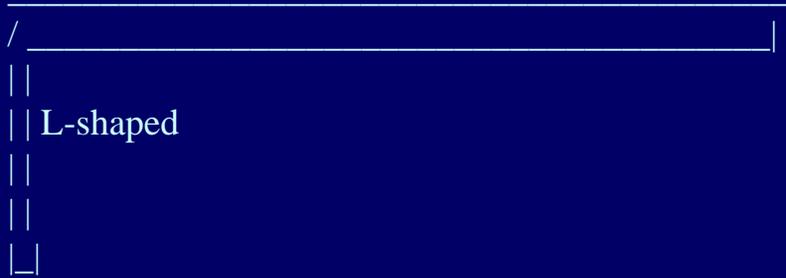
If it becomes necessary to pick a lock to enter a lab, the world's most effective lockpick is dynamite, followed by a sledgehammer. There are unfortunately, problems with noise and excess structural damage with these methods. The next best thing, however, is a set of army issue lockpicks.

These, unfortunately, are difficult to acquire. If the door to a lab is locked, but the deadbolt is not engaged, then there are other possibilities. The rule here is: if one can see the latch, one can open the door. There are several devices which facilitate freeing the latch from its hole in the wall. Dental tools, stiff wire (20 gauge), specially bent aluminum from cans, thin pocket- knives, and credit cards are the tools of the trade. The way that all these tools and devices are uses is similar: pull, push, or otherwise move the latch out of its hole in the wall, and pull the door open. This is done by sliding whatever tool that you are using behind the latch, and pulling the latch out from the wall. To make an aluminum-can lockpick, terrorists can use an aluminum can and carefully cut off the can top and bottom. Cut off the cans' ragged ends. Then, cut the open-ended cylinder so that it can be flattened out into a

single long rectangle. This should then be cut into inch wide strips. Fold the strips in 1/4 inch increments (1). One will have a long quadruple-thick 1/4 inch wide strip of aluminum. This should be folded into an L-shape, a J-shape, or a U-shape. This is done by folding. The pieces would look like this:



^ Fold along lines to make a single quadruple-thick piece of aluminum. This should then be folded to produce an L,J,or U shaped device that looks like this:



All of these devices should be used to hook the latch of a door and pull the latch out of its hole. The folds in the lockpicks will be between the door and the wall, and so the device will not unfold, if it is made properly.

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2.2 LIST OF USEFUL HOUSEHOLD CHEMICALS AND THEIR AVAILABILITY

Anyone can get many chemicals from hardware stores, supermarkets, and drug stores to get the materials to make explosives or other dangerous compounds. A would-be terrorist would merely need a station wagon and some money to acquire many of the chemicals named here.

| Chemical | Used In | Available at |
|----------|---------|--------------|
|----------|---------|--------------|

| | | |
|------------------|---------------------|---------------|
| alcohol, ethyl * | alcoholic beverages | liquor stores |
|------------------|---------------------|---------------|

| | | |
|------------------------------|--|-----------------|
| solvents (95% min. for both) | | hardware stores |
|------------------------------|--|-----------------|

| | | |
|-----------------|-------------------|-----------------------|
| ammonia + CLEAR | household ammonia | supermarkets/7-eleven |
|-----------------|-------------------|-----------------------|

| | | |
|----------|--------------------|--------------|
| ammonium | instant-cold paks, | drug stores, |
|----------|--------------------|--------------|

| | | |
|---------------------|--|-----------------------|
| nitrate fertilizers | | medical supply stores |
|---------------------|--|-----------------------|

| | | |
|---------------|-------------------------|---------------------|
| nitrous oxide | pressurizing whip cream | party supply stores |
|---------------|-------------------------|---------------------|

| | | |
|-----------|--------------|------------------------|
| magnesium | firestarters | surplus/camping stores |
|-----------|--------------|------------------------|

| | | |
|----------|----------|------------------------|
| lecithin | vitamins | pharmacies/drug stores |
|----------|----------|------------------------|

| | | |
|-------------|-------------------|-------------------------|
| mineral oil | cooking, laxative | supermarket/drug stores |
|-------------|-------------------|-------------------------|

| | | |
|-----------|----------------------|------------------------------|
| mercury @ | mercury thermometers | supermarkets/hardware stores |
|-----------|----------------------|------------------------------|

| | | |
|---------------|-------------------------|-------------------|
| sulfuric acid | uncharged car batteries | automotive stores |
|---------------|-------------------------|-------------------|

| | | |
|-------------|--|------------------------|
| glycerine ? | | pharmacies/drug stores |
|-------------|--|------------------------|

| | | |
|--------|-----------|--------------------------|
| sulfur | gardening | gardening/hardware store |
|--------|-----------|--------------------------|

| | | |
|----------|-----------------|-------------------------------|
| charcoal | charcoal grills | supermarkets/gardening stores |
|----------|-----------------|-------------------------------|

| | | |
|----------------|------------|-----------------|
| sodium nitrate | fertilizer | gardening store |
|----------------|------------|-----------------|

cellulose (cotton) first aid drug/medical supply stores

strontium nitrate road flares surplus/auto stores,

fuel oil kerosene stoves surplus/camping stores,

bottled gas propane stoves surplus/camping stores,

potassium permanganate water purification purification plants

hexamine or hexamine stoves surplus/camping stores

methenamine (camping)

nitric acid ^ cleaning printing printing shops

plates photography stores

iodine & first aid drug stores

sodium perchlorate solidox pellets hardware stores

for cutting torches

notes:

ethyl alcohol is mixed with methyl alcohol when it is used as a solvent. Methyl alcohol is very poisonous. Solvent alcohol must be at least 95% ethyl alcohol if it is used to make mercury fulminate. Methyl alcohol may prevent mercury fulminate from forming.

Ammonia, when bought in stores comes in a variety of forms. The pine and cloudy ammonias should not be bought; only the clear ammonia should be used to make ammonium triiodide crystals.

Mercury thermometers are becoming a rarity, unfortunately. They may be hard to find in most stores. Mercury is also used in mercury switches, which are available at electronics stores. Mercury is a hazardous substance, and should be kept in the thermometer or mercury switch until used. It gives off mercury vapors which will cause brain damage if inhaled. For this reason, it is a good idea not to spill mercury, and to always use it outdoors. Also, do not get it in an open cut; rubber gloves will help prevent this.

Nitric acid is very difficult to find nowadays. It is usually stolen by bomb makers, or made by the process described in a later section. A desired concentration for making explosives about 70%.

The iodine sold in drug stores is usually not the pure crystalline form that is desired for producing ammonium triiodide crystals. To obtain the pure form, it must usually be acquired by a doctor's prescription, but this can be expensive. Once again, theft is the means that terrorists result to.

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2.3 PREPARATION OF CHEMICALS

- * NITRIC ACID
- * SULFURIC ACID
- * AMMONIUM NITRATE

2.31 NITRIC ACID

There are several ways to make this most essential of all acids for explosives. One method by which it could be made will be presented. Once again, be reminded that these methods **SHOULD NOT BE CARRIED OUT!!**

Materials:

- * sodium nitrate or potassium nitrate
- * distilled water
- * concentrated sulfuric acid

Equipment:

- * adjustable heat source
- * retort
- * ice bath
- * stirring rod
- * collecting flask with stopper

1. Pour 32 milliliters of concentrated sulfuric acid into the retort.
2. Carefully weigh out 58 grams of sodium nitrate, or 68 grams of potassium nitrate. and add this to the acid slowly. If it all does not dissolve, carefully stir the solution with a glass rod until it does.
3. Place the open end of the retort into the collecting flask, and place the collecting flask in the ice bath.
4. Begin heating the retort, using low heat. Continue heating until liquid begins to come out of the end of the retort. The liquid that forms is nitric acid. Heat until the precipitate in the bottom of the retort is almost dry, or until no more nitric acid is forming. **CAUTION:** If the acid is heated too strongly, the nitric acid will decompose as soon as it is formed. This can result in the production of highly flammable and toxic gasses that may explode. It is a good idea to set the above apparatus up, and then get away from it.

Potassium nitrate could also be obtained from store-bought black powder, simply by dissolving black powder in boiling water and filtering out the sulfur and charcoal. To obtain 68 g of potassium nitrate, it

would be necessary to dissolve about 90 g of black powder in about one litre of boiling water. Filter the dissolved solution through filter paper in a funnel into a jar until the liquid that pours through is clear. The charcoal and sulfur in black powder are insoluble in water, and so when the solution of water is allowed to evaporate, potassium nitrate will be left in the jar.

2.32 SULFURIC ACID

Sulfuric acid is far too difficult to make outside of a laboratory or industrial plant. However, it is readily available in an uncharged car battery. A person wishing to make sulfuric acid would simply remove the top of a car battery and pour the acid into a glass container. There would probably be pieces of lead from the battery in the acid which would have to be removed, either by boiling or filtration. The concentration of the sulfuric acid can also be increased by boiling it; very pure sulfuric acid pours slightly faster than clean motor oil.

2.33 AMMONIUM NITRATE

Ammonium nitrate is a very powerful but insensitive high-order explosive. It could be made very easily by pouring nitric acid into a large flask in an ice bath. Then, by simply pouring household ammonia into the flask and running away, ammonium nitrate would be formed. After the materials have stopped reacting, one would simply have to leave the solution in a warm place until all of the water and any unneutralized ammonia or acid have evaporated. There would be a fine powder formed, which would be ammonium nitrate. It must be kept in an airtight container, because of its tendency to pick up water from the air. The crystals formed in the above process would have to be heated VERY gently to drive off the remaining water.

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3.0 EXPLOSIVE RECIPES

3.01 EXPLOSIVE THEORY

Once again, persons reading this material **MUST NEVER ATTEMPT TO PRODUCE ANY OF THE EXPLOSIVES DESCRIBED HEREIN. IT IS ILLEGAL AND EXTREMELY DANGEROUS TO ATTEMPT TO DO SO. LOSS OF LIFE AND/OR LIMB COULD EASILY OCCUR AS A RESULT OF ATTEMPTING TO PRODUCE EXPLOSIVE MATERIALS.**

These recipes are theoretically correct, meaning that an individual could conceivably produce the materials described. The methods here are usually scaled-down industrial procedures.

3.01 EXPLOSIVE THEORY

An explosive is any material that, when ignited by heat or shock, undergoes rapid decomposition or oxidation. This process releases energy that is stored in the material in the form of heat and light, or by breaking down into gaseous compounds that occupy a much larger volume than the original piece of material. Because this expansion is very rapid, large volumes of air are displaced by the expanding gasses. This expansion occurs at a speed greater than the speed of sound, and so a sonic boom occurs. This explains the mechanics behind an explosion. Explosives occur in several forms: high-order explosives which detonate, low order explosives, which burn, and primers, which may do both.

High order explosives detonate. A detonation occurs only in a high order explosive. Detonations are usually incurred by a shockwave that passes through a block of the high explosive material. The shockwave breaks apart the molecular bonds between the atoms of the substance, at a rate approximately equal to the speed of sound traveling through that material. In a high explosive, the fuel and oxidizer are chemically bonded, and the shockwave breaks apart these bonds, and re-combines the two materials to produce mostly gasses. T.N.T., ammonium nitrate, and R.D.X. are examples of high order explosives.

Low order explosives do not detonate; they burn, or undergo oxidation. When heated, the fuel(s) and oxidizer(s) combine to produce heat, light, and gaseous products. Some low order materials burn at about the same speed under pressure as they do in the open, such as blackpowder. Others, such as gunpowder, which is correctly called nitrocellulose, burn much faster and hotter when they are in a confined space, such as the barrel of a firearm; they usually burn much slower than blackpowder when they are ignited in unpressurized conditions. Black powder, nitrocellulose, and flash powder are good examples of low order explosives.

Primers are peculiarities to the explosive field. Some of them, such as mercury fulminate, will function

as a low or high order explosive. They are usually more sensitive to friction, heat, or shock, than the high or low explosives. Most primers perform like a high order explosive, except that they are much more sensitive. Still others merely burn, but when they are confined, they burn at a great rate and with a large expansion of gasses and a shockwave. Primers are usually used in a small amount to initiate, or cause to decompose, a high order explosive, as in an artillery shell. But, they are also frequently used to ignite a low order explosive; the gunpowder in a bullet is ignited by the detonation of its primer.

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3.1 IMPACT EXPLOSIVES

- * AMMONIUM TRIIODIDE CRYSTALS
- * MERCURY FULMINATE
- * NITROGLYCERINE
- * PICRATES

Impact explosives are often used as primers. Of the ones discussed here, only mercury fulminate and nitroglycerine are real explosives; Ammonium triiodide crystals decompose upon impact, but they release little heat and no light. Impact explosives are always treated with the greatest care, and even the stupidest anarchist never stores them near any high or low explosives.

3.11 AMMONIUM TRIIODIDE CRYSTALS

Ammonium triiodide crystals are foul-smelling purple colored crystals that decompose under the slightest amount of heat, friction, or shock, if they are made with the purest ammonia (ammonium hydroxide) and iodine. Such crystals are said to detonate when a fly lands on them, or when an ant walks across them.

Household ammonia, however, has enough impurities, such as soaps and abrasive agents, so that the crystals will detonate when thrown, crushed, or heated. Upon detonation, a loud report is heard, and a cloud of purple iodine gas appears about the detonation site. Whatever the unfortunate surface that the crystal was detonated upon will usually be ruined, as some of the iodine in the crystal is thrown about in a solid form, and iodine is corrosive. It leaves nasty, ugly, permanent brownish-purple stains on whatever it contacts. Iodine gas is also bad news, since it can damage lungs, and it settles to the ground and stains things there also. Touching iodine leaves brown stains on the skin that last for about a week, unless they are immediately and vigorously washed off. While such a compound would have little use to a serious terrorist, a vandal could utilize them in damaging property. Or, a terrorist could throw several of them into a crowd as a distraction, an action which would possibly injure a few people, but frighten almost anyone, since a small crystal that not be seen when thrown produces a rather loud explosion. Ammonium triiodide crystals could be produced in the following manner:

Materials

- * iodine crystals
- * clear ammonia
- * (ammonium hydroxide,
- * two throw-away glass jars for the suicidal)

Equipment

- * funnel and filter paper
- * paper towels

1. Place about two teaspoons of iodine into one of the glass jars. The jars must both be throw away because they will never be clean again.
2. Add enough ammonia to completely cover the iodine.
3. Place the funnel into the other jar, and put the filter paper in the funnel. The technique for putting filter paper in a funnel is taught in every basic chemistry lab class: fold the circular paper in half, so that a semi-circle is formed. Then, fold it in half again to form a triangle with one curved side. Pull one thickness of paper out to form a cone, and place the cone into the funnel.
4. After allowing the iodine to soak in the ammonia for a while, pour the solution into the paper in the funnel through the filter paper.
5. While the solution is being filtered, put more ammonia into the first jar to wash any remaining crystals into the funnel as soon as it drains.
6. Collect all the purplish crystals without touching the brown filter paper, and place them on the paper towels to dry for about an hour. Make sure that they are not too close to any lights or other sources of heat, as they could well detonate. While they are still wet, divide the wet material into about eight chunks.
7. After they dry, gently place the crystals onto a one square inch piece of duct tape. Cover it with a similar piece, and gently press the duct tape together around the crystal, making sure not to press the crystal itself. Finally, cut away most of the excess duct tape with a pair of scissors, and store the crystals in a cool dry safe place. They have a shelf life of about a week, and they should be stored in individual containers that can be thrown away, since they have a tendency to slowly decompose, a process which gives off iodine vapors, which will stain whatever they settle on. One possible way to increase their shelf life is to store them in airtight containers. To use them, simply throw them against any surface or place them where they will be stepped on or crushed.

3.12 MERCURY FULMINATE

Mercury fulminate is perhaps one of the oldest known initiating compounds. It can be detonated by either heat or shock, which would make it of infinite value to a terrorist. Even the action of dropping a crystal of the fulminate causes it to explode. A person making this material would probably use the following procedure:

MATERIALS

- * mercury (5 g)
- * concentrated nitric acid (35 ml)
- * ethyl alcohol (30 ml)
- * distilled water

EQUIPMENT

- * glass stirring rod
- * 100 ml beaker (2)
- * adjustable heat source
- * blue litmus paper
- * funnel and filter paper

1. In one beaker, mix 5 g of mercury with 35 ml of concentrated nitric acid, using the glass rod.
2. Slowly heat the mixture until the mercury is dissolved, which is when the solution turns green and boils.
3. Place 30 ml of ethyl alcohol into the second beaker, and slowly and carefully add all of the contents of the first beaker to it. Red and/or brown fumes should appear. These fumes are toxic and flammable.
4. After thirty to forty minutes, the fumes should turn white, indicating that the reaction is near completion. After ten more minutes, add 30 ml of the distilled water to the solution.
5. Carefully filter out the crystals of mercury fulminate from the liquid solution. Dispose of the solution in a safe place, as it is corrosive and toxic.
6. Wash the crystals several times in distilled water to remove as much excess acid as possible. Test the crystals with the litmus paper until they are neutral. This will be when the litmus paper stays blue when it touches the wet crystals
7. Allow the crystals to dry, and store them in a safe place, far away from any explosive or flammable material.

This procedure can also be done by volume, if the available mercury cannot be weighed. Simply use 10 volumes of nitric acid and 10 volumes of ethanol to every one volume of mercury.

3.13 NITROGLYCERINE

Nitroglycerine is one of the most sensitive explosives, if it is not the most sensitive. Although it is possible to make it safely, it is difficult. Many a young anarchist has been killed or seriously injured while trying to make the stuff. When Nobel's factories make it, many people were killed by the all-to-frequent factory explosions. Usually, as soon as it is made, it is converted into a safer substance, such as dynamite. An idiot who attempts to make nitroglycerine would use the following procedure:

MATERIAL

- * distilled water
- * table salt
- * sodium bicarbonate
- * concentrated nitric acid (13 ml)
- * concentrated sulfuric acid (39 ml)
- * glycerine

EQUIPMENT

- * eye-dropper
- * 100 ml beaker
- * 200-300 ml beakers (2)
- * ice bath container (a plastic bucket serves well)
- * centigrade thermometer
- * blue litmus paper

1. Place 150 ml of distilled water into one of the 200-300 ml beakers.
2. In the other 200-300 ml beaker, place 150 ml of distilled water and about a spoonful of sodium bicarbonate, and stir them until the sodium bicarbonate dissolves. Do not put so much sodium bicarbonate in the water so that some remains undissolved.
3. Create an ice bath by half filling the ice bath container with ice, and adding table salt. This will cause the ice to melt, lowering the overall temperature.
4. Place the 100 ml beaker into the ice bath, and pour the 13 ml of concentrated nitric acid into the 100 ml beaker. Be sure that the beaker will not spill into the ice bath, and that the ice bath will not overflow into the beaker when more materials are added to it. Be sure to have a large enough ice bath container to add more ice. Bring the temperature of the acid down to about 20 degrees centigrade or less.
5. When the nitric acid is as cold as stated above, slowly and carefully add the 39 ml of concentrated sulfuric acid to the nitric acid. Mix the two acids together, and cool the mixed acids to 10 degrees centigrade. It is a good idea to start another ice bath to do this.
6. With the eyedropper, slowly put the glycerine into the mixed acids, one drop at a time. Hold the thermometer along the top of the mixture where the mixed acids and glycerine meet. **DO NOT ALLOW THE TEMPERATURE TO GET ABOVE 30 DEGREES CENTIGRADE; IF THE TEMPERATURE RISES ABOVE THIS TEMPERATURE, RUN LIKE HELL!!!** The glycerine will start to nitrate immediately, and the temperature will immediately begin to rise. Add glycerine until there is a thin layer of glycerine on top of the mixed acids. It is always safest to make any explosive in small quantities.
7. Stir the mixed acids and glycerine for the first ten minutes of nitration, adding ice and salt to the ice bath to keep the temperature of the solution in the 100 ml beaker well below 30 degrees centigrade. Usually, the nitroglycerine will form on the top of the mixed acid solution, and the concentrated sulfuric acid will absorb the water produced by the reaction.
8. When the reaction is over, and when the nitroglycerine is well below 30 degrees centigrade, slowly and carefully pour the solution of nitroglycerine and mixed acid into the distilled water in the beaker in step 1. The nitroglycerine should settle to the bottom of the beaker, and the water-acid solution on top can be poured off and disposed of. Drain as much of the acid-water solution as possible without disturbing the nitroglycerine.
9. Carefully remove the nitroglycerine with a clean eye-dropper, and place it into the beaker in step 2. The sodium bicarbonate solution will eliminate much of the acid, which will make the nitroglycerine more stable, and less likely to explode for no reason, which it can do. Test the nitroglycerine with the litmus paper until the litmus stays blue. Repeat this step if necessary, and use new sodium bicarbonate solutions as in step 2.

10. When the nitroglycerine is as acid-free as possible, store it in a clean container in a safe place. The best place to store nitroglycerine is far away from anything living, or from anything of any value. Nitroglycerine can explode for no apparent reason, even if it is stored in a secure cool place.

3.14 PICRATES

Although the procedure for the production of picric acid, or trinitrophenol has not yet been given, its salts are described first, since they are extremely sensitive, and detonate on impact. By mixing picric acid with metal hydroxides, such as sodium or potassium hydroxide, and evaporating the water, metal picrates can be formed. Simply obtain picric acid, or produce it, and mix it with a solution of (preferably) potassium hydroxide, of a mid range molarity. (about 6-9 M) This material, potassium picrate, is impact-sensitive, and can be used as an initiator for any type of high explosive.

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3.2 LOW-ORDER EXPLOSIVES

- * BLACK POWDER
- * NITROCELLULOSE
- * FUEL-OXODIZER MIXTURES
- * PERCHLORATES

There are many low-order explosives that can be purchased in gun stores and used in explosive devices. However, it is possible that a wise store owner would not sell these substances to a suspicious-looking individual. Such an individual would then be forced to resort to making his own low-order explosives.

3.21 BLACK POWDER

First made by the Chinese for use in fireworks, black powder was first used in weapons and explosives in the 12th century. It is very simple to make, but it is not very powerful or safe. Only about 50% of black powder is converted to hot gasses when it is burned; the other half is mostly very fine burned particles. Black powder has one major problem: it can be ignited by static electricity. This is very bad, and it means that the material must be made with wooden or clay tools. Anyway, a misguided individual could manufacture black powder at home with the following procedure:

MATERIALS

- * potassium nitrate (75 g) or
- * sodium nitrate (75 g)
- * sulfur (10 g)
- * charcoal (15 g)
- * distilled water

EQUIPMENT

- * clay grinding bowl and clay grinder (potassium) or
- * wooden salad bowl and wooden spoon (sodium)
- * plastic bags (3)
- * 300-500 ml beaker (1)
- * coffee pot or heat source

1. Place a small amount of the potassium or sodium nitrate in the grinding bowl and grind it to a very fine powder. Do this to all of the potassium or sodium nitrate, and store the ground powder in one of the plastic bags.
2. Do the same thing to the sulfur and charcoal, storing each chemical in a separate plastic bag.
3. Place all of the finely ground potassium or sodium nitrate in the beaker, and add just enough boiling water to the chemical to get it all wet.

4. Add the contents of the other plastic bags to the wet potassium or sodium nitrate, and mix them well for several minutes. Do this until there is no more visible sulfur or charcoal, or until the mixture is universally black.
5. On a warm sunny day, put the beaker outside in the direct sunlight. Sunlight is really the best way to dry black powder, since it is never too hot, but it is hot enough to evaporate the water.
6. Scrape the black powder out of the beaker, and store it in a safe container. Plastic is really the safest container, followed by paper. Never store black powder in a plastic bag, since plastic bags are prone to generate static electricity.

3.22 NITROCELLULOSE

Nitrocellulose is usually called "gunpowder" or "guncotton". It is more stable than black powder, and it produces a much greater volume of hot gas. It also burns much faster than black powder when it is in a confined space. Finally, nitrocellulose is fairly easy to make, as outlined by the following procedure:

MATERIALS

- * cotton (cellulose)
- * concentrated nitric acid
- * concentrated sulfuric acid
- * distilled water

EQUIPMENT

- * two (2) 200-300 ml beakers
- * funnel and filter paper
- * blue litmus paper

1. Pour 10 cc of concentrated sulfuric acid into the beaker. Add to this 10 cc of concentrated nitric acid.
2. Immediately add 0.5 gm of cotton, and allow it to soak for exactly 3 minutes.
3. Remove the nitrocotton, and transfer it to a beaker of distilled water to wash it in.
4. Allow the material to dry, and then re-wash it.
5. After the cotton is neutral when tested with litmus paper, it is ready to be dried and stored.

3.23 FUEL-OXODIZER MIXTURES

There are nearly an infinite number of fuel-oxodizer mixtures that can be produced by a misguided individual in his own home. Some are very effective and dangerous, while others are safer and less effective. A list of working fuel-oxodizer mixtures will be presented, but the exact measurements of each compound are debatable for maximum effectiveness. A rough estimate will be given of the percentages of each fuel and oxodizer:

oxodizer, % by weight fuel, % by weight speed # notes
 =====
 potassium chlorate 67% sulfur 33% 5 friction/impact
 sensitive; unstable

potassium chlorate 50% sugar 35% 5 fairly slow burning;
charcoal 15% unstable

potassium chlorate 50% sulfur 25% 8 extremely
magnesium or unstable!
aluminum dust 25%

potassium chlorate 67% magnesium or 8 unstable
aluminum dust 33%

sodium nitrate 65% magnesium dust 30% ? unpredictable
sulfur 5% burn rate

potassium permanganate 60% glycerine 40% 4 delay before
ignition depends
WARNING: IGNITES SPONTANEOUSLY WITH GLYCERINE!!! upon grain size

potassium permanganate 67% sulfur 33% 5 unstable

potassium permanganate 60% sulfur 20% 5 unstable
magnesium or
aluminum dust 20%

potassium permanganate 50% sugar 50% 3 ?

potassium nitrate 75% charcoal 15% 7 this is
sulfur 10% black powder!

potassium nitrate 60% powdered iron 1 burns very hot
or magnesium 40%

potassium chlorate 75% phosphorus 8 used to make strike-
sesquisulfide 25% anywhere matches

ammonium perchlorate 70% aluminum dust 30% 6 solid fuel for
and small amount of space shuttle
iron oxide

potassium perchlorate 67% magnesium or 10 flash powder
(sodium perchlorate) aluminum dust 33%

potassium perchlorate 60% magnesium or 8 alternate
(sodium perchlorate) aluminum dust 20% flash powder
sulfur 20%

barium nitrate 30% aluminum dust 30% 9 alternate
potassium perchlorate 30% flash powder

barium peroxide 90% magnesium dust 5% 10 alternate
aluminum dust 5% flash powder

potassium perchlorate 50% sulfur 25% 8 slightly
magnesium or unstable
aluminum dust 25%

potassium chlorate 67% red phosphorus 27% 7 very unstable
calcium carbonate 3% sulfur 3% impact sensitive

potassium permanganate 50% powdered sugar 25% 7 unstable;
aluminum or ignites if
magnesium dust 25% it gets wet!

potassium chlorate 75% charcoal dust 15% 6 unstable
sulfur 10%

=====

NOTE: Mixtures that uses substitutions of sodium perchlorate for potassium perchlorate become moisture-absorbent and less stable.

The higher the speed number, the faster the fuel-oxidizer mixture burns AFTER ignition. Also, as a rule, the finer the powder, the faster the rate of burning.

As one can easily see, there is a wide variety of fuel-oxidizer mixtures that can be made at home. By altering the amounts of fuel and oxidizer(s), different burn rates can be achieved, but this also can change the sensitivity of the mixture.

3.24 PERCHLORATES

As a rule, any oxidizable material that is treated with perchloric acid will become a low order explosive. Metals, however, such as potassium or sodium, become excellent bases for flash-type powders. Some materials that can be perchlorated are cotton, paper, and sawdust. To produce potassium or sodium perchlorate, simply acquire the hydroxide of that metal, e.g. sodium or potassium hydroxide. It is a good idea to test the material to be perchlorated with a very small amount of acid, since some of the materials tend to react explosively when contacted by the acid. Solutions of sodium or potassium hydroxide are ideal.

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3.3 HIGH-ORDER EXPLOSIVES

- * R.D.X.
- * AMMONIUM NITRATE
- * ANFOS
- * T.N.T.
- * POTASSIUM CHLORATE
- * DYNAMITE
- * NITROSTARCH EXPLOSIVES
- * PICRIC ACID
- * AMMONIUM PICRATE
- * NITROGEN TRICHLORIDE
- * LEAD AZIDE

High order explosives can be made in the home without too much difficulty. The main problem is acquiring the nitric acid to produce the high explosive. Most high explosives detonate because their molecular structure is made up of some fuel and usually three or more NO₂ (nitrogen dioxide) molecules. T.N.T., or Tri-Nitro-Toluene is an excellent example of such a material. When a shock wave passes through an molecule of T.N.T., the nitrogen dioxide bond is broken, and the oxygen combines with the fuel, all in a matter of microseconds. This accounts for the great power of nitrogen-based explosives. Remembering that these procedures are NEVER TO BE CARRIED OUT, several methods of manufacturing high-order explosives in the home are listed.

3.31 R.D.X.

R.D.X., also called cyclonite, or composition C-1 (when mixed with plasticisers) is one of the most valuable of all military explosives. This is because it has more than 150% of the power of T.N.T., and is much easier to detonate. It should not be used alone, since it can be set off by a not-too severe shock. It is less sensitive than mercury fulminate, or nitroglycerine, but it is still too sensitive to be used alone. R. D.X. can be made by the surprisingly simple method outlined hereafter. It is much easier to make in the home than all other high explosives, with the possible exception of ammonium nitrate.

MATERIALS

- * hexamine or methenamine fuel tablets (50 g)
- * concentrated nitric acid (550 ml)
- * distilled water
- * table salt
- * ice

* ammonium nitrate

EQUIPMENT

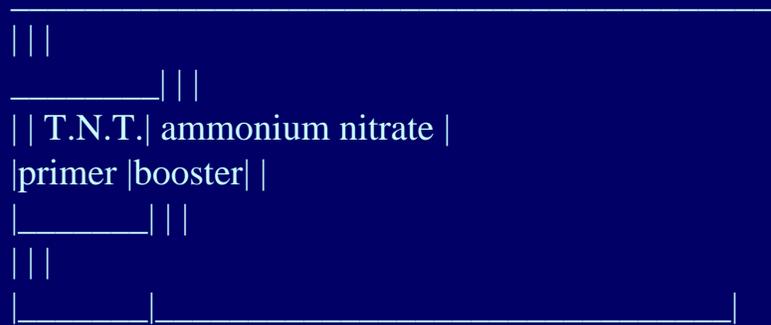
- * 500 ml beaker
- * glass stirring rod
- * funnel and filter paper
- * ice bath container (plastic bucket)
- * centigrade thermometer
- * blue litmus paper

1. Place the beaker in the ice bath, (see section 3.13, steps 3-4) and carefully pour 550 ml of concentrated nitric acid into the beaker.
2. When the acid has cooled to below 20 degrees centigrade, add small amounts of the crushed fuel tablets to the beaker. The temperature will rise, and it must be kept below 30 degrees centigrade, or dire consequences could result. Stir the mixture.
3. Drop the temperature below zero degrees centigrade, either by adding more ice and salt to the old ice bath, or by creating a new ice bath. Or, ammonium nitrate could be added to the old ice bath, since it becomes cold when it is put in water. Continue stirring the mixture, keeping the temperature below zero degrees centigrade for at least twenty minutes
4. Pour the mixture into a litre of crushed ice. Shake and stir the mixture, and allow it to melt. Once it has melted, filter out the crystals, and dispose of the corrosive liquid.
5. Place the crystals into one half a litre of boiling distilled water. Filter the crystals, and test them with the blue litmus paper. Repeat steps 4 and 5 until the litmus paper remains blue. This will make the crystals more stable and safe.
6. Store the crystals wet until ready for use. Allow them to dry completely using them. R.D.X. is not stable enough to use alone as an explosive.
7. Composition C-1 can be made by mixing 88.3% R.D.X. (by weight) with 11.1% mineral oil, and 0.6% lecithin. Knead these material together in a plastic bag. This is a good way to desensitize the explosive.
8. H.M.X. is a mixture of T.N.T. and R.D.X.; the ratio is 50/50, by weight. it is not as sensitive, and is almost as powerful as straight R.D.X.
9. By adding ammonium nitrate to the crystals of R.D.X. after step 5, it should be possible to desensitize the R.D.X. and increase its power, since ammonium nitrate is very insensitive and powerful. Sodium or potassium nitrate could also be added; a small quantity is sufficient to stabilize the R.D.X.
10. R.D.X. detonates at a rate of 8550 meters/second when it is compressed to a density of 1.55 g/cubic cm.

3.32 AMMONIUM NITRATE

Ammonium nitrate could be made by a terrorist according to the hap- hazard method in section 2.33, or it could be stolen from a construction site, since it is usually used in blasting, because it is very stable

and insensitive to shock and heat. A terrorist could also buy several Instant Cold-Paks from a drug store or medical supply store. The major disadvantage with ammonium nitrate, from a terrorist's point of view, would be detonating it. A rather powerful priming charge must be used, and usually with a booster charge. The diagram below will explain.



The primer explodes, detonating the T.N.T., which detonates, sending a tremendous shockwave through the ammonium nitrate, detonating it.

3.33 ANFOS

ANFO is an acronym for Ammonium Nitrate - Fuel Oil Solution. An ANFO solves the only other major problem with ammonium nitrate: its tendency to pick up water vapor from the air. This results in the explosive failing to detonate when such an attempt is made. This is rectified by mixing 94% (by weight) ammonium nitrate with 6% fuel oil, or kerosene. The kerosene keeps the ammonium nitrate from absorbing moisture from the air. An ANFO also requires a large shockwave to set it off.

3.34 T.N.T.

T.N.T., or Tri-Nitro-Toluene, is perhaps the second oldest known high explosive. Dynamite, of course, was the first. It is certainly the best known high explosive, since it has been popularized by early morning cartoons. It is the standard for comparing other explosives to, since it is the most well known. In industry, a T.N.T. is made by a three step nitration process that is designed to conserve the nitric and sulfuric acids which are used to make the product. A terrorist, however, would probably opt for the less economical one step method. The one step process is performed by treating toluene with very strong (fuming) sulfuric acid. Then, the sulfated toluene is treated with very strong (fuming) nitric acid in an ice bath. Cold water is added the solution, and it is filtered.

3.35 POTASSIUM CHLORATE

Potassium chlorate itself cannot be made in the home, but it can be obtained from labs. If potassium chlorate is mixed with a small amount of vaseline, or other petroleum jelly, and a shockwave is passed through it, the material will detonate with slightly more power than black powder. It must, however, be confined to detonate it in this manner. The procedure for making such an explosive is outlined below:

MATERIALS

- * potassium chlorate (9 parts, by volume)
- * petroleum jelly (vaseline) (1 part, by volume)

EQUIPMENT

- * zip-lock plastic bag
- * clay grinding bowl or wooden bowl and wooden spoon

1. Grind the potassium chlorate in the grinding bowl carefully and slowly, until the potassium chlorate is a very fine powder. The finer that it is powdered, the faster (better) it will detonate.
2. Place the powder into the plastic bag. Put the petroleum jelly into the plastic bag, getting as little on the sides of the bag as possible, i.e. put the vaseline on the potassium chlorate powder.
3. Close the bag, and kneed the materials together until none of the potassium chlorate is dry powder that does not stick to the main glob. If necessary, add a bit more petroleum jelly to the bag.
4. The material must me used within 24 hours, or the mixture will react to greatly reduce the effectiveness of the explosive. This reaction, however, is harmless, and releases no heat or dangerous products.

3.36 DYNAMITE

The name dynamite comes from the Greek word "dynamis", meaning power. Dynamite was invented by Nobel shortly after he made nitroglycerine. It was made because nitroglycerine was so dangerously sensitive to shock. A misguided individual with some sanity would, after making nitroglycerine (an insane act) would immediately convert it to dynamite. This can be done by adding various materials to the nitroglycerine, such as sawdust. The sawdust holds a large weight of nitroglycerine per volume. Other materials, such as ammonium nitrate could be added, and they would tend to desensitize the explosive, and increase the power. But even these nitroglycerine compounds are not really safe.

3.37 NITROSTARCH EXPLOSIVES

Nitrostarch explosives are simple to make, and are fairly powerful. All that need be done is treat various starches with a mixture of concentrated nitric and sulfuric acids. 10 ml of concentrated sulfuric acid is added to 10 ml of concentrated nitric acid. To this mixture is added 0.5 grams of starch. Cold water is added, and the apparently unchanged nitrostarch is filtered out. Nitrostarch explosives are of slightly lower power than T.N.T., but they are more readily detonated.

3.38 PICRIC ACID

Picric acid, also known as Tri-Nitro-Phenol, or T.N.P., is a military explosive that is most often used as a booster charge to set off another less sensitive explosive, such as T.N.T. It another explosive that is

fairly simple to make, assuming that one can acquire the concentrated sulfuric and nitric acids. Its procedure for manufacture is given in many college chemistry lab manuals, and is easy to follow. The main problem with picric acid is its tendency to form dangerously sensitive and unstable picrate salts, such as potassium picrate. For this reason, it is usually made into a safer form, such as ammonium picrate, also called explosive D. A social deviant would probably use a formula similar to the one presented here to make picric acid.

MATERIALS

- * phenol (9.5 g)
- * concentrated sulfuric acid (12.5 ml)
- * concentrated nitric acid (38 ml)
- * distilled water

EQUIPMENT

- * 500 ml flask
- * adjustable heat source
- * 1000 ml beaker or other container suitable for boiling in
- * filter paper and funnel
- * glass stirring rod

1. Place 9.5 grams of phenol into the 500 ml flask, and carefully add 12.5 ml of concentrated sulfuric acid and stir the mixture.
2. Put 400 ml of tap water into the 1000 ml beaker or boiling container and bring the water to a gentle boil.
3. After warming the 500 ml flask under hot tap water, place it in the boiling water, and continue to stir the mixture of phenol and acid for about thirty minutes. After thirty minutes, take the flask out, and allow it to cool for about five minutes.
4. Pour out the boiling water used above, and after allowing the container to cool, use it to create an ice bath, similar to the one used in section 3.13, steps 3-4. Place the 500 ml flask with the mixed acid and phenol in the ice bath. Add 38 ml of concentrated nitric acid in small amounts, stirring the mixture constantly. A vigorous but "harmless" reaction should occur. When the mixture stops reacting vigorously, take the flask out of the ice bath.
5. Warm the ice bath container, if it is glass, and then begin boiling more tap water. Place the flask containing the mixture in the boiling water, and heat it in the boiling water for 1.5 to 2 hours.
6. Add 100 ml of cold distilled water to the solution, and chill it in an ice bath until it is cold.
7. Filter out the yellowish-white picric acid crystals by pouring the solution through the filter paper in the funnel. Collect the liquid and dispose of it in a safe place, since it is corrosive.
8. Wash out the 500 ml flask with distilled water, and put the contents of the filter paper in the flask. Add 300 ml of water, and shake vigorously.
9. Re-filter the crystals, and allow them to dry.

10. Store the crystals in a safe place in a glass container, since they will react with metal containers to produce picrates that could explode spontaneously.

3.39 AMMONIUM PICRATE

Ammonium picrate, also called Explosive D, is another safety explosive. It requires a substantial shock to cause it to detonate, slightly less than that required to detonate ammonium nitrate. It is much safer than picric acid, since it has little tendency to form hazardous unstable salts when placed in metal containers. It is simple to make from picric acid and clear household ammonia. All that need be done is put the picric acid crystals into a glass container and dissolve them in a great quantity of hot water. Add clear household ammonia in excess, and allow the excess ammonia to evaporate. The powder remaining should be ammonium picrate.

3.40 NITROGEN TRICHLORIDE

Nitrogen trichloride, also known as chloride of azode, is an oily yellow liquid. It explodes violently when it is heated above 60 degrees celsius, or when it comes in contact with an open flame or spark. It is fairly simple to produce.

1. In a beaker, dissolve about 5 teaspoons of ammonium nitrate in water. Do not put so much ammonium nitrate into the solution that some of it remains undissolved in the bottom of the beaker.
2. Collect a quantity of chlorine gas in a second beaker by mixing hydrochloric acid with potassium permanganate in a large flask with a stopper and glass pipe.
3. Place the beaker containing the chlorine gas upside down on top of the beaker containing the ammonium nitrate solution, and tape the beakers together. Gently heat the bottom beaker. When this is done, oily yellow droplets will begin to form on the surface of the solution, and sink down to the bottom. At this time, remove the heat source immediately. Alternately, the chlorine can be bubbled through the ammonium nitrate solution, rather than collecting the gas in a beaker, but this requires timing and a stand to hold the beaker and test tube. The chlorine gas can also be mixed with anhydrous ammonia gas, by gently heating a flask filled with clear household ammonia. Place the glass tubes from the chlorine-generating flask and the tube from the ammonia-generating flask in another flask that contains water.
4. Collect the yellow droplets with an eyedropper, and use them immediately, since nitrogen trichloride decomposes in 24 hours.

3.41 LEAD AZIDE

Lead Azide is a material that is often used as a booster charge for other explosive, but it does well enough on its own as a fairly sensitive explosive. It does not detonate too easily by percussion or impact, but it is easily detonated by heat from an igniter wire, or a blasting cap. It is simple to produce, assuming that the necessary chemicals can be procured. By dissolving sodium azide and lead acetate in water in separate beakers, the two materials are put into an aqueous state. Mix the two beakers together, and apply a gentle heat. Add an excess of the lead acetate solution, until no reaction occurs, and the precipitate on the bottom of the beaker stops forming. Filter off the solution, and wash the precipitate in

hot water. The precipitate is lead azide, and it must be stored wet for safety. If lead acetate cannot be found, simply acquire acetic acid, and put lead metal in it. Black powder bullets work well for this purpose.

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3.5 OTHER "EXPLOSIVES"

- * THERMIT
- * MOLOTOV COCKTAILS
- * CHEMICAL FIRE BOTTLE
- * BOTTLED GAS EXPLOSIVES

The remaining section covers the other types of materials that can be used to destroy property by fire. Although none of the materials presented here are explosives, they still produce explosive-style results. section 3.23 because it does not react nearly as readily. It is a mixture of iron oxide and aluminum, both finely powdered. When it is ignited, the aluminum burns, and extracts the oxygen from the iron oxide. This is really two very exothermic reactions that produce a combined temperature of about 2200 degrees C. This is half the heat produced by an atomic weapon. It is difficult to ignite, however, but when it is ignited, it is one of the most effective firestarters around.

3.51 THERMIT

MATERIALS

- * powdered aluminum (10 g)
- * powdered iron oxide (10 g)

1. There is no special procedure or equipment required to make thermit. Simply mix the two powders together, and try to make the mixture as homogenous as possible. The ratio of iron oxide to aluminum is 50% / 50% by weight, and be made in greater or lesser amounts.
2. Ignition of thermit can be accomplished by adding a small amount of potassium chlorate to the thermit, and pouring a few drops of sulfuric acid on it. This method and others will be discussed later in section 4.33. The other method of igniting thermit is with a magnesium strip. Finally, by using common sparkler-type fireworks placed in the thermit, the mixture can be ignited.

3.52 MOLOTOV COCKTAILS

First used by Russians against German tanks, the Molotov cocktail is now exclusively used by terrorists worldwide. They are extremely simple to make, and can produce devastating results. By taking any highly flammable material, such as gasoline, diesel fuel, kerosene, ethyl or methyl alcohol, lighter fluid, turpentine, or any mixture of the above, and putting it into a large glass bottle, anyone can make an effective firebomb. After putting the flammable liquid in the bottle, simply put a piece of cloth that is soaked in the liquid in the top of the bottle so that it fits tightly. Then, wrap some of the cloth around the neck and tie it, but be sure to leave a few inches of loose cloth to light. Light the exposed cloth, and throw

the bottle. If the burning cloth does not go out, and if the bottle breaks on impact, the contents of the bottle will spatter over a large area near the site of impact, and burst into flame. Flammable mixtures such as kerosene and motor oil should be mixed with a more volatile and flammable liquid, such as gasoline, to insure ignition. A mixture such as tar or grease and gasoline will stick to the surface that it strikes, and burn hotter, and be more difficult to extinguish. A mixture such as this must be shaken well before it is lit and thrown

3.53 CHEMICAL FIRE BOTTLE

The chemical fire bottle is really an advanced molotov cocktail. Rather than using the burning cloth to ignite the flammable liquid, which has at best a fair chance of igniting the liquid, the chemical fire bottle utilizes the very hot and violent reaction between sulfuric acid and potassium chlorate. When the container breaks, the sulfuric acid in the mixture of gasoline sprays onto the paper soaked in potassium chlorate and sugar. The paper, when struck by the acid, instantly bursts into a white flame, igniting the gasoline. The chance of failure to ignite the gasoline is less than 2%, and can be reduced to 0%, if there is enough potassium chlorate and sugar to spare.

MATERIALS

- * potassium chlorate (2 teaspoons)
- * sugar (2 teaspoons)
- * concentrated sulfuric acid (4 oz.)
- * gasoline (8 oz.)

EQUIPMENT

- * glass bottle (12 oz.)
- * cap for bottle, with plastic inside
- * glass or plastic cup and spoon
- * cooking pan with raised edges
- * paper towels

1. Test the cap of the bottle with a few drops of sulfuric acid to make sure that the acid will not eat away the bottle cap during storage. If the acid eats through it in 24 hours, a new top must be found and tested, until a cap that the acid does not eat through is found. A glass top is excellent.
2. Carefully pour 8 oz. of gasoline into the glass bottle.
3. Carefully pour 4 oz. of concentrated sulfuric acid into the glass bottle. Wipe up any spills of acid on the sides of the bottle, and screw the cap on the bottle. Wash the bottle's outside with plenty of water. Set it aside to dry.
4. Put about two teaspoons of potassium chlorate and about two teaspoons of sugar into the glass or plastic cup. Add about 1/2 cup of boiling water, or enough to dissolve all of the potassium chlorate and sugar.

5. Place a sheet of paper towel in the cooking pan with raised edges. Fold the paper towel in half, and pour the solution of dissolved potassium chlorate and sugar on it until it is thoroughly wet. Allow the towel to dry.
6. When it is dry, put some glue on the outside of the glass bottle containing the gasoline and sulfuric acid mixture. Wrap the paper towel around the bottle, making sure that it sticks to it in all places. Store the bottle in a place where it will not be broken or tipped over.
7. When finished, the solution in the bottle should appear as two distinct liquids, a dark brownish-red solution on the bottom, and a clear solution on top. The two solutions will not mix. To use the chemical fire bottle, simply throw it at any hard surface.
8. NEVER OPEN THE BOTTLE, SINCE SOME SULFURIC ACID MIGHT BE ON THE CAP, WHICH COULD TRICKLE DOWN THE SIDE OF THE BOTTLE AND IGNITE THE POTASSIUM CHLORATE, CAUSING A FIRE AND/OR EXPLOSION.
9. To test the device, tear a small piece of the paper towel off the bottle, and put a few drops of sulfuric acid on it. The paper towel should immediately burst into a white flame.

3.54 BOTTLED GAS EXPLOSIVES

Bottled gas, such as butane for refilling lighters, propane for propane stoves or for bunsen burners, can be used to produce a powerful explosion. To make such a device, all that a simple-minded anarchist would have to do would be to take his container of bottled gas and place it above a can of Sterno or other gelatinized fuel, and light the fuel and run. Depending on the fuel used, and on the thickness of the fuel container, the liquid gas will boil and expand to the point of bursting the container in about five minutes. In theory, the gas would immediately be ignited by the burning gelatinized fuel, producing a large fireball and explosion. Unfortunately, the bursting of the bottled gas container often puts out the fuel, thus preventing the expanding gas from igniting. By using a metal bucket half filled with gasoline, however, the chances of ignition are better, since the gasoline is less likely to be extinguished. Placing the canister of bottled gas on a bed of burning charcoal soaked in gasoline would probably be the most effective way of securing ignition of the expanding gas, since although the bursting of the gas container may blow out the flame of the gasoline, the burning charcoal should immediately re-ignite it. Nitrous oxide, hydrogen, propane, acetylene, or any other flammable gas will do nicely.

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4.0 USING EXPLOSIVES

Once a terrorist has made his explosives, the next logical step is to apply them. Explosives have a wide range of uses, from harassment, to vandalism, to murder. **NONE OF THE IDEAS PRESENTED HERE ARE EVER TO BE CARRIED OUT, EITHER IN PART OR IN FULL! DOING SO CAN LEAD TO PROSECUTION, FINES, AND IMPRISONMENT!**

The first step that a person that would use explosive would take would be to determine how big an explosive device would be needed to do whatever had to be done. Then, he would have to decide what to make his bomb with. He would also have to decide on how he wanted to detonate the device, and determine where the best placement for it would be. Then, it would be necessary to see if the device could be put where he wanted it without it being discovered or moved. Finally, he would actually have to sit down and build his explosive device. These are some of the topics covered in the next section.

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4.1 SAFETY

There is no such thing as a "safe" explosive device. One can only speak in terms of relative safety, or less unsafe.

Remember what the pyromaniac said after detonating his first creation: "Look ma', No hands!"

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4.2 IGNITION DEVICES

- * FUSE IGNITION
- * IMPACT IGNITION
- * ELECTRICAL IGNITION
- * ELECTRO-MECHANICAL IGNITION
- + Mercury Switches
- + Tripwire Switches
- + Radio Control Detonators

There are many ways to ignite explosive devices. There is the classic "light the fuse, throw the bomb, and run" approach, and there are sensitive mercury switches, and many things in between. Generally, electrical detonation systems are safer than fuses, but there are times when fuses are more appropriate than electrical systems; it is difficult to carry an electrical detonation system into a stadium, for instance, without being caught. A device with a fuse or impact detonating fuse would be easier to hide.

4.21 FUSE IGNITION

The oldest form of explosive ignition, fuses are perhaps the favorite type of simple ignition system. By simply placing a piece of waterproof fuse in a device, one can have almost guaranteed ignition. Modern waterproof fuse is extremely reliable, burning at a rate of about 2.5 seconds to the inch. It is available as model rocketry fuse in most hobby shops, and costs about \$3.00 for a nine-foot length. Fuse is a popular ignition system for pipe bombers because of its simplicity. All that need be done is light it with a match or lighter. Of course, if the Army had fuses like this, then the grenade, which uses fuse ignition, would be very impracticable. If a grenade ignition system can be acquired, by all means, it is the most effective. But, since such things do not just float around, the next best thing is to prepare a fuse system which does not require the use of a match or lighter, but still retains its simplicity. One such method is described below:

MATERIALS

- * strike-on-cover type matches
- * electrical tape or duct tape
- * waterproof fuse

1. To determine the burn rate of a particular type of fuse, simply measure a 6 inch or longer piece of fuse and ignite it. With a stopwatch, press the start button the at the instant when the fuse lights, and stop the watch when the fuse reaches its end. Divide the time of burn by the length of fuse, and you have the burn rate of the fuse, in seconds per inch. This will be shown below:

Suppose an eight inch piece of fuse is burned, and its complete time of combustion is 20 seconds.

20 seconds

----- = 2.5 seconds per inch.

8 inches

If a delay of 10 seconds was desired with this fuse, divide the desired time by the number of seconds per inch:

10 seconds

----- = 4 inches

2.5 seconds / inch

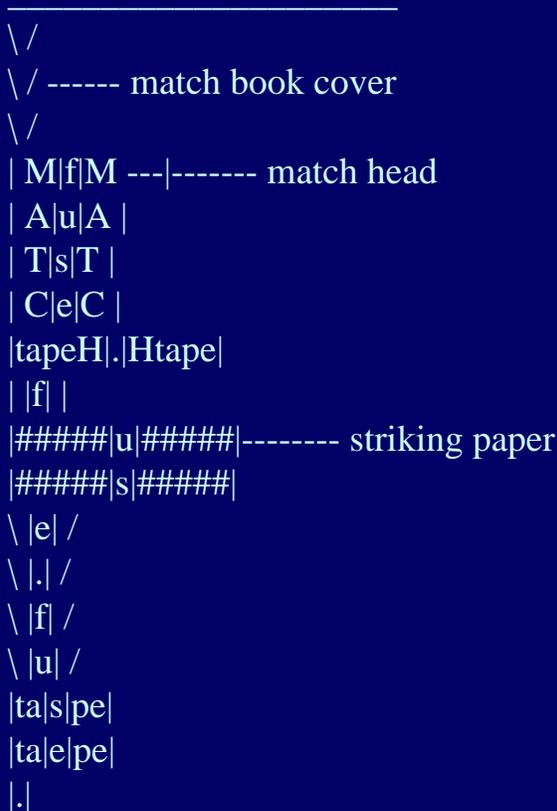
NOTE: THE LENGTH OF FUSE HERE MEANS LENGTH OF FUSE TO THE POWDER. SOME FUSE, AT LEAST AN INCH, SHOULD BE INSIDE THE DEVICE. ALWAYS ADD THIS EXTRA INCH, AND PUT THIS EXTRA INCH AN INCH INTO THE DEVICE!!!

2. After deciding how long a delay is desired before the explosive device is to go off, add about 1/2 an inch to the premeasured amount of fuse, and cut it off.

3. Carefully remove the cardboard matches from the paper match case. Do not pull off individual matches; keep all the matches attached to the cardboard base. Take one of the cardboard match sections, and leave the other one to make a second igniter.

4. Wrap the matches around the end of the fuse, with the heads of the matches touching the very end of the fuse. Tape them there securely, making sure not to put tape over the match heads. Make sure they are very secure by pulling on them at the base of the assembly. They should not be able to move.

5. Wrap the cover of the matches around the matches attached to the fuse, making sure that the striker paper is below the match heads and the striker faces the match heads. Tape the paper so that is fairly tight around the matches. Do not tape the cover of the striker to the fuse or to the matches. Leave enough of the match book to pull on for ignition.



|f|
|u|
|s|
|e|
|. |
|_ |

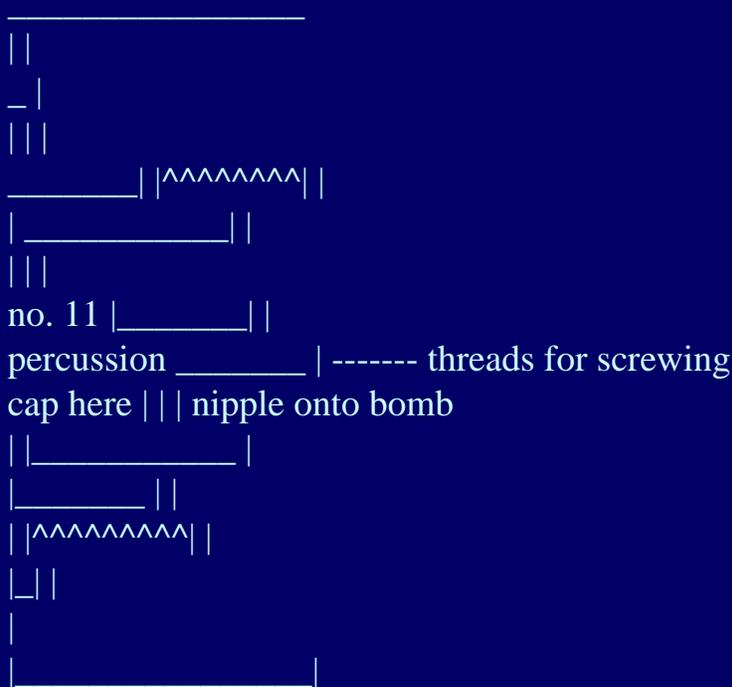
The match book is wrapped around the matches, and is taped to itself. The matches are taped to the fuse. The striker will rub against the matchheads when the match book is pulled.

6. When ready to use, simply pull on the match paper. It should pull the striking paper across the match heads with enough friction to light them. In turn, the burning matchheads will light the fuse, since it adjacent to the burning match heads.

4.22 IMPACT IGNITION

Impact ignition is an excellent method of ignition for spontaneous terrorist activities. The problem with an impact-detonating device is that it must be kept in a very safe container so that it will not explode while being transported to the place where it is to be used. This can be done by having a removable impact initiator.

The best and most reliable impact initiator is one that uses factory made initiators or primers. A no. 11 cap for black powder firearms is one such primer. They usually come in boxes of 100, and cost about \$2.50. To use such a cap, however, one needs a nipple that it will fit on. Black powder nipples are also available in gun stores. All that a person has to do is ask for a package of nipples and the caps that fit them. Nipples have a hole that goes all the way through them, and they have a threaded end, and an end to put the cap on. A cutaway of a nipple is shown below:



When making using this type of initiator, a hole must be drilled into whatever container is used to make the bomb out of. The nipple is then screwed into the hole so that it fits tightly. Then, the cap can be carried and placed on the bomb when it is to be thrown. The cap should be bent a small amount before it is placed on the nipple, to make sure that it stays in place. The only other problem involved with an impact detonating bomb is that it must strike a hard surface on the nipple to set it off. By attaching fins or a small parachute on the end of the bomb opposite the primer, the bomb, when thrown, should strike the ground on the primer, and explode. Of course, a bomb with mercury fulminate in each end will go off on impact regardless of which end it strikes on, but mercury fulminate is also likely to go off if the person carrying the bomb is bumped hard.

4.23 ELECTRICAL IGNITION

Electrical ignition systems for detonation are usually the safest and most reliable form of ignition. Electrical systems are ideal for demolition work, if one doesn't have to worry so much about being caught. With two spools of 500 ft of wire and a car battery, one can detonate explosives from a "safe", comfortable distance, and be sure that there is nobody around that could get hurt. With an electrical system, one can control exactly what time a device will explode, within fractions of a second. Detonation can be aborted in less than a second's warning, if a person suddenly walks by the detonation sight, or if a police car chooses to roll by at the time. The two best electrical igniters are military squibs and model rocketry igniters. Blasting caps for construction also work well. Model rocketry igniters are sold in packages of six, and cost about \$1.00 per pack. All that need be done to use them is connect it to two wires and run a current through them. Military squibs are difficult to get, but they are a little bit better, since they explode when a current is run through them, whereas rocketry igniters only burst into flame. Military squibs can be used to set off sensitive high explosives, such as R.D.X., or potassium chlorate mixed with petroleum jelly. Igniters can be used to set off black powder, mercury fulminate, or guncotton, which in turn, can set off a high order explosive.

4.24 ELECTRO-MECHANICAL IGNITION

Electro-mechanical ignition systems are systems that use some type of mechanical switch to set off an explosive charge electrically. This type of switch is typically used in booby traps or other devices in which the person who places the bomb does not wish to be anywhere near the device when it explodes. Several types of electro-mechanical detonators will be discussed.

4.241 Mercury Switches

Mercury switches are a switch that uses the fact that mercury metal conducts electricity, as do all metals, but mercury metal is a liquid at room temperatures. A typical mercury switch is a sealed glass tube with two electrodes and a bead of mercury metal. It is sealed because of mercury's nasty habit of giving off brain-damaging vapors. The diagram below may help to explain a mercury switch.

A / \ B

_____ wire + _____ / _____ \

\ (Hg) | /

\ _ (Hg) _ | _ /

|

|

wire - |

|

|

When the drop of mercury ("Hg" is mercury's atomic symbol) touches both contacts, current flows through the switch. If this particular switch was in its present position, A---B, current would be flowing, since the mercury can touch both contacts in the horizontal position.

If, however, it was in the | position, the drop of mercury would only touch the + contact on the A side. Current, then couldn't flow, since mercury does not reach both contacts when the switch is in the vertical position.

This type of switch is ideal to place by a door. If it were placed in the path of a swinging door in the vertical position, the motion of the door would knock the switch down, if it was held to the ground by a piece of tape. This would tilt the switch into the horizontal position, causing the mercury to touch both contacts, allowing current to flow through the mercury, and to the igniter or squib in an explosive device. Imagine opening a door and having it slammed in your face by an explosion.

4.242 Tripwire Switches

A tripwire is an element of the classic booby trap. By placing a nearly invisible line of string or fishing line in the probable path of a victim, and by putting some type of trap there also, nasty things can be caused to occur. If this mode of thought is applied to explosives, how would one use such a tripwire to detonate a bomb. The technique is simple. By wrapping the tips of a standard clothespin with aluminum foil, and placing something between them, and connecting wires to each aluminum foil contact, an electric tripwire can be made, If a piece of wood attached to the tripwire was placed between the contacts on the clothespin, the clothespin would serve as a switch. When the tripwire was pulled, the clothespin would snap together, allowing current to flow between the two pieces of aluminum foil, thereby completing a circuit, which would have the igniter or squib in it. Current would flow between the contacts to the igniter or squib, heat the igniter or squib, causing it to explode.

_____ _ foil _____ /

Insert strip of -----spring

wood with trip- _ foil _____

wire between foil / _____ \

contacts.

Make sure that the aluminum foil contacts do not touch the spring, since the spring also conducts electricity.

4.243 Radio Control Detonators

In the movies, every terrorist or criminal uses a radio controlled detonator to set off explosives. With a good radio detonator, one can be several miles away from the device, and still control exactly when it explodes, in much the same way as an electrical switch. The problem with radio detonators is that they are rather costly. However, there could possibly be a reason that a terrorist would wish to spend the amounts of money involved with a RC (radio control) system and use it as a detonator. If such an individual wanted to devise an RC detonator, all he would need to do is visit the local hobby store or toy store, and buy a radio controlled toy. Taking it back to his/her abode, all that he/she would have to do is detach the solenoid/motor that controls the motion of the front wheels of a RC car, or detach the solenoid/motor of the elevators/rudder of a RC plane, or the rudder of a RC boat, and re-connect the squib or rocket engine igniter to the contacts for the solenoid/motor. The device should be tested several times with squibs or igniters, and fully charged batteries should be in both the controller and the receiver (the part that used to move parts before the device became a detonator).

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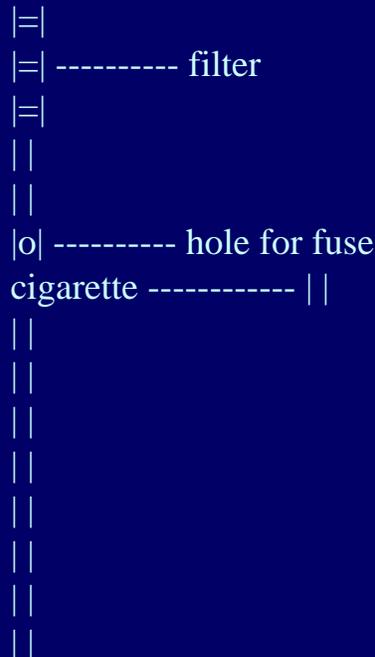
4.3 DELAYS

- * FUSE DELAYS
- * TIMER DELAYS
- * CHEMICAL DELAYS

A delay is a device which causes time to pass from when a device is set up to the time that it explodes. A regular fuse is a delay, but it would cost quite a bit to have a 24 hour delay with a fuse. This section deals with the different types of delays that can be employed by a terrorist who wishes to be sure that his bomb will go off, but wants to be out of the country when it does.

4.31 FUSE DELAYS

It is extremely simple to delay explosive devices that employ fuses for ignition. Perhaps the simplest way to do so is with a cigarette. An average cigarette burns for about 8 minutes. The higher the "tar" and nicotine rating, the slower the cigarette burns. Low "tar" and nicotine cigarettes burn quicker than the higher "tar" and nicotine cigarettes, but they are also less likely to go out if left unattended, i.e. not smoked. Depending on the wind or draft in a given place, a high "tar" cigarette is better for delaying the ignition of a fuse, but there must be enough wind or draft to give the cigarette enough oxygen to burn. People who use cigarettes for the purpose of delaying fuses will often test the cigarettes that they plan to use in advance to make sure they stay lit and to see how long it will burn. Once a cigarettes burn rate is determined, it is a simple matter of carefully putting a hole all the way through a cigarette with a toothpick at the point desired, and pushing the fuse for a device in the hole formed.



|_ | ----- light this end

A similar type of device can be make from powdered charcoal and a sheet of paper. Simply roll the sheet of paper into a thin tube, and fill it with powdered charcoal. Punch a hole in it at the desired location, and insert a fuse. Both ends must be glued closed, and one end of the delay must be doused with lighter fluid before it is lit. Or, a small charge of gunpowder mixed with powdered charcoal could conceivably used for igniting such a delay. A chain of charcoal briquettes can be used as a delay by merely lining up a few bricks of charcoal so that they touch each other, end on end, and lighting the first brick. Incense, which can be purchased at almost any novelty or party supply store, can also be used as a fairly reliable delay. By wrapping the fuse about the end of an incense stick, delays of up to 1/2 an hour are possible. Finally, it is possible to make a relatively slow-burning fuse in the home. By dissolving about one teaspoon of black powder in about 1/4 a cup of boiling water, and, while it is still hot, soaking in it a long piece of all cotton string, a slow-burning fuse can be made. After the soaked string dries, it must then be tied to the fuse of an explosive device. Sometimes, the end of the slow burning fuse that meets the normal fuse has a charge of black powder or gunpowder at the intersection point to insure ignition, since the slow-burning fuse does not burn at a very high temperature. A similar type of slow fuse can be made by taking the above mixture of boiling water and black powder and pouring it on a long piece of toilet paper. The wet toilet paper is then gently twisted up so that it resembles a firecracker fuse, and is allowed to dry.

4.32 TIMER DELAYS

Timer delays, or "time bombs" are usually employed by an individual who wishes to threaten a place with a bomb and demand money to reveal its location and means to disarm it. Such a device could be placed in any populated place if it were concealed properly. There are several ways to build a timer delay. By simply using a screw as one contact at the time that detonation is desired, and using the hour hand of a clock as the other contact, a simple timer can be made. The minute hand of a clock should be removed, unless a delay of less than an hour is desired.

_____ to igniter from igniter

| |
| 12 | : :
| 11 1 | : :
| | : :
| 10 2 | : :
| 0.....|..... : :
| | :
| 9 3 | :
| | :
| | :
| 8 4 | :
| 0.....|..... :
| 7 5 | : :

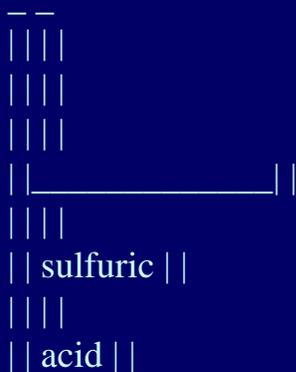


This device is set to go off in eleven hours. When the hour hand of the clock reaches the contact near the numeral 5, it will complete the circuit, allowing current to flow through the igniter or squib.

The main disadvantage with this type of timer is that it can only be set for a maximum time of 12 hours. If an electronic timer is used, such as that in an electronic clock, then delays of up to 24 hours are possible. By removing the speaker from an electronic clock, and attaching the wires of a squib or igniter to them, a timer with a delay of up to 24 hours can be made. To utilize this type of timer, one must have a socket that the clock can be plugged into. All that one has to do is set the alarm time of the clock to the desired time, connect the leads, and go away. This could also be done with an electronic watch, if a larger battery were used, and the current to the speaker of the watch was stepped up via a transformer. This would be good, since such a timer could be extremely small. The timer in a VCR (Video Cassette Recorder) would be ideal. VCR's can usually be set for times of up to a week. The leads from the timer to the recording equipment would be the ones that an igniter or squib would be connected to. Also, one can buy timers from electronics stores that would be ideal. Finally, one could employ a digital watch, and use a relay, or electro-magnetic switch to fire the igniter, and the current of the watch would not have to be stepped up.

4.33 CHEMICAL DELAYS

Chemical delays are uncommon, but they can be extremely effective in some cases. If a glass container is filled with concentrated sulfuric acid, and capped with several thicknesses of aluminum foil, or a cap that it will eat through, then it can be used as a delay. Sulfuric acid will react with aluminum foil to produce aluminum sulfate and hydrogen gas, and so the container must be open to the air on one end so that the pressure of the hydrogen gas that is forming does not break the container. See diagram below.



||| |----- aluminum foil
| |_____| | (several thicknesses)
|_____|

The aluminum foil is placed over the bottom of the container and secured there with tape. When the acid eats through the aluminum foil, it can be used to ignite an explosive device in several ways.

1. Sulfuric acid is a good conductor of electricity. If the acid that eats through the foil is collected in a glass container placed underneath the foil, and two wires are placed in the glass container, a current will be able to flow through the acid when both of the wires are immersed in the acid.
2. Sulfuric acid reacts very violently with potassium chlorate. If the acid drips down into a container containing potassium chlorate, the potassium chlorate will burst into flame. This flame can be used to ignite a fuse, or the potassium chlorate can be the igniter for a thermit bomb, if some potassium chlorate is mixed in a 50/50 ratio with the thermit, and this mixture is used as an igniter for the rest of the thermit.
3. Sulfuric acid reacts with potassium permanganate in a similar way.

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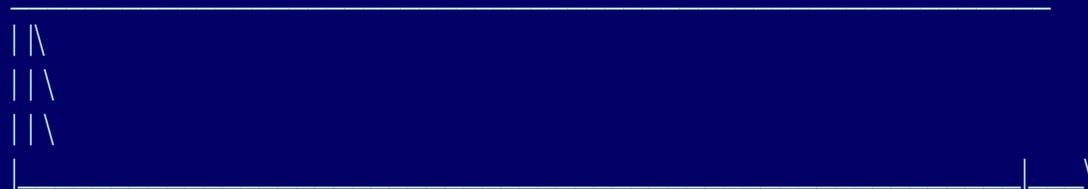
4.4 EXPLOSIVE CONTAINERS

- * PAPER CONTAINERS
- * METAL CONTAINERS
- * GLASS CONTAINERS
- * PLASTIC CONTAINERS

This section will cover everything from making a simple firecracker to a complicated scheme for detonating an insensitive high explosive, both of which are methods that could be utilized by perpetrators of terror.

4.41 PAPER CONTAINERS

Paper was the first container ever used for explosives, since it was first used by the Chinese to make fireworks. Paper containers are usually very simple to make, and are certainly the cheapest. There are many possible uses for paper in containing explosives, and the two most obvious are in firecrackers and rocket engines. Simply by rolling up a long sheet of paper, and gluing it together, one can make a simple rocket engine. Perhaps a more interesting and dangerous use is in the firecracker. The firecracker shown here is one of Mexican design. It is called a "polumna", meaning "dove". The process of their manufacture is not unlike that of making a paper football. If one takes a sheet of paper about 16 inches in length by 1.5 inches wide, and fold one corner so that it looks like this:

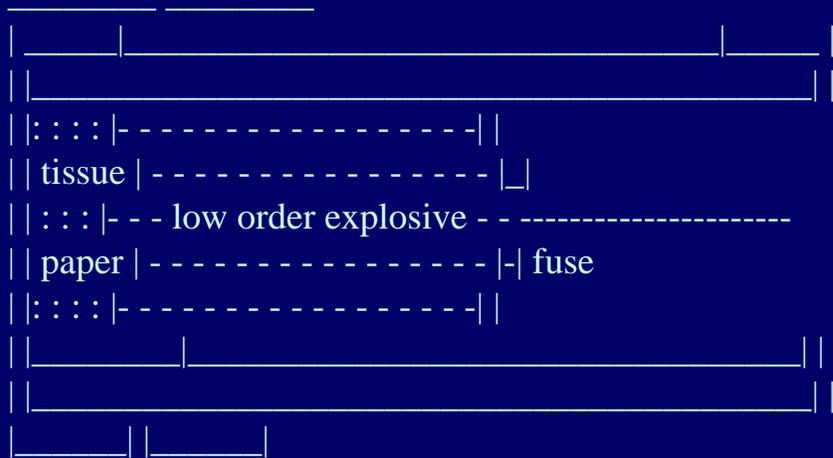


and then fold it again so that it looks like this:



A pocket is formed. This pocket can be filled with black powder, pyrodex, flash powder, gunpowder, rocket engine powder, or any of the quick-burning fuel-oxodizer mixtures that occur in the form of a fine powder. A fuse is then inserted, and one continues the triangular folds, being careful not to spill out any of the explosive. When the polumna is finished, it should be taped together very tightly, since this

fig 1. Threaded pipe and endcaps.



endcap pipe endcap
w/ hole

fig. 2 Assembled pipe bomb.

This is one possible design that a mad bomber would use. If, however, he did not have access to threaded pipe with endcaps, he could always use a piece of copper or aluminum pipe, since it is easily bent into a suitable position. A major problem with copper piping, however, is bending and folding it without tearing it; if too much force is used when folding and bending copper pipe, it will split along the fold. The safest method for making a pipe bomb out of copper or aluminum pipe is similar to the method with pipe and endcaps. First, one flattens one end of a copper or aluminum pipe carefully, making sure not to tear or rip the piping. Then, the flat end of the pipe should be folded over at least once, if this does not rip the pipe. A fuse hole should be drilled in the pipe near the now closed end, and the fuse should be inserted. Next, the bomb-builder would fill the bomb with a low order explosive, and pack it with a large wad of tissue paper. He would then flatten and fold the other end of the pipe with a pair of pliers. If he was not too dumb, he would do this slowly, since the process of folding and bending metal gives off heat, which could set off the explosive. A diagram is presented below:



fig. 1 pipe with one end flattened and fuse hole drilled (top view)





fig. 2 pipe with one end flattened and folded up (top view)

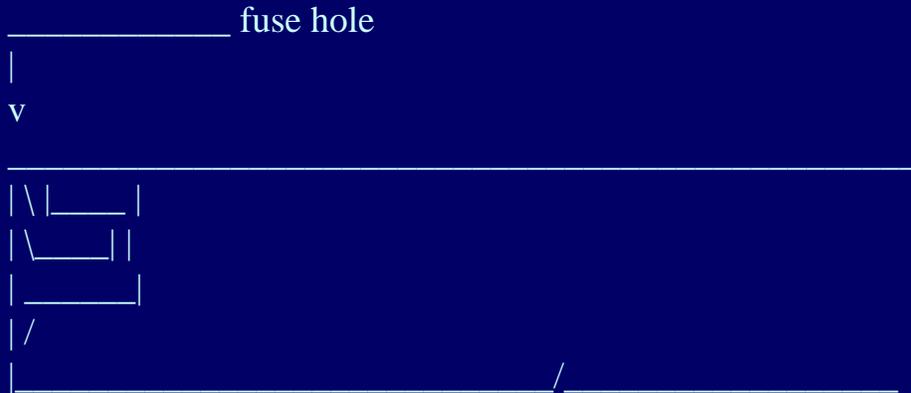


fig. 3 pipe with flattened and folded end (side view)

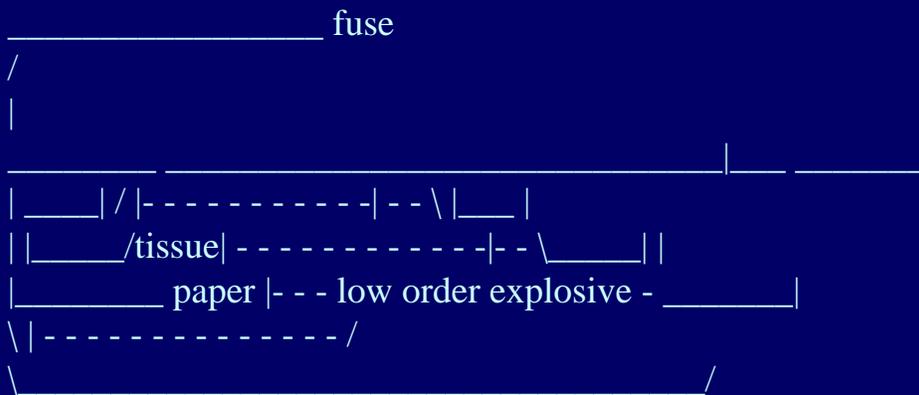


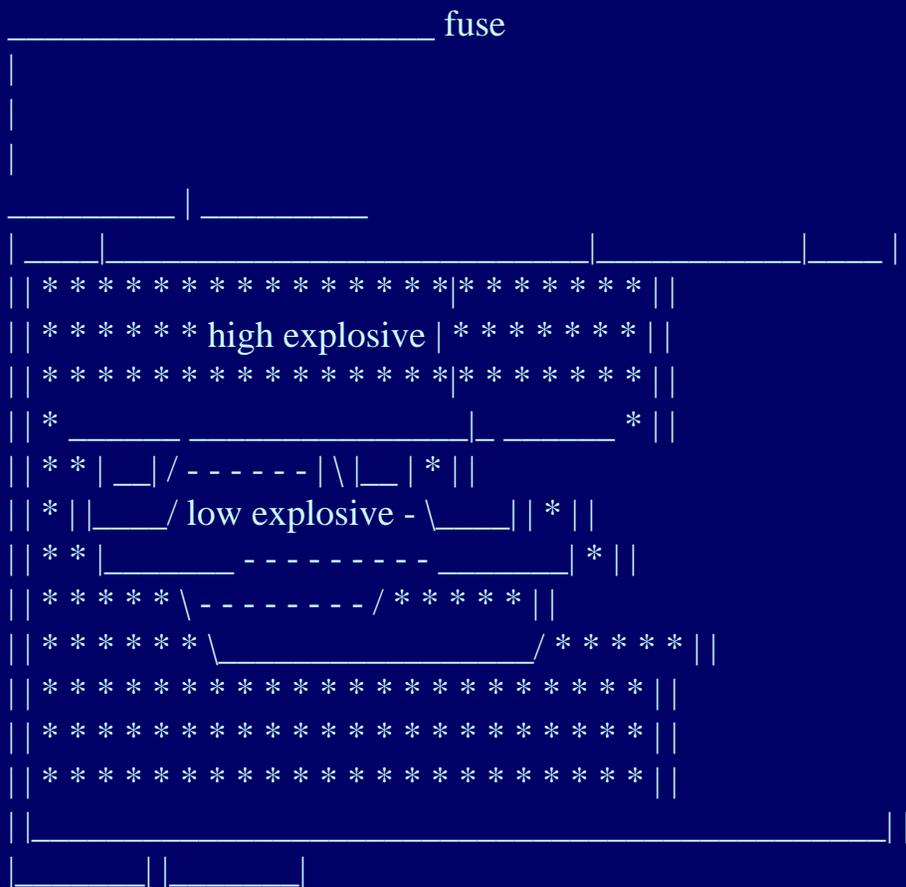
fig. 4 completed bomb, showing tissue paper packing and explosive (side view)

A CO2 cartridge from a B.B gun is another excellent container for a low-order explosive. It has one minor disadvantage: it is time consuming to fill. But this can be rectified by widening the opening of the cartridge with a pointed tool. Then, all that would have to be done is to fill the CO2 cartridge with any low-order explosive, or any of the fast burning fuel- oxidizer mixtures, and insert a fuse. These devices are commonly called "crater makers".

A CO2 cartridge also works well as a container for a thermit incendiary device, but it must be modified. The opening in the end must be widened, so that the ignition mixture, such as powdered magnesium, does not explode. The fuse will ignite the powdered magnesium, which, in turn, would ignite the thermit.

The previously mentioned designs for explosive devices are fine for low-order explosives, but are unsuitable for high-order explosives, since the latter requires a shockwave to be detonated. A design

employing a smaller low-order explosive device inside a larger device containing a high-order explosive would probably be used. It would look something like:



If the large high explosive container is small, such as a CO2 cartridge, then a segment of a hollow radio antenna can be made into a low-order pipe bomb, which can be fitted with a fuse, and inserted into the CO2 cartridge.

4.43 GLASS CONTAINERS

Glass containers can be suitable for low-order explosives, but there are problems with them. First, a glass container can be broken relatively easily compared to metal or plastic containers. Secondly, in the not-too-unlikely event of an "accident", the person making the device would probably be seriously injured, even if the device was small. A bomb made out of a sample perfume bottle-sized container exploded in the hands of one boy, and he still has pieces of glass in his hand. He is also missing the final segment of his ring finger, which was cut off by a sharp piece of flying glass...

Nonetheless, glass containers such as perfume bottles can be used by a demented individual, since such a device would not be detected by metal detectors in an airport or other public place. All that need be done is fill the container, and drill a hole in the plastic cap that the fuse fits tightly in, and screw the cap-fuse assembly on.

fuse

> |< | drill hole in cap, and insert fuse;
> |< | be sure fuse will not come out of cap

|| screw cap on bottle

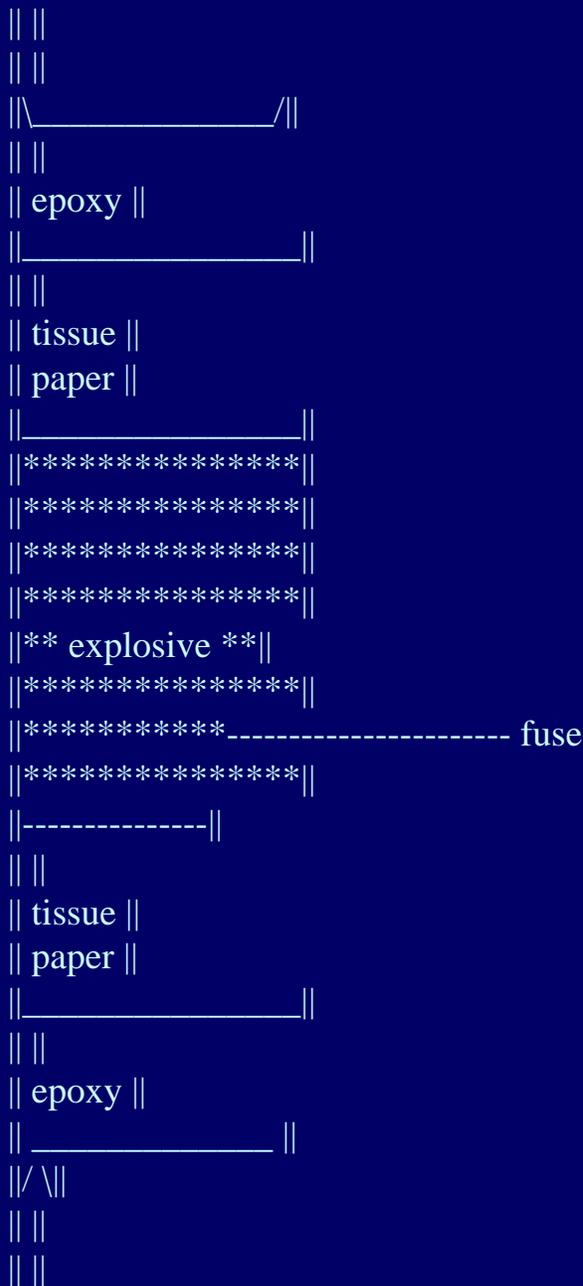
|| fill bottle with low-order explosive

Large explosive devices made from glass containers are not practical, since glass is not an exceptionally strong container. Much of the explosive that is used to fill the container is wasted if the container is much larger than a 16 oz. soda bottle. Also, glass containers are usually unsuitable for high explosive devices, since a glass container would probably not withstand the explosion of the initiator; it would shatter before the high explosive was able to detonate.

4.44 PLASTIC CONTAINERS

Plastic containers are perhaps the best containers for explosives, since they can be any size or shape, and are not fragile like glass. Plastic piping can be bought at hardware or plumbing stores, and a device much like the ones used for metal containers can be made. The high-order version works well with plastic piping. If the entire device is made out of plastic, it is not detectable by metal detectors. Plastic containers can usually be shaped by heating the container, and bending it at the appropriate place. They

can be glued closed with epoxy or other cement for plastics. Epoxy alone can be used as an endcap, if a wad of tissue paper is placed in the piping. Epoxy with a drying agent works best in this type of device.



One end must be made first, and be allowed to dry completely before the device can be filled with powder and fused. Then, with another piece of tissue paper, pack the powder tightly, and cover it with plenty of epoxy. PVC pipe works well for this type of device, but it cannot be used if the pipe had an inside diameter greater than 3/4 of an inch. Other plastic putties can be used in this type of device, but epoxy with a drying agent works best.

4.5 ADVANCED USES FOR EXPLOSIVES

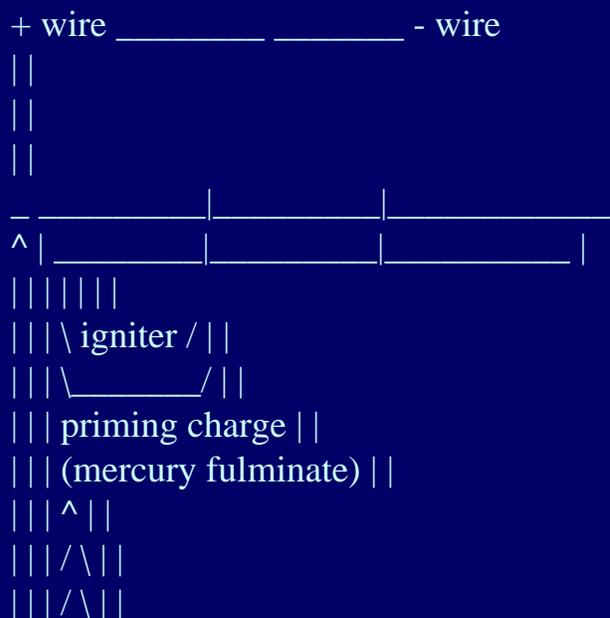
- * SHAPED CHARGES
- * TUBE EXPLOSIVES
- * ATOMIZED PARTICLE EXPLOSIONS
- * LIGHTBULB BOMBS
- * BOOK BOMBS
- * PHONE BOMBS

The techniques presented here are those that could be used by a person who had some degree of knowledge of the use of explosives. Some of this information comes from demolitions books, or from military handbooks. Advanced uses for explosives usually involved shaped charges, or utilize a minimum amount of explosive to do a maximum amount of damage. They almost always involve high-order explosives. **KEEP IN MIND THAT ALL EXPLOSIVES ARE DANGEROUS, AND SHOULD NEVER BE MADE OR USED!!**

More info on this topic can be found in The Big Book Of Mischief.

4.51 SHAPED CHARGES

A shaped charge is an explosive device that, upon detonation, directs the explosive force of detonation at a small target area. This process can be used to breach the strongest armor, since forces of literally millions of pounds of pressure per square inch can be generated. Shaped charges employ high-order explosives, and usually electric ignition systems. An example of a shaped charge is shown below.




```

|| | s| ||
|| | q| ||
|| | u| ||
|| | i| ||
|| | b| ||
|| | b| ||
|| |__| ||
||__||__||
||tissue||
|| paper||
||__||__||
|| || ||
|| epoxy||
|| || ||
|| _||_ ||
||/ || \||
|| || ||
|| || ||
||_____ + wire _____
|
|_____ - wire _____

```

When an assassin or terrorist wishes to use a tube bomb, he must wrap it around whatever thing he wishes to destroy, and epoxy the ends of the tube bomb together. After it dries, he/she can connect wires to the squib wires, and detonate the bomb, with any method of electric detonation.

4.53 ATOMIZED PARTICLE EXPLOSIONS

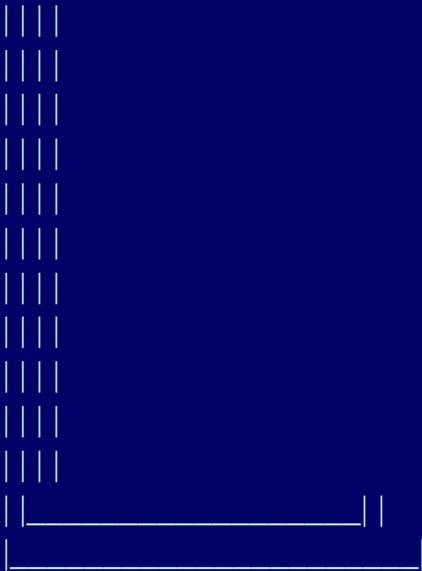
If a highly flammable substance is atomized, or, divided into very small particles, and large amounts of it is burned in a confined area, an explosion similar to that occurring in the cylinder of an automobile is produced. The tiny droplets of gasoline burn in the air, and the hot gasses expand rapidly, pushing the cylinder up. Similarly, if a gallon of gasoline was atomized and ignited in a building, it is very possible that the expanding gassed would push the walls of the building down. This phenomenon is called an atomized particle explosion. If a person can effectively atomize a large amount of a highly flammable substance and ignite it, he could bring down a large building, bridge, or other structure. Atomizing a large amount of gasoline, for example, can be extremely difficult, unless one has the aid of a high explosive. If a gallon jug of gasoline was placed directly over a high explosive charge, and the charge was detonated, the gasoline would instantly be atomized and ignited. If this occurred in a building, for example, an atomized particle explosion would surely occur. Only a small amount of high explosive would be necessary to accomplish this feat, about 1/2 a pound of T.N.T. or 1/4 a pound of R.D.X. Also, instead of gasoline, powdered aluminum could be used. It is necessary that a high explosive be used to atomize a flammable material, since a low-order explosion does not occur quickly enough to atomize or ignite the flammable material.

4.54 LIGHTBULB BOMBS

An automatic reaction to walking into a dark room is to turn on the light. This can be fatal, if a lightbulb bomb has been placed in the overhead light socket. A lightbulb bomb is surprisingly easy to make. It also comes with its own initiator and electric ignition system. On some lightbulbs, the lightbulb glass can be removed from the metal base by heating the base of a lightbulb in a gas flame, such as that of a blowtorch or gas stove. This must be done carefully, since the inside of a lightbulb is a vacuum. When the glue gets hot enough, the glass bulb can be pulled off the metal base. On other bulbs, it is necessary to heat the glass directly with a blowtorch or oxy-acetylene torch. When the bulb is red hot, a hole must be carefully poked in the bulb, remembering the vacuum state inside the bulb. In either case, once the bulb and/or base has cooled down to room temperature or lower, the bulb can be filled with an explosive material, such as black powder. If the glass was removed from the metal base, it must be glued back on to the base with epoxy. If a hole was put in the bulb, a piece of duct tape is sufficient to hold the explosive in the in the bulb. Then, after making sure that the socket has no power by checking with a working lightbulb, all that need be done is to screw the lightbulb bomb into the socket. Such a device has been used by terrorists or assassins with much success, since nobody can search the room for a bomb without first turning on the light.

4.55 BOOK BOMBS

Concealing a bomb can be extremely difficult in a day and age where perpetrators of violence run wild. Bags and briefcases are often searched by authorities whenever one enters a place where an individual might intend to set off a bomb. One approach to disguising a bomb is to build what is called a book bomb; an explosive device that is entirely contained inside of a book. Usually, a relatively large book is required, and the book must be of the hardback variety to hide any protrusions of a bomb. Dictionaries, law books, large textbooks, and other such books work well. When an individual makes a bookbomb, he/she must choose a type of book that is appropriate for the place where the book bomb will be placed. The actual construction of a book bomb can be done by anyone who possesses an electric drill and a coping saw. First, all of the pages of the book must be glued together. By pouring an entire container of water-soluble glue into a large bucket, and filling the bucket with boiling water, a glue-water solution can be made that will hold all of the book's pages together tightly. After the glue-water solution has cooled to a bearable temperature, and the solution has been stirred well, the pages of the book must be immersed in the glue-water solution, and each page must be thoroughly soaked. It is extremely important that the covers of the book do not get stuck to the pages of the book while the pages are drying. Suspending the book by both covers and clamping the pages together in a vice works best. When the pages dry, after about three days to a week, a hole must be drilled into the now rigid pages, and they should drill out much like wood. Then, by inserting the coping saw blade through the pages and sawing out a rectangle from the middle of the book, the individual will be left with a shell of the book's pages. The pages, when drilled out, should look like this:



(book covers omitted)

This rectangle must be securely glued to the back cover of the book. After building his/her bomb, which usually is of the timer or radio controlled variety, the bomber places it inside the book. The bomb itself, and whatever timer or detonator is used, should be packed in foam to prevent it from rolling or shifting about. Finally, after the timer is set, or the radio control has been turned on, the front cover is glued closed, and the bomb is taken to its destination.

4.56 PHONE BOMBS

The phone bomb is an explosive device that has been used in the past to kill or injure a specific individual. The basic idea is simple: when the person answers the phone, the bomb explodes. If a small but powerful high explosive device with a squib was placed in the phone receiver, when the current flowed through the receiver, the squib would explode, detonating the high explosive in the person's hand. Nasty. All that has to be done is acquire a squib, and tape the receiver switch down. Unscrew the mouthpiece cover, and remove the speaker, and connect the squib's leads where it was. Place a high explosive putty, such as C-1 (see section 3.31) in the receiver, and screw the cover on, making sure that the squib is surrounded by the C-1. Hang the phone up, and leave the tape in place. When the individual to whom the phone belongs attempts to answer the phone, he will notice the tape, and remove it. This will allow current to flow through the squib. Note that the device will not explode by merely making a phone call; the owner of the phone must lift up the receiver, and remove the tape. It is highly probable that the phone will be by his/her ear when the device explodes...

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5.0 SPECIAL AMMUNITION FOR PROJECTILE WEAPONS

Explosive and/or poisoned ammunition is an important part of a social deviant's arsenal. Such ammunition gives the user a distinct advantage over individual who use normal ammunition, since a grazing hit is good enough to kill. Special ammunition can be made for many types of weapons, from crossbows to shotguns.

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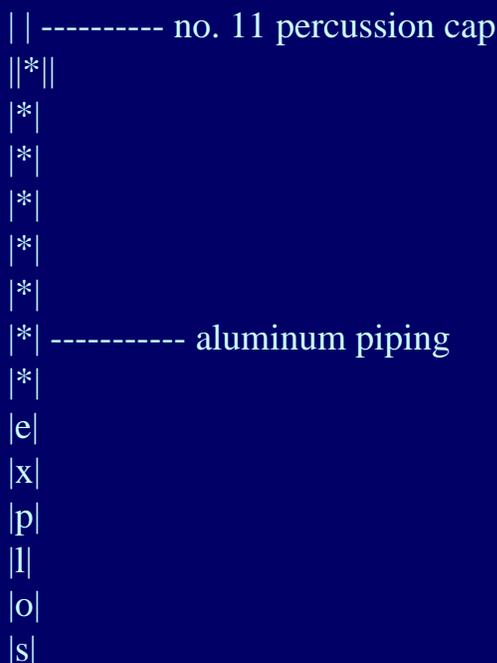
5.1 SPECIAL AMMUNITION FOR PRIMITIVE WEAPONS

- * BOW AND CROSSBOW AMMUNITIONS
- * SPECIAL AMMUNITION FOR BLOWGUNS
- * SPECIAL AMMUNITION FOR WRISTROCKETS AND SLINGSHOTS

For the purposes of this publication, we will call any weapon primitive that does not employ burning gunpowder to propel a projectile forward. This means blowguns, bows and crossbows, and wistrockets.

5.11 BOW AND CROSSBOW AMMUNITION

Bows and crossbows both fire arrows or bolts as ammunition. It is extremely simple to poison an arrow or bolt, but it is a more difficult matter to produce explosive arrows or bolts. If, however, one can acquire aluminum piping that is the same diameter of an arrow or crossbow bolt, the entire segment of piping can be converted into an explosive device that detonates upon impact, or with a fuse. All that need be done is find an aluminum tube of the right length and diameter, and plug the back end with tissue paper and epoxy. Fill the tube with any type of low-order explosive or sensitive high- order explosive up to about 1/2 an inch from the top. Cut a slot in the piece of tubing, and carefully squeeze the top of the tube into a round point, making sure to leave a small hole. Place a no. 11 percussion cap over the hole, and secure it with super glue. Finally, wrap the end of the device with electrical or duct tape, and make fins out of tape. Or, fins can be bought at a sporting goods store, and glued to the shaft. The finished product should look like:



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|*|
|*|
|*|
|*|
|_|
/|_|\
/|t|\
|p|
|_|
|e| ----- fins
|p|
|y|
|_|_|_|
|_|

```

tp: tissue paper
 epy: epoxy

When the arrow or bolt strikes a hard surface, the percussion cap explodes, igniting or detonating the explosive.

5.12 SPECIAL AMMUNITION FOR BLOWGUNS

The blowgun is an interesting weapon which has several advantages. A blowgun can be extremely accurate, concealable, and deliver an explosive or poisoned projectile. The manufacture of an explosive dart or projectile is not difficult. Perhaps the most simple design for such involves the use of a pill capsule, such as the kind that are taken for headaches or allergies. Such a capsule could easily be opened, and the medicine removed. Next, the capsule would be re-filled with an impact-sensitive explosive. An additional high explosive charge could be placed behind the impact-sensitive explosive, if one of the larger capsules were used. Finally, the explosive capsule would be reglued back together, and a tassel or cotton would be glued to the end containing the high explosive, to insure that the impact-detonating explosive struck the target first. Such a device would probably be about 3/4 of an inch long, not including the tassel or cotton, and look something like this:

```

/mercury | \-----

```

(fulminate| R.D.X.)----- } tassels

_____|_____/-----

5.13 SPECIAL AMMUNITION FOR WRISTROCKETS AND SLINGSHOTS

A modern wristrocket is a formidable weapon. It can throw a shooter marble about 500 ft. with reasonable accuracy. Inside of 200 ft., it could well be lethal to a man or animal, if it struck in a vital area. Because of the relatively large sized projectile that can be used in a wristrocket, the wristrocket can be adapted to throw relatively powerful explosive projectiles. A small segment of aluminum pipe could be made into an impact-detonating device by filling it with an impact-sensitive explosive material. Also, such a pipe could be filled with a low-order explosive, and fitted with a fuse, which would be lit before the device was shot. One would have to make sure that the fuse was of sufficient length to insure that the device did not explode before it reached its intended target. Finally, .22 caliber caps, such as the kind that are used in .22 caliber blank guns, make excellent exploding ammunition for wristrockets, but they must be used at a relatively close range, because of their light weight.

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5.2 SPECIAL AMMUNITION FOR FIREARMS

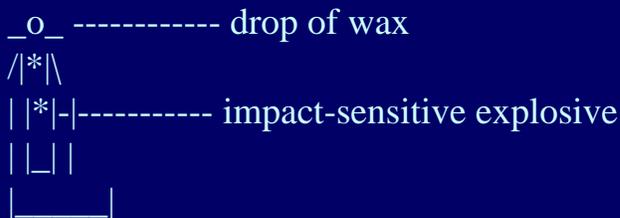
* SPECIAL AMMUNITION FOR HANDGUNS

* SPECIAL AMMUNITION FOR SHOTGUNS

When special ammunition is used in combination with the power and rapidity of modern firearms, it becomes very easy to take on a small army with a single weapon. It is possible to buy explosive ammunition, but that can be difficult to do. Such ammunition can also be manufactured in the home. There is, however, a risk involved with modifying any ammunition. If the ammunition is modified incorrectly, in such a way that it makes the bullet even the slightest bit wider, an explosion in the barrel of the weapon will occur. For this reason, **NOBODY SHOULD EVER ATTEMPT TO MANUFACTURE SUCH AMMUNITION.**

5.21 SPECIAL AMMUNITION FOR HANDGUNS

If an individual wished to produce explosive ammunition for his/her handgun, he/she could do it, provided that the person had an impact-sensitive explosive and a few simple tools. One would first purchase all lead bullets, and then make or acquire an impact-detonating explosive. By drilling a hole in a lead bullet with a drill, a space could be created for the placement of an explosive. After filling the hole with an explosive, it would be sealed in the bullet with a drop of hot wax from a candle. A diagram of a completed exploding bullet is shown below.



This hollow space design also works for putting poison in bullets.

5.22 SPECIAL AMMUNITION FOR SHOTGUNS

Because of their large bore and high power, it is possible to create some extremely powerful special ammunition for use in shotguns. If a shotgun shell is opened at the top, and the shot removed, the shell can be re-closed. Then, if one can find a very smooth, lightweight wooden dowel that is close to the bore width of the shotgun, a person can make several types of shotgun-launched weapons. Insert the dowel in the barrel of the shotgun with the shell without the shot in the firing chamber. Mark the dowel about six inches away from the end of the barrel, and remove it from the barrel. Next, decide what type of explosive or incendiary device is to be used. This device can be a chemical fire bottle (section 3.43), a

5.3 SPECIAL AMMUNITION FOR COMPRESSED AIR/GAS WEAPONS

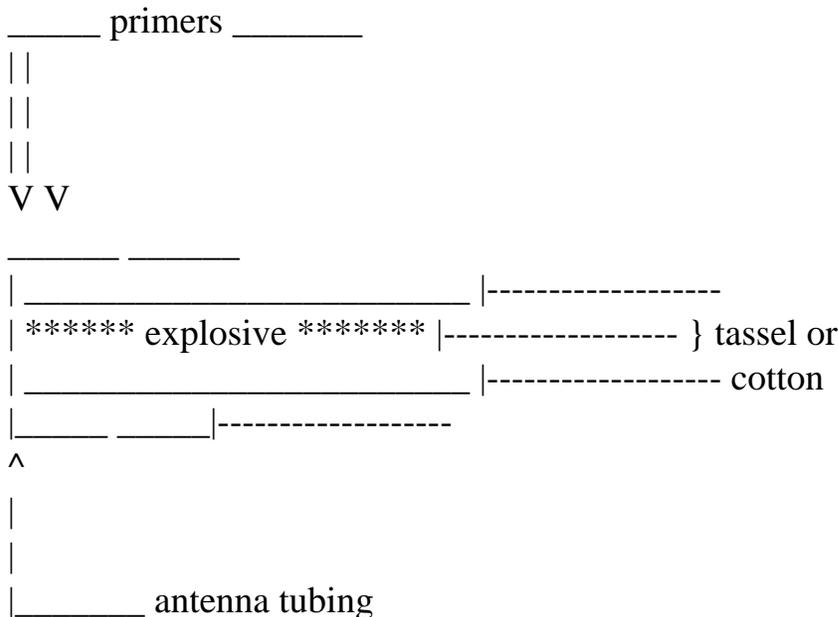
* SPECIAL AMMUNITION FOR B.B GUNS

* SPECIAL AMMUNITION FOR .22 CALIBER PELLET GUNS

This section deals with the manufacture of special ammunition for compressed air or compressed gas weapons, such as pump B.B guns, CO2 B.B guns, and .22 cal pellet guns. These weapons, although usually thought of as kids toys, can be made into rather dangerous weapons.

5.31 SPECIAL AMMUNITION FOR B.B GUNS

A B.B gun, for this manuscript, will be considered any type of rifle or pistol that uses compressed air or CO2 gas to fire a projectile with a caliber of .177, either B.B, or lead pellet. Such guns can have almost as high a muzzle velocity as a bullet-firing rifle. Because of the speed at which a .177 caliber projectile flies, an impact detonating projectile can easily be made that has a caliber of .177. Most ammunition for guns of greater than .22 caliber use primers to ignite the powder in the bullet. These primers can be bought at gun stores, since many people like to reload their own bullets. Such primers detonate when struck by the firing pin of a gun. They will also detonate if they are thrown at a hard surface at a great speed. Usually, they will also fit in the barrel of a .177 caliber gun. If they are inserted flat end first, they will detonate when the gun is fired at a hard surface. If such a primer is attached to a piece of thin metal tubing, such as that used in an antenna, the tube can be filled with an explosive, be sealed, and fired from a B.B gun. A diagram of such a projectile appears below:



The front primer is attached to the tubing with a drop of super glue. The tubing is then filled with an

explosive, and the rear primer is glued on. Finally, a tassel, or a small piece of cotton is glued to the rear primer, to insure that the projectile strikes on the front primer. The entire projectile should be about 3/4 of an inch long.

5.32 SPECIAL AMMUNITION FOR .22 CALIBER PELLET GUNS

A .22 caliber pellet gun usually is equivalent to a .22 cal rifle, at close ranges. Because of this, relatively large explosive projectiles can be adapted for use with .22 caliber air rifles. A design similar to that used in section 5.12 is suitable, since some capsules are about .22 caliber or smaller. Or, a design similar to that in section 5.31 could be used, only one would have to purchase black powder percussion caps, instead of ammunition primers, since there are percussion caps that are about .22 caliber. A #11 cap is too small, but anything larger will do nicely.

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6.0 ROCKETS AND CANNONS

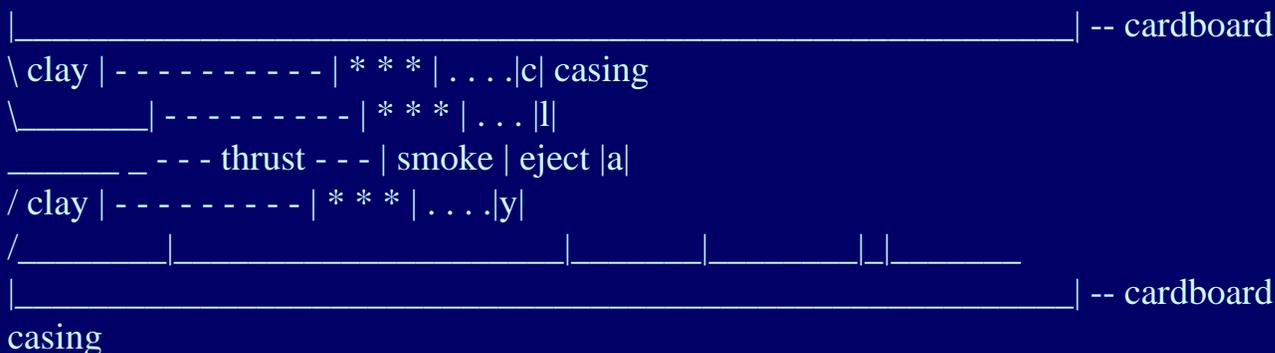
Rockets and cannon are generally thought of as heavy artillery. Perpetrators of violence do not usually employ such devices, because they are difficult or impossible to acquire. They are not, however, impossible to make. Any individual who can make or buy black powder or pyrodex can make such things. A terrorist with a cannon or large rocket is, indeed, something to fear.

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6.1 ROCKETS

- * BASIC ROCKET BOMB
- * LONG RANGE ROCKET BOMB
- * MULTIPLE WARHEAD ROCKET BOMBS

Rockets were first developed by the Chinese several hundred years before Christ. They were used for entertainment, in the form of fireworks. They were not usually used for military purposes because they were inaccurate, expensive, and unpredictable. In modern times, however, rockets are used constantly by the military, since they are cheap, reliable, and have no recoil. Perpetrators of violence, fortunately, cannot obtain military rockets, but they can make or buy rocket engines. Model rocketry is a popular hobby of the space age, and to launch a rocket, an engine is required. Estes, a subsidiary of Damon, is the leading manufacturer of model rockets and rocket engines. Their most powerful engine, the "D" engine, can develop almost 12 lbs. of thrust; enough to send a relatively large explosive charge a significant distance. Other companies, such as Centuri, produce even larger rocket engines, which develop up to 30 lbs. of thrust. These model rocket engines are quite reliable, and are designed to be fired electrically. Most model rocket engines have three basic sections. The diagram below will help explain them.



The clay nozzle is where the igniter is inserted. When the area labeled "thrust" is ignited, the "thrust" material, usually a large single grain of a propellant such as black powder or pyrodex, burns, forcing large volumes of hot, rapidly expanding gasses out the narrow nozzle, pushing the rocket forward. After the material has been consumed, the smoke section of the engine is ignited. It is usually a slow-burning material, similar to black powder that has had various compounds added to it to produce visible smoke, usually black, white, or yellow in color. This section exists so that the rocket will be seen when it reaches its maximum altitude, or apogee. When it is burned up, it ignites the ejection charge, labeled "eject". The ejection charge is finely powdered black powder. It burns very rapidly, exploding, in effect. The explosion of the ejection charge pushes out the parachute of the model rocket. It could also be used to ignite the fuse of a bomb...

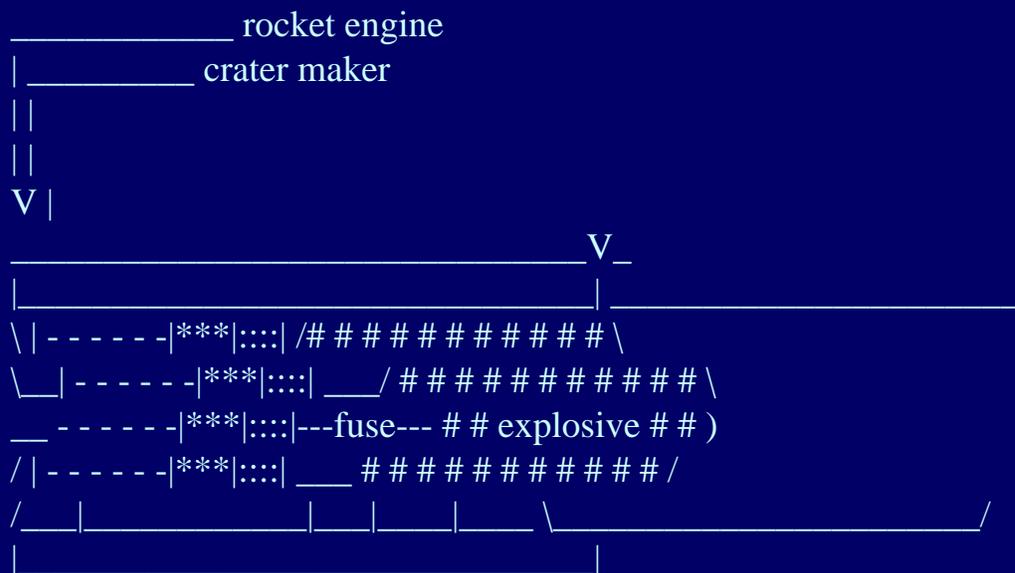
Rocket engines have their own peculiar labeling system. Typical engine labels are: 1/4A-2T, 1/2A-3T, A8-3, B6-4, C6-7, and D12-5. The letter is an indicator of the power of an engine. "B" engines are twice as powerful as "A" engines, and "C" engines are twice as powerful as "B" engines, and so on. The number following the letter is the approximate thrust of the engine, in pounds. the final number and letter is the time delay, from the time that the thrust period of engine burn ends until the ejection charge fires; "3T" indicates a 3 second delay.

NOTE:

an extremely effective rocket propellant can be made by mixing aluminum dust with ammonium perchlorate and a very small amount of iron oxide. The mixture is bound together by an epoxy.

6.11 BASIC ROCKET BOMB

A rocket bomb is simply what the name implies: a bomb that is delivered to its target by means of a rocket. Most people who would make such a device would use a model rocket engine to power the device. By cutting fins from balsa wood and gluing them to a large rocket engine, such as the Estes "C" engine, a basic rocket could be constructed. Then, by attaching a "crater maker", or CO2 cartridge bomb to the rocket, a bomb would be added. To insure that the fuse of the "crater maker" (see section 4.42) ignited, the clay over the ejection charge of the engine should be scraped off with a plastic tool. The fuse of the bomb should be touching the ejection charge, as shown below.

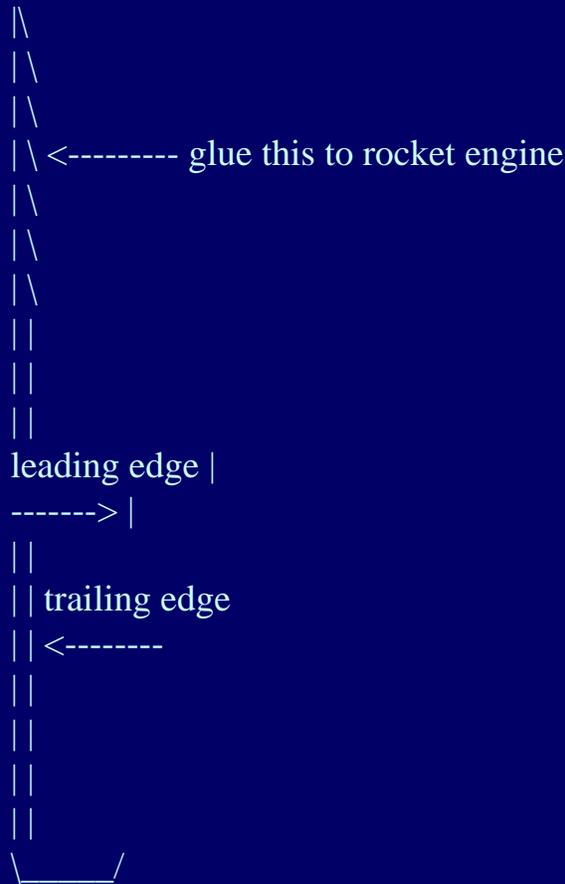


thrust> - - - - -
smoke> ***
ejection charge> :::

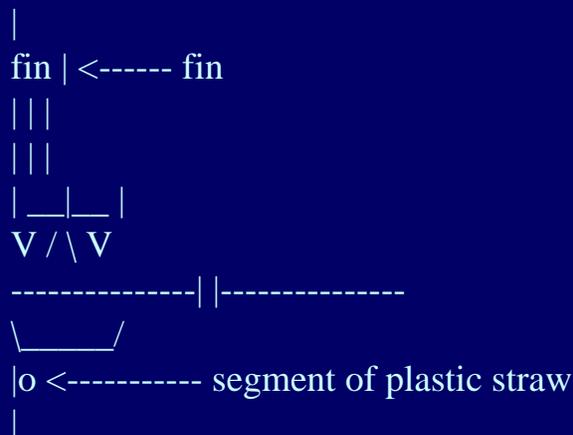
Duct tape is the best way to attach the crater maker to the rocket engine. Note in the diagram the absence

of the clay over the ejection charge Many different types of explosive payloads can be attached to the rocket, such as a high explosive, an incendiary device, or a chemical fire bottle.

Either four or three fins must be glued to the rocket engine to insure that the rocket flies straight. The fins should look like the following diagram:



The leading edge and trailing edge should be sanded with sandpaper so that they are rounded. This will help make the rocket fly straight. A two inch long section of a plastic straw can be attached to the rocket to launch it from. A clothes hanger can be cut and made into a launch rod. The segment of a plastic straw should be glued to the rocket engine adjacent to one of the fins of the rocket. A front view of a completed rocket bomb is shown below.

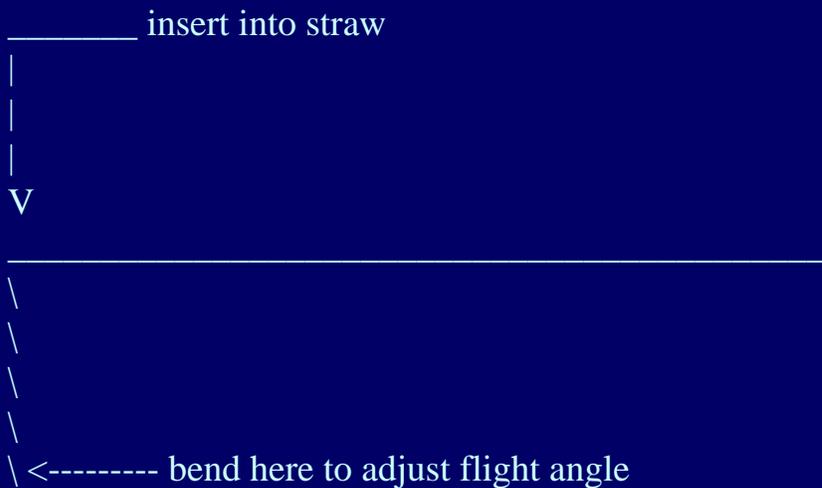


<----- fin

By cutting a coat hanger at the indicated arrows, and bending it, a launch rod can be made. After a fuse is inserted in the engine, the rocket is simply slid down the launch rod, which is put through the segment of plastic straw. The rocket should slide easily along a coathanger, such as the one illustated below:



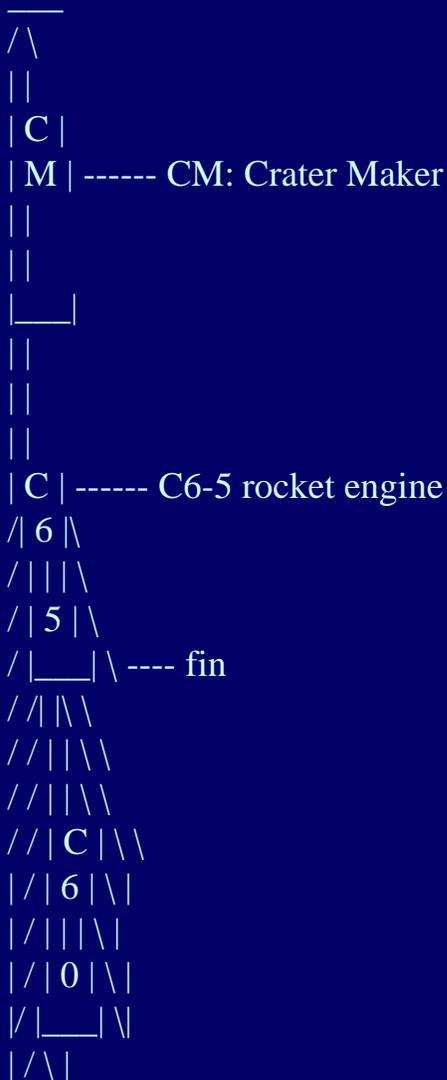
Bend wire to this shape:



<----- put this end in ground

6.12 LONG RANGE ROCKET BOMB

Long range rockets can be made by using multi-stage rockets. Model rocket engines with an "0" for a time delay are designed for use in multi- stage rockets. An engine such as the D12-0 is an excellent example of such an engine. Immediately after the thrust period is over, the ejection charge explodes. If another engine is placed directly against the back of an "0" engine, the explosion of the ejection charge will send hot gasses and burning particles into the nozzle of the engine above it, and ignite the thrust section. This will push the used "0" engine off of the rocket, causing an overall loss of weight. The main advantage of a multi-stage rocket is that it loses weight as travels, and it gains velocity. A multi-stage rocket must be designed somewhat differently than a single stage rocket, since, in order for a rocket to fly straight, its center of gravity must be ahead of its center of drag. This is accomplished by adding weight to the front of the rocket, or by moving the center of drag back by putting fins on the rocket that are well behind the rocket. A diagram of a multi-stage rocket appears below:



_____/ ^ _____/ ----- fin

C6-0 rocket engine

The fuse is put in the bottom engine.

Two, three, or even four stages can be added to a rocket bomb to give it a longer range. It is important, however, that for each additional stage, the fin area gets larger.

6.13 MULTIPLE WARHEAD ROCKET BOMBS

"M.R.V." is an acronym for Multiple Reentry Vehicle. The concept is simple: put more than one explosive warhead on a single missile. This can be done without too much difficulty by anyone who knows how to make crater-makers and can buy rocket engines. By attaching crater makers with long fuses to a rocket, it is possible that a single rocket could deliver several explosive devices to a target. Such a rocket might look like the diagram on the following page:





^

_____ fin

The crater makers are attached to the tube of rolled paper with tape. the paper tube is made by rolling and gluing a 4 inch by 8 inch piece of paper. The tube is glued to the engine, and is filled with gunpowder or black powder. Small holes are punched in it, and the fuses of the crater makers are inserted in these holes. A crater maker is glued to the open end of the tube, so that its fuse is inside the tube. A fuse is inserted in the engine, or in the bottom engine if the rocket bomb is multi stage, and the rocket is launched from the coathanger launcher, if a segment of a plastic straw has been attached to it.

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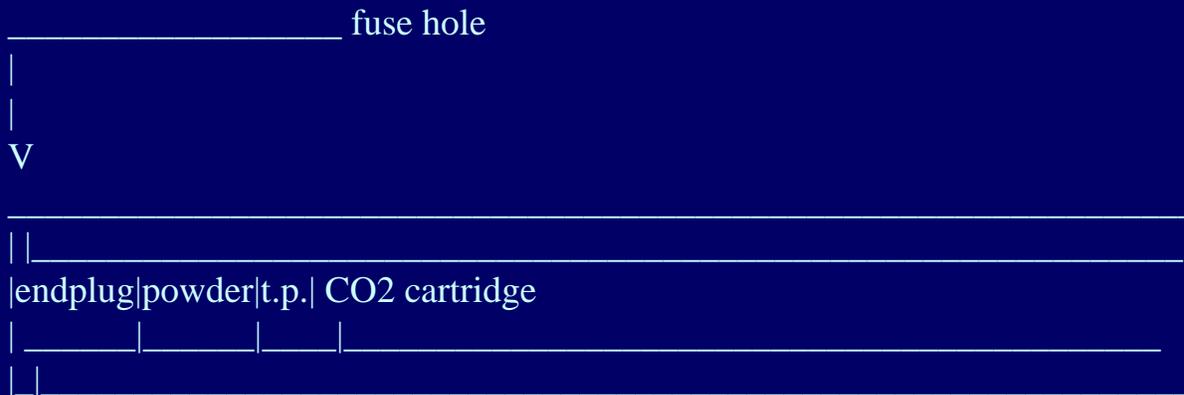
6.2 CANNON

- * BASIC PIPE CANNON
- * ROCKET FIRING CANNON

The cannon is a piece of artillery that has been in use since the 11th century. It is not unlike a musket, in that it is filled with powder, loaded, and fired. Cannons of this sort must also be cleaned after each shot, otherwise, the projectile may jam in the barrel when it is fired, causing the barrel to explode. A sociopath could build a cannon without too much trouble, if he/she had a little bit of money, and some patience.

6.21 BASIC PIPE CANNON

A simple cannon can be made from a thick pipe by almost anyone. The only difficult part is finding a pipe that is extremely smooth on its interior. This is absolutely necessary; otherwise, the projectile may jam. Copper or aluminum piping is usually smooth enough, but it must also be extremely thick to withstand the pressure developed by the expanding hot gasses in a cannon. If one uses a projectile such as a CO2 cartridge, since such a projectile can be made to explode, a pipe that is about 1.5 - 2 feet long is ideal. Such a pipe **MUST** have walls that are at least 1/3 to 1/2 an inch thick, and be very smooth on the interior. If possible, screw an endplug into the pipe. Otherwise, the pipe must be crimped and folded closed, without cracking or tearing the pipe. A small hole is drilled in the back of the pipe near the crimp or endplug. Then, all that need be done is fill the pipe with about two teaspoons of grade black powder or pyrodex, insert a fuse, pack it lightly by ramming a wad of tissue paper down the barrel, and drop in a CO2 cartridge. Brace the cannon securely against a strong structure, light the fuse, and run. If the person is lucky, he will not have overcharged the cannon, and he will not be hit by pieces of exploding barrel. Such a cannon would look like this:



An exploding projectile can be made for this type of cannon with a CO2 cartridge. It is relatively simple to do. Just make a crater maker, and construct it such that the fuse projects about an inch from the end of

the cartridge. Then, wrap the fuse with duct tape, covering it entirely, except for a small amount at the end. Put this in the pipe cannon without using a tissue paper packing wad. When the cannon is fired, it will ignite the end of the fuse, and shoot the CO2 cartridge. The explosive-filled cartridge will explode in about three seconds, if all goes well. Such a projectile would look like this:



6.22 ROCKET FIRING CANNON

A rocket firing cannon can be made exactly like a normal cannon; the only difference is the ammunition. A rocket fired from a cannon will fly further than a rocket alone, since the action of shooting it overcomes the initial inertia. A rocket that is launched when it is moving will go further than one that is launched when it is stationary. Such a rocket would resemble a normal rocket bomb, except it would have no fins. It would look like this:



the fuse on such a device would, obviously, be short, but it would not be ignited until the rocket's ejection charge exploded. Thus, the delay before the ejection charge, in effect, becomes the delay before the bomb explodes. Note that no fuse need be put in the rocket; the burning powder in the cannon will ignite it, and simultaneously push the rocket out of the cannon at a high velocity.

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7.0 PYROTECHNICA ERRATA

There are many other types of pyrotechnics that a perpetrator of violence might employ. Smoke bombs can be purchased in magic stores, and large military smoke bombs can be bought through ads in gun and military magazines. Also, fireworks can also be used as weapons of terror. A large aerial display rocket would cause many injuries if it were to be fired so that it landed on the ground near a crowd of people. Even the "harmless" pull-string fireworks, which consists of a sort of firecracker that explodes when the strings running through it are pulled, could be placed inside a large charge of a sensitive high explosive. Tear gas is another material that might well be useful to the sociopath, and such a material could be instantly disseminated over a large crowd by means of a rocket-bomb, with nasty effects.

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7.1 SMOKE BOMBS

One type of pyrotechnic device that might be employed by a terrorist in many ways would be a smoke bomb. Such a device could conceal the getaway route, or cause a diversion, or simply provide cover. Such a device, were it to produce enough smoke that smelled bad enough, could force the evacuation of a building, for example. Smoke bombs are not difficult to make. Although the military smoke bombs employ powdered white phosphorus or titanium compounds, such materials are usually unavailable to even the most well-equipped terrorist. Instead, he/she would have to make the smoke bomb for themselves.

Most homemade smoke bombs usually employ some type of base powder, such as black powder or pyrodex, to support combustion. The base material will burn well, and provide heat to cause the other materials in the device to burn, but not completely or cleanly. Table sugar, mixed with sulfur and a base material, produces large amounts of smoke. Sawdust, especially if it has a small amount of oil in it, and a base powder works well also. Other excellent smoke ingredients are small pieces of rubber, finely ground plastics, and many chemical mixtures. The material in road flares can be mixed with sugar and sulfur and a base powder produces much smoke. Most of the fuel-oxidizer mixtures, if the ratio is not correct, produce much smoke when added to a base powder. The list of possibilities goes on and on. The trick to a successful smoke bomb also lies in the container used. A plastic cylinder works well, and contributes to the smoke produced. The hole in the smoke bomb where the fuse enters must be large enough to allow the material to burn without causing an explosion. This is another plus for plastic containers, since they will melt and burn when the smoke material ignites, producing an opening large enough to prevent an explosion.

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7.2 COLORED FLAMES

Colored flames can often be used as a signaling device for terrorists. by putting a ball of colored flame material in a rocket; the rocket, when the ejection charge fires, will send out a burning colored ball. The materials that produce the different colors of flames appear below.

COLOR MATERIAL USED IN

red strontium road flares,
salts red sparklers
(strontium nitrate)

green barium salts green sparklers
(barium nitrate)

yellow sodium salts gold sparklers
(sodium nitrate)

blue powdered copper blue sparklers,
old pennies

white powdered magnesium firestarters,
or aluminum aluminum foil

purple potassium permanganate purple fountains,
treating sewage

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7.3 TEAR GAS

A terrorist who could make tear gas or some similar compound could use it with ease against a large number of people. Tear gas is fairly complicated to make, however, and this prevents such individuals from being able to utilize its great potential for harm. One method for its preparation is shown below.

EQUIPMENT

- * ring stands (2)
- * alcohol burner
- * erlenmeyer flask, 300 ml
- * clamps (2)
- * rubber stopper
- * glass tubing
- * clamp holder
- * condenser
- * rubber tubing
- * collecting flask
- * air trap
- * beaker, 300 ml

MATERIALS

- * 10 gms glycerine
- * 2 gms sodium bisulfate
- * distilled water

1. In an open area, wearing a gas mask, mix 10 gms of glycerine with 2 gms of sodium bisulfate in the 300 ml erlenmeyer flask.
 2. Light the alcohol burner, and gently heat the flask.
 3. The mixture will begin to bubble and froth; these bubbles are tear gas.
 4. When the mixture being heated ceases to froth and generate gas, or a brown residue becomes visible in the tube, the reaction is complete. Remove the heat source, and dispose of the heated mixture, as it is corrosive.
 5. The material that condenses in the condenser and drips into the collecting flask is tear gas. It must be capped tightly, and stored in a safe place.
-

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7.4 FIREWORKS

- * FIRECRACKERS
- * SKYROCKETS
- * ROMAN CANDLES

While fireworks cannot really be used as an effective means of terror, they do have some value as distractions or incendiaries. There are several basic types of fireworks that can be made in the home, whether for fun, profit, or nasty uses.

7.41 FIRECRACKERS

A simple firecracker can be made from cardboard tubing and epoxy. The instructions are below:

1. Cut a small piece of cardboard tubing from the tube you are using. "Small" means anything less than 4 times the diameter of the tube.
2. Set the section of tubing down on a piece of wax paper, and fill it with epoxy and the drying agent to a height of 3/4 the diameter of the tubing. Allow the epoxy to dry to maximum hardness, as specified on the package.
3. When it is dry, put a small hole in the middle of the tube, and insert a desired length of fuse.
4. Fill the tube with any type of flame-sensitive explosive. Flash powder, pyrodex, black powder, potassium picrate, lead azide, nitrocellulose, or any of the fast burning fuel-oxidizer mixtures will do nicely. Fill the tube almost to the top.
5. Pack the explosive tightly in the tube with a wad of tissue paper and a pencil or other suitable ramrod. Be sure to leave enough space for more epoxy.
6. Fill the remainder of the tube with the epoxy and hardener, and allow it to dry.
7. For those who wish to make spectacular firecrackers, always use flash powder, mixed with a small amount of other material for colors. By crushing the material on a sparkler, and adding it to the flash powder, the explosion will be the same color as the sparkler. By adding small chunks of sparkler material, the device will throw out colored burning sparks, of the same color as the sparkler. By adding powdered iron, orange sparks will be produced. White sparks can be produced from magnesium shavings, or from small, LIGHTLY crumpled balls of aluminum foil. Example: Suppose I wish to make a firecracker that will explode with a red flash, and throw out white sparks. First, I would take a road flare, and finely powder the material inside it. Or, I could take a red sparkler, and finely powder it. Then, I would mix a small amount of this material with the flash powder. (NOTE: FLASH POWDER MAY REACT WITH SOME MATERIALS THAT IT IS MIXED WITH, AND EXPLODE SPONTANEOUSLY!) I would mix it in a ratio of 9 parts flash powder to 1 part of flare or sparkler material, and add about 15 small balls of aluminum foil I would store the material in a plastic bag overnight outside of the house, to make sure that the stuff doesn't react. Then, in the morning, I would

test a small amount of it, and if it was satisfactory, I would put it in the firecracker.

8. If this type of firecracker is mounted on a rocket engine, professional to semi-professional displays can be produced.

7.42 SKYROCKETS

An impressive home made skyrocket can easily be made in the home from model rocket engines. Estes engines are recommended.

1. Buy an Estes Model Rocket Engine of the desired size, remembering that the power doubles with each letter. (See sect. 6.1 for details)
2. Either buy a section of body tube for model rockets that exactly fits the engine, or make a tube from several thicknesses of paper and glue.
3. Scrape out the clay backing on the back of the engine, so that the powder is exposed. Glue the tube to the engine, so that the tube covers at least half the engine. Pour a small charge of flash powder in the tube, about 1/2 an inch.
4. By adding materials as detailed in the section on firecrackers, various types of effects can be produced.
5. By putting Jumping Jacks or bottle rockets without the stick in the tube, spectacular displays with moving fireballs or M.R.V.'s can be produced.
6. Finally, by mounting many home made firecrackers on the tube with the fuses in the tube, multiple colored bursts can be made.

7.43 ROMAN CANDLES

Roman candles are impressive to watch. They are relatively difficult to make, compared to the other types of home-made fireworks, but they are well worth the trouble.

1. Buy a 1/2 inch thick model rocket body tube, and reinforce it with several layers of paper and/or masking tape. This must be done to prevent the tube from exploding. Cut the tube into about 10 inch lengths.
2. Put the tube on a sheet of wax paper, and seal one end with epoxy and the drying agent. About 1/2 of an inch is sufficient.
3. Put a hole in the tube just above the bottom layer of epoxy, and insert a desired length of water proof fuse. Make sure that the fuse fits tightly.
4. Pour about 1 inch of pyrodex or gunpowder down the open end of the tube.
5. Make a ball by powdering about two 6 inch sparklers of the desired color. Mix this powder with a small amount of flash powder and a small amount of pyrodex, to have a final ratio (by volume) of 60% sparkler material / 20% flash powder / 20% pyrodex. After mixing the powders well, add water, one drop at a time, and mixing continuously, until a damp paste is formed. This paste should be moldable by

hand, and should retain its shape when left alone.

Make a ball out of the paste that just fits into the tube. Allow the ball to dry.

6. When it is dry, drop the ball down the tube. It should slide down fairly easily. Put a small wad of tissue paper in the tube, and pack it gently against the ball with a pencil.

7. When ready to use, put the candle in a hole in the ground, pointed in a safe direction, light the fuse, and run. If the device works, a colored fireball should shoot out of the tube to a height of about 30 feet. This height can be increased by adding a slightly larger powder charge in step 4, or by using a slightly longer tube.

8. If the ball does not ignite, add slightly more pyrodex in step 5.

9. The balls made for roman candles also function very well in rockets, producing an effect of falling colored fireballs.

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9.0 CHECKLIST FOR RAIDS ON LABS

In the end, the serious terrorist would probably realize that if he/she wishes to make a truly useful explosive, he or she will have to steal the chemicals to make the explosive from a lab. A list of such chemicals in order of priority would probably resemble the following:

Important liquids

- * Nitric Acid
- * Sulfuric Acid
- * 95% Ethanol
- * Toluene
- * Perchloric Acid
- * Hydrochloric Acid

Important Solids

- * Potassium Perchlorate
- * Potassium Chlorate
- * Picric Acid (usually a powder)
- * Ammonium Nitrate
- * Powdered Magnesium
- * Powdered Aluminum

Less important chemicals

- * Potassium Permanganate
- * Sulfur
- * Mercury
- * Potassium Nitrate
- * Potassium Hydroxide
- * Phosphorus
- * Sodium Azide
- * Lead Acetate
- * Barium Nitrate

10.0 USEFUL PYROCHEMISTRY

In general, it is possible to make many chemicals from just a few basic ones. A list of useful chemical reactions is presented. It assumes knowledge of general chemistry; any individual who does not understand the following reactions would merely have to read the first five chapters of a high school chemistry book.

* potassium perchlorate from perchloric acid and potassium hydroxide



4 4 2

* potassium nitrate from nitric acid and potassium hydroxide



3 3

* ammonium perchlorate from perchloric acid and ammonium hydroxide



3 4 3 4

* ammonium nitrate from nitric acid and ammonium hydroxide



3 3 3 3

* powdered aluminum from acids, aluminum foil, and magnesium



3 2



3 2

The Al will be a very fine silvery powder at the bottom of the container which must be filtered and dried. This same method works with nitric and sulfuric acids, but these acids are too valuable in the production of high explosives to use for such a purpose, unless they are available in great excess.

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The Anarchist's Cookbook

Written by: The Jolly Roger

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The Anarchist's Cookbook

The Arts Of Lockpicking Part I

The Arts of Lockpicking I courtesy of The Jolly Roger

Lockpicking I: Cars and assorted other locks

While the basic themes of lockpicking and uninvited entry have not changed much in the last few years, some modern devices and techniques have appeared on the scene.

Automobiles:

Many older automobiles can still be opened with a Slim Jim type of opener (these and other auto locksmithing techniques are covered fully in the book "In the Still of the Night", by John Russell III); however, many car manufacturers have built cases over the lock mechanism, or have moved the lock mechanism so the Slim Jim will not work. So:

American Locksmith Service

P.O. Box 26

Culver City, CA 90230

ALS offers a new and improved Slim Jim that is 30 inches long and 3/4 inches wide, so it will both reach and slip through the new car lock covers (inside the door). Price is \$5.75 plus \$2.00 postage and handling.

Cars manufactured by General Motors have always been a bane to people who needed to open them, because the sidebar locking unit they employ is very difficult to pick. To further complicate matters, the new GM cars employ metal shields to make the use of a Slim Jim type instrument very difficult. So:

Lock Technology Corporation

685 Main St.

New Rochelle, NY 10801

LTC offers a cute little tool which will easily remove the lock cylinder without harm to the vehicle, and will allow you to enter and/or start the vehicle. The GMC-40 sells for \$56.00 plus \$2.00 for postage and handling.

The best general automobile opening kit is probably a set of lockout tools offered by:

Steck MFG Corporation

1319 W. Stewart St.

Dayton, OH 45408

For \$29.95 one can purchase a complete set of six carbon lockout tools that will open more than 95% of all the cars around.

Kwickset locks have become quite popular as one step security locks for many types of buildings. They are a bit harder to pick and offer a higher degree of security than a normal builder installed door lock. So:

A MFG

1151 Wallace St.

Massilon, OH 44646

Price is \$11.95. Kwickset locks can handily be disassembled and the door opened without harm to either the lock or the door by using the above mentioned Kwick Out tool.

If you are too lazy to pick auto locks:

Veehof Supply

Box 361

Storm Lake, IO 50588

VS sells tryout keys for most cars (tryout keys are used since there is no one master key for any one make of car, but there are group type masters (a.k.a. tryout keys). Prices average about \$20.00 a set.

Updated Lockpicking:

For years, there have been a number of pick attack procedures for most pin and tumbler lock systems. In reverse order of ease they are as follows:

Normal Picking: Using a pick set to align the pins, one by one, until the shear line is set and the lock opens.

Racking: This method uses picks that are constructed with a series of bumps, or diamond shape notches. These picks are "raked" (i.e. run over all the pins at one time). With luck, the pins will raise in the open position and stay there. Raking, if successful, can be much less of an effort than standard picking.

Lock Aid Gun: This gun shaped device was invented a number of years ago and has found application with many locksmiths and security personnel. Basically, a needle shaped pick is inserted in the snout of the "gun", and the "trigger" is pulled. This action snaps the pick up and down strongly. If the tip is slipped under the pins, they will also be snapped up and down strongly. With a bit of luck they will strike each other and separate at the shear line for a split second. When this happens the lock will open. The lock aid gun is not 100% successful, but when it does work, the results are very dramatic. You can sometimes open the lock with one snap of the trigger.

Vibrator: Some crafty people have mounted a needle pick into an electric toothbrush power unit. This vibrating effect will sometimes open pin tumbler locks -- instantly.

There is now another method to open pin and wafer locks in a very short time. Although it resembles a toothbrush pick in appearance, it is actually an electronic device. I am speaking of the Cobra pick that is designed and sold by:

Fed Corporation

P.O. Box 569

Scottsdale, AR 85252

The Cobra uses two nine volt batteries, teflon bearings (for less noise), and a cam roller. It comes with three picks (for different types of locks) and works both in America and overseas, on pin or wafer locks. The Cobra will open group one locks (common door locks) in three to seven seconds with no damage, in the hands of an experienced locksmith. It can take a few seconds more or up to a half a minute for someone with no experience at all. It will also open group two locks (including government, high security, and medecos), although this can take a short time longer. It will not open GM sidecar locks, although a device is about to be introduced to fill that gap. How much for this toy that will open most locks in seven seconds?

\$235.00 plus \$4.00 shipping and handling.

For you hard core safe crackers, FC also sells the MI-6 that will open most safes at a cost of \$10,000 for the three wheel attack model, and \$10,500 for the four wheel model. It comes in a sturdy aluminum carrying case with monitor, disk drive and software.

If none of these safe and sane ideas appeal to you, you can always fall back on the magic thermal lance...

The thermal lance is a rather crude instrument constructed from 3/8 inch hollow magnesium rods. Each tube comes in a 10 foot length, but can be cut down if desired. Each one is threaded on one end. To use the lance, you screw the tube together with a matted regulator (like a welding outfit uses) and hook up an oxygen tank. Then oxygen is turned on and the rod is lit with a standard welding ignitor. The device produces an incredible amount of heat. It is used for cutting up concrete blocks or even rocks. An active lance will go through a foot of steel in a few seconds. The lance is also known as a burning bar, and is available from:

C.O.L. MFG

7748 W. Addison

Chicago, IL 60634

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How to Cross-Examine a Psychological Witness

Forensic psychologists include experts who testify as witnesses in legal proceedings. The attorney who cross-examines any expert witness, psychologist or otherwise, must be prepared to ask the right questions.

Before I list the seven questions that can be used by an attorney when cross-examining an expert witness in psychology, let me briefly explain how these questions help to ensure justice.

Psychology is not yet a science in the modern sense of the word. Rather, it is a vast collection of studies of various aspects of human (and animal) behavior.

Until very recently, there has been no scientific framework upon which these studies could hang. In other words, they have taken place in a theoretical vacuum, despite--actually, because of--all the theorizing that characterizes orthodox psychology.

Even as we approach the Third Millenium, our traditional understanding of human behavior resembles astronomy prior to the 16th Century. Those pre-copernican astronomers certainly knew a great deal about the heavens. However, they lacked an integrated appreciation of what was going on up there above their heads.

Similarly, orthodox psychology today lacks an integrated appreciation of what is going on down here inside our heads and, consequently, of why we behave the way we do. Nor am I the first psychologist to have made this observation.

Professor Scott T. Meier, writing in the September 1987 issue of the American Psychologist had this to say: "The recent special issue of the American Psychologist on psychological science and education (October 1986) is illustrative of the current state of psychological theory in an important way: The articles seem largely unconnected."

"This lack of integration of psychological theory is the rule, not the exception. The diversity of theoretical approaches apparent in psychology journals...leads people within and outside the field to view psychology as chaotic...."

Only two months later, in the same journal, Professor Arthur Staats wrote: "It is becoming clear to a growing body of psychologists that psychology is a modern disunified science...so chaotically inconsistent that it loses its credibility to other scientists and to the public."

The questions I have prepared for cross-examination of the psychological expert reflect the thoughts of these respected professors.

The answers that an expert witness gives will reflect the extent to which that witness understands and respects the limitations of the field.

The seven questions and answers are as follows:

1. "Psychologists often speak of stimulus and response. Assuming that eating is a response of some kind, what would you say is the stimulus for that response?"

Answer: The stimulus for the eating response is normally the feeling of being hungry (or the pain of hunger). Despite what you may have read, the stimulus is not food, or any other physical object in the environment.

2. "Would you like to define the word stimulus?"

Answer: A stimulus is the distressful feeling responsible for the response. In the case of eating, this distressful feeling is normally a physiological feeling, or pain, namely, the pain of hunger.

3. "What might the stimulus be for someone to fire a gun (write a bad check, run a red light, harass a subordinate)?"

Answer: The likeliest stimulus for any of these particular responses is the feeling of being dependent, or controlled, which is a sorrow as opposed to a pain. Thus, one motorist might fire a gun at another motorist who had cut him off and made him feel 'controlled,' or, more specifically, less important than the motorist who had cut him off. On the other hand, a restaurant patron might write a bad check in response to the painful feeling of hunger rather than the sorrowful feeling of being controlled; or a manager might harass a subordinate entirely in response to the feeling of sexual distress, which--like hunger--is a type of pain.

4. "Bearing in mind the legal term motive, would you please tell the Court how someone might be motivated to fire a gun (write a bad check, run a red light, harass a subordinate)?"

Answer: Someone might be motivated to fire a gun by one or more motives, or distressful feelings.

Contributing to the shooter's motivation would be the opportunity to fire the gun, as well as the ability to do so.

5. "Is there a difference between the stimulus for a given response and the motive for that same behavior?"

Answer: No. The motive for a behavior is the same as the stimulus for that particular response. For example, if the stimulus for firing a gun was the feeling of being controlled, then the motive for firing the gun was also the feeling of being controlled.

And because the stimulus for the eating response is normally the pain of hunger, then the motive for the eating behavior is normally the pain of hunger as well.

6. "How is the stimulus for the eating response similar to (or different from) the stimulus for the gun-firing (bad-check-writing, red-light-running, subordinate-harassing) response?"

Answer: The stimulus for the eating response is similar to the stimulus for the gun-firing response in that they are both distressful feelings. In fact, if the person firing the gun did so in response to the feeling of hunger, then the two stimuli would be identical. More likely, however, the stimulus for the gun-firing response will be some psychological feeling of distress (a sorrow) rather than a physiologically distressful feeling like the pain of hunger.

7. "How is the motive for the behavior of eating similar to (or different from) the motive for the gun-firing (bad-check-writing, red-light-running, subordinate-harassing) behavior?"

Answer: Because the motive is always the same as the stimulus, the answer to this question is contained in the answer to Question 6.

Apples and Stimuli

Let's say that someone were to drop an apple on your head from an apple tree. You might well become provoked (stimulated) and even do something to that person!

Now, let's say that the next day you were to walk under another apple tree (you live in apple country) and an apple were simply to fall from the tree onto your head. The only distressful feeling you might experience would be a pain in your head from the impact of the apple. It's not likely you would be otherwise stimulated.

If, on the first day, you climbed the tree and spanked the kid who had dropped the apple on your head, the stimulus for your response would have been the feeling of being dependent, or controlled. Whether or not the falling apple had caused you pain would have been secondary (your response might have been the same had the kid spat on you).

A physical object (such as an apple) is a stimulus only in the case of a reflex, as when a doctor's mallet strikes your knee and the knee jerks. Otherwise, a physical object is only a thing--as opposed to a thought--in the environment.

The stimulus for a response is always a distressful feeling (painful--as in the pain of hunger, or sorrowful--as in the sorrow of feeling controlled). Incidentally, if you had taken a tylenol after being hit on the head with the apple, the pain from the apple would have been the stimulus for the tylenol response, and the motive for that behavior as well.

<http://www.tcfarm.com/~dwells/hottopic.html>

This article for youth professionals explains how to tell which youth may pose the highest risk for potential serious harm, and what you must do now to understand and work with them. To best ensure your safety, and the safety of your other students, and to effectively teach and counsel all youth in our violent times, be sure to upgrade your skills to become expert on all your "little match sticks waiting to be lit."

Youth Change is based in Woodburn, Oregon, about 90 miles from a place you had never heard of until May, 1998. So, when we heard on the radio one morning last May, that there had been a shooting in Springfield, Oregon, it was more than just another school shooting. It was something quite personal. The extreme violence had happened in our own backyard. What could never happen here, had happened here.

Spot and Stop Extreme Violence

What Every Youth Worker Must Know Now to Understand and Prevent Extreme Juvenile Violence

This article was published under a slightly different title, with slightly different text, in "The Child Welfare Report," Fall, 1998

There is no guaranteed way to prevent extreme violence. But many teachers and counselors may find it useful to at least understand which students may potentially offer the greatest threat. This information is not intended to alarm you, but to best equip you to organize and understand the children who have the potential for the most extreme danger. It is a brief thumbnail guideline so you can conceptualize who could pose danger, and why, plus, what you can do about it.

Teach Them Expected Behaviors: First, all children must be taught peaceful behavior. Years ago, kids arrived at their school or agency, prepared by their family to act peacefully. Now, the opposite is true. Kids arrive prepared to be aggressive, often unsure how to be peaceful because at home, on TV, in the movies, in the neighborhood, and on the computer, people act violently, rudely and aggressively. For some kids, that is all they know. Although it should not have to be your job to train kids to be peaceful, if you don't do it, and the family doesn't do it, who will? The corrections system. But that is a reactive, not pro-active response that doesn't help ensure safety, so start by teaching kids to do what they are expected to do.

The Kids at Highest Risk of Extreme Violence: Remember, this information is offered you so you can make sense out of the kids around you. We are condensing a lot of complicated mental health information, so please be sure to read more in this area, and not assume that this quick guide provides

you all the answers you need. When in doubt, always consult a mental health professional. If you are not a mental health professional, reading this guide does not sufficiently prepare you to diagnose kids, yet the information below refers to several mental health diagnostic categories. Remember, these categories are offered here only as guidelines, not so you can attempt to definitely diagnose children.

1. Conduct Disorders: The child who may potentially pose the greatest threat of extreme violence is called a conduct disorder. To understand this child, visualize the fictional character, J.R. from the TV show "Dallas" because the hallmark of being a conduct disorder (c.d.), is having no heart, no conscience, no remorse. Only a mental health professional can diagnose a conduct disorder for sure, but being aware that you may have a conduct disordered child in your class or group, is important to ensuring your safety, along with the safety of your kids, because you work with conduct disorders completely differently than other kids. Since the c.d. child has little relationship capacity, you should not use relationship-based approaches with a diagnosed conduct disorder.

It would be insensitive to call a conduct disorder, a "baby sociopath," but that is close to what the term means. It means that the child acts in ways that appear to be seriously anti-social, and the concern is that the child may grow up to be a sociopathic type of person. Since this child cares only about himself (c.d.'s are predominately male), there are little brakes on this child from serious or extreme violence. Not every conduct disordered child will engage in horrific behavior. Some c.d.'s are more like Eddie Haskell from "Leave it to Beaver," and are just the neighborhood bully. Others may shoplift, join a gang, or engage in hurtful manipulation. There is a range of misbehavior c.d.'s may get involved with, ranging from lying to setting fires or being a sexual predator. At the most serious end of the spectrum, lies the possibility of extreme violence, such as the school shooting in Oregon.

In our workshop, we spend at least an hour helping you understand how to work with conduct disorders. While c.d.s are only 3-5% perhaps of the population, having just one of them in your class or group can be tough. If you work in a specialized setting, like special ed, a group home, or at-risk program, you likely have a concentration of these kids. You can come to one of our classes, or get books that help teach you how to work with this most hard-to-manage kid. The main point we give in our classes is that these children operate on a cost-benefit system, and that to control your c.d. kids, you must keep the costs high, and benefits low. These children also especially need to pro-actively learn how to manage their fists, mouth, and actions. Your goal is to teach them that when they hurt others, it often hurts them too. All interventions must be in the context of "I-Me," because that is all this kid is capable of caring about.

2. Thought Disorders: The risk posed by thought disordered children is possibly far less than that of the conduct disordered youth. Although #2 on this list, it is a rather distant second choice, not an immediate one. Part of the explanation is that there are probably a lot more conduct disordered kids than thought disordered ones. The other reason that

explains the somewhat distant #2 status is that the thought disordered child may be well-intentioned, kind, and loving at times. The conduct disorder child really never is able to care about anyone else. Another reason to explain the distant #2 status is that often the thought disordered child will act in rather than act out. They often will pose a harm to self rather than others.

Unless you work in a treatment setting, just a very small fraction of the children you work with, may have what mental health professionals call thought disorder. In treatment settings, such as day treatment programs, state hospitals, residential treatment programs, and other such environments, there will be greater numbers of these children because they are part of the target population you serve. While the thinking of the conduct disorder is clear and lucid, that assumption is not always true for the thought disordered child. The child who has been diagnosed with this type of problem by a mental health worker, has very serious problems with their thinking. The child may hear voices or see visions that no one else can, for example. The child may believe they are being governed by demons or devils. Non-mental health professionals might view the child as crazy or insane, and that is sadly, fairly accurate. Mental health professionals might choose different adjectives but essentially they too are saying that the child is not always in touch with reality. If, as an adult, a thought-disordered person commits a serious crime, they could be judged not guilty by reason of insanity. The thinking problem that this child has, is just that enormously powerful, serious and potentially dangerous.

The thrust of working with a diagnosed thought disorder is often on proper medication, although things like skill building and structure are also very important. Trusting relationships can be a helping factor to reign in or influence the child. Perhaps the single most important concern will be that the child takes any prescribed medication regularly and properly, because when properly medicated, this child may function almost normally in many ways. When not correctly medicated, this child is at the mercy of any demons, visions, voices or upsetting thoughts that pop into their head.

To best visualize this disorder, spin around until dizzy, disoriented and confused. That is a little glimpse of what the disorder feels like, but for the child, only the correct medicine can help the dizziness, disorientation and confusion to eventually abate. The child is not actually dizzy, but just like when you are dizzy, their brain isn't working the way it should. As many children don't recognize the need for medication, helping a child become convinced that the medication is essential to living, must be a top priority.

3. Severe Agitated Depression: The occurrence of extreme violence by severely depressed, agitated children probably also lags behind the risk posed by conduct disorders. This term refers to a child who has experienced extremely severe problems with depression, and at least some of the time, also struggles mightily with agitation. Many kids, especially teens, struggle with depression, but this group endures some of the most prolonged, profound, deep depression; this should not be confused with typical adolescent

ups and downs. When the severely depressed and agitated child also abuses substances, the problem can be magnified greatly depending on the interplay of the substance and the existing emotional concerns. Crisis, sudden changes and the usual adolescent successes and failures can quickly de-stabilize this child who is already seriously struggling; these events can have the effect of the straw that broke the camel's back.

Any emotion that a child has trouble managing, may get acted out or acted in. Depression is generally acted in: the child withdraws, reduces their activities, may eat less, etc. But, depression can also be acted out. Feeling cornered, unable to endure any more pain, some children will act out, sometimes lashing out in very severe ways. All things in nature strive to come to a conclusion. Storms eventually dissipate, the rain ultimately gives way to sun, and even the snow will eventually end. Humans, as part of nature, also tend to move towards resolution. For some children, extreme violence can be the flash point that offers that resolution. When there appears to be no hope, perhaps the child believes that there is nothing left to lose. Depression can be tough on adults, but couple the depression with a child's lack of time concept, lack of perspective, their impulsiveness, immaturity and resistance to understanding the link of actions to final outcomes, extreme violence can be grabbed as perhaps a solution. If this vulnerable child becomes linked to a conduct disorder, you can see how under certain circumstances, that could become a deadly combination as the depressed, agitated child may join in the acting-out.

To help this child, alleviating some of the torment will be critical. Building a trusting relationship with the youth would probably help, but isn't essential, and is often difficult to accomplish anyway. More essential, is to help the child find ways to exist that they can control and are also socially acceptable. Tired of feeling helpless and powerlessness in every regard, this kid can become a volcano that could one day blow. Help to manage anger in socially acceptable ways, tempering the depression, and alleviating some of the agitation can keep this child from remaining at the level of extreme discomfort they currently experience. This child can remain a pressure cooker capable of hurting self and/or others in an explosion, or the child can be aided to gradually reduce the agitation and pressure they are experiencing. If this child receives useful aid to vent the agitation and give some light to the depression, any risk of extreme violence can be significantly impacted.

A site that is carefully attuned to detecting troubled children, and well-prepared to effectively assist them will not as likely face harm from such a child. Although this is the child who may originate from a troubled home, or have lived or live with victimization, this may be the most hopeful and more readily impacted of the three types of children discussed here. Medication can aid this child, but the depression and/or agitation can renew, sometimes with a vengeful vigor when the medicine is discontinued, which is often inevitable. Medication alone is seldom the best course of action, and should always be combined with other interventions such as anger management, depression management, coping skills training, and leisure time management training.

Appraising the Risk: Now you can look at your class or group and not just wonder where the where the potential, serious danger would come from. Now that you have more refined guesses about which youth potentially pose potential danger, here is a way to better rank that risk in your mind. A judge in Eugene, Oregon, the town next to Springfield, said after the shootings that so many kids are like "little match sticks waiting to be lit." To adapt that image a bit, here is how you can apply that thinking to the three at-risk groups listed here. You can imagine that the conduct disorder is already lit; a flame is burning. Whether that flame becomes smaller, flares larger, or creates an inferno, is anyone's guess, but the flame is burning always, the potential for disaster is always there. What happens to that flame, whether it is static, or grows smaller or larger, or someday rages, will vary from conduct disorder to conduct disorder, but sadly, the flame will never extinguish.

The thought-disordered child may be like a pilot light, a tiny flame that is always lit, but is fairly unlikely to inexplicably get massively bigger or out of control. Properly shepherded and assisted, this light may stay forever just a benign flicker. Unshepherded or inadequately assisted, however, this flame can get bigger, even flare out of control. The extremely agitated depressed child may be the unlit match stick that the judge visualized. Outside factors will likely come into play to incite any flare-up. Outside forces could include peer pressure, crises, substance abuse, family woes, or just mounting problems that fuel the agitation and create a profound, all-encompassing sense of desperation that leads the child to "spontaneously" combust. Like the thought-disordered child, the severely agitated depressed youth can often be so readily aided if the community can identify them, then consistently care and effectively intervene.

In Summary: If you work with kids, but you are not a mental health professional, maybe it's time to at least learn some of the basics about children's mental health. And, no matter what your role with children, please consider it your obligation to train your kids to be peaceful. That may be the most important contribution you could make in a world that so thoroughly ensures that every child knows so much about extreme violence, and so little about anything peaceful. Regardless of your role, your training from college may have little to do with contemporary youth. Get trained to work with that contemporary kid, who may still be able to reach the high expectations for conduct that you hold for them, but may need a lot more specific training from you to ever get there.

Extreme violence, said Oregon's governor, after the shootings in Springfield, is not a school problem, but a societal problem. As long as children are raised amid the extreme violence of TV, computer games, movies, neighborhoods, and school yards, and never planfully taught anything else, this societal problem will sadly also remain a school problem.

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Written by Ruth Herman Wells, M.S., Director, Youth Change

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LESSON ONE INDIVIDUAL AND COMMUNAL RIGHTS

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss the different perspectives of individual rights and public order advocates
2. Provide examples of policy issues supported by individual rights and public order advocates
3. Discuss past, present, and future trends of individual and community rights

DISCUSSION NOTES

Introduction

While crime is decreasing nationwide, there is an increase in violent juvenile crime that is causing a great concern to the citizenry and the criminal justice system. These crimes are far less predictable and considerably more violent than previous crimes committed by juveniles.

These increases, coupled with sporadic mass murders, (such as the Oklahoma City Bombing and the Trade Center Bombing), have forced Americans to rethink their stance on individual rights.

For example, throughout the 1960s and 1970s, there were substantial safeguards put into place to protect citizens from the obtrusive power of the government, namely the police. The right to due process under our system was brought to the forefront during the 1960s. As the political winds have changed, coupled with Americans thinking about public safety, these individual rights guaranteed by the Bill of Rights have been and are slowly being eroded, in the name of community safety.

Social Control

Many citizens are coming to the realization that valuing individual rights may at the same time be detrimental to social control mechanisms: **social control** is defined as the ability of a group to shape and influence the behavior of those within the group. This is usually done through the creation of sanctions and reward systems.

This creates an increasing struggle between those who value **individual rights** and those who place more value on **community rights**. A struggle, in fact, which is changing the policies and function of the criminal justice system.

Individual vs. Communal Rights

(Individual Rights Advocates)

They believe that it is most important to value individual rights within the criminal justice system. They believe that under no circumstances should the criminal justice system violate an individual's civil rights. A common example of these groups include, most notable, the [ACLU](#).

Individual rights advocates also contend that the basis of American values and culture are found in our individual rights. In other words, if we begin to erode our rights in favor of collective rights, we will undermine the structure of America. In fact, this group contends that the cultural values of a country are reflected by the manner in which we treat those accused of crimes. Therefore, taking rights away from them damages and minimizes the rights of the average citizen.

Importantly, it is argued that the protection of individual rights may be at the expense of public safety. Hence, it is better to let a guilty individual go than to incarcerate an innocent person.

Public Order Advocates

On the other hand, public order advocates contend that there are times at which individual rights must succumb to communal rights, especially in terms of public safety and criminal justice issues.

This argument is gaining popularity among politicians and citizens alike, but has long been advocated by a group of individuals known as communitarians. Essentially, communitarians contend that we are social beings, first and foremost, therefore, our collective rights come before the rights of the individual. This means that as individuals, we give up our rights to those that may benefit the community more.

Efforts by this group are put forth to reduce the rights of the accused in order to make the criminal justice system more efficient in making arrests and punishments swifter and harsher. For example, relax the rights concerning search and seizure and the appeal process. In essence, this group argues that the rights and safety of the group supercedes that of any individual. Therefore, sending an innocent person to prison is much better than letting a guilty one go free.

As the Pendulum Swings--Past, Present, Future?

It appears that many crime control policies in recent years have followed the philosophy of the public order advocates. For example, sex offender registration is in fact a reduction of individual rights for the safety of the community. The major welfare reform based a couple of years ago provides another example. It is no longer an individual's right to receive social services from the government, instead, individuals are told they must work and their communities must take care of them.

If this trend is occurring, one must question the impetus behind this movement. Well, if we look back over the last several decades, we can see that America has gone through substantial changes, which have left Americans more frustrated and a little more apprehensive. For example, there has been substantial inner city deterioration. They've also faced the economic roller coaster of the 80s and 90s, increasing proportions of the working poor, increasing levels of fear of crime, and until recently, increasing crime rates. All of which the media has spent considerable effort in exposing, highlighting, etc.

In all, this has led us to become frustrated with one another, and more importantly, government agencies. We no longer feel safe walking in our own neighborhoods, rarely know our neighbors, and are apprehensive about strangers and people different than us. So, given this, Americans, it seems, are attempting to gain some control over their own lives and are turning their attention to criminals. Stated differently, the predominate feeling is that criminals are responsible for our unhappiness, therefore, get them out of our communities at any cost.

QUESTIONS

1. Please discuss whether you identify yourself as a public order advocate or an individual rights advocate. In your description, please be sure to address why you believe this.
2. Another way to look at these two distinct positions is through certain criminal justice

policies. Please provide two criminal justice policies and discuss whether public order advocates and individual rights advocates favor or oppose the policies.

3. As discussed in the text, the criminal justice "pendulum" has been swinging between individual rights and community rights during the past several decades. Please discuss which direction this pendulum will swing in the near future. Be sure to provide support for your answer.

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LESSON TWO JUSTICE IN AMERICA

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss the definition of "justice"
2. Discuss the differences between the theoretical and pragmatic definitions of justice
3. Discuss the differences between the conflict and consensus models of criminal justice

LECTURE NOTES

Social Justice

The long standing question comes back once again, *What is justice?* This is a question that has been debated for some time. The book provides this definition: *The principle of fairness; the ideal of moral equity.*

From the discussion in the book, we see the concept of social justice begin to emerge, which embraces our cultural beliefs and ideas about fairness, right and wrong. Essentially, this is part of the foundation upon which our society is built. For example, it is wrong to murder someone in cold blood. It is wrong to engage in incest or have sexual relations with a child, if you are an adult. These are cultural beliefs of right and wrong, many of which are reflected in our laws. This brings us to another part of society's foundation, that is criminal justice, which, as we know, deals with violations of the criminal law. Now, it is very important to remember that social justice and criminal justice are not separate ideals. They are, in fact, deeply enmeshed.

There are two different realms in which we can debate "justice", *theoretical* and *pragmatic*. Theoretically, we can argue *what ought to be*, however, pragmatically, we must argue *what is*. Therefore, what ought to be does not necessarily translate into what is. This is an important distinction,

especially in criminal justice, because what ought to happen given a certain CJ policy, is not necessarily what does happen.

Secondly, within the pragmatic world that we live in, we are all influenced by our social conditioning. Stated differently, we all had very different life experiences, some of us come from urban areas, while others come from rural others. Some of us are part of disenfranchised groups (minorities) that feel a sense of powerlessness when dealing with the system, while others feel the system reflects their views and morals.

As we can see then, our views of what justice is, theoretically and pragmatically, may be very different. Regardless of our perspectives, the criminal justice system and its legal foundation are important for the operation of a safe and secure society.

The Conflict

These divergent views can and do come into conflict in our society. While many can agree on the purpose of our laws, conflict comes when we attempt to apply these laws.

I am sure that most individuals can think of an instance in which the line between right and wrong becomes blurred, making it difficult to come to consensus on the virtues of the act. For example: Is it "just" for a women to kill a man that molested her daughter?

The Criminal Justice System: Conflict or Consensus?

In discussing the criminal justice system, we are talking about several different agencies: police, courts, corrections, and each of their departments working together to achieve "societal justice." That is, they are systematic in their operations and compliment each other in this idealic and pragmatic pursuit.

This type of perspective of criminal justice has been called the [consensus model](#). Simply, there is consensus among the various agencies and sub-components on what needs to be achieved and how to achieve it.

Is this how the system operates? Most likely not. In fact, a downfall of viewing the system through this perspective is that we expect it to operate like an **efficient** machine. There are, however, numerous external and internal influences affecting the various criminal justice agencies. They push and pull the agencies in different directions, regardless of efficiency and the ultimate pursuit of justice.

Given this oversimplification of a system, many scholars contend that criminal justice is a non-system. This group argues that each agency and sub-components serve their own interests, without regard to systematic outcome. Hence, any justice that is achieved comes from the conflictual nature of these groups. Therefore, we call this perspective the **conflict model**.

A way to distinguish these two models is: in general, the goals of the system include responding to crime in society, fairness, and justice. One could argue that the sub-components are in consensus by including these goals as part of their mandate. However, the sub-components also approach these goals in very different ways, thus there is conflict. For example, police focus on putting people in prison, while a prosecutor may feel efficiency is more important, and plea bargain the individual out.

So, where do we stand? Is the system based on consensus or conflict? Well, it appears that the vastness of criminal justice agencies at the various levels of government make it impossible to achieve total consensus. On the other hand, it also seems these agencies are loosely connected to achieving justice. Thus, that commonality allows us to visualize them as a system of criminal justice.

QUESTIONS

1. Please provide three examples of common values you believe to be held by Americans.
2. Please provide a definition of justice. Be as specific as possible.
3. Using either the consensus or conflict model of criminal justice, please describe, in detail, how that model affects overall social justice.

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LESSON THREE

INTRODUCTION TO THE AMERICAN CJ SYSTEM

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the process of the American criminal justice system
- Provide an example of a case going through the system

LECTURE NOTES

Introduction

To highlight the process, we will use an example of Ted being arrested for public drunkenness and assault at a university football game.

Investigation and Arrest

As we know, arrest does not always come at the scene of the crime, but usually after some kind of departmental investigation.

Criminal investigation is typically characterized by the likes of Columbo or other high profile television shows in which crimes are solved through putting the pieces together and intensive logic. Actually, most investigations are conducted by all those involved in police work, from the lowly patrol officer to the revered detective.

While detectives have built an image of being able to solve crimes through intuition and hard work, the majority of crimes, around 80%, are solved through the identification of the suspect by the victim during the preliminary investigation. In fact, detectives only solve about 3% of all cases through hard work, inspiration or science. Most importantly, it appears that success is based on the amount and types of evidence available. Obviously, those cases with strong evidence are more likely to be solved.

Researchers have also found that investigators spend about 45% of their time on activities other than cases, such as: slack time, administrative assignments, etc. Fifty-five percent is spent on case work, 40% on investigating crimes that are never solved, 12% on crimes that are eventually solved, and nearly 48% on cleared cases after they are solved. Overall, investigators spend about 93% of their time on activities that do not lead directly to solving previously reported crimes.

Once Ted is arrested, he is read his Miranda rights.

Booking

During booking, Ted's record is created, which consists of fingerprints, picture, etc. He is now officially in the system.

First Appearance

Soon after the arrest, Ted is brought before the court where he is read the charges against him and most of the time, either released on his own recognizance, bail, bond, or held in jail.

ROR- means that you are either put under the responsibility of yourself or someone else. This is usually done when the crime is minor and the individual has ties to the community, and does not usually have an extensive record.

Bail is a cash guarantee that you will show up for your assigned court date; if you do not show, you forfeit the cash.

Bond-can be either cash or property and is usually 10% of the total amount.

If Ted is poor and cannot afford representation, the court assigns an attorney at this time.

Preliminary Hearing

The primary objective of the preliminary hearing is to determine whether or not there is probable cause to keep Ted in the judicial system, without it, Ted is released.

Probable cause: this is a level of belief that requires a reasonable person, given the set of facts and circumstances, would believe that the particular individual committed the criminal act that he/she is accused.

The "level of belief" is a vital component of the criminal justice process. In fact, it is around this level that a case is built and the information that is available to the criminal justice process and presented. There are other "levels" of belief as well, which can be characterized in a scale: reasonable suspicion, probable cause, preponderance of evidence, clear and convincing proof and beyond a reasonable doubt. The criterion for belief increases with scale, thus necessitating more evidence, etc.

Information or Indictment

In order for a case to be brought to court, the prosecutor must get an indictment from a grand jury. Some states, however, allow the prosecutor to file for an information with the court.

A grand jury is composed of 10-12 individuals that are presented with the evidence of the case by the prosecutor and witnesses presented by the prosecutor. The jury members are allowed to ask questions of the prosecutor and the witnesses and are not bound by the strict rules of regular juries. Essentially, their role is to determine whether or not sufficient evidence exists to bring Ted to trial.

Arraignment

Assuming that an indictment or information is handed down, Ted must then attend his arraignment where the indictment is read. At this time, he is asked to enter a plea of not guilty, guilty, or nolo contendere (*"I will not contest it."* Plea which has same effect as pleading guilty, except that nolo contendere plea in a criminal case may not be used against the same person in a civil suit based on the same facts).

Interestingly, judges have the option of rejecting a plea if they feel the defendant does not fully understand the charges against him/her.

Trial

The next stage, unless a plea bargain occurs, is the trial stage, which is guaranteed by the 6th Amendment to the Constitution. The trial is set up to uncover the facts of the case as well as the adherence of the applicable laws. In theory, if the facts of the case do not support the applicable laws beyond a reasonable doubt, then the individual should be released. As we all know, trials are very expensive and time consuming. Most of the time, they are not the "battle" which we are led to believe. While everyone is working toward uncovering the facts, considerable amounts of cooperation exist between the judge, prosecution, and the defense attorney.

Under certain circumstances, individuals can waive their right to a jury trial and stand before the bench, or a bench trial, in which the judge is the sole decision maker.

Sentencing

If a determination of guilt is handed down by the jury, or judge, then the court must impose a sentence, which usually entails, probation, a fine, community service, or prison. More often than not, some kind of sentencing hearing is held in which both sides present information concerning the guilty party. Obviously, the prosecution places him in the worse light, while the defense attempts to make Ted look his best.

Given that most states now have [determinate sentencing](#) and some kind of sentencing structure, judges have very little discretion as to the type of punishment or length of sentence. However, judges still have the ability to decide whether or not, if there are multiple crimes, the sentences are to be served *consecutively or concurrently*. If sentences are served *consecutively*, that means that the individual serves one sentence, and then upon completion, serves the other. If sentences are served *concurrently*, the individual serves all sentences at the same time, hence, reducing the overall time she spends incarcerated.

Probation and Parole

Not everyone ends up going to jail. Ted may receive probation, or community service. Probation requires that an individual abide by certain rules and regulations, or his/her sentence will be imposed. Once in prison, there is substantial likelihood that the individual will be released on parole after a certain amount of the sentence is served. Once again, parole entails substantial rules and regulations that must be followed.

DUE PROCESS AND INDIVIDUAL RIGHTS

An aspect that unites these separate processes is due process, which is guaranteed by the 5th, 6th, and 14th Amendments. Specifically, the due process clause is found in the 5th amendment, which states that no person shall be deprived of life, liberty, or property, without due process of law.

In essence, due process requires that agencies recognize individual rights while enforcing the law. Any violation of due process may result in dismissal of the case.

Crime Control Through Due Process

There are several goals of the Criminal Justice process, two of which are to maintain social order and secondly, to protect individuals from injustices. Maintenance of social order can be linked to what has been termed the *crime control model* of justice. Basically, this model values efficiency at all stages,

such as: arrest, trial, and conviction. We can also link this to the public order advocates. The second goal is linked to the *due process model* of criminal justice, which emphasizes effectiveness, understanding the facts of each case and strong adherence to due process.

There is a tendency to abide by one model or the other, usually due to our political ideology. However, the book rightly suggests that we tend to think of the system as crime control through due process, thus balancing the rights of the collective with the rights of the individual.

QUESTIONS

1. A _____ is a body of persons sworn to hear the evidence against accused persons and determine whether, among other things, there is sufficient evidence to bring those persons to trial.
 - a. Grand jury
 - b. Preliminary hearing
 - c. Jury
 - d. Public forum
2. What decision(s) is (are) made at a suspect's arraignment?
 - a. The suspect is informed of the charges against him/her.
 - b. The suspect is informed his/her rights.
 - c. The suspect is required to enter a plea.
 - d. All of the above are decisions made at arraignment.
3. Please discuss the relationship between public order advocates, individual rights advocates and due process model and crime control model of criminal justice. Be sure to discuss which "advocates" support a particular model.

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LESSON FOUR PICTURE OF CRIME IN AMERICA: UCR

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Identify and describe major sources of crime data
2. Describe the characteristics of the eight index offenses
3. Discuss the limitations of the Uniform Crime Reports (UCR)

LECTURE NOTES

Crime and Social Policy

When used properly, statistics can provide a broad picture of crime in America as well as provide policy makers with a powerful decision making tool. Politicians rely on these statistics to formulate policy, change existing policy and develop new programs. Of course, like the use of any statistics, questions exist as to the collection of the data, etc. For example, Part 1 offenses, known as the major crimes, include eight offenses: murder, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

Questions we need to propose and answer is why only eight offenses? Why these offenses? Are these the crimes that most affect society and the ones that we are most concerned with? Are there other crimes that should be included/excluded?

Uniform Crime Reports

The most widely used source of crime data is the **UCR--Uniform Crime Report--**from the FBI. This source is based upon **crimes known, or reported to the police.**

Before getting too far into this discussion, one needs to be aware of some of the shortcomings with this measure. The **first** problem with this measure is that it does not account for all crimes because people do not report crimes for many reasons (because they are afraid, or don't think the police can do anything about it, etc). A **second** problem is that many types of crimes are rarely reported and some are extremely difficult to detect. For example, white collar crimes are difficult to detect. Prostitution, gambling, and rape tend to also be highly underreported. Another shortcoming of the UCR is that if an individual commits numerous crimes on an individual, only the most serious is recorded in the UCR. This is called the **hierarchy rule.**

Uniform Crime Reports: History

The UCR program is a nationwide, cooperative effort of over 16,000 city, county, and state law enforcement agencies voluntarily reporting data on crimes brought to their attention.

The program was started by J. Edgar Hoover and the FBI in 1930. While the program's primary objective is to generate a reliable set of criminal statistics for use in law enforcement administration, operation, and management, it has become a source for the general public as well.

An advantage of the UCR is that it standardizes the definitions for criminality, which allow us, to compare cities, states, etc.

Historical Trends of Crime and the UCR

Another advantage of the UCR is that we can look for *patterns and trends* across time. Since the development and use of the UCR, there have been two primary shifts in crime rates across the nation.

The first came in the 1940s when large numbers of men went to fight in WWII, thus causing a substantial decrease in crime. The second came in the 1960s, when the baby boom era reached the crime prone areas. These kids of course, were direct results of these young men coming home from WWII. We also need to take into consideration several other factors that added to the fluctuation, such as social disturbances during the 60s, changes in reporting habits by agencies, increased publicity of crime, implementation of 911, etc. All of these increased the number of crimes reported.

So, we need to remember that the use of statistics only provides a general picture of what is going on. We must use them as a starting point to developing a better understanding of criminality in America. An increase in the rate of crime, does not necessarily indicate an increase in crime.

UCR: Crimes

Generally speaking, Type I offenses can be divided into two distinct types: *violent and property* crimes. Violent crimes include murder, forcible rape, robbery and aggravated assault. While property crimes include burglary, larceny, and motor vehicle theft.

It is important to remember that some crimes are reported at higher rates than others. For example, murder, since you have a body, and auto theft, for insurance reasons. Other crimes, especially rape, tend to be greatly under reported.

Another important statistical measure used are [clearance rates](#): which report the number of crimes cleared compared to the number reported to the police. Please note that cleared only indicates an arrest, not a conviction.

Murder

Murder is the unlawful killing of one human by another. Included in this measure are all cases of nonnegligent homicide reported to the police. This measure does not account for suicides, justifiable homicides, deaths by accidents or attempts to murder. Murder consistently has the highest clearance rate, it was 64% in 1994.

A distinction exist between *mass murderers and serial killers*. [Mass murderers](#) need to kill a minimum of four people at one time; serial murders need to kill several individuals in three or more separate events.

Forcible Rape

This is the *least reported* of all violent crimes. Most research suggests that only 25% of all rapes are reported to the police. This is mainly due to the victim's embarrassment of the incident, the physical exam, etc. It is also important to realize that rape is not classified as a sex crime. It is in fact a crime of violence and dominance.

As with murder, most rapes are committed by acquaintances, and during the summer months.

Robbery

Robbery involves personal confrontation between a victim and a perpetrator. Most robberies are committed against an individual, while banks, gas stations and convenience stores are second most common.

Aggravated Assault

There are two types of assaults, aggravated, which indicates the use of a weapon or required medical attention, and simple, which requires neither. As with most other crimes, aggravated assaults increase in the warmer weather. These crimes have a high clearance rate due to the fact that the victim usually knows the perpetrator.

Most assaults (32%) are committed by a blunt object, while 26% by some body part and only 18% by firearms.

Overall, there have been substantial reductions in all the violent crimes over the past 20 years, thus, decreasing the violent crime index.

PROPERTY CRIMES

Burglary

Primarily a property crime occurring most often during the day, when we are at work or in school. In fact, only 10% of burglaries occur when someone is home.

If you happen to walk into a burglary in progress, your chances of being injured are greatly increased than if you were already home.

Larceny

Larceny consists of various types of thefts, (purse snatching, pocket picking, etc.) and has been called the catch all category of the UCR. It is important to remember that larceny typically deals with tangible items, making many high technology crimes unaccounted for.

As one might imagine, this category is the largest of the violent crimes. It is also considered by many to be the most underreported; due to the fact that many people may believe that it was not worth reporting.

Motor vehicle theft

The definition of this category is primarily limited to automobiles, snow machines, buses and motorcycles. Excluded, of course, are spacecraft, trains, planes, etc.

This category tends to have high levels of reporting, since insurance companies require a police report before any funds will be released. There were nearly 1.5 million vehicles reported stolen in 1994, with a clearance rate of 14%.

Arson

Includes the burning or attempted burning of property with or without intent to defraud. This category is usually not included in the crime index or rate because of the low level of reporting to policing agencies. It is estimated that just over 50% of departments report their arson cases.

Like the violent crimes, there have also been substantial reductions in property crimes reported in the past 20 years.

PART II OFFENSES

Part II offenses are for recorded arrests, crimes not reported and victimless or social order crimes including: vagrancy, runaways, vandalism, public drunkenness, etc.

Proposed Changes

As eluded to earlier, there are several shortcomings in using the UCR. Because of that, there are numerous proposed changes, which primarily focus on the clarification and broadening of the categories. For example, it is suggested that the rape category should include all forcible sex offenses. Also, that the hierarchy rule should be changed to the most serious offense for each individual victim. Efforts are also underway to implement a more complete reporting system that includes information about the crime, such as the weapon used, what was stolen, personal characteristics, etc.

QUESTIONS

1. As discussed in the book, reported incidences of rape have dramatically increased over the past 25-years. Please provide an explanation for this increase.
2. One major problem with the UCR is that many people do not report crimes committed against them. Why do you think people are hesitant to report crimes?
3. Below is a list of Part I offense examples. Please indicate which Part I offense category applies to each.
 - a. A college freshman visits a friend's residence hall and forces her to have sexual

intercourse.

b. A woman is caught after she puts a gun to an elderly man's head and takes his wallet and watch.

c. A man drives his car into a group of teenagers. Six teenagers had to be taken to the hospital for treatment of their injuries.

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LESSON FIVE

A CLEARER PICTURE OF CRIME IN AMERICA: NCVS

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss the strengths and limitations of the NCVS
2. Compare and contrast the UCR and NCVS

LECTURE NOTES

The National Crime Victimization Survey (NCVS)

Developed in 1972, the [NCVS](#) is based upon self reports, rather than police reports, and is administered to roughly 42,000 households twice a year and shows a higher prevalence of crime than the UCR.

The NCVS includes data on rape, robbery, assault, burglary, personal and household larceny, and motor vehicle theft. Of particular importance is that murder, kidnapping and victimless crimes are not included.

As with the UCR, the hierarchical mechanism is used and completed yet attempted offenses are counted. One limitation is that only those 12 years and older are included. The primary problem with the NCVS is that it is based upon self reports, which lend themselves to several problems, such as faulty memories, misinterpreting the events, etc.

What picture of crime does the NCVS provide? Well, here are some findings:

- Young males have the highest rates of violent victimizations, while elderly females have the lowest.
- Violent victimization rates are higher in low income areas
- Blacks are more likely than any racial group to be victimized
- City residents are more likely to be victimized than rural residents
- The chance of a young black male being murdered are 1 in 21, while 1 in 369 for a white female

As with the UCR, this measurement is also undergoing constant revisions, many of them aimed at gathering more information concerning a criminal event. For example, revision is taking place with interaction between the victim and offender, bystander behavior, and use of drug/alcohol by the offender. All of these are aimed at getting a more complete picture of crime.

QUESTIONS

1. Please describe the major differences between the UCR and the NCVS.
2. Many individuals state that the UCR and NCVS provide different "pictures" of crime in America. Do you agree or disagree with this statement? Please discuss your response.
3. The NCVS provides some interesting findings, please describe what these findings suggest about crime in America?

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LESSON SIX PATTERNS OF CRIME IN AMERICA

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss emerging patterns of criminal activity
2. Discuss the economic costs of crime

LECTURE NOTES

Fear of Crime

Numerous public opinion surveys throughout the early 1990s have indicated that Americans, in general, hold high levels of [fear toward crime](#). Interestingly, those that have the highest levels of fear, generally have the least to worry about, while those that do not have high levels, are probably the ones that need to be concerned, (elderly females, and young males).

Women and Crime

In general, women become victims much less than men do in every category except rape. Ironically, however, women tend to hold higher levels of fear of crime than men. In fact, women will adjust their lives more around safety issues than men.

Most studies have also found that women are more likely than men to be a victim of a violent crime by

someone they know, usually a former intimate. Given this, separated or divorced women are six times more likely to be [victims of violent crimes](#) than widows, and four and half times more than married women.

Also, the most likely characteristics of a woman victim is that she comes from the central city area, low-income family, is black and between the ages of 18-24. It seems that a substantial amount of victimization can be reduced through increased emphasis in alleviating some of the social conditions, especially dealing with domestic assault.

Women Offenders

While we hear a lot about women as victims, we rarely hear about [women as offenders](#), although the prevalence is increasing. This area of study really came to the fore when Susan Smith admitted to strapping her kids in the car and drowning them.

Well, it seems that women commit far less crime than men. In fact, they are arrested for only 14% of violent crimes and 27% of property crimes, while making up 51% of the population. That is the good news. Here is the bad news. The prevalence of [women committing crimes](#) seems to be increasing at a faster rate than men. For example, violent crimes by men only increased 155% between 1970 and 1994, and 282% by women.

The Economic Cost of Crime

Attempting to estimate the total cost of criminal activity in America is an arduous task, one that is probably not all that reliable. However, numerous individuals/agencies have attempted such a feat. For example, BJS estimated that the personal cost of crime at around 17.6 billion dollars a year, which is a substantial amount. However, they do not include lost work time, medical care, and other indirect costs. Also, this is only based on dollar amounts, and therefore ignores the personal attributes and effects. To overcome this, a health journal took into account some of the medical bills included and upped the total to \$202 billion annually.

Of course, these are only the monetary concerns, a prevailing theme has been that personal characteristics affect the likelihood of becoming a victim. Hence, it also affects your average losses. For example, families that make less than \$7,500 suffered two times the rate of burglary than those in the \$50,000+ income categories.

In terms of system costs, the federal government spends about \$16.5 billion, only about 5% of its budget. On the other hand, states spend around \$80 billion, taking up a large proportion of criminal justice costs.

Drugs and Crime

Most studies conducted on all criminality find a direct association between the usage of drugs/alcohol and criminal activity. There are two dimensions to this, committing crimes while under the influence or committing crimes to support one's habit. The worse the habit, the more crime one commits. Drug abuse costs nearly \$60 billion a year, with most of that being attributed to lost job time.

The Elderly and Crime

While the elderly (65+) only account for 1% of crime, their behavior appears to be changing. For example, the number of serious crimes more than doubled between 1975 and 1994. Also, elderly are being sent to prison at higher proportions for violent crimes than others, over 50%. Should we panic at this increase? Is there a gerontological crime wave? Or is there another explanation? There are several possibilities, but one of the most likely is that since their proportion of the population is increasing, their prevalence for criminal activity may also be increasing.

Hate Crimes

Hate crimes are those in which there is evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

Hate crimes have captured the nation's spotlight in the past few years. From the bombing that occurred in Oklahoma City, David Koresh, and stand-offs in Northern Idaho and Texas, there seem to be increased incidents in organizations with politically oriented radical agendas. Some of the most common groups include: the Ku Klux Klan, Neo-Nazis, Skin Heads, Tax Protestors, the Christian Conservative Church, Aryan Nation, etc.

Since the criminal justice system has been limited in their capacity to deal with them, we need to consider an important point. When we look at these types of groups, they highlight the dichotomy between individual rights and the need for social order. In fact, most courts have ruled that these groups have a right to march in parades, burn crosses, etc. So, it seems that legally, they have the support of the Constitution.

So, the criminal justice system must struggle with the following: how can we limit their behavior, while at the same time, protect their individual rights?

Organized Crime

Probably one of the most intriguing areas of criminality deals with organized crime, especially the mafia. Hollywood, as well as society in general, has always been fascinated by the operations of the Mafia. Since we are probably aware of the history and inner workings of the Mafia, we can focus on the amount of money that is generated, nearly 60 billion dollars a year!!!

Through a very rigid hierarchy and a willingness to do whatever it takes, the Mob has been able to establish a stronghold in America, although it appears to be weakening with the new Federal RICO laws used against these individuals.

Conclusion

Well, as we can tell from the previous material, it appears that the crime picture is a little clearer. We should have a better understanding of types of crime in America, the characteristics of offenders and victims, and the influx of specific crimes.

We find that victimization depends on numerous factors, of which location, gender, and age are a few.

QUESTIONS

- 1.The recent increases in criminal activity of women is somewhat unique in American history. Do you think that women are becoming as criminogenic as men? Or, is there another explanation for these increases?
- 2.In terms of criminal behavior, why do we tend to look at men and women differently in terms of their behavior? Why do you think that men and women have different criminal behavior patterns (i.e., is it biological or sociological)?
- 3.Given the recent focus on hate crimes, do you think that the number and intensity of hate crimes will increase or decrease in the near future? Please explain your answer.
- 4.Organized crime involves the supplying of illegal goods and services such as
 - a. gambling
 - b. prostitution
 - c. labor racketeering
 - d. all of the above
- 5.Elderly violent crime victims are more likely than younger victims to
 - a. face offenders armed with guns.
 - b. be victimized by total strangers.
 - c. be victimized in or near their homes.
 - d. all of the above.

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LESSON SEVEN CAUSES OF CRIME: PART I

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the process that occurs in building theory
- Discuss the foundations of the Classical School of Criminology
- Discuss the foundations of the Positivist School of Criminology
- Identify the characteristics of biological and psychobiological explanations to criminal behavior

LECTURE NOTES

Up to this point, we have discussed the process of criminal justice and the ways in which we measure the level of criminality in our society. Now, we turn our attention to developing a better understanding of why crime exists in America. Essentially, we are going to discuss the different criminological theories that attempt to explain criminality.

First of all, we define *crime*, as an act that is in violation of the criminal law. This means that it is definitionally a crime--it is not a crime unless there are legal definitions stating that it is a crime. This differs from *deviant behavior* in that deviant behavior is a violation of social norms, not criminal law.

Criminological Theory

Theory is a model that specifies causal relationships between variables. More specifically, a theory consists of interrelated propositions that attempt to describe, explain, predict and control a class of events. An important element of a theory is the hypothesis, or the "if-then" statement. For example, it is a common assumption that if people take drugs then they are more likely to engage in criminal acts.

There are a number of competing theories. Is there a way in which we can distinguish between good and not-so-good theories? Well, a good theory tends to be logically consistent and provides a complete understanding of a particular phenomena. It tends to make sense and has empirical support.

THE CLASSICAL SCHOOL

Assumptions:

- Crime is caused by freewill
- We are rational individuals
- We seek pleasure and avoid pain
- Crime deteriorates the bond between the individual and society, thus it is immoral
- Punishment is essential and needs to be swift and certain

Ceasare Beccaria

In the late 1700s, Beccaria suggested that criminal law become more humanitarian, in fact, that punishments should be just strong enough to offset the tendency toward crime. Therefore, just enough to deter, but not excessive. He has been called the "Father of the Classical School."

Jeremy Bentham

A follower of Beccaria and developer of the hedonistic calculus, which is based on the idea of free will and rationality. In general, Bentham suggested that the punishment needs to outweigh the benefits of criminal behavior. This has been called the *utilitarian perspective*.

Biological Theories

Assumptions:

- Basic determinants to human behavior are genetically based
- Since they are genetically based, they can be inherited
- Some behavior may be more evolutionary deficient than others

Ultimately, biological theories argue that criminality is based in our genetic makeup, not in our social surroundings.

Phrenology:

Franz Joseph Gall developed what is known as phrenology, or the study of one's skull. Essentially, studying the shape of the skull revealed characteristics of the brain.

POSITIVIST SCHOOL

Cesare Lombroso

Also drawing upon genetic makeup, Lombroso, from one case study, considered criminals to be atavistic human beings. That is, they were genetic throwbacks. This included the traits of: long arms, large lips, crooked noses, etc. Hence, you could identify a criminal by simply looking at him or her.

Another major contribution made by Lombroso was his use of *observation and the development* of his theory. He was the first individual to undergo this process called science. Hence, he is known as the *father of modern criminology*.

Is there any evidence to this claim of atavism? Not much. Most of the research conducted does not show a link between body characteristics and criminality.

Criminal Families

The strongest evidence supporting inherited criminality would be a family of criminals. Is there such a

thing? Well, research in the area, conducted in the early 1900s has found such families.

The Juke family

Had six illegitimate girls, that over a 75 year period, produced 1,200 individuals, most of whom were criminals.

The Kallikak family

Another study, which is a little more extensive, found that the Kallikak family had two clear lines of decedents, legitimate and illegitimate. The legitimate line produced 496 offspring, of which only three were abnormal and none were criminal.

On the other hand, the other line produced 480 offspring, of which more than half were "feeble-minded" and criminal.

Psychobiological Theories

There is another strain of biological theories that blends biology and physiological perspectives. Essentially focusing on the interplay of DNA, nutrition, hormones, physical trauma and environmental contaminants.

Chromosome Theory

This theoretical perspective focuses on the chromosomal makeup of individuals as responsible for criminality. Early studies contended that males with XYY tended to be more aggressive than other males, called "super males." However, these findings have been repeatedly disputed.

Biochemical

Many researchers have also attempted to link our eating habits with our behavior, especially violent behavior. Most of this research has focused on vitamin deficiencies, allergic reactions, too much sugar or caffeine, etc. All of which do not have much empirical support.

However, more support is being found that suggests high levels of testosterone may be indicative of sexual aggressiveness in males.

Heredity and Environment

An interesting marrying of theories occurs when theorists combine biological factors with environmental factors.

For example, studies conducted on children adopted at birth, found them to reflect the criminality of the biological parent, regardless of the environment. Also, identical twins have greater similarities in personality than fraternal twins and are more alike in criminal patterns.

So there does seem to be some support for inheritance. Taking this a step further, Wilson and Hernstein (1990) contend that inherited traits such as maleness, aggressiveness and low intelligence, combined with influences from the environment, (bad schools and family) to produce crime. These researchers do note that early intervention may divert these future criminals away from a life of crime, and that family life is the most important indicator.

QUESTIONS

1. In terms of biological explanations to criminality, do you think that our perceptions of how criminals look affect our behavior towards some individuals? For example, O.J. Simpson and Ted Bundy?
2. Please describe how the Classical School of Criminology may affect social policy concerning criminal behavior.
3. Which school explains criminal behavior by looking at gene structure, hormones, and inheritance?
 - a. Biological school
 - b. psychological school
 - c. sociological school
 - d. social-psychological school

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LESSON EIGHT CAUSES OF CRIME: PART II

LEARNING OBJECTIVES Upon completion of this lesson, the student should be able to:

- Identify the assumptions of psychological theories of criminal behavior
- Discuss the various psychological theories of criminal behavior
- Identify the assumptions of sociological theories of criminal behavior
- Discuss the various sociological theories of criminal behavior
- Discuss the social-psychological theories of crime

LECTURE NOTES

PSYCHOLOGICAL THEORIES

Assumptions:

- The individual is the primary unit of analysis
- Personality is the major motivational element within individuals
- Crime results from inappropriately conditioned behavior, or from abnormal, dysfunctional or inappropriate mental processes within the personality
- Defective or abnormal mental processes may have a variety of causes, including a diseased mind and inappropriate learning or improper conditioning, often occurring in early childhood

Behavioral Conditioning

Behavioral conditioning is a psychological principle which holds that the frequency of any behavior, including criminal or deviant, can be increased or decreased through reward, punishment, and/or association with other stimuli. This also relates to the concepts of reward and punishment to the free will and hedonistic ideas of the classical school.

The most prominent example is that of Pavlov and his work with dogs. Ringing the bell before feeding, caused salivation, hence, he would ring the bell and the dogs would begin to salivate.

Freudian Psychoanalysis

According to this theoretical framework, we have an id, ego, and superego that make up our personality. According to Freud, crime could result from three conditions.

First, is a weak superego, which cannot control the drives which emanate from the id, which is where your sex drive lies.

Second, sublimation, where we substitute one thing for another. For example, we dislike our mother, repress this as a child, and boom, it escapes when we are older.

Third, based upon the Thanatos, or death wish that inhabits all of us. Essentially our self-destructive motives and actions.

Psychopathology and Crime

As mentioned earlier, crime may come from a diseased mind or personality, which can be referred to as psychopathy.

Within this area, there are some distinctions, primarily between [psychopath](#) and psychotic. A psychopath or sociopath, is often seen as very cruel, usually without regard to their victims. These types of individuals are characterized by their lack of affect, or their inability to imagine how other people feel or

think. Unfortunately, it is very difficult to pinpoint the causes of psychopathy, but it is believed that a lack of love at a very young age is largely responsible.

Psychotic individuals, on the other hand, are out of touch with reality. They experience hallucinations, delusions, etc. These are the people who think they have bugs crawling on them, or situations similar to this. These may result from organic causes or unknown reasons.

Psychological Profiling

This is an attempt to find the criminal by looking at the crime in question and developing a psychological picture of the individual. The prevailing assumption is that criminal behavior is a symptom or reflective of an individual's personality.

SOCIOLOGICAL THEORIES

This area has given the largest contribution to the study of crime in America and is based upon the following assumptions:

- Social groups, social roles, and institutions provide the focus for criminological study
- Group dynamics and relationships form the areas in which crime develops
- The structure of society. That is, its organization or disorganization, are important factors contributing to criminal behavior

Social Ecology Theory

This theory rose out of the University of Chicago in the late 1930s, led by Robert Park, Clifford Shaw, and Ernest Burgess. These individuals conducted their research on the city of Chicago and mapped it according to its characteristics, developing concentric zones around the city. They found the areas nearest the inner city had the highest rates of crime. Therefore, they came to the conclusion that structural elements and social characteristics such as poverty, illiteracy, lack of schooling, etc., lead to social disorganization, which produced crime.

Anomie

Anomie refers to normalness and is usually used in the context referring to the disjuncture between socially acceptable goals and means in our society. Robert Merton contended that while everyone desired the same goals, such as wealth, status, power, etc. and means in society, not everyone had the same access to them. Therefore, since these goals are common, and some individuals cannot reach them legitimately, they will go through illegitimate means to achieve them.

An important contribution of this theory is that it highlights the lack of equality that exists in terms of opportunity in America.

Subcultural theory

A subculture is composed of a group of individuals that share a common system of values and norms which are at odds with larger society.

Theorists utilizing this perspective contend that crime is a result of individual groups holding criminal behavior as a good thing. Work done by Wolfgang and Ferracuti suggests that subcultures of violence may exist in our country. That is, groups of individuals that value violence.

SOCIAL-PSYCHOLOGICAL THEORIES

Theorist's within this paradigm explain criminal behavior by relating such behavior to the cultural environment in which the individual is a part. Hence, many of these theories are oriented around the social learning of an individual.

Differential Theory

This perspective, led by Edwin Sutherland, viewed criminal behavior as a product of socialization, much like other behaviors. Therefore, this type of socialization, i.e. hanging around criminals, is viewed as normal behavior in ones' perspective. It was not seen as different nor bad.

Restraint Theories

Containment theory

This group of perspectives is a bit different than the previous ones discussed. For example, containment theory indicates all of us are subject to criminal inducement. However, some of us resist the push to commit crime while others do not. The differences are found in our behavior.

Walter Reckless suggested two types of containment. The first is inner, which involves things such as self image, aspirations, and tolerance for frustration. The second is outer, and depends on social roles, norms, etc.

Those of us who have strong inner containment are able to resist better than those who do not.

Social Control Theory

This theory was developed by Travis Hirschi, who contended that the bond between individuals is the primary operant mechanism in society. For example, emotional attachment to others, commitment to the appropriate lifestyle, involvement in conventional values and a belief in the correctness of social rules

and values. These are the [social control mechanisms](#), and when they are weakened, then criminal behavior is more likely.

This theory, and restraint theorists in general, tend to focus on why we do not break the law, therefore, they have difficulty in identifying social structures that may promote criminal behavior.

Neutralization Techniques

Gresham Sykes and David Matza developed a theoretical perspective. Their prospective contends while most people drift in and out of criminal behavior, crime would not be committed unless individuals could neutralize the situation. That is, they could rationalize. For example, individuals that are able to deny responsibility, deny injury, deny the victim, or appeal to higher loyalties, are able to neutralize their criminal behavior.

The differences between restraint and neutralization are as follows: restraint theories tend to rely upon a general set of values, upon which individuals temporarily stray. Neutralization, on the other hand, is only needed when the individual has been socialized in middle class values, or when one has a well developed conscience.

QUESTIONS

1. Using the case of Jeffrey Dahmer or Ted Bundy, please discuss how his criminal behavior would be described by psychological and sociological theories to crime causation.
2. Please compare and contrast the theories of social control and behavior conditioning in terms of criminal behavior.
3. Of the theories described in this section, which do you believe provides the "best" explanation of criminal behavior? Why?

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LESSON NINE CAUSES OF CRIME: PART III

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the assumptions of conflict theory and phenomenological school of criminology
- Identify and discuss the various theoretical perspectives within conflict theory and phenomenology

LECTURE NOTES

Conflict Theory

This perspective is organized around the understanding that society is based upon conflict, which most likely cannot be resolved.

Conflict theorists contend that the rule of law, formal agencies and those that have power and wealth in America, coerce the powerless into abiding by the established rules, which favor the rich and powerful.

Assumptions

- Diversity permeates society. That is, differences based upon gender, ethnicity, sexual orientation and social class
- Conflict is inevitable because of these diversities
- Group conflict centers around the attainment of political power, which is the key to success
- Law is a tool used by the powerful to gain more power and to legitimize their activities

Radical Criminology

With the tumultuous social order in the 1960s, a new theoretical perspective began to surface, known as [radical criminology](#).

Adherents to this perspective had a simple explanation for criminal behavior, it was caused by the cultural and economic arrangements of society. In essence, the argument was that the attainment of the "American Dream" was not possible for large groups of individuals, which lead to large degrees of frustration, which then expressed itself in rape, murder, theft, etc. The most recent strain of radical criminology has been advocated by individuals such as William Chambliss and Richard Quinney. Again, these scholars contend that the causes of crime are rooted in social inequities.

The New Criminology

This perspectives has its roots in Europe, especially in the social welfare countries, where theorists contended that social change was necessary in order to eliminate social injustice.

An underlying assumption of all the conflict theories is there is some kind of achievable utopia in which all crime will be eliminated through social arrangements.

Peacemaking Criminology

The third type of conflict theory is peacemaking theory, which advocates citizens and criminal justice

agencies to become partners in solving social problems such as crime. Underlying this particular perspective is compassion, wisdom and love for humanity. This has broader implications than just crime.

Phenomenological School

This perspective is based upon George Mead's development of symbolic interaction, which suggests that people give meaning to things around them and to their lives. Therefore, behavior in one area, which may be considered normal, may under different circumstances and times, be considered deviant or even criminal. Hence, crime is a social creation, a definition, not an inherently evil or bad act.

Assumptions

- Significance of behavior depends upon the social consensus about the meaning of that behavior
- Crime is a product of interpretation and social definition

One of the most complete studies in this area was conducted by Yochelson and [Samenow](#). The importance of their study, and this theoretical perspective, is to understand a phenomena, you almost have to experience it.

These two individuals conducted detailed data through interviews on 255 individuals and came up with 53 identifiable behavioral patterns that were common across these individuals. A very important finding was that criminals did not view themselves or their behavior in the same light as society did.

Labeling Theory

Labeling is fairly straightforward. Crime, or criminal behavior, results from a social definition of unacceptable behavior developed through legislative morality. Therefore, deviance is created by society. Thus, the cycle goes as follows: you behave in a manner that is against the morals of society, get labeled, cannot get a job, etc., and the label expands, etc.

NEWER THEORIES

A newer theoretical perspective is **feminist criminology** which is bringing to the fore a better understanding of the interaction of [women and the system](#) or as perpetrators. After all, much of society is structured along gender lines, hence, crime and criminal justice are not exceptions, thus it needs to be examined. Men and women hold different behaviors, and we need to understand these better.

QUESTIONS

1. Radical criminology is relatively new and has undergone numerous alterations since its inception. Please describe the historical development of this theory and discuss its impact

on society.

2. Is the study of criminal behavior through feminist criminology a worthwhile endeavor? Why or why not?

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LESSONS TEN & ELEVEN

MEDIA AND CRIME

This paper is intended to provide additional insight into important issues concerning crime and what is facing the criminal justice system. The topic of this paper is "Media and Crime." The lecture included in this lesson is provided to stimulate critical thought. After reading the lecture, the student is required to write a 3-5 page paper concerning "Media and Crime." The student can write on anything he/she believes is pertinent within this topic area. Suggestions include, watching television and recording the number of violent acts over a certain period of time, reading several news articles and describing the crime related articles, etc. The paper should be at least 3 pages long, margins no more than 1 1/2 inches on each side, top, and bottom. Cover page, end notes, and bibliography do not count as part of the 3-5 pages. Yes, it is necessary to provide a bibliography. Font should be no larger than 12 point.

MEDIA AND CRIME

INTRODUCTION

1994--A study was conducted that evaluated 18 hours of television in the Washington, D.C. market on a Thursday. They found 2,065 instances of violent acts, of which, 1,141 were classified as serious. The same study found that while network news coverage of murder had tripled, the crime rate had remained stable.

Other studies have indicated that an average child, by the time he/she graduates from elementary school, views 8,000 murders and 100,000 violent acts through the media.

Here are some familiar headlines in the news:

"You can still see the blood on the asphalt, and everyone remembers the screams . . ."

"The town will never be the same, we are not safe..."

"Another child a victim of a brutal murder..."

Also, considerable news time is spent on high speed chases, drive by shootings, murders, etc. In fact, weather, natural disasters, leisure topics, health and medicine are not the core for network news. A

nationwide study covering six cities found that an average of 29.3% of news stories were devoted to crime and criminal justice issues, while only 2% were devoted to education, and 1% devoted to social problems.

WHY STUDY THE MEDIA, CRIME AND JUSTICE?

The media are not neutral, unobtrusive social agents providing simple entertainment or news, they are extensive and persuasive. Research shows that Americans watched an average of four hours of television a day. If you include radio and newspapers, the influence is substantially increased.

It's a basic assumption that the media's changing coverage of and impact on crime and justice is found in its role in the *social construction of reality*:

- People create reality. The world as they believe it exists, based on their social interactions with other people. People then act in accordance with their views of reality and society.
- Essentially, we gain information from four main sources: personal experience, significant others, social groups and institutions, and lastly, the media. Through our socialization, information from these is mixed, allowing us to create our reality.
- This reality contains things we believe to be true, things we believe to be happening, our values, opinions, and beliefs.
- Now, the importance of the sources of information vary among people, but in general, research has indicated that the media is taking precedence over the other three. Thus providing us with powerful frames of reference in which to view the world, shape opinions, beliefs, and possibly, behaviors. In terms of criminal justice, research suggests that 95% of our information about crime comes from the media.

MEDIA'S INFLUENCE ON ATTITUDES AND BELIEVES ABOUT CRIME AND JUSTICE

To what extent does the [media actually influence people's attitudes](#), and how significant is this impact? What about advertising? The main emphasis of advertising is to influence us.

Does the media distort? A one year study conducted in Los Angeles found that 51% of news coverage was devoted to crime issues. Seventy-eight percent was violent, with 27% murders. Interestingly, only 2% of all felonies in this area are murders.

In this same area, 50% of crimes by blacks are violent, while 47% of crimes by whites are violent. However, media portrayal is such that 61% of news coverage was about black perpetrators, while 36% were about white perpetrators. This is a big difference.

In essence the media effects on attitudes are variable. They are more common for television than for newspapers, appear to increase with exposure, are more significant the less direct experience people have with an issue, and are more significant for newer issues but diminish quickly.

THE SHAPING OF PUBLIC ATTITUDES AND BELIEFS ABOUT CRIME AND JUSTICE

Numerous studies have substantiated the association between the media and mean-world attitudes. The "mean world" attitude developed from television, and is also influenced by the surrounding area where the individual lives. For example, those individuals that actually live in a "mean world," the effect of the media is less, and visa versa. So, it seems that less experienced people are more influenced by the media. However, as usual, the exact nature of the relationship, that is, how the media actually influences attitudes and beliefs about crime, is quite complex.

Research has also shown a strong correlation between heavy television viewing and factual misconceptions about criminality and violence, and increased support for higher levels of spending on crime control related issues.

Interestingly, research suggests that newspaper exposure tends to be associated with beliefs about the distribution and frequency of crime, whereas television exposure is associated with attitudes, such as fear of crime and victimization. So there does seem to be a difference depending upon the medium.

THE BIG ISSUE: PORNOGRAPHY

More consistency exists in this area. In fact, there are high levels of agreement on comparative studies between subjects exposed to sexually aggressive material and subjects exposed to nonviolent sexual material. This clearly indicated that nonviolent sexual material results in fewer antisocial attitudes and beliefs than sexually violent media. So, there is a strong distinction between *violent and nonviolent*.

Another important aspect is that virtually no research indicates a direct link between [violent pornography and crime](#). Instead, it is an interplay between individual predispositions and the material. Pornography does not cause crime, but is one important factor for certain individuals.

THE MEDIA AS A CAUSE OF CRIME

Psychological studies, mainly focusing on childhood development, have found that children are highly susceptible to media influence during these times. In fact, one longitudinal study showed that eight-year-old boys who viewed the most violent shows, were more likely to engage in aggressive and delinquent behaviors by age 18, and serious delinquent criminal behavior by age 30.

However, there is a consensus among researchers that televised or visual violence can elicit aggressive behavior in some viewers. Again there is a distinction between print and visual media, with print having little to no effect.

Of interest, of course, is the issue of [copy cat crimes](#). Research indicates that while this is a social

phenomena, it can be substantial. The movie "Natural Born Killers" is said to have caused fourteen copy cat murders. Most important is that research does not show that it causes crime, but may influence a criminal's choice of criminal techniques. Also, copy cat criminals are more likely to be career criminals engaged in property crime. Again, not criminogenic, but influential.

The more heavily the consumer relies on the media for information, and the greater his/her predisposition toward criminality, the more likely there will be a strong effect. Therefore, violence-prone children and the mentally unbalanced are especially at risk. What is not known, of course, is the size of this at risk population.

CONCLUSION

It appears we can come to several conclusions concerning the impact of media on our perceptions and behaviors.

- The difference between print and electronic media are that, television evokes emotional responses, such as fear of crime, while print provides more knowledge.
- In the end, the relationship depends upon three factors: the medium being discussed, the mediums' style of presentation and content, and the experiences, predispositions, and immediate community of the consumer.

So, it seems the media can indirectly affect the way we perceive, interpret, and behave toward the world by influencing the social construction of reality. Therefore, since we behave in accordance to our perceptions of reality, and the media are influential in that perception, it is logical that the media can influence our behaviors related to crime and justice.

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LESSON TWELVE HISTORY AND PURPOSE OF THE LAW

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Describe the sources of modern law
2. Identify the purposes of law
3. Describe the historical development of law

LECTURE NOTES

History of Law

As with most social phenomena, the best understanding comes from a firm grasp of the philosophical foundations as well as the historical roots of that phenomena. Law is no different. Therefore, we will examine the foundations of law in terms of its historical roots, which has six major contributors.

Code of Hammurabi

The earliest written body of law, that we know of, comes from the [Code of Hammurabi](#), which was developed by King Hammurabi around 2000 BC in the city of Babylon. The importance of these laws is that they attempted to routinize the practice of justice, specifically in terms of punishments. The main focus of these laws was on property rights, sexual relationships and interpersonal violence.

Again, the Code of Hammurabi is important in that it was the first attempt to codify law and routinize punishments.

Early Roman Law

More closely related to our body of law is Roman law. This dates back to about 450 B.C. and [the twelve tables](#), which were a collection of rules governing family, religion, and economic life.

Further development came under the rule of Justinian I, around 527 A.D. Essentially, he took most of Roman law and wrote it down, developing the Justinian Code, clearly distinguishing between public and private laws. As might be expected, public laws dealt with governmental affairs, while private laws dealt with individuals.

Common Law

The major contributor to our legal foundation comes from common law, which refers to the traditional body of early unwritten legal precedents created from everyday English life, such as social customs and rules. These laws became part of a growing body of legal decisions which then became codified into rules and laws, taking the next step to becoming national law. Court decisions eventually were written down, allowing access to them, and influencing other decisions, while giving rise to the use of precedents.

So, the [evolution of common law](#), from community level norms and regulations, to national law, reflects the development of precedents, which are critical to our legal system here in America.

The Magna Carta

The fourth source contributing to the development of law is the Magna Carta. This was the document British Barons pressured King John of England into signing on June 12, 1215. It was a pledge or promise from the king to respect the rights of citizens.

In terms of American law, this document has been credited with contributing "due process of law" and the U.S. Supreme Court, and has been called the foundational stone of our present liberties.

The U.S. Constitution

Turning to more recent developments, the Constitution sticks out as the major contributor. A product of years of debate, the Constitution defines and outlines the rights that individuals possess, the power of the federal government to create and enforce laws, and the limits of punishments. As we know, in terms of criminal justice, the 5th, 6th and 14th Amendments contain the principles of due process.

We can also characterize the Constitution as a guide in which Courts draw upon in making their legal decisions.

Natural Law

The fundamental basis of the Constitution comes from what is called *natural law*. It can be defined as law that comes from outside the group and is knowable through revelation, intuition, reason, or prophecy. This has religious roots in the Bible as well as other religions. For example, the Ten Commandments.

In terms of the Constitution, we see the influences of natural law in statements such as "inalienable rights", and "truths held to be self-evident." These refer to the natural rights that men and women possess, before they are citizens of the country. In other words, we are born with these rights.

Mala in Se and Mala Prohibita

Emanating from natural law, is the belief that certain acts are inherently wrong, or evil, which are called *mala in se*. Which means *crimes against humanity*.

Many of these crimes include rape, murder, and other violent crimes. However, many states have developed broad "crimes against nature," which include things such as homosexuality, bestiality, oral copulation and other "perverse" sexual acts. The reasoning, again, draws from religious roots and morality that these crimes are inherently evil and wrong, as well as unnatural.

The other category, *mala prohibita*, refers to crimes that are wrong because they are prohibited by law.

We can see the parallels of these two distinctions to some criminological theories. *Mala in se* seems to parallel classical criminology, while *mala prohibita* relates to those theorists that believe crimes are social definitions.

PURPOSES OF THE LAW

Laws are created and implemented to provide protection and prevent victimization of individuals by those that tend to give in to individual desires. If you cannot conceptualize a society without laws, think

about countries that are involved in war and the atrocities that are committed.

Overall, laws are essential because they promote the social order, and promote stability in our lives. They maintain social values and morals, they also maintain the power structures in the country. They sustain our individual rights and they provide punishment for those that transgress the laws.

Laws are very difficult to change, primarily because they are rich with tradition and tend to support the predominate social order.

There are two primary theoretical schools on the purpose and role of law in terms of social change. The first is based upon the thinking and writings of [Roscoe Pound](#), who believed that law was a type of social engineering, and it must change with the times to reflect social needs. He is known for his development of a consensus theory about the origins of law, and that laws represent the majority of members shared social needs. As you might imagine, in our diverse society this would be very difficult. Therefore, he developed the *jurisprudence of interest*, which held that law should satisfy as many claims and demands of the various groups of people as possible.

Contrary to this theoretical school, is the school of thought led by *William Chambliss*, who contends that law is a tool of the powerful used to promote their own self interest, which is often in conflict with the needs of society. Whereas Pound's framework suggests a neutral role for the law, Chambliss argues that law is not neutral but used by the powerful in our society.

For example, our laws are based on written codes called **statutes**, which are a reflection of powerful interests in America pressing their moral beliefs upon others. Take for example, prohibition in the 1920's. This was advocated by a small minority and pressed by the Women's Christian Temperance Union, which along with other groups, were successful in having the constitutional amendment passed. So, it appears that our statutes and laws may not be a reflection of the majority, but instead, a reflection of those individuals that are better organized and able to press their moral beliefs upon others.

QUESTIONS

1. Please discuss the role that laws play in American society. In your discussion, address whether or not our society could continue without laws.
2. With the method in which our laws are made in America, are they simply a reflection of interest groups or a mirror image of all groups in society?
3. Please describe the differences between *mala prohibita* and *mala in se* offenses. Be sure to include examples in your discussion.

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LESSON THIRTEEN

TYPES OF LAW AND CATEGORIES OF CRIME

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Identify the different types of law
2. Describe the elements of a criminal act

LECTURE NOTES:

There are five distinct types of law in our country: criminal, case law, procedural law, civil law and administrative law.

Criminal Law

Crimes in our country are seen as detrimental to society as a whole; that is, society and everyone in it, are effected by criminal acts. More recent scholars contend that any criminal act tears at our social and moral fabric.

This is the reason that in criminal trials, it is the state versus the defendant, because the state represents everyone else in society. This makes sense for several reasons, one of them being that dead people cannot bring charges against someone.

Furthermore, [criminal law](#) can either be substantive or procedural. Substantive deals with the criminal act and subsequent punishment, on the other hand, procedural law pertains to the actual procedure of the criminal trial. For example, when over-zealous police officers violate our rights.

Case Law

[Case law](#) is simply the accumulation of decisions at the trial and appellate court levels. It is also known as *precedent*.

There are two primary dimensions of precedent: horizontal and vertical, both of which attempt to provide consistency and accuracy in court decisions. Horizontal suggests that courts at the same level should have similar findings in their decisions. Vertical refers to the idea that decisions handed down by higher courts should be taken into consideration by lower courts. Both of which lend to the predictability of law.

Procedural Law

As stated earlier, [procedural law](#) deals with the procedural elements of the criminal process.

Civil Law

While criminal law deals with the criminal aspects, civil law is the method by which we regulate all other types of relationships. For example, divorce, child support, wills, libel, unfair hiring practices, contract, etc., all deal with elements not covered in criminal law. As all of us probably know, violation of civil law is not a crime, but usually called a *tort*, because it is more concerned with assigning blame than intent.

The largest suit was filed here in good ol' Nevada. A couple had some bonds issued by the state in the 1800s and wanted to the cash them in. The state refused, and they sued for \$657 trillion, (the estimated worth of the bonds).

[Examples](#) of more recent well-known civil suits include individuals that have sued their doctor for the removal of the wrong appendage, etc., and the woman who spilled hot coffee on herself and [sued McDonalds](#) and eventually won.

Administrative Law

The last type of law is [administrative](#), which contains regulations for the operations and controls of industry and businesses. Examples include: health codes, construction codes, building codes, codes on the use of water, land, etc. All are administrative in nature.

The big fuss over these is that the government has made it impossible for companies to do anything because of the number of strangling regulations in place. What do you think?

GENERAL CATEGORIES OF CRIME

Now that we have a grasp of the historical and philosophical foundations of law, as well as the different types of law in America, we can now begin looking at the general categories of crime.

Misdemeanors

These are the less serious crimes that usually do not cause physical harm to an individual, such as disturbing the peace, disorderly conduct, etc. Another feature is that the punishment does not usually exceed a year in jail. In fact, most of the time, the individual receives a fine or is assigned community service.

Felonies

These are the more serious crimes, in which the individual faces substantial time in prison. These crimes include murder, rape, aggravated assault, etc.

One thing to keep in mind is that felonies and misdemeanors differ across states. That is, what is a felony in the south may not be a felony elsewhere.

Offenses

The third category includes crimes that are seen as an infraction, or very minor. Punishments for these only include a fine of some sort. For example, it is an offense to urinate or spit in public, one will receive a fine for such behavior.

GENERAL FEATURES OF CRIME

In order for a criminal act to legally exist, several features must be present. In fact, all of them must be present.

The first is the act must violate the law, called *actus reas*, which means guilty act. An *omission to an act* can also be a crime. For example, if you neglect your child you can be held in violation of the law. Also, *threatening* an individual can be considered a criminal offense. For example, threatening the President is not looked to highly upon. An *attempted act* may also be a crime, such as attempted murder or attempted rape.

The second necessary element is *mens rea*, which refers to the intention of the act, or the guilty mind of the individual. In other words, can we hold the individual accountable for his/her acts? This applies the principle of whether a reasonable person should have known better, and their actions might result in harm to someone. This does not mean that you have to intend to commit harm, only that harm results.

Concurrence

This concept is the nexus of intent and action. That is, the two must come together. If you intend to kill someone by shooting them, and go through all the actions to prepare, and then, on your way to kill them, accidentally kill them in an auto accident, no crime has been committed, because there is not a nexus of act and intent.

Harm

Regardless of the nature of the crime, every crime produces some type of harm. Think about victimless crimes, what type of harm do they pose?

Causation

There needs to be a clear link between the act and the harm inflicted on the victim. That is, your kick to the head must have caused the brain damage, etc.

Legality

This is obvious. A crime can only be a crime if it is defined as such. Also, criminal statutes are not retroactive, they only apply to future acts.

Punishment

A feature of our system is every crime must be accompanied by a specified punishment.

QUESTIONS

1. American society is governed by four major types of law. Please discuss the reasons underlying the necessity of these four types.

2. In order for an act to be considered "criminal" there are several elements that must be present. Please describe these elements within the framework of an actual criminal act.

3. Which of the following comes from outside the social group and is thought to be knowable through some form of revelation, intuition, reason, or prophecy?

1. criminal law

2. common law

3. natural law

4. case law

4. The principle of legality includes the notion that a law cannot be created tomorrow which will hold a person legally responsible for something he or she does today. This is known as

1. ex post facto law.

2. de hoc law.

3. ad hoc law.

4. de facto law.

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LESSON FOURTEEN DEFENSES TO CRIMINAL ACTS

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Identify personal, situational, procedural, and innovative defenses
2. Discuss the differences between the above defenses
3. Discuss the development and variations of the insanity defense

LECTURE NOTES

Defenses to criminal acts can be categorized into three areas: personal, situational, and procedural. One thing to remember as we discuss these various defenses, is that a [defense to a criminal charge](#) does not necessarily mean that a person denies committing the act in question. Only that some extenuating circumstance applies that may eliminate their culpability.

Personal Defenses

As the title of the category suggests, these defenses are based upon some kind of personal characteristic. For example, *age*, is a common defense for younger individuals. Essentially, the reasoning behind such a defense is that a child does not develop the ability to reason through logic until the age of seven. Currently, several states do not charge an individual under the age of 18 with a criminal offense. However, the tide is changing. Along with all the other get tough crime control policies, children of every age are being charged with criminal offenses.

A second defense, and one that most of us are familiar with, is the [insanity defense](#), which claims that the individual charged with the crime did not know what he/she was doing. In other words, they did not know right from wrong. There are many variations of the insanity defense, reflecting public outcry against the release of individuals claiming insanity.

The first variation is called the [McNaughten Rule](#), which states that an individual is not guilty of the crime, if at the time of the offense, he/she did not know the difference between right and wrong, due to a mental disability. This type of defense can be used in fifteen states. However, as more and more defendants used the McNaughten Rule, it became clear that this defense did not cover those individuals that were aware of the actions and the wrongness of them.

Hence, the *irresistible impulse* became a prominent defense. This suggests that the individual was overcome, unable to control their behavior even though they knew it was incorrect. The most famous case, at least recently, is that of Lorena Bobbitt. Her attorney was successful in claiming that Lorena was overcome by rage and oppression and took it out on his, well, his penis. She was found not guilty.

Another variation to the insanity defense is the *substantial capacity test*, which defines insanity as the lack of capacity to control ones behavior. This blends together the McNaughten Rule and irresistible impulse and is used in nineteen different states.

Guilty but insane is another type of defense that reflects society's movement toward the protection of

societal rights over the individual rights. This defense allows an individual to be held responsible for the criminal act, regardless of their mental condition. These individuals are sentenced as others, but must receive mandatory psychiatric counseling.

The last variation that we are going to discuss is the *temporary insanity defense*. While this defense has become very unpopular, it does still exist. Essentially, the individual using this defense claims that he is not guilty of the crime because he was insane at the time of the criminal act, but is no longer insane.

Moving on to other personal defenses, an individual can claim that they were *unconscious* at the time of the act, thus they cannot be held responsible. These individuals have usually suffered some kind of seizure, or may be sleep walking.

Other types of personal defenses include innovative defenses, such as the urban survival syndrome or black rage. The urban survival syndrome claims that these individuals have a "kill or be killed attitude," a product of the violent environment in which they live. Essentially, this defense contends that individuals have no other way to protect themselves from the violence around them, except to rid those that are threatening or harassing them. The black rage defense was provided by Colin Ferguson, who claimed that the societal mistreatment of blacks forced him to kill six people in New York.

Situational Defenses

Situational defenses claim that external pressures are the reasons crimes were committed. Therefore, personal responsibility is reduced due to these pressures.

The first and most well known is that of *self-defense*. This defense is used when individuals believe that their personal safety was threatened, therefore, they needed to protect themselves. It should be noted that limits exist. The first is that you must have tried to escape, secondly, you have to use reasonable self-defense, and cannot shoot someone who was punching you.

Another very common one is *entrapment*, which has been used in recent years by a number of well known individuals, such as John Delorean, and Mayor Marion Barry. Entrapment occurs when an individual was induced into the criminal act by a law enforcement officer. Stated differently, the officers create the opportunity for the act to occur. In the case of Delorean, he was successful in claiming FBI agents had set him up to buy drugs, and that he would not have done so not given the opportunity.

A third defense is known as *provocation*, which suggests that the individual was pushed to the point of committing the act.

The last situational defense that we are going to cover is *consent*. This is when the perpetrator claims he/she was given permission to commit the act. A very interesting case surrounds the use of consent as a defense. In 1993 a male claimed that the woman who he was charged with raping gave him consent by asking him to wear a condom. This was rejected and he was convicted.

Procedural Defenses

Procedural defenses include those defenses where upon an individual's due process rights have been violated, which can occur at the hands of the police, prosecution and the judges.

The first defense is *double jeopardy*, which means that under the 5th Amendment, you have the right not to be tried twice for the same offense. This means that once you are acquitted, or convicted, you cannot be tried again for that same offense. There are some caveats that you need to be aware of. First, this does not apply to a trial error or a hung jury. Secondly, since federal and state courts are different jurisdictions, you can be charged with the same crime at each different level.

The next procedural defense is *selective prosecution*, which protects individuals from discriminatory prosecutorial practices, such as being prosecuted because of ethnicity, gender, age, or religious preference, etc.

A third defense is *prosecutorial misconduct*, which can be used if the defendant believes that the prosecution knowingly permitted perjury, hid information or provided bias arguments.

QUESTIONS

1. Which of the following is a situational defense?

1. self defense
2. double jeopardy
3. urban survival syndrome
4. insanity

2. Which of the following is **not** a personal defense?

1. infancy
2. involuntary intoxication
3. unconsciousness
4. both a and b are not personal defenses

3. The use of the *insanity defense* has been somewhat controversial throughout American history. Please discuss your feelings on the use of the insanity defense. Be sure to address the concepts of individual responsibility in your response.

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LESSON FIFTEEN HISTORY OF POLICING

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss the historical development of police in England and America
2. Discuss the four different era's in American Policing
3. Identify the differences between English and American Policing

LECTURE NOTES

Introduction

We are going to look at the history of policing in those countries that have influenced American policing, then work our way toward the history of the American policing establishment.

Europe

Numerous ideas concerning community policing, crime prevention, the posse, constables, and sheriffs that America adopted were developed by English law enforcement.

900 A.D.: The role of law enforcement was placed in the hands of the citizens, called Kin Police. Individuals were considered responsible for their relatives, hence the saying, "I am my brother's keeper." This model slowly developed into what is known as the community model.

1066: After the Norman conquest, a general centralization of government occurred, along with the development of a "sense of collective security." For example, a **frank pledge system** was established, which required every male above the age of 12 to form a group with nine of his neighbors, which was called a **tything**. If any member of the tything failed to perform his required duties, all members would be fined.

Ten tythings were grouped into a **hundred**, which was directed by a **constable**; the hundreds were grouped into **shires**, which are similar to the present day counties. The shires were supervised by a **shire reeve**, otherwise known as a sheriff. Traveling judges (circuit) were also created. This was the first time there was a separation of law enforcement from judiciary functions.

Due to inadequate supervision, the frank pledge system began to slowly disintegrate, and was replaced by the **constable system**, where one man from each parish served a one year term as a constable on a rotating basis.

1737: England began collecting taxes for the first time to fund a **paid watchman system** which operated 24 hours a day. Despite all these periodic attempts, England's crime problem remained stable and even increased, which led to an era of innovation in policing within England.

English Reformers

1750: The first reformer was [Henry Fielding](#) who was able to advocate change and spread awareness about social and criminal problems facing London and in 1750 organized the **Bow Street Runners**, which were responsible for patrol, investigation and arrest. This was the first group organized around crime prevention.

From 1750-1820 the population nearly doubled in London, which led to large increases in industrial growth and breakdowns in formal and informal social control. Crime, riots, disorder and public health problems plagued the cities, thus, the constable-watch system could no longer deal with social problems. Therefore, changes to the system were inevitable.

We see the rise of a preventive police force in early 1800s (1829) and the role of the **London Police** was primarily crime prevention, but also to enforce the laws and to exert its authority. To accomplish these tasks, it was very important that the police gain legitimacy in the public's eye, which was done through the talents of [Sir Robert Peel](#). Peel placed rigorous attention to professionalism and accountability in London's first major police force. In order to accomplish these lofty goals, Peel and his associates selected men who were even-tempered and reserved. They chose unassuming uniforms, and insisted officers be restrained and polite. They also meted out appropriate discipline, and did not allow officers to carry guns.

American Policing

The history of American police is generally described by researchers in **eras**. They are the **political entrenchment era, the reform era, the professional era and the public and community era**. The eras are directly influenced by external social events, therefore, an understanding of American policing is an understanding of the major American social and cultural movements as well.

As we have been alluding to, the American system closely resembled the English system, primarily with the sheriff becoming the most important law enforcement agent in the young colonies. He was responsible for apprehending criminals, collecting taxes and serving subpoenas. Law enforcement activities were the lowest of the priorities. Early on, American cities grew at rapid rates; civil disorder swept the nation, and crime was perceived to be increasing. For example, New York grew from about 33,000 in 1790 to 150,000 in 1830.

American police systems began to appear almost overnight from 1860 to 1890 and were a part of a growing range of services provided by urban administrations. For example, sanitation, fire, and health related services also increased in availability, therefore, the police were simply a part of the natural growth of governmental service. In the larger cities, such as New York and Boston, **night watch systems** were developed to keep watch for fires, maintain street lamps, and generally walk the rounds. Activities were primarily reactive in nature.

While the first American police departments modeled themselves after the London Metropolitan Police, they borrowed selectively rather than exactly. They adopted the preventive patrol concept, reasoning that a police presence would alter the behavior of individuals and would be available to maintain order in an efficient manner. Alternatively, there are numerous differences.

Differences

For example, the London Police were highly centralized, recruited individuals who fit a particular mold, and provided rigorous training. The Bobbies were encouraged to look upon police work as a career in professional civil service.

American departments on the other hand, were highly decentralized, and extremely political. Officers were recruited and selected by political leaders. More importantly, American police did not look for institutional legitimation, instead they drew it from the community. That is, the officer shaped his behavior according to community norms and standards, which led to many different types of policing across the cities, as well as considerable amounts of discretion.

American forces differed also in that the police officer owed his allegiance to the "ward" boss and police captain. Due to this, there were high rates of turnover even despite their fairly good wages. Other differences dealt with training. For example, new American officers were sent out on patrol with little or no training and few instructions beyond their rule books, basic arrest procedures and rules of law were generally unknown to the new officers.

From about 1860-90, the police were involved in assisting the poor, taking in overnight lodgers, and returning lost children to their parents or orphanages. In the period from 1890-1920, the police changed their role, structure, and behavior because of external demands upon them.

Political Era

The first policing era has been called the Political Era.

Political entrenchment: Around the turn of the century, most government agencies were transfixed under the iron fist of the politicians. Policing agencies were not only responsible for enforcing city laws, but were also the primary social service agency of the time. Therefore, they had a direct impact on the constituents way of life.

The lawlessness of the police, their systematic corruption and non-enforcement of the laws, was one of the paramount issues in municipal politics during the late 1800s. In fact, [police corruption](#) was part of broader social and political problems. Primarily during this period, political machines ran municipal governments. For example, police chiefs were selected according to their allegiance to the ranking political figures, not their experience or expertise in law enforcement. Since police officers worked alone or in small groups, there were ample opportunities for police indiscretions to take place, such as

shake downs of peddlers and small businesses. These types of problems led to inefficiency and inequality of police services. These behaviors were not endemic only to policing agencies, but were common throughout most governmental agencies.

Reform Era (1900-1919)

The second era, and the first attempt to reform government agencies, is known as the Reform Era. It entailed considerable changes to all governmental levels; local, state and federal.

Progressivism was a mood that embraced many separate but parallel movements during this time. For example, antitrust, railroad regulation, and the reform of municipal government were all movements of the Reform Era. It was a prevailing sense that American institutions had to be changed to adapt to the demands of a growing urban-industrial society. They sought improvements in government, and desired a change in American morality. They believed by separating politics and administration within government agencies that efficiency and effectiveness would follow. They also believed that agencies should be led by experts, not political hacks, and that an agency's staff should be selected on the basis of objective qualification, not political allegiance.

To improve conditions of government agencies, they recommended three primary changes: centralization of the departments, personnel should be upgraded, and the police function should be narrowed to law enforcement activities only.

Despite these attempts, police departments remained under political control. There were however, increases in training and discipline. Secondly, police officers resented the Progressive's interventions, and consequently, the reforms failed because the idea of policing could not be divorced from politics. This failure was felt in all government agencies.

1919 Year of Crisis: Defining Year in American Policing

During 1919, the news media was filled with scare stories about increasing crime and the overall breakdown of law and order in American society. This contributed toward the development of hard line public attitudes concerning criminal justice issues.

In addition, the "Red Scare," the fear of communism, swept the country. The FBI became heavily involved and perpetuated the "scare." This represented the most ominous aspect of the nationalization of crime control in America up to that time. In fact, this was the first time federal authorities became largely involved in criminal affairs. It resulted in political repression becoming part of the federal criminal justice machinery.

Further, riots based on racial violence swept the country during what has been called the "long hot summer of 1919." The police played a major role in facilitating the riots with their racist practices and behaviors. The violence can be seen as a response to the initial phase of a major social change.

Specifically, the riots of 1900-1919 were a result of the great migration of minorities to the cities. Whites tolerated the minority presence in the city as long as racial segregation confined them to certain jobs and neighborhoods, away from white neighborhoods.

Another factor adding to the disruption of 1919 came with the rise of police unionism and the Boston police strike of that same year. This movement was, however, firmly defeated by 1920. The defeat of police unionism led to and fostered the development of a distinct police subculture. The alienation and anger of police officers began to express itself in terms of suspicion and hostility toward the public and separation from the administration. Police executives, on the other hand, found that their hand strengthened. In fact, the management style of American policing became steadily more bureaucratic and authoritarian in the decades that immediately followed.

Overall, then, the year of 1919 especially exacerbated fears concerning communism and crime, riots in the major cities and the effort to promote police unionism. It marked a turning point in the way governmental institutions were operated.

Professional Era (1919-1967)

The second major effort to reform governmental agencies came on the heels of the Progressive movement and is known as the Professional Era. Unlike previous attempts, this reform began within policing and entailed adoption of a professional model with numerous characteristics. Reforms included the development of officers as trained experts, creating departments autonomous from external influences (such as political parties), and the commitment to the highest standards. Lastly, departments became oriented toward administrative efficiency.

Two competing definitions of the police mission emerged. The first was *efficient crime control* and *scientific crime detection* through the use of crime technology. The second was the *social work model*, which attempted to help the individual, often by diverting them out of the criminal justice system. By the 1930s, the crime control model prevailed and was clearly the dominant and preferred model of professional policing. It remained so until it was challenged again in the 1930s.

As previously stated, the progressive commitment to rehabilitation gave way to a get tough attitude toward crime and criminals. The crisis of 1919, gang violence and the sensationalized crimes in the 1930s, all reinforced the concept of a national crime wave and began the **Crime Control Decades (1920-1940)**.

It should be noted that despite the ongoing publicity about a national crime wave during the 1930s, the actual level of serious crime increased only slightly. Overall, Hoover, the director of the FBI, played a major role in creating the hysteria of the 1930s. He skillfully manipulated the media and transformed a group of otherwise ordinary criminals into national public enemies, especially Gangsters. So we move from the Red Scare (fear of the communists) to the fear of Gangsters (again, outsiders, this time Italians).

By the end of the decade, Hoover had carved out his role as the nation's top cop. Furthermore, FBI procedures were regarded as the very essence of police professionalism. Importantly, the UCR was created to keep track of the crime rate and subsequently, success in policing was defined by the fluctuations of the official crime rate and the percentage of crimes cleared. This drew attention even further away from the noncriminal, social-service aspects of policing and more toward the law enforcement duties.

The end result was a reorientation of the idea of policing, emphasizing tough and efficient crime fighting. Emphasis on scientific crime detection, the adoption of firearms and the development of a military mentality, known as the "war" mentality, faded the social service aspects of the police role into an eclipse.

As the 1940s and 1950s rolled around the social and economic dislocations wrought by the war effort produced renewed racial disorder. In 1943 several riots plagued American cities and were the result of numerous changes in American race relations brought on by WWII. The riots of 1943 were a foreshadowing of even worse racial conflicts in the mid-1960s. Urbanization and segregation increased at a more rapid pace. Police responded very differently to the migration of both blacks and whites to the industrial cities of the North, Midwest, and West Coast. This time, they attempted to improve community relations, instead of increasing the gap created by racial dislocation. Violent racial disturbances disappeared after 1943, just as they had after the 1919 outburst, but police-community-relations programs became an established part of American police administration.

This second movement of professionalism was more effective because it began within the policing establishment and was led by respected chiefs such as **August Vollmer** and **O.W. Wilson** during the 1950s. Vollmer is best known for his innovative work in developing college level police education programs, the development and implementation of bicycle and automobile patrols, and the implementation of scientific crime detection aids. O.W. Wilson, who was Vollmer's student, continued many of these endeavors, using scientific techniques to increase department efficiency. He wrote what many considered the major textbook in Policing called "Police Administration."

While both of these historic figures played a major role in advancing police professionalism, technological changes also aided in the pursuit and provided the most dramatic changes to the field of policing. For example, the development of the **two-way radio** allowed them constant contact between officers and their supervisors. **Telephones** provided the link between the community and the police, and the **patrol car** allowed for more efficient patrol methods. They all changed policing forever, and efficiency became the ultimate organizational goal.

This quest for professionalism and efficiency later became the primary cause for policing failures in the 1950s and 1960s, with crime nearly doubling in the 1960s. As crime increased, so did the social demands for its reduction. The police, in emphasizing their ability to fight crime effectively, had given the public a false expectation of their capabilities in reducing crime and violence. In the end, during the turmoil of the 60s, the police were unable to live up to their crime fighter image. Instead, the police

became a symbol of a society that denied racial minorities equal justice. Riots engulfed almost every major city between 1964 and 1968, including Los Angeles, Newark, and Detroit. There were 45 riots in all. The accomplishments and innovations of police reform up through the 1950s set the stage for the police-community-relations crisis of the 1960s.

This crisis coincided with two other important developments: a dramatic rise in serious crime and the intervention of the federal courts into law enforcement practices, which are independent phenomena. That is, the increases in crime are unrelated to the increases in individual and civil rights. The increase in crime during the 60s was in part attributable to the post-war baby boom when the population grew by over a million people every year.

In terms of the Federal Courts, we see them taking a more active role in issues concerning the police, especially with the Supreme Court cases of **Miranda v Arizona**, **Mapp v Ohio** and **Terry v Ohio**. The police began to feel restrictions tightening on their behavior.

The Professional Movement, while it may have led to more efficient recruitment and training, had two major unintended consequences. They were the development of the police subculture (isolation from the department and community), and the problem of police and community relations (automobile and impersonal style of policing). A half century of professionalization created police departments that were vast bureaucracies, inward-looking, isolated from the public, and defensive in the face of any criticism.

Community Era (1960s-present)

The pervasive sense that society no longer worked, and the basic social institutions were no longer capable of serving the needs of the American people. The crises of the 1960s were those of law, order, and justice. The polarization over law and order brought the issue of criminal justice to the forefront of national politics. This led to a national commission, called the **Kerner Commission**, which was formed to investigate the causes of social unrest. They identified unemployment, discrimination in jobs and housing, inadequate social services, and unequal justice for citizens. In terms of the police departments, they found police conduct was brutal, harassing and an abuse of power. Training was inadequate and police community relations were very poor. Finally, the employment of black officers was far behind the population.

This led to the creation of a federal crime commission, and considerable federal assistance to state and local policing agencies under the **Law Enforcement Assistance Administration**. For the first time, considerable research opportunities existed for academics. The research revolution that started during the 1960s produced some astonishing findings:

- 1) An American Bar Foundation study (1960s) identified the vast discretion held by policing officers, which led to the development of standard operating procedures. They also found the majority of police work did not involve criminal activity, but service

activity.

2) The Kansas City Preventive Patrol Experiment (1972) found that increased patrol did not reduce crime and had no appreciable effect on citizen awareness about police presence. At the same time, reduced patrol did not lead to increased crime or increased citizen fear of crime.

The police-community relations movement had a variety of effects on police organizational thought and operational practices, such as decentralization, focus on order maintenance, and the emphasis on citizen rights. This was also propelled by the reduction of federal funding for local departments, with the LEAA being terminated in 1977. This created many budgeting problems for agencies and forced them to find innovative ways to deal with their increasing workload, which has led to increases in citizen participation in law enforcement, especially COP and POP.

Conclusion

As can be seen, a number of present day issues have their roots in different epochs of American history. For example, the idea of community policing can be traced to the colonial period and to medieval England. Preventive patrol, legitimacy, authority and professionalism are 18th and 19th century concepts. Thus, by virtue of studying history, we can give contextual meaning to current police problems, ideas, and situations, helping us to better understand today's issues and problems.

QUESTIONS

1. Jonathon Wild, a Bow Street runner, broke up a fencing operation built around a group of robbers, thieves, and burglars in the early 1700s.

_____ True or False

2. Policing in early America has been described as decentralized, geographically dispersed and highly personalized.

_____ True or False

3. The Statute of Winchester

1. created the watch and ward

2. created the "hue and cry"

3. provided that citizens maintain weapons in their homes to answer the call to arms

4. all of the above

5. A and B only

4. Which of the following was NOT a characteristic of the "New Police"?

1. They believed that it was possible to deter crime by preventive patrol

- 2.They were uniformed
- 3.They resembled a military organization and adopted a military administrative style
- 4.They occupied fixed posts throughout the city

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LESSON SIXTEEN

EXTERNAL INFLUENCES ON POLICE ORGANIZATIONS

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- 1.Discuss the external influences affecting policing organizations
- 2.Identify the different types of police departments
- 3.Discuss the diversity of policing in America

LECTURE NOTES:

Political/Legal Context

Primary shapers of the American police are society and government. The environment in which police operate is very unique, composed of political, economic and social forces. Policing systems operate within a governmental structure. This structure shapes the character of the nation's police. While government is but one institution that controls human behavior, it is by far the most formidable, and the most formal, in terms of formal social control systems.

Democratic systems of government are built upon a delicate balance between individual rights and the collective needs of members of society. Too much order or too much law threatens the principles of democracy. If individual rights are neglected in favor of societal rights, government ultimately would become totalitarian and repressive. Alternatively, if individual rights are favored over societal rights, a state of anarchy would ensue. The critical task of the police is to maintain effective social control while at the same time preserving democratic freedom. The police presence in society is also intended to preserve order by serving as a deterrent to misconduct.

In addition, the prevailing political party, either at the local, state or federal level can also affect policing agencies. For example, conservatives tend to be identified with a "crime control" get tough orientation, therefore primary emphasis is placed on increasing the ability to capture, detain and incarcerate criminals. On the other hand, liberals tend to be associated with "due process" reform orientation, hence, emphasis is placed on developing broad social programs that target the rehabilitation of criminals. An example would be the 100,000 COPS program that Clinton implemented. It is widely believed that a conservative President would not have initiated such a program.

Economic/Social Arena

The economy provides additional pressure on both society and policing organizations, mainly because of the correlations between poverty and crime. In fact, Aristotle noted that "*Poverty is the parent of revolution and crime.*"

One of the largest economic problems has been the rapid decay of our inner cities. Currie (1994) contends that the deterioration of the inner cities, which occurs through economic disinvestment, is one of the major problems confronting society, and leads to the deterioration of families, neighborhoods, communities and individual self-worth. All of which became problems the police must handle.

America has extremely high income polarization, with recent data suggesting that the gap between the "haves" and "have nots" is still growing. In fact, the rich are getting richer, the middle class is shrinking, and the poor are getting poorer. Similarly, there are numbers of what has been termed the working poor, those individuals that work full time, but just escape the federal poverty line. These increases create considerable tension among and between social classes. Furthermore, as companies downsize and move toward the use of non-permanent workers (nearly 60% of employees), more and more tension is created within social classes. For example, affirmative action becomes a major issue during times of economic uncertainty. Moreover, fewer individuals have benefits such as health care and retirement plans, which creates even more instability. Overall, economic downturns and uncertainty creates considerable apprehension among citizens, which is played out in the social arena calling for police attention.

Crime Rates

Although crime rates have been decreasing nationwide, citizens are still calling for tougher sanctions against criminals (three strikes and you're out; transferring juveniles to adult court, etc.) which have and will continue to cause dramatic increases in incarceration rates. Ironically, research has consistently found that the "get tough" approach has little deterrent or rehabilitative qualities. Against this background, **fear of crime** is still increasing and is now becoming a major focus of policing agencies.

Overall, the political, economic, and social arenas provide a very unstable environment for police agencies to operate. At the same time, variation across and within communities provides more pressure. Essentially there is continuous interaction between the economic, political and social spheres that affect the activities, goals and effectiveness of policing agencies.

Types of Departments

Adding further to the complexity created by external factors, internal factors also play a major role. In of the most classic studies on policing organizations, Wilson (1968) found three different styles of policing. Although a dated study, it has considerable relevance today:

Watchman style: is concerned with public order and serious crime. *High levels of discretion* are used with two criteria for enforcing the law. They are taking action against serious offenders and ensuring that domestic tranquility is maintained.

Legalistic style: is when authority is highly centralized or bureaucratic and requires officers to enforce one set of uniform standards on the public. It has *lower levels of discretion*, suggesting that no alternatives for resolution exist except for the CJ process.

Service-style: is found primarily in homogenous middle class communities that generally surround large cities, consider all calls to be serious. The main function is protecting the community from unruly teenagers or criminals from outside the community and performing services for the citizens. In comparison to the other two types, discretion does not play a major role.

It is important to remember that not all agencies ascribe to a single classification, but may utilize variations of all three types. Different sections within a department may ascribe to different styles of policing, which may cause them internal discrepancies.

Roles or Functions of Police

In looking at the roles or functions of the police, we find that most of our knowledge about the police comes from a variety of sources, not always the most complete, either. Our perceptions of the police seem to be formed by the media, direct and indirect observations and personal experiences. These perceptions, especially when aggregated, provide an important factor affecting policing agencies and community relationships, which in turn greatly affects the role and effectiveness of the agencies.

Besides enforcing the law, police, in many jurisdictions, have been called upon to perform many different tasks, from rescuing the proverbial cat from the tree to providing assistance to lost individuals. There are four primary areas of responsibility: **law enforcement** (investigate, arrest, interrogate), **order maintenance** (moving panhandlers, drunks, teenagers along), **miscellaneous service** (assisting motorists), and **convenience norms** (issuing parking tickets, direct traffic).

Obviously, the activities the police engage in are the results of complicated social and political processes. As we saw in the discussion on external factors, local government, city council, mayors, and city managers will attempt to appease citizen constituents by pressuring various governmental agencies to provide expected services. Similarly, different citizen requests may force policing agencies in the same cities to concentrate on different activities. Importantly, these very different tasks can lead to considerable role conflict within policing agencies and across policing agencies, especially between law enforcement orientation (real policing) and concentration on order maintenance activities (what has become known as soft policing).

As we have seen, police engage in more activities than merely law enforcement. In an attempt to better describe police activities, numerous studies have been undertaken to examine the percentage of time

devoted to various activities. A summary of the findings are as follows:

Cummings and his colleagues (1965) found that nearly 50% of calls to police were dealt with through problem solving.

Wilson (1968) found 10% of calls related to law enforcement, 30% to order maintenance, 22% to information gathering, and 38% for service.

Obviously the crime-fighter image of the police is an inaccurate description of their primary activities. In fact, the typical officer rarely makes a felony arrest, and it is not uncommon to find that few officers have ever fired their weapon in anger. Rather, the research indicates that most police work involves peace-keeping or order-maintenance, where there has been no violation of the criminal law.

QUESTIONS

1. James Q. Wilson's legalistic style of policing has also been referred to as "laissez faire" policing because officers avoid involvement in disputes which do not break the law.

_____ True or False

2. Which of Wilson's policing styles is becoming increasingly popular today?

1. watchman

2. legalistic

3. service

4. paternalistic

3. Utilizing Wilson's departmental typology's for police departments, please describe the policing organization in your city/town.

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LESSON SEVENTEEN

COMMUNITY POLICING AND TRADITIONAL POLICING

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the differences between traditional and community policing
- Identify the critiques of community policing

LECTURE NOTES

Police Management

Refers to the administrative activities of controlling, directing, and coordinating police personnel, resources, and activities in the service of crime prevention. It also refers to the apprehension of criminals, recovery of stolen property, and the performance of a variety of regulatory and helping services.

This is a broad definition of the activities in which police engage. In the previous lesson, we discussed the three types of departments/policing:

1. *Watchman*--primarily concerned with order maintenance
2. *Legalistic*--adheres to "letter of the law" in law enforcement activities
3. *Service style*--a concern with helping rather than strict enforcement, more likely to use community resources, drug programs, etc.

In another previous lesson, we discussed the four different eras that policing agencies have been characterized as going through. The most recent one being the community era, in which the police have attempted to recouple themselves to citizens in the community in order to solve community problems.

The most recent development is [community policing](#), which is an effort to involve the community in solving the problems faced by the police and vice versa. This approach to policing envisions the police and members of the community as sharing responsibility for the solutions of problems which exist within the community.

Alternatively, **traditional policing** is characterized by rapid response, and a centralized organization geared to the reduction of major crimes. Internal looking with little outreach to the community.

Differences between the two:

| Function | Traditional Policing | Community Policing |
|---------------------------------|-----------------------------|--------------------------------|
| Role | solving crimes | problem-solving |
| Organizational structure | hierarchical | decentralized |
| Functions of the officer | administer the law | work with the community |
| Accountability | to the organization and law | to the community |
| Professionalism | swift response to crime | keeping close to the community |
| Effectiveness | response times | public cooperation |
| Discretion | none | considerable |
| Efficiency | detection and arrest rates | absence of crime and disorder |

| | | |
|-------------------|---------------|---|
| Priorities | Type I crimes | whatever problem disturbs the community |
|-------------------|---------------|---|

QUESTIONS

1. Discuss the critiques of community policing.
2. Which types of communities (in terms of socioeconomic characteristics) would most likely have a watchman style of policing?
3. Why do community characteristics contribute to the development of a particular kind of policing style?

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LESSON EIGHTEEN RECRUITMENT OF POLICE OFFICERS

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

1. Discuss those characteristics which identify a good police officer
2. Identify external constraints on policing organizations in terms of recruitment

LECTURE NOTES

Introduction

It is important to gain an understanding of those individuals hired to keep civil order in America. The best way to achieve this is to examine the selection and hiring process, and the socialization and promotion of individuals in policing agencies. This is extremely important because the police are first and foremost a public agency accountable to citizens and must also operate an efficient and effective organization. All of which can be undermined through inadequate personnel.

Factors Affecting Police Selection and Recruitment

Any organization, private and/or government, can only operate at high levels of effectiveness and efficiency if they have quality employees. Unlike private organizations, public organizations have a mandate to provide equitable services to citizens in an effective manner while remaining accountable to their citizenry. The first step, of course, is attempting to select those individuals that provide the best fit for the organization and its goals.

What are Policing Departments Attempting to Achieve? Pugh (1986) contends that a good police

officer, is something that all the selection and training programs are attempted to find/create. A good officer has the values, principles, and ability to appropriately select, blend, and fulfill the different roles of policing (law enforcement, maintaining order, public servant), according to the demands of the job situation.

In addition he/she must have *common sense, mature judgement and problem solving capabilities*. In a similar vein, the officer must develop the correct policing concepts, entail the concepts of police work as an effort to improve the welfare of the community and to prevent crime and disorder. Secondly, they should have the concept of high respect for individual rights.

External Constraints

Affirmative Action

One must consider the implications of equal opportunity laws and court decisions as they relate to police personnel policies. In fact, state and federal laws, along with court decisions, provide strict parameters in which police administrators must operate. Ultimately, police administrators must develop and adopt policies that balance the need to select the best qualified applicants with a need not to discriminate against females and minorities.

Affirmative action has its roots in Title VII of the 1964 Civil Rights Act, which was the first attempt through federal legislation to prohibit discrimination in employment. While a broad act, there are two areas that the text identifies as important to policing agencies:

- 1) It prohibited discrimination for persons falling into certain classifications, i.e., race, sex, color or religion.
- 2) Was interpreted to mean that employers could not discriminate against classes or groups of people that were protected by the Act. The difference between the two is that the former is discrimination based on an individual, while the later is based on a group that the individual belongs. Most suits have been filed under the former.

Court Decisions

Griggs v Duke Power Co (1971) found that:

- 1) it did not matter if discrimination was intentional or not;
- 2) that once a plaintiff established the existence of discrimination, the burden of proof fell upon the defendant agency to prove that its selection procedures were a business necessity.

While there are several methods in which to determine the existence of discrimination, policing agencies have relied primarily upon disparate rejection and population comparisons. In terms of disparate rejection, the courts have examined how well one group of individuals (females) succeeded in passing

the various selection requirements in regards to other groups (males). If the rate of acceptance for one group is 80% or less than the other group, the courts have determined that discrimination is taking place. The most known example is the old height requirement that many agencies had. However, it eliminated 95% of women and only 32% of the men, far below the 80% cut off.

This leads to another important point, Title VII required agencies to prove that their hiring requirements and procedures were necessary for the job and were not arbitrary and capricious.

For example, is it necessary that a police officer be taller than 5'7" or that he/she be able to run a mile and half under a certain time? This led many agencies to either conduct extensive research and develop new standards, or to fall under court order or establish their own self-imposed quota system, which was the route many took.

These "stringent" requirements for public agencies, however, have slowly been eroded away through changing social values and a dominant yet conservative Supreme Court.

Wards Cove Packing Co. v Antonio (1989):

This is important because it recognized the concept of reverse discrimination brought out in the Bakke decision (1978). In particular, the Court stated the use of statistical data based on whole populations was inadequate to determine discrimination. Instead, it should be based on individuals seeking employment. Ultimately, the only cases that could be brought to Court under Title VII were those with overt discrimination.

Equal Employment Act (1992):

An attempt to clarify the legal doctrine surrounding affirmative action. The Act stated two important adjustments. First, it prohibited the use of statistical or other adjustments that would give minorities an advantage over other candidates in the selection process. Secondly, the act reintroduced disparate impact (population comparisons) as a method. This act is very similar to the *Griggs* decision, but does not allow for any type of score manipulation, etc. for minorities.

Recruitment

As previously discussed, police agencies must make a concerted effort to ensure that hiring achieves some level of race and gender parity. In fact, studies show that organizational effectiveness and equity are increased when the department better reflects the diverse composition of their community.

In general, the larger organizations have begun to "**screen in**" their applicants rather than "**screen out**" the undesirables. It is argued that this method identifies the best qualified applicants and selections are then made from the quality pool. On the other hand, "screening out" applicants leaves a pool of mediocre applicants. As with any position, there are minimum standards required for individuals to be

able to become police officers. However, due to the numerous differences across agencies, there remains to be found any consistency, but some generalities can be made.

Residency

Departments have the option of hiring individuals from their area or engaging in a much broader search. While it is nice to have individuals with some type of communal roots working for the department, it is possible that this type of practice may not provide enough qualified individuals since there is such a limited pool of applicants. On the other hand, expanding your range increases the possibility of gaining a much more qualified pool of applicants.

Age

In looking at age, most departments have a minimum age requirement of 21. However, it is not unlikely to see departments hiring 18 year-olds in order to increase their chances of finding qualified individuals. Interestingly, many departments also have maximum age limits for hiring, somewhere between 30-40 years of age. For example, the FBI will not hire anyone over 37. The rationale is that the department cannot maximize that individual's potential when he or she is too old.

Vision

Because of the nature of police work, adequate vision is a necessity. Most departments have some type of low end policy, however, there is considerable variability across departments. It is not uncommon for departments to have a very strict policy of 20/20 uncorrected vision under the auspice that it is dangerous to wear contacts during regular duty and that poor vision may cause blurring that will endanger the officer. Research, however, has found that the likelihood of either case of occurring is extremely rare at best. This provides a good example of an arbitrary policy that has little to do with officer safety and that may keep many otherwise qualified individuals out of the applicant pool.

Educational Standards

This has been an area of constant debate and has generated considerable research. In fact, most criminal justice departments used to be based on educating individuals to become police officers. They believed higher education lead to better qualified officers in terms of problem solving ability and creating a better understanding of people and communication. Opponents, however, contend that higher education has little effect on the effectiveness of police officers and these educated recruits may instead create problems for the department.

Despite the controversy, most departments (86%) require a high school diploma, while a few (4%) require some college, 7% require a two year degree and 1% require a four year degree. Again, if departments require some sort of educational requirement, they are effectively limiting their pool of potential applicants unless they actively target college campuses for recruits. In terms of legal issues,

requiring some level of education beyond high school was found to be legal in a case in Dallas, Texas.

Physical Agility Standards

Due to the obvious physical nature of police work, many departments have long required individuals to have a minimum level of physical fitness, which has, at times been gauged by height and weight. Most prominent now are agility tests given to possible recruits. As you may imagine in our litigious society, many of these tests have been challenged in courts across the nation, with some courts invalidating the requirements while others have validated them. In addition, the outcomes of these cases require agility tests to be based on the job and what is required of the individual to perform his/her job. Agility, flexibility, fat composition, strength and cardiovascular capacity are areas in which most departments test.

Background and Work History

In order to assess an individual's "human" qualities, departments conduct background checks that can be very thorough. They contact old and new friends, teachers, former and present employers to find out information concerning driving records, criminal behavior, drug and alcohol usage. Patterns, types of drugs, involvement in sale or distribution and recency of usage, honesty, interpersonal relationships, work habits, etc. are also looked at.

In addition to the background check, most departments also require individuals to submit to a polygraph test. Since most behavior, especially drug usage, can be done in solitude, these tests provide an unbiased look into the individual. Because of the prevalence of minor drug usage, agencies are finding that they cannot have a "zero tolerance" attitude when it comes to hiring people; especially if someone smoked pot several years before and does not engage in it anymore.

Medical Screening

Since police agencies are accountable to the public, they must ensure that their employees are mentally and physically capable of the position. Therefore, most departments initiate some kind of psychological screening (MMPI, CPI). This helps to weed out those individuals with overt problems that may later prove harmful to the citizens they are supposed to protect and serve.

QUESTIONS

1. Discuss those characteristics, which you believe, make a good police officer.
2. Is it important that policing organizations abide by affirmative action laws? Why or why not?

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LESSON NINETEEN

ETHICS AND DEVIANCE

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- 1.Explain civil liability issues in policing
- 2.Describe efforts to professionalize the police
- 3.Describe different types of police corruption

LECTURE NOTES

Ethics

In a formal sense, the study of ethics is a specialized branch of philosophy and is an attempt to subjectively evaluate behavior in terms of ethical or moral principles. Morality can have many meanings. For some it means the capacity of an individual to make judgements about what is right or good, while for others it describes a person whose behavior is ethical. While some behaviors can easily be categorized as right or wrong, the increasing use of order maintenance policing places officers in circumstances where there is no clear delineation between right and wrong, but instead there are gray areas. Therefore, the situation forces officers to choose among competing values in order to base his/her judgements. Consequently, determination on whether or not an officers actions were ethical, requires an understanding of the context in which the decision was made.

Originally, considerable attention was paid to those areas in which there was consensus as to appropriate and inappropriate behavior, for example, bribery, extortion, etc. However, more recent concerns, and probably the most interesting in terms of ethics, are those gray areas of behavior where there is not consensus to the appropriateness of behavior, such as the use of discretion, appropriate use of force, and acceptable limits for undercover operations.

Sources of Ethics

Within this context, that is the "gray areas" of behavior, there is a foundation of values and ethical standards that drive the decisions of law enforcement personnel. Therefore, defining ethical behavior becomes contingent on the context as well as the source that the officer draws perceptions of right and wrong. This of course creates a situation that can be viewed as either ethical or unethical depending upon the source of evaluation. This foundation includes the concepts of **justice, laws, agencies policies, codes of ethics, social norms and personal values.**

Justice

This term is difficult to define. However, for many it implies fairness and equity (which of course is an ambiguous term itself). Most often, people are unable to actually define justice, but can point to examples of it. For example, people starving on the streets. Most important, is to understand that justice depends on an individual's perspective and the circumstances, that which appears to be just to a police officer, may be seen as unjust by the individual arrested.

Law

The role of law in a democratic society is best understood in terms of how and why the government was created and structured. The sole legitimate purpose of government, according to those that framed the Constitution, was to protect life, liberty, and property. While the most pronounced dangers were the factions of individuals that could unite and undermine the interests of others in communities.

Secondly, and often overlooked, is laws also control the behavior of those within government. This can be evidenced by the structure of government, especially the separation of the three branches of government. Separation makes it virtually impossible for one individual to obtain enough power to become oppressive. Therefore, we can see the law has two primary functions in a democratic society; to control the actions of individuals and to control the actions of the government.

Agency Policy

Every law enforcement agency operates under a set of policies or guidelines, usually under the guise of formal policies and standard operating procedures. The combination of these provide acceptable limits of officer behaviors and can provide a number of purposes. They include explicating an agency's philosophy of policing, the broad goals of the department and/or a reflection of the community's expectations of the department.

Professional Code of Ethics

The code of ethics both guides and restricts behavior of the members of a professional group, for example accountants and lawyers.

The first code of ethics developed for policing came in 1957 by the International Association of Police Chiefs and was called the Law Enforcement Code of Ethics. This document was replaced in 1989 with a new and improved Police Code of Conduct, which expands on the philosophy of the earlier code and better reflects modern concerns of policing. Primarily those that are in the "gray area" of behavior. It is important to remember, however, this code offers little control over police officer behavior. Why? Because there is not a governing body or professional committee to oversee officer's behavior, comparable to other professions.

Social Norms and Personal Values

As we have discussed before, values are developed through the formal and informal socialization processes of officers, and the life experiences before employment of the officer. In earlier discussions we focused on the development of subcultures. This is another example where that is influential. Importantly, personal values may reflect the subcultural values expressed in a policing agency.

A Conflict of Values

This discussion suggests that police obtain values from several sources, therefore creating the possibility of a conflict between them. In other words, when conflict occurs, the officer must prioritize and choose among his values to make the decision. Theoretically, this hierarchy represents the manner in which officers should prioritize their values.

Pragmatically, however, the priorities will be dictated by the context, especially the **individuals** involved and the **circumstances**. It is not unthinkable that agency policy will conflict with legal precedent, especially in terms of the use of force.

Illegal Behavior

Turning now to illegal behavior. There appears to be some distinction between criminal activity and corruption when discussing police behavior. Importantly, crime committed by police while on duty is not necessarily corrupt. In fact, crimes in this category are no different than crimes committed by citizens. On the other hand, corruption appears to be the misuse of authority by a public official. Most notably, those types of behaviors that have been generally recognized as corruption include bribery, extortion, narcotics violations and other criminal offenses.

Bribery

To constitute bribery, a citizen must initiate the offer to have an officer do or not do something. For example, traffic violations.

Extortion

Extortion is initiated by the officer, through the use of his/her position of authority. For example, the officer requires a person who has committed a crime to give them something of value to avoid arrest.

Narcotics Violations

Research appears to indicate substantial usage of narcotics by police officers. For example, drug screening by one agency found that 25% of those screened had illegal drugs present in their system at the time of the test. Further research indicates that a substantial portion of corruption centers around drugs.

Other problems arise when officers become involved with drug trafficking, especially when they are paid to ignore certain dealings, or steal drugs from crime scenes and sell them on the streets.

Investigating Corruption

The most typical response to corruption is to create a commission to investigate the corrupt activities, with the most famous being the [Knapp Commission](#). This commission was created in response to corruption in the New York Police Department in 1970. They drafted a report which suggested widespread corruption and two types of officers that were involved. The two types were: **grass eaters**, those officers only occasionally involved in illegal activities; and **meat eaters**, officers who aggressively pursued corrupt activities at any time.

Further classification of corrupt activities can be found at the departmental level as well. Three types of departments exist. Types are based on the level of corruption in the department, the progressive nature of corruption, as well as its level of tolerance by administrators. **Type I: *Rotten Apples*** and **Rotten Pockets**. No organized effort of corruption and usually only a few officers engaged in these types of activities. They receive no organizational support for their activities. **Type II: *Pervasive Unorganized Corruption***. If effective controls are not instituted in the first type, corruption may develop into pervasive unorganized corruption. The distinction is that more officers become involved. **Type III: *Pervasive Organized Corruption***. The most problematic type and results in officers becoming organized in their efforts. They receive general support from the administrators.

Deviant Behavior

This behavior occurs when an officer violates the norms or rules of conduct expected of a member of the police profession. It can be either legal or illegal behavior that is committed on or off duty.

Conclusion

Traditionally the study of ethics focused on activities that were clear in their delineation of right or wrong, like bribery, extortion, and perjury. However, current discussion is centered around those situations that involved value judgements by officers. Importantly, officers draw upon numerous sources for the establishment of their values, and at times these are in conflict. This suggests that determining whether or not a situation is ethical or not depends on the context of the situation.

QUESTIONS

1. Police professionalism is characterized by

1. specialized knowledge
2. extensive education
3. internal standards and ethical guidelines
4. all of the above

2. Which of the following is not a type of civil suit that can be levied against police officers?

1. Section 1983

2. Bivens suits

3. State suits

4. Johnson suits

3. Is corruption and deviant behavior more likely to occur in traditional police departments or community police departments? Be specific in your answer.

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LESSON TWENTY POLICE AND THE CONSTITUTION

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the key principles of the 4th Amendment
- Discuss key rulings relating to search and seizure
- Explain the changing legal environment and its effects on the police

LECTURE NOTES

Exclusionary Rule

The understanding, based on Supreme Court precedent, that incriminating information must be seized according to constitutional specifications of due process, or it will not be allowed as evidence in criminal trials.

The case this derives from is *Weeks v US (1914)*. This case involved an individual selling lottery tickets through the U.S. mail. His house was searched without a warrant, because at that time, it was common to search without them. They confiscated some material vital to their case and he was convicted.

Ultimately, his conviction was overturned by the U.S. Supreme Court, thus we have the [exclusionary rule](#).

The underlying notion of this rule is criminal justice officials must abide by the rules of the game. That is, they must abide the laws and rights of citizens.

Fruit of the Poisoned Tree Doctrine

The case this comes from is *Silverthorne Lumber Co. v US (1918)*, in which a company was under federal scrutiny for possible tax evasion. Records were seized without a warrant, and ordered to be

returned to the company. However, the federal agents had taken copies of them and produced them in court. As a result of this case, anything derived from illegally seized evidence cannot be used in a trial. Again, this case only applied to law enforcement agents at the federal level.

The next largest developments came during the reign of [Earl Warren](#) during the 1960s, commonly known as the Warren Court Era. During this time, we see an application of federal decisions to local and state law enforcement officers. The most known case, dealing with search and seizure, is *Mapp v Ohio (1961)*. Local police suspected a woman of harboring a fugitive, searched her house, found pornography, and arrested her. The conviction was overturned by the U.S. Supreme Court by applying the Weeks and Silverthorne decisions to the states.

Several other lesser known cases include *Chimel v California (1969)*. Mr. Chimel was a suspect in coin shop burglary. Officers came to his house with an arrest warrant, (not a search warrant), took him into custody and proceeded to search his house, workshop and garage, where they found the stolen coins. The court ruled that the search, beyond the immediate area of the arrest, was illegal.

Burger and Rehnquist Courts (1969-present)

We begin to see substantial change within the decisions handed down by the Supreme Court during the 1980s, primarily due to the reconfiguration of the political ideology. The underlying philosophy changed toward requiring criminal defendants to show their rights were violated, a change from assuming they were violated. This change opens the door for what has been called the "chipping away" of the strict application of the exclusionary rule.

The first strike or chip to the exclusionary rule came in 1983 in the case of: Chip #1: *Illinois v Leon*, in which the high Court adopted what is now referred to as the "good faith exception to the exclusionary rule." This case occurred during the "get tough on drug era" and entails a drug case. Apparently law enforcement officers received information from an informant and then began surveillance on Leon, upon which they applied for a warrant. His conviction was overturned by a federal district court stating there was not enough probable cause. However, upon review by the Supreme Court, they upheld the conviction stating the officers had acted in good faith in securing the warrant.

Chip #2: *Massachusetts v Sheppard (1984)*. Officers knowingly served a search warrant they knew was inaccurate in describing the property they were looking for, however, the magistrate informed them that it was all right. The Supreme Court upheld the conviction.

Chip #3: *Illinois v Krull (1987)*. In this case, officers conducted a warrantless search that did not violate state law. Later, the law was found to be unconstitutional. However, the Court upheld the conviction.

Chip #4: *Illinois v Rodriguez (1990)*. A woman went to the police stating that her boyfriend with whom she lived with had beaten her badly. She told officers where he was and took them to the apartment, and let them in. The officers found him asleep. They also found considerable amounts of drug paraphernalia. He was arrested and charged for assault and possession. The defendant showed the woman did not live with him, therefore, the search was illegal. However, the Court stated the police reasonably believed she was telling the truth, therefore, they upheld the conviction.

QUESTIONS

1. Given the advent of good faith exceptions to the exclusionary rule, the plain view doctrine, and the Supreme Court's recognized necessity of emergency searches, can one argue that the exclusionary rule is still effective in America? Or, has the exclusionary rule been so watered down by recent decisions as to be little more than a paper tiger? Please discuss.
2. It seems that the decisions (*Mapp v Ohio* and *Chimel v California*) limit the scope and in a way, hinder law enforcement officers from doing their jobs. Do you believe that it is necessary to be specific in search warrants, or should police be able to be more general? Secondly, do these procedural requirements hinder police effectiveness?

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LESSON TWENTY-ONE POLICE INTERROGATION AND MIRANDA

LEARNING OBJECTIVES

Upon completion of this lesson, the student should be able to:

- Discuss the US Supreme Court rulings relating to interrogation
- Discuss the importance of the Miranda decision
- Identify the different interrogation techniques

LECTURE NOTES

Police Interrogation

Interrogation can be defined as follows: *behaviors by the police that the police should know are reasonably likely to elicit an incriminating response from the suspect*. They can include questioning, staged line-ups, etc.

The process of interrogation has begun only when the officer(s) are attempting to elicit information concerning the crime in question. They may talk to the suspect about other topics without the strictures

of interrogation applying. As we are all aware, physical abuse to elicit a confession is not legal, in fact, the Courts tend to frown upon it. However, less known are the issues of *inherent coercion and psychological manipulation*.

Inherent Coercion is that gray area between normal behavior and physical abuse. That is, where there is no physical abuse, but behaviors which place a substantial amount of pressure upon the individual. This comes from a case in the 1940s, *Ashcraft v Tennessee*, in which the defendant had been charged with the murder of his mother-in-law on a Friday. He was interrogated until Monday, when he confessed to the crime. Now, while no physical abuse was ever committed, the officers did use a blinding light in his eyes, which was considered inherent coercion.

Psychological Manipulation are other actions that the Court has ruled are illegal. These behaviors consist of tactics based on subtle forms of intimidation and control in order to elicit confessions. This ruling emanates from a case in which detectives used a psychiatrist to gain a confession from a suspect. In *Leyra v. Denno (1954)* the police sent in a psychiatrist telling the defendant the individual was a doctor to help him with his sinus problem. Throughout their discussions, the psychiatrist was able to get the individual to confess. The Court threw out the conviction stating the detectives had used psychological manipulation to get the confession.

Now, as we can see, the rulings up to this time have been fairly consistent, protecting the defendant from various and sometimes, creative tactics to gain confessions. Well, things changed a bit in 1991, with *Arizona v Fulminante*, in which the Court found the tactics by the police were illegal, but that did not mean that the conviction was reversed if other evidence was available. Instead, admission of the confession was deemed a "trial error."

The Right to a Lawyer at Interrogation

The case that set the precedent for the right to an attorney during interrogation was *Escobedo v Illinois* (1964). Escobedo was arrested for the murder of his brother-in-law. During his interrogation, he was denied the opportunity to see his lawyer, even though he requested him. In addition, officers told his lawyer he could not see his client until after the interrogation.

Miranda Decision

Perhaps the most famous of cases that occurred during the sixties and under the Warren Court was *Miranda v Arizona* (1965). Miranda was arrested for kidnapping, and after two hours of interrogation, confessed to the crime. Upon appeal, the Court spelled out certain rights the defendant must be informed of before questioning can be conducted. It is important to remember Miranda rights only apply to interrogations. Officers are allowed to question individuals at the crime scene or even other individuals without providing Miranda. The only time Miranda is required, is when an individual is arrested and is in custody. That is, situations involving both arrest and custodial interrogation require Miranda. Officers

can take you into custody and question you without Miranda, as long as you are not a suspect and not under arrest.

As with the exclusionary rule, the Miranda rights have come under considerable scrutiny and are seen as handcuffing the police. Similarly, there has also been a general "chipping away" at the foundations of the Miranda Rights.

The first came in 1984 in *Nix v Williams*. Essentially, the defendant was arrested for the murder of a young girl. On his ride to the station, the detectives, without reminding him of his rights, proceeded to "pressure" him into confessing and showing them where the body was. Upon appeal, the Court upheld the conviction stating the police would have found the body anyway, therefore, the confession was not a critical component. This case produced what is termed the "inevitable discovery exception."

Another "chip" to the foundation of the Miranda rights came in *New York v. Quarles (1984)* which established the public safety exceptions to Miranda. In this case, a woman stated that she was raped and told the officers that the suspect had run into a local grocery store. They found him and noticed that he was wearing an empty holster. Fearing that a child or someone else might come across the weapon, they asked where it was, and it was located.

QUESTIONS

1. A "knowing waiver" of rights requires that the defendant be able to understand the consequences of not invoking the Miranda rights.

_____ True/False

2. In your opinion, has the Miranda decision "handcuffed" police organizations? That is, has this particular decision provided obstacles to the police achieving effectiveness?

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LESSONS 22-28 TERM PAPER

The term paper for this course will be based on an interview with an individual in the criminal justice system. More specifically, the student will interview some type of law enforcement officer or court official. The format of this interview is entirely up to the student, but should include the individual's educational background, training, job responsibilities, and job description. The purpose of this interview is to familiarize the student with professionals in the system and possible career opportunities. The student will provide a name and phone number of the individual they interview.

The paper should be at least five (5) pages long, margins no more than 1 ½ inches on each side, top, and bottom. Cover page, end notes, and bibliography do not count as part of the five pages. Yes, it is necessary to provide a bibliography. Font should be no larger than

12 point. Be sure to proofread your paper to correct mistakes--do not rely solely on spell check.

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LESSON 1 ADJUDICATION

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Discuss the dual court system, the hierarchy of courts and the fragmented nature the organization of courts in the United States
- Identify the central role of plea bargaining and prosecutor's discretion in determining the outcomes of 90 percent of criminal cases
- Identify the defense attorneys' use of pretrial motions
- Discuss the justifications for and criticisms of plea bargaining.

LECTURE NOTES:

The [dual court system](#) includes state and federal courts. Both have trial and appellate courts. American trial courts are decentralized, except for a few states with centralized court systems. Most courts operate under the state penal code but are staffed and funded by county or city government, which leads to local political influence and community values having influence on the court.

State Courts

The basic structure of the courts reflects its English roots. Efforts were made to make sure courts were responsive to the local community, so legislatures created court systems which were decentralized, linked to local politics, and dependent on the government for

resources.

During the 19th century, the growth in commerce and population generated new types of disputes which required attention from the courts. Consequently, local and state governments created courts with specific legal and geographical jurisdictions, such as small claims, juvenile, and family, to name a few. These creations, while helpful to the local jurisdictions, created a complex and confusing structure of overlapping jurisdictions and responsibilities. In terms of structure, the state court system is basically organized into three tiers, though variations may occur across states:

1. ***Trial courts of limited jurisdiction***: These are limited to hearing formal charges against individuals, holding preliminary hearings and in some cases, trials.
2. ***Trial courts of general jurisdiction***: Are responsible for trials in all cases, both criminal and civil.
3. ***Appellate courts***: Hears appeals from the lower courts.
4. ***State Supreme Court***: Have substantial discretion to choose the cases they want to hear. In these courts, the judges sit as a whole.

Federal Courts

In the United States, the federal court system is organized by districts, with 94 U.S. District Courts, 12 U.S. Courts of Appeals, and the U.S. Supreme Court. Each of these courts have specific duties within the federal system.

U.S. District Court: Have **original jurisdiction** over all cases involving alleged violations of federal law.

Courts of Appeals: Have jurisdiction over those cases that arise from district courts within their geographic area. There are actually 11 courts, and one with jurisdiction in the District of Columbia.

U.S. Supreme Court: Has the power of judicial review, which allows them to hear cases from both the state and federal level. The power of judicial review was first used in the 1803 case of [Marbury v Madison](#).

Pretrial Activities

Following arrest, the individual has his/her first appearance in court, which must occur within 48 hours. The individual is informed of the charges against him/her.

Also at this time, decisions are made as to whether or not bail will be set, or some other type of pretrial release.

Bail: This mechanism is used to avoid depriving a presumptively innocent person of their liberty. It is usually a sum of money or property that the defendant must provide the court to ensure their appearance in court at a later date.

In most cases, the individual may rely upon a [bail bondsmen](#) to help them post bail. Bail bondsmen provide cash for release for a certain fee. Interestingly, if the individual decides to skip bail, the bail bondsman can track them down without any restrictions of extradition, use of force, etc.

Alternatives of Bail

Release on Own Recognizance: In this case, there is not cash or property bond used to ensure the appearance of the individual. They are trusted to appear based on their promise to the court.

Conditional Release: Under this alternative, the individual is provided a number of guidelines by which he must abide by. If violation occurs, the defendant's release is revoked.

Third-Party Custody: This is an option in which an individual or business accepts the responsibility of making sure that the individual shows up for court.

Unsecured Bond: No money or property is required as a down, but the defendant signs a promissory note indicating that she/he will forfeit a set fee if she/he does not appear in court.

Signature Bond: These are used in minor cases where levels of dangerousness are not an issue. Basically, the defendant just signs paperwork stating that he/she will appear in court.

Overall, pretrial release accounts for 85% of state level defendants and 82% of federal defendants. There is growing concern over the release of defendants that may pose substantial risks to the community, hence, many states have enacted **danger laws**, which focus attention on limiting the release of violent criminals back into the community.

Preliminary Hearing

The purpose of this hearing is to assess whether probable cause exists that a crime has been committed, and the defendant is the one who committed the crime.

During this trial, witnesses may be presented and the defendant may testify. It is important to note that at this stage, the defendant's guilt does not need to be proved beyond a reasonable doubt, all that is needed is "sufficient evidence."

The Grand Jury

This mechanism can be characterized as another "filter" in the criminal justice system. Composed of citizens, this body hears evidence presented by the prosecuting attorney, and decides if sufficient evidence exists to continue the process. The defendant is not allowed to appear.

Arraignment and the Plea

Upon return of an indictment or information, the defendant will be arraigned. At this time, the formal charges are read and the defendant enters a plea of either *guilty*, *not guilty*, or *nolo contendere*. In order for the process to continue, a plea of not guilty must be entered. A plea of *nolo contendere* is not an admission of guilt but it relieves the individual of any civil liability.

Plea Bargaining

Plea bargaining is the defendant's agreement to plead guilty to a criminal charge with the reasonable expectation of receiving some consideration from the state for doing so.

Many see this as the most important stage in the criminal justice system, with approximately 90% of all felony cases disposed of at this stage.

Plea bargaining has been ruled legal by the Supreme Court. In *Blackledge v Allison (1976)*, they found there to be a number of advantages for both the defendant and the prosecution.

Entering into a plea bargain, the defendant seeks to avoid maximum sentence or charges with legislatively mandated sentence, or to avoid labels such as "rapist" or "child molester." At the same time, the prosecutor attempts to avoid a lengthy and costly trial. This also allows him/her to gain a conviction. It should be noted that the prosecutor determines the charges and has substantial influence over the sentencing.

Criticisms

As one might imagine, there are numerous criticisms regarding the use of plea bargaining:

1. **Due process considerations:** This method does not provide due process, since

defendants give up their constitutional rights.

2. **Sentencing Policy:** Since reduced sentences are given, many feel that society's interests are being neglected and that this tool is used under the worse circumstances (overcrowded courts, overworked attorney's).

3. **Low Visibility:** One of the most cited criticisms centers around the fact that most of the deals are low profile; that is, out of the purview of the "court's eyes." For example, it is difficult for the judge to assess the legitimacy of the whole process.

Effectiveness

Despite the number of criticisms levied against this tool, it does seem to be effective. For example, it does advance the interests of all individuals involved, does not seem to be a result of overcrowding. Those jurisdictions that have abolished plea bargaining still take into consideration the sentencing for a guilty plea.

QUESTIONS

1. If a student from another country asked how the American criminal court system operated, how would you explain the operations of the court? Be as specific as possible.
2. Plea bargaining is an integral part of the American criminal justice system. Do you agree with this practice? If this practice were eliminated, what do you think the effects on the system would be?

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LESSON 2 COURTROOM WORKGROUP

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Identify the professional courtroom actors included in the courtroom workgroup
- Discuss the impact of the media in the courtroom
- Be familiar with the role of the judge, prosecuting attorney and the defense attorney
- Have knowledge of the level of discretion held by the prosecuting attorney

LECTURE NOTES:

The Courtroom Work Group

When we think of the [criminal justice system](#), we tend to think of it as institutions. However, people are the decision makers within the institutions, therefore, their behavior seriously impacts the administration of justice.

Walker calls these decision makers [the courtroom work group](#) which suggests that these individuals, who work closely with one another, day after day, develop some kind of understanding to get their jobs done, and create as little conflict as needed.

However, this does not sound like two sides battling for the truth--what is going on here? Is Walker correct? Well, most research seems to indicate that a high degree of consensus exists between the prosecution, defense and the judge. In fact, most characterize the system as *administrative rather than adversarial!!*

Think about it, most decisions are made, for better or for worse, behind closed doors. Why would you want to cause conflict for people that you will be working with for several years?

Taking this a step further, think about the courtroom work group as implementing policies. That is, anything that is passed by the legislature concerning crime and the criminal justice system, will eventually need to be implemented by this powerful group.

This means that if they can *influence policy depending on whether or not they like or dislike the possible outcomes*. Overall, grand changes are taken as well as modest slow change. Basically, if it upsets the rhythm too much, the group will likely evade it as much as possible. For example, Feeley found that "speedy trial laws" had little impact on the system. The group did not like this change, so they simply worked together to find exceptions, etc.

Given this, we must consider what impact these new and more punitive laws have on the group. Initially, we must concede that the group will most likely do their best to circumscribe them, find exceptions etc. These types of laws *upset the balance within the system*. As we know, organizations need to survive, therefore, actors within the organizations will take those measures necessary to ensure survival.

For example, [three-strikes you're out policies](#) are advocated by politicians, supported by the public and implemented in a number of states. However, we find that in most states, prosecutors refuse to utilize the law. **How does this effect our administration of justice?**

This balance is necessary to handle the extremely high number of cases that are brought to court. Walker suggests that any substantial change threatens this stability with what he calls *criminal justice thermodynamics*.

Essentially, this means that every action in the criminal justice system has a counter action. By definition, *"an increase in the severity of the penalty will result in less frequent application of the penalty."*

The corollary to this is *"the less often a severe penalty is applied, the more arbitrary will be the occasions when it is applied."*

For example: Death penalty (as the number of deaths increased, the number of those sent to death row decreased); similar examples include: three strikes you're out; New York gun laws, etc.

These type of punitive policies also effect other parts of the system. The more people arrested for drugs, the more will be prosecuted (creating a backlog) and more will be incarcerated (creating substantial overcrowding). So in terms of systematic effects, our crime control policies may be more detrimental than helpful.

Judges

In the American criminal justice system, the judge has the primary duty of ensuring justice in the courtroom. He/she undertakes numerous responsibilities including signing warrants, setting bail, scheduling cases, and overseeing that the trial is operating in a "judicial" manner. Generally, judges have three primary functions: *adjudicators, negotiators and administrators.*

The role of *adjudicator* requires the judge to be an unbiased figure in trials, while the role of *negotiator* requires the judge to negotiate between the prosecution and the defense in terms of evidence, etc. Lastly, judges are responsible for the *administration* of their courtroom as well as the individuals in their office.

While there are numerous variations of methods in which an individual can be selected to become a judge, they all fall under two primary categories: judicial election and judicial appointment. In terms of election, most judges run unopposed and the process is not usually controversial, as are regular political figures. Turning to appointment, in several states, judges are appointed by the governor of the state. As one may imagine, both of these general methods bring politics into the selection and retention of judges, which is very much the case. In an effort to remedy this situation, many states have turned to a combination of judicial selection committees as well as some type of non-partisan election.

Prosecuting Attorney

Within the criminal justice system, the prosecuting attorney represents the state and the people in all criminal matters in which charges are brought against an individual. The primary roles of the prosecutor include presenting the state's case and to work with police to ensure that their actions are within legal boundaries.

One of the most powerful duties, lies in the ability of the of the prosecutor to file charges.

Essentially, prosecutors retain a substantial amount of *discretion* throughout the entire process. First and foremost, a prosecutor decides on whether or not to file charges and which charges to file. Secondly, the prosecutor is the one to determine if a plea bargain is going to be offered, and if so, how low the charges are going to be dropped. Lastly, the prosecutor also has influence over sentencing, since they can recommend certain sentences. Overall, the prosecutor is one of the most powerful individuals in the criminal justice system.

Defense Attorney

The role of the defense attorney is essential in protecting the constitutional rights of the accused, as well as providing support for the defendant and his/her's family.

While many of us hold an idealized image of defense attorneys, that is, that they are highly trained and have an adversarial relationship with the prosecuting attorney, this is not generally the case. Most often, defense attorneys hold a friendly working relationship with the prosecutor and judge, some are better trained than others, and lastly, defense attorneys may act more as negotiators in attempting to get the best outcome for their client, not necessarily a "not guilty" verdict.

More specifically, there are several types of defense attorneys, which are either public defenders or private attorneys. *Public defenders* are provided by the state to represent those individuals that cannot afford an attorney on their own. These individuals are employed by all levels of government (city, county, and state) and exist to assist indigent clients. The other types of defense counsel are *private* attorneys. In terms of counsel for indigent clients, the court can assign private counsel to represent an individual. This is the most common method utilized. The third type used is the *contract system*, in which the government enters into a contract with a local firm or attorney to represent all indigent clients.

Although there is considerable disparity in the amount of resources available to indigent defense when compared to prosecutors, the most recent studies seem to indicate that little difference exists in the number of plea bargains, sentence length or case disposition when comparing private to assigned counsel.

The Victim

Perhaps the most forgotten individual in the whole process is the [victim](#). Since the system is established to assess the guilt of the accused, the role of the victim is primarily limited to their testimony concerning matters surrounding the case. Many times, the victims themselves are put under a microscope concerning their previous behaviors and actions. We only need to think of rape victims for a primary example.

The Press

Recently, due to the O.J. Simpson trial, the issue of the press in the courtroom has come to the forefront. Press are, by virtue of the 6th Amendment, allowed to be present in the courtroom during a trial. They do, however, pose numerous problems for the criminal justice system. First, before the trial begins, extensive case coverage may make it difficult to find individuals that have not already formed an opinion concerning the guilt or innocence of the defendant. Secondly, once the trial begins, the press, through their coverage, may sway and introduce other evidence that jurors may hear.

Despite these problems, it seems likely the press will remain in the courtroom, and they may even become more extensive.

QUESTIONS

- 1. The chapter describes three-systems of judicial selection. Which of the three do you think is most effective. Please explain your answer.
- 2. Do you agree or disagree with Walker's description of the courtroom workgroup? Be as specific as possible.
- 3. How do the prosecutor's authority and power illustrate the importance of discretion in the criminal justice system?

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LESSON 3 JURIES

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Discuss the process of jury selection
- Discuss the role in which the jury plays in the criminal trial
- Identify the major issues surrounding jury selection.

LECTURE NOTES:

In the United States, the purpose of the trial is to determine whether or not the individual accused is **legally guilty**. That is, does enough evidence exist to prove beyond a reasonable doubt that the [defendant committed the crime](#) in which he/she is accused? This is substantially different from factual guilt, which is whether or not the defendant actually committed the criminal act.

As discussed in previous lessons, the trial, in theory, is an adversarial process, in which the laws of

criminal procedure will uncover the truth.

The Right to a Speedy Trial

Under the 6th Amendment to the United States Constitution, citizens are guaranteed the right to a speedy trial. However, due to the overwhelming number of cases in the courts today, this "right" is not always upheld. This can lead to dismissal of the case. It should be noted not all delays in a trial will result in dismissal. For example, delays initiated by the defendant do not violate that individual's rights. In general, speedy refers to 90-120 days after indictment.

Jury Selection

The first stage of the trial process is to select a jury. The jury has several different functions, including the determination of guilt or innocence of the defendant. This represents the diversities of values and morals in the community and provides a safeguard between the people and the possible oppression of the government. Most important is membership on the jury is a civic duty of citizens and also the jury represents the people during the trial.

Most juries throughout the U.S. consist of 12 individuals that are supposed to be representative of the community. It should be noted that "representative" or "peers" does not mean that every culture, ethnic, religion or gender has to be on the jury. Instead, the courts have defined the above as "individuals from the community at large". As long as prospective jurors are not excluded because of ethnicity, etc., then the jury is thought to be representative.

In terms of selection, prospective jurors are randomly selected from a "pool," which usually consists of property owners, individuals registered to vote, etc. Once called to serve on a jury, there are several methods by which the prosecution and defense can excuse a juror. The first is *challenged for cause*, in which the juror indicates that she/he may not, for whatever reason, be able to make a fair decision. There is not usually a limit on the number of these challenges the prosecution and defense can use. The second is *peremptory challenge*, where the attorneys may excuse a juror without providing a reason. A limit usually exists as to the number of these that can be utilized.

An interesting development is the use of psychologists or other professional jury consultants to aide the attorneys in their selection. These individuals look for subtle cues, psychological characteristics, etc. that may be influential in the decision making process.

Given the above processes, there are certain types of individuals who are seen as "better" jurors than others. For example, individuals familiar with the criminal justice system or law are usually dismissed. Also, individuals with strong personalities are also dismissed when possible. Hence, juries usually consist of the unemployed, undereducated, retired people and/or housewives. This is not necessarily representative of society.

One of the most important issues, if not the most important, concerns race and ethnicity in the jury selection phase. As in other aspects of our lives, race plays an important role. If an individual is intentionally excluded from a jury because of her race, then we are excluding certain morals and values. As stated above, representativeness is not defined by proportionality, but by the intentional exclusion of certain individuals from the jury. Hence, case law indicates that if the prosecutor intentionally excludes certain individuals, then he has violated the defendant's 6th Amendment right. However, if intention does not exist, the Court cannot find a violation.

Assessing the behavior of juries has been difficult, since researchers are not allowed inside the jury room. However, those studies that have been conducted have found juries behave much like other groups. Men are more active than women, better educated are more active than lesser educated, and whites are more active than minorities.

Other studies have found that opinions of the witnesses, court procedures and personal experiences are more influential in decision making than the evidence or testimony.

Overall, jury selection is probably one of the most important parts of the process. Not only does it allow the community, or the "people" to be part of the process, it allows the diversity of the community to be represented in the courtroom. While some critics contend that "scientists" or "professional jurors" would do a more effective job, it does not appear that our current system is going to fade away anytime soon.

QUESTIONS

1. What constitutes a jury of peers? Please be specific in your discussion.
2. Which of the following is not a type of juror challenge?
 - a. Challenges to the array
 - b. Challenges for cause
 - c. Challenges for knowledge
 - d. Peremptory challenges
3. In jury selection, challenges for cause
 - a. are only made by the defense.
 - b. are not required to be justified.
 - c. deal with sound legal reasons for removing potential jurors.
 - d. are ruled upon by the prosecuting attorney.

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LESSON 4 THE TRIAL

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Discuss the different stages of the trial
- Become familiar with the appeals process
- Identify some of the criticisms of the jury system

LECTURE NOTES:

Once jury selection is completed, the trial begins. The first stage in the trial is the *opening statements*, provided by both the defense and the prosecution. During the opening statements, the attorneys are not presenting evidence, but outlining to the jury where they are going with their case and what the jury may expect throughout the trial. This is also a time in which the attorneys establish a relationship with the members of the jury.

Upon completion of the opening statements, the prosecution presents its case. As we already know, in the American system, an individual is *innocent until proven guilty* in a court of law. Therefore, it is the prosecution's responsibility to prove beyond a reasonable doubt that the defendant did commit the crime with which she/he has been charged. This is attempted through the presentation of different types of *evidence*. There are numerous types of evidence which the prosecution may draw upon in developing their case. For example, the prosecution can utilize the *testimony* of an individual, *direct evidence*, such as an eyewitness account, *circumstantial evidence*, which requires the jury to interpret and then develop a conclusion, *real evidence*, for instance, fingerprints, weapons etc., and lastly, *demonstrable evidence*, which include maps, diagrams, etc. Overall, the goal is to paint a very clear picture for the jury, so, the combination of all types of evidence make for a stronger case.

After the prosecution has completed or rested their case, the defense has an opportunity to present their version of events. Using their evidence, one of the primary goals of the defense is to refute, or to blur the picture painted by the prosecution. This is usually done through an alibi or some type of affirmative defense (e.g., self-defense). In presenting their case, one of the more difficult decisions the defense must make concerns the testimony of the defendant; that is, should they allow the defendant to testify in court?

As indicated above, one of the more effective types of evidence includes the use of witnesses. Each side has the opportunity to question their own witnesses and to cross-examine their opponent's witnesses. When cross-examining a witness, the attorney is usually required to stay within the testimony that the individual offered under examination. One thing not allowed to be entered into evidence is *hearsay testimony*, which refers to second hand testimony offered by an individual. There are, however, exceptions to this rule. They include spontaneous declarations or statements made as an individual is dying.

A topic becoming more of an issue for courts is the testimony offered by children. Because of the nature of the trial and the cross-examination process, it is very difficult for children to testify in open court. Hence, the court has made several accommodations, including the use of video-taped testimony, closed-circuit television, and even the testimony of a primary care giver in some cases.

After the presentation of the evidence, both the prosecution and the defense provide closing arguments. During this stage in the process, the attorneys attempt to tie-up any loose ends that may still exist, attempt to provide a summation of their case, and point to weaknesses in their opponents case.

Before the jury begins their deliberations, they are issued a set of instructions by the judge. The primary role of the judge at this stage is to determine which laws apply to the case. Then he/she instructs the jury on the manner in which the law bears on their decision. Within the instructions, the judge usually reminds the jury of their duty to consider all the evidence, to remain unbiased, the definitions of beyond a reasonable doubt, and the elements necessary for an act to be considered a crime. Upon completion of the instructions, the judge excuses the jury to their deliberations.

Overall, the time spent on deliberations varies substantially, usually depending upon the strength of evidence presented. During their deliberations, the jury can request parts of transcripts, testimonies, etc. In most states, a unanimous decision is required. However, a handful of states allow a simple majority to determine a verdict. Several outcomes are possible. First, the jury may become deadlocked, which means the jurors were unable to reach any kind of consensus about the case. If this is the situation, the prosecution has the option to retry the case. Secondly, the jury can return a not guilty verdict, at which point the trial ends. However, the prosecution may appeal the case. Third, the jury can return a *guilty* verdict, at which time the judge may incarcerate the offender or release him/her on bail until sentencing. All of these decisions are read in open court and the judge usually asks each member their vote, therefore, ensuring validity of the system.

As might be expected in any type of system in which "lay" individuals are involved, the jury system is not without its critics. One of the primary criticisms is that jurors, due to their relative naivety concerning the law and legal process, are unable to understand all that is required. An example of this was witnessed in the O.J. Simpson trial and the use of DNA evidence. Due to the complexities involved in DNA analysis, it was very difficult to relate to the jurors the exact nature and implications of the evidence. In fact, many people, because of our lack of understanding of these complex scientific procedures, tend to become critical of them. In addition, many contend that individual emotion may provide more motivation for a decision than the weight of the evidence. Another problem is that jury deliberations are probably dominated by the more aggressive, strong-willed individuals which can influence the overall outcome.

Along with these criticisms come several suggestions for solutions. The most common is the present jury system be replaced by a system based on professionals. More specifically, individuals would be trained in the appropriate areas (i.e., decision making skills, listening skills) to make them "better" jurors. Furthermore, they would be paid by the government to hear cases and hand down decisions. The

advantages, claim the proponents, is this type of system would create a very dependable, knowledgeable and equitable pool of individuals. Opponents, on the other hand, suggest such a system not only violates the civilness of a juror, but creates the possibility that these individuals would become complacent, stereotyping offenders based on other offenders, etc. Overall, then, while somewhat appealing, it appears the American jury system will not undergo major changes in the near future.

QUESTIONS

1. How would you improve the adjudication process in criminal cases? What suggestions do you have for streamlining the system, reducing delays, and increasing the overall quality of justice? (This question assumes that you would change the system.)
2. Identify some of the shortcomings of the present jury system in America. How can we improve this system? Please be specific.
3. Many claim that the trial process is adversarial. What do you think? More specifically, do you think that the system is adversarial or that the actors within the system are more likely to cooperate during the process?

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LESSON 5 GOALS OF PUNISHMENT

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Explain punishment rationales and the philosophy behind criminal sentencing today
- Identify the strengths and shortcomings of each goal
- Compare and contrast the various goals.

LECTURE NOTES:

The concept and implementation of punishment has been defined by social values, morals and religious ideals. Different eras throughout history have witnessed various justifications for the use of punishment as a response to the breakdown of social order throughout the United States. For example, at one time or another, most countries have utilized some kind of physical pain as a method of retribution for a criminal act. Over time, there has been a general movement away from this form of punishment, toward those oriented toward limiting the offender's future behavior. Consequently, there are five primary goals of punishment: *retribution, incapacitation, deterrence, rehabilitation, and restoration*.

Retribution

This form of punishment is driven by the emotional response of revenge. It is based upon the idea that those individuals who commit a wrongful act should receive a punishment in proportion to their crime (e. g., "[eye for an eye](#)"). Due to the biblical underpinnings of this justification, this is the earliest known rationale for the use of punishment. Recently attention has been paid to this concept by individuals whom support the "just desserts" model. This model claims that those who commit criminal acts are punished for two primary reasons: they deserve it, and it is required for societal justice. It is important to note the primary goal of retribution differs from the other rationales. It is meant to satisfy the populace, not deter future behavior, which opponents claim is a fundamental shortcoming of this punishment rationale.

Incapacitation

The primary rationale for the use of incapacitation is to protect society through the detainment and separation of individuals from law-abiding citizens. The use of incapacitation has been realized, in modern society, through the use of prisons. Differences in this goal lie in the fact that it is not directed toward punishment, nor reformation of an individual's behavior, but tends to be future oriented in [the protection of society](#). A closely related variant lies in the use of selected incapacitation. This is based upon the idea that most of the crimes are committed by a selected number of individuals, hence, they are targeted for incarceration. Though a widely popular perspective, the value is undermined by two fundamental problems. First, actors in the criminal justice system are woefully unable to predict future behavior. That is, we are unable to predict, with any sense of accuracy, the level of dangerousness any individual represents in the future. Second, there is no theoretical relationship between the severity of the criminal act and the sentence received. Stated differently, the goal is simply to restrain. Therefore, an individual may be restrained until deemed "safe" to return to society.

Deterrence

Deterrence is based on the work of Jeremy Bentham and other utilitarians. Their work suggested individuals are rational beings who are driven by balancing the costs and benefits of their behavior. Since rational individuals seek to avoid pain, they will always gravitate toward more pleasure. Applied to criminal justice, individual behavior can be deterred through increasing punishments (i.e., pain) to outweigh the benefits of the criminal act.

There are two types of [deterrence](#), *general* and *specific*. *General deterrence*, is based upon the presumption that individuals in larger society will be discouraged from future criminal behavior through the observation that the punishment they will receive, outweighs the benefit of the possible act. On the other hand, *specific deterrence* is only concerned with altering the behavior of the individual who committed the criminal act. Therefore, the goal is to reduce the proclivity of future criminal behavior.

As with the other goals, deterrence has been criticized as being ineffective. First, considerable research

suggests that increasing the level of punishment does not necessarily result in a decrease of criminal behavior. For example, increasing the costs of drunk driving does not provide a followed decrease in that type of behavior. Secondly, the process of deterrence is extremely complex. It includes factors such as the likelihood an individual is arrested for their act, the speed in which they are brought to trial, and lastly, the certainty in which they will receive punishments. Not only is this a substantial amount of information that must be processed before the criminal act is committed, but it also illustrates the effect the criminal justice system has on this goal.

Rehabilitation

Rehabilitation is similar to deterrence because it attempts to alter an individual's behavior. The underlying assumption of [rehabilitation](#) is that the likelihood of future criminality can be reduced through treatment of the individual. This goal is oriented toward the individual; that is, identification of the underlying problems of the individual and the development of appropriate techniques to "cure" this behavior.

It is important to note that punishment is not the goal, it is treatment of the individual. Therefore, an individual may be restrained within the system until he is "cured". Similar to incapacitation, the type and length of treatment is not related to the severity of the crime, but to personal characteristics. This goal received substantial support from the early 1930s through the early 1970s, but was derailed by research which suggested that "nothing works" when it comes to rehabilitation. Since then, this goal has been reduced in its influence. At this point, it is important to note that a large body of research indicates that rehabilitation does work under certain circumstances, with the primary indicator being the correct matching of the offender to the proper treatment.

Restoration

More recent attention has been paid to the idea of returning the victim to the original state, or "making them whole" again. Hence, the idea of restoration is to facilitate the healing of the victim through a variety of services. For example, victim services, community service, [reimbursement to the victim](#). In a sense, this goal is directed more toward the victim of the crime(s) than the goals listed above. Moreover, advocates contend that this goal benefits both the victim and the offender. More specifically, through reparation, the offender may learn responsibility, empathy and other socially desired values and morals.

In general, restructuring attempts, through a variety of victim oriented services, to help bring the victim back to the way he was before the criminal act.

QUESTIONS

1. Which of the goals of criminal sentencing do you most agree with? Please explain why?
2. Please identify the weaknesses of the different philosophies of punishment described in

this lesson.

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LESSON 6

SENTENCING STRUCTURE

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Understand and discuss the difference between indeterminate and determinate sentencing
- Discuss the federal sentencing guidelines and their importance
- Identify the development of truth in sentencing

LECTURE NOTES:

In the previous lesson, the different philosophies of sentencing in the United States were outlined. In this lesson, the pragmatic application of these policies will be discussed in terms of the primary sentencing strategies.

The first sentencing practice, and one of the oldest is *indeterminate sentencing*. This practice is premised on the belief that individuals are more likely to participate in their own treatment if they know that it may reduce their overall sentence. This practice is the pragmatic application of rehabilitation, and gives the court and correctional authorities substantial discretion over the individual's sentence. The use of this sentencing strategy allows judges to impose lower and upper limits to a sentence, within the given range. The inmate could be released depending on his/her overall behavior and movement toward rehabilitation. Release is determined by a parole board. As indicated, this model is the oldest, but not necessarily the most popular. Critics contend that there are a number of flaws, most notably, the inequity in sentencing and the possibility of racial and ethnic biases playing a role.

Growing dissatisfaction with indeterminate sentencing led to the development of *determinate sentencing*, which is based on the idea that punishment is deserved. Based on this, defined penalties are linked to certain criminal behaviors. The crime itself receives the penalty, not the individual. Release is predicated upon completion of the sentence, usually minus some type of "good time" which does not require a parole board.

Although popular, this sentencing practice has numerous critics. Most contend the major shortcoming is that no attempt is made to change or rehabilitate behavior. Another criticism is that all individuals are treated alike, their individual characteristics are not accounted for.

More recently, there has been concern convicted felons, especially violent ones, were not serving all of their sentence. That is, after accounting for "good time" and other sentence reducing strategies, many inmates were serving only a fraction of their original sentence. Given this situation, many have called for *truth in sentencing* which is also referred to as *mandatory sentencing*. Regardless of the term, the end result is the convicted felon serves all of the original sentence, that no time off be given for good behavior, etc. Under these types of practices, all individuals who commit a certain crime, will receive the same sentence. This reduces the discretion of the judge during sentencing.

Federal Sentencing Guidelines

Sentences in federal court underwent substantial revision with the Sentencing Reform Act of 1984. This Act created the U.S. Sentencing Commission which was given the authority and responsibility to rewrite federal sentences to better reflect the philosophies of deterrence, incarceration and retribution. The Commission developed federal sentencing guidelines which substantially reduced the discretion of the judge and established a hierarchy of punishments based on the severity of the criminal act. Due to the importance of plea bargaining in the administration of justice, this practice is still allowed in federal courts. However, efforts have been undertaken to reduce the level of secrecy usually involved.

Because of federal influence of state affairs, these changes at the federal level have prompted many states to follow suit and to develop sentencing guidelines similar to the Federal government's.

QUESTIONS

1. Do you believe that indeterminate or determinate is most appropriate for American society? Please explain your answer.
2. Which of the following is not a criticism of indeterminate sentencing?
 - a. Divergent judicial personalities often produce a wide range of sentencing practices.
 - b. Allows for the possibility that offenders might be sentenced on the basis of social characteristics.
 - c. Defense attorneys use delaying tactics to manipulate the selection of judges.
 - d. It produces dishonesty in sentencing.
 - e. All of the above.
 - f. None of the above.
3. Which sentencing practice relies on well-defined hierarchy of penalties, specifying terms of imprisonment with each criminal offense category?
 - a. Indeterminate
 - b. Determinate
 - c. Mandatory
 - d. Sentencing guidelines

LESSON 7

SENTENCING OPTIONS

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Explain the importance of the pre-sentence investigation report
- Discuss the development, current status, and future of the role the victim has in the system
- Identify and discuss the various available sentencing options

LECTURE NOTES:

Pre-sentence Reports

In the jurisdictions where judges still retain some type of discretion in the sentencing process, *pre-sentence reports* are an important element for determination. While the actual structure of the report differs across jurisdictions, the role and function remain quite similar. The purpose of the pre-sentence report is to relay information to the judge regarding the defendant. Usually prepared by probation or parole officers, the report sets out to provide a more detailed picture of the defendant, including former education, jobs, family life, etc. Since this is a written report, it is possible to use various types of language. The probation officer has the option of writing the report in a positive, neutral, or negative manner. Based upon the report, many jurisdictions allow the probation or parole officer to make a recommendation as to the appropriate sentence. Another important aspect of this report is it aides the judge in the decision making process.

Victims

Substantial amounts of attention have recently been devoted to victims of criminal acts. While victims have, for a long time, received attention from private organizations, the current interest from those within the field of criminal justice is relatively new. Motivated by the development of a presidential task force focusing on victims in the early 1980s, many have called for the passage of a constitutional amendment guaranteeing rights to victims of crime. Interestingly, there are no specific rights granted to victims in our system of criminal justice. Rights are granted to the defendants who must protect themselves from the power and authority of the government.

Despite the failure of such an endeavor, numerous states have revised their state constitutions to include rights for victims. Up to this point, the Federal Government has devoted nearly 200 million dollars to the development of victim services throughout the country. These funds can be used for a variety of purposes, including (but not limited to) helping the victim get back on track through a loan, money for

medical care, etc.

The foremost method in which victims are becoming involved in the process is during the sentencing phase, at which time the defense can provide a victim impact statement, or the victim (or victim's family) can testify in open court. Currently, victim impact statements can be used, according to the U.S. Supreme Court, in most types of cases, including death penalty cases.

Sentencing Options

Having discussed the philosophies of sentencing as well as the pragmatic application of these philosophies through different sentencing practices, we can now take a look at some of the more common sentencing options available to the courts. The imposition of these options depends upon several factors, with the most influential being severity of the crime and the perceived likelihood of future offenses.

The least severe imposition is that of a *fine*. Of course, this option may be more severe for those individuals that are considered poor, and less severe for those individuals that are wealthy. Primarily used for relatively minor offenses and for those individuals that have had little previous involvement in the system, fines are another tool that the system can utilize to keep offenders out of jail.

The second option is probation, where upon the individual is given numerous restrictions to abide by and a suspended sentence. If the individual violates any of the stipulations, he can be incarcerated for the remaining portion of the sentence. This is another method that is useful for keeping low risk offenders out of jail.

The third option, and one that is rapidly becoming more popular, is that of *incarceration*. Recent data indicates that approximately 78% of all convicted felons are sentenced to either jail or prison, a substantial portion by any measure. It is not unusual for judges to combine several of these sanctions, or to utilize variations of them. The overall goal, of course, is to provide a sanction that best fits the situation and provides adequate security for the community.

QUESTIONS

1. Discuss the historical development of victims rights in the United States.
2. Whose individual rights might be helped or harmed by allowing victim statements during criminal sentencing?
3. What are the four sentencing options? Please provide examples of crimes that these options would be most appropriate.

LESSON 8

DEATH PENALTY

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Discuss the development of the death penalty in the United States
- Discuss the arguments for and against the imposition of the death penalty

LECTURE NOTES:

The most controversial sanction and one that polarizes arguments, is the [death penalty](#). Currently, the United States is the only Western democratic country that uses the death penalty, all others have abolished it. Also, the United States is one of the few countries willing to put a juvenile to death.

The history of the death penalty is one that is best understood in eras. Most legal executions occurred before the 1900s. In fact, of the 18,800 documented executions, only about 4,500 of them have occurred during this century. Most of the [executions](#) in the 1900s have occurred between 1930 and 1967 (3,800). Between 1967 and 1977, no executions occurred. However, after 1977, many states have actively continued using the death penalty. Currently, there are nearly 3,000 individuals under the sentence of death, with about 250 added each year in the 38 states that have the death penalty. Southern states hold approximately 2/3 of all those on death row.

In terms of ethnic and racial percentages, whites represent 51%, blacks 42%, Hispanic 5%, and other ethnic groups the other 5%. Careful analyses of these figures suggest blacks are over-represented on death row, exceeding their percentage in society as well as their percentage tried for capital crimes.

Historical Development

There are three major "modern" cases dealing with issues surrounding the death penalty.

The first case, *Furman v Georgia (1972)*, was a landmark case. The Court decided the administration of the death penalty represented cruel and unusual punishment, consequently voiding the laws in those states that had the death penalty. It is important to note the death penalty itself was not ruled cruel and unusual, but the administration of the sanction.

In the second case, *Gregg v Georgia (1976)*, the Court ruled that steps taken to alleviate the concerns outlined in *Furman* were successful. So administration of the death penalty was ruled constitutional.

Two key points were that the judge must consider mitigating and aggravating circumstances and secondly, capital cases require two steps, an actual trial and a second hearing for sentencing.

The final case, *McKlesky v Kemp*, concerned the issue of racial disparity in death sentences. More specifically, the defense argued that, depending upon the race of the victim, an individual was more likely to receive the death penalty. The Court denied the appeal stating that the issue was on discretion and in order to show disparity, an individual would have to prove that actors in the criminal justice system acted with a discriminatory purpose in a specific case, not utilizing generalized statistical evidence.

While there are numerous other cases of importance dealing with various aspects of the death penalty, these three are generally considered the most important in shaping constitutional law in this area.

Support and Opposition

Generally, support for the death penalty lies with the concepts of revenge, just desserts and protection of society. Many argue that once an individual takes a life, he/she deserves to have their life taken, and the state has the authority to do so. Others argue it is purely revenge, regardless of the "deterrent" effect. Lastly, most argue that putting the individual to death is the only sure way of providing safety for the rest of society.

There is considerable opposition, primarily based on four factors; the likelihood that an individual will be put to death, the death penalty has no deterrent value, the administration is arbitrary and discriminatory, and the government does not have the right to put someone to death.

Here are some statistics concerning the death penalty:

- The majority of death penalty states show murder rates higher than non-death penalty states
- Over 80% of the victims of death penalty cases are white, even though only 50% of murder victims are white
- Since 1976, 85 black defendants have been executed for the murder of a white victim, but only 4 white defendants have been executed for the murder of a black victim
- About 90% of those facing capital charges cannot afford their own attorney
- Since 1900, there have been 350 miscarriages of justice in potential capital cases. The defendant was erroneously convicted of a capital crime. Of this number 139 were given the death penalty and 23 were executed
- Since 1973, 59 death row inmates have been released after evidence of their innocence emerged. It took an average of seven years from conviction until these people were released.

The majority of research indicates that the death penalty does not have a general deterrent effect. That is, it does not deter individuals in larger society from committing a capital crime.

Future Trends

There are three primary legal areas of concern relating to the death penalty that must be dealt with in the near future. The first is applying the death penalty to juveniles. Currently, the Court has indicated that execution of individuals 16 years or older at the time the crime was committed is constitutional. There is movement throughout the nation to push the age even lower. The second concern relates to those individuals classified as retarded. Currently 250 people on death row fit the classification. Again, the Court has supported the execution of the retarded, indicating that it is not cruel and unusual punishment. Lastly is the issue of appeals. The average length of time an individual spends on death row ranges from seven to eight years, much of which is spent in the appeal process. Prior to 1991, individuals on death row had an unlimited number of appeals. However, the Court ruled only under exceptional circumstances should an inmate get more than one *habeas corpus* appeal. More recently, President Clinton signed a law in 1996 limiting the number of *habeas corpus* reviews. While the appeal process is time consuming, over a 22 year period (1973-1995) 2,133 people were removed from death row by a governor, which represents almost half of the 5,280 sentenced to death during that same time period.

Overall, the death penalty represents one of the most polarizing criminal justice issues, one that is laden with [strong emotion](#). The United States is unique in that it is the only Western democratic country to still use the death penalty. This situation does not appear threatened in the near future. In fact, in 1994 the Federal Government added nearly 60 crimes that can be punishable by death.

QUESTIONS

1. Evidence suggests that the death penalty may be administered in a discriminatory manner. Please provide an argument that refutes this assertion. More specifically, construct an argument that suggests the administration of the death penalty is not administered in a discriminatory manner.
2. Does the state in which you live in have the death penalty? If so, how many people are on death row and how many have been executed since 1985? If not, do you think that it should? Please explain your answer.

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LESSONS 9 & 10 SEX OFFENDERS

This paper is intended to provide additional insight into important issues concerning crime and facing the criminal justice system. The topic of this paper is "sex offenders." The lecture included in this lesson is provided to stimulate critical thought. After reading the lecture, the student is required to write a 3-5 page paper concerning [sex offenders](#). The student can write on anything he/she believes is pertinent within this topic area. The paper should have margins no more than 1 ½ inches on each side, top, and

bottom. Cover page, end notes, and bibliography do not count as part of the 3-5 pages. Yes, it is necessary to provide a bibliography. Font should be no larger than 12 point.

SEX OFFENDERS

Introduction

Longstanding beliefs about the nature of crime, and the appropriate responses to criminal acts are held by most everyone in contemporary American society. This belief system has powerful punitive overtones and deep roots in the American political culture.

At the core of the myth of crime and punishment is a simple morality that dramatizes the conflict between good and evil. *Because of bad people, this can be a dangerous and violent world.* Consequently, criminal law exists to protect us from these bad people. We learn how to identify criminals who are most often portrayed as predatory strangers.

We are socialized to think of criminals as people fundamentally different in character and appearance from the rest of us. Many also believe that criminals are generally unknown predators awaiting their opportunity to attack. These fundamental beliefs are the basis of **registration and community notification laws** of sex offenders around the United States.

Registration requires sex offenders to [register](#) with the county, usually the sheriff's office, upon their arrival. They must provide pictures, residence, etc. **Notification** authorizes government entities to release relevant and necessary information regarding sex offenders to the public when it is necessary for public protection. They are immune from any lawsuits resulting from the notification.

There are three levels of sex offenders, with the level depending upon the perceived risk the offender represents to the community:

- Level I -- information maintained by the department, and to disseminate the information to other agencies
- Level II -- also notify schools and neighborhood groups, can include photograph
- Level III -- above two and also a press release

The basic premise behind registration appears simple enough. Protect society. Essentially, what these laws have attempted to do is to take responsibility for the insufficient existing laws addressing repeat sex offenders. They establish a means for ensuring swift and severe punishment for the offenders.

Policy

In today's society, there are many precursors to successful policy implementation.

The need for revenge alone, however, is not sufficient. Contemporary criminal justice policies cannot be based upon high emotion, vigilantism, and the assurance of swift and severe punishment. Instead, policies need to be based on theoretical premises supported by empirical data, and should be measured by their ability to effect a certain state of affairs. In this case, to reduce re-offending of sex offenders and protect potential victims. Whether the public labeling of sex offenders is socially effective, morally right, or even constitutional, there is no denying its popularity. It sells newspapers. It gets votes.

Major Policy Questions

Are notification and community notification the only ways to deal with sex offenders, as opposed to every other class of criminal? Do they reduce or increase the risk of reoffense? Do these policies protect society?

A Picture of Sex Offenders

Who is the sex offender? Briefly close your eyes and develop an image of the "typical" sex offender. Where does this image come from? Now, what do you believe are the most common sexually related crimes, and who commits them? Most sex crimes tend to be private, often involving possession of child pornography or soliciting prostitution. The most troubling sex crimes occur behind closed doors, with family members or friends, usually children, who are manipulated or intimidated into silence.

Most of these crimes involve fondling or undressing, rarely rising to the level of sexual intercourse. The perpetrators are family members, who hold jobs, play sports and maintain friendships.

In general there are three major types of offenders: exhibitionists, child molesters, and incest offenders (which suggests different types of treatments).

Exhibitionists: have misplaced a normal aspect of foreplay. This results in the exposing of his genitals as the sexual act, rather than the precursor to the act. It is considered a developmental distortion.

Extra familial molesters: the individual has some type of arrested sociosexual development that leads the individual to identify with children. He is more comfortable around children than adults. He replaces ineffectual adult relationships with a child. They have never been married, lives alone or with a protective mother, and has rarely or never engaged in sex with an adult.

Incest offenders: have more family boundary issues. They have developed relationships with adults, married, spend most of their time with the family and tend to socially isolate the family. The family relations with the girl victims effectively made them "second wives."

Exhibitionists and child molesters appear to have more issues of trust and shame, have few long term goals, and focus on short term gratification. Exhibitionists also appear to be more developmentally immature than the incest perpetrator.

Recidivism

There has been considerable research exploring the recidivism rates of sex offenders. Most research suggests with or without treatment, the vast majority of once caught sex offenders, 87%, do not go on to be rearrested for a subsequent new sex offense. Yet, according to the FBI, 74% of all those released from prison for all types of crimes are back in prison within four years.

About 250,000 sex offenders are in the United States. Over 217,000 of them will never reoffend again. Therefore, to paint with such a broad brush a permanent label, is not only unfair but a major injustice that will only compound the problem. Further, most rearrests tend to be for other criminal acts, not sexual offending. Successful treatment means safety for the offender and most importantly, for potential victims.

Treatment

Does treatment work? Most research shows that treatment is effective, depending upon the type of offender. Treatment cuts in half the recidivism rate among exhibitionists and child molesters, yet cuts recidivism among rapists by just a few percent. While there is no cure for sex offenders, a successful treatment includes relapse prevention, which helps the offender focus on controlling the cycle of troubling emotions, distorted thinking, and deviant sexual fantasies that lead to their crimes. The first step is helping for them to develop empathy for their victims.

The most effective types of treatment are not confrontational. Motivational approaches to treatment are better suited for sex offenders. The reduced risk of offending is based on developing an interactive relationship with the offender and then attempting to develop the motivation in the offender to want to change.

Once the offender understands the nature of the triggers to his behavior, and his vulnerability to them, then it is possible to begin treatment to assist the offender to develop ego-compatible relapse prevention programs. The most effective method of ensuring the offender is going to survive in the community, is to place the locus of control within the offender.

Most offenders come from seriously maladaptive social and family backgrounds, and are significantly damaged individuals. In a study of sexual abusive youth, they found physical and sexual abuse, neglect, and loss of parental figures were common among these youths histories.

Impact of These Innovative Policies

Assumptions of community notification:

First, presumptive purpose of notification is for safety, protecting the neighbors. Does this occur?

Second, possibility that some offenders will re-offend because of the stress and pressure put on them by the community.

Third, notification does not prevent offenders from reoffending, instead, they may go to another neighborhood to commit their crimes.

Between 75-85% of child abuse is committed by relatives or friends. Can registration and community notification stop this behavior? Most likely not. In fact, registration and notification appears to be a short term political popular band-aid policy.

How about other avenues of protection? How about educating and providing supervision for our children?

So the question is not whether or not we would like to know if an offender is living next to us, but whether or not the current policies will in fact reduce the likelihood of reoffense.

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LESSON 11

PROBATION AND PAROLE

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Explain the differences between probation and parole
- Discuss the advantages and disadvantages of probation and parole

LECTURE NOTES:

There are numerous myths surrounding probation and parole. So extensive, in fact, that several states have discontinued the use of parole. The dominant belief is a substantial amount of crime is committed by individuals on probation and parole.

It is also thought they pose a substantial risk to communities, and they are "soft" punishments. Before accepting these myths as facts, we need to become more familiar with probation and parole.

Probation

Probation is a sentence where the offender is conditionally released into the community under supervision. The most common conditions concern drug and alcohol testing, curfews, and who the offender cannot "hang-out" with. An important element of probation is that the court still retains authority over the individual. If the individual violates any of the conditions of his/her release, he/she can be re-sentenced to prison. In terms of usage, this sentencing option is one of the most popular, and is steadily increasing as prisons continue to become overcrowded.

Historically, [probation has its roots](#) in Boston, where John Augustus convinced the courts to place convicted felons in his custody, and he would then attempt to rehabilitate them. The successes that followed led to the development of a statewide probation system in Massachusetts in 1880. The popularity of this sentencing option quickly spread across the United States, with 44 states utilizing it by World War II.

Several distinct shifts have occurred in the area of probation. First, the role of the probation officer. In the early 1920s, the probation officer became more of a social worker, and less of a supervisor. With the rise of psychology and the rehabilitation model, probation officers were given the discretion to tailor their efforts toward healing their clients.

Another era is found during the 1960s, where probation officers were seen as advocates for their clients. The rapid social change during the 60s, the increasing emphasis on equality, and other social forces put probation officers in a unique position where they became the provider of social services. They were aiding their clients in obtaining the necessary services.

More recently, however, probation officers have become responsible for controlling their clients, attempting to reduce or eliminate the risk they pose to communities. Hence, supervision becomes the primary goal. Currently, approximately 60% of all individuals found guilty are sentenced to probation, with nearly three million people actively on parole.

Probation Officers

As with any criminal justice program, those implementing the program are critical to its success or failure. Probation officers are given the dual and conflicting roles of social worker and police officer. They are expected to help the individual find a job, get established in the community, etc. On the other hand, they are charged with reducing the risk the offender poses to society. Therefore, [probation officers](#) must act as law enforcement officers as well.

One of the most often asked questions is whether or not probation is successful. Well, that depends. There are numerous factors which must be considered. The first is caseload. The average caseload, across the United States is 115, and in some areas, as high as 300 individuals. Closely related is the level of supervision provided to the offender, which depends upon agency and officer characteristics, and available services.

When the offender violates the conditions of his probation, the officer has the discretion to revoke his probation, which usually results in the offender being placed in prison. In total, only about 7.5% of offenders have their probation revoked. Depending upon the jurisdiction, revocation can occur for minor transgressions or more serious violations. It depends upon the supervising officer, the courts, and the judges. In terms of revocation, offenders have been provided certain safeguards. For example, they have been provided procedural safeguards (*Gagon v Scarpelli 1973*). These safeguards include the right to a

preliminary and final hearing concerning revocation, written notice of the violation, disclosure of evidence, etc.

Is probation effective? It appears most individuals granted probation do not become career criminals, and have lower recidivism rates than those individuals who are incarcerated. In addition, there are numerous advantages to probation. For example, lower cost, increased likelihood of rehabilitation, and use of available services in the community. Despite the relative success and advantages, there are those who suggest that probation is ineffective. They say it increases the level of risk posed to the community and represents a lack of punishment.

Parole

Closely related to probation, is *parole*, which is the supervised release of convicted offenders from prison. The release of individuals can occur through several types of mechanisms. The first is *parole boards*, which retain the discretion to grant or deny an individual parole. Parole boards usually take many factors into consideration, such as the offender's history, the nature of the offense, behavior in prison, and participation in rehabilitative type programs. Parole boards are used in states that still rely upon indeterminate sentencing. A second method utilized is *mandatory release*, which is set by statute and usually removes any discretionary decisions. Primarily, offenders are released when they have completed their sentence, minus good time.

As with probation, offenders released on parole must abide by certain conditions or their parole can be revoked. Most individuals are released from prison with some kind of conditions (75%). However, the nature in which they have been released has changed due to the increasing popularity of mandatory sentencing. This major change has affected the amount of time an individual spends on parole, but not necessarily the number of individuals released on parole. Currently there are approximately 690,000 individuals on parole, with about 49% remaining out of prison. Most are returned to prison for violating the conditions of their parole (26%), while only 12% are arrested for new crimes.

Parolees have also been granted a number of procedural rights very similar to those of probationers (*Morrissey v Brewer 1972, see above*).

QUESTIONS

1. Please outline the benefits and shortcomings of probation and parole. Be as specific as possible in your answer.
2. Do you believe that parolees should be provided the same rights as other individuals in society, or should their rights be curtailed due to their criminal history?

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LESSON 12

INTERMEDIATE SANCTIONS

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Identify the role of intermediate sanctions
- Provide examples of different intermediate sanctions

LECTURE NOTES:

Intermediate sanctions can be defined as a range of punishments which utilize the community to aide in the punishment of the offender. The most notable include home confinement, electronic monitoring, boot camps, and community service. These sanctions have resulted from the desire to improve the effectiveness of rehabilitative efforts. However, prison overcrowding, has in recent years, lead to a potentially wider acceptance of these options.

Basically, these sentencing options are seen as an [alternative to prison](#), therefore saving money and other resources while offering a more viable means of rehabilitation and monitoring.

Home Confinement and Electronic Monitoring

This alternative has gained the attention of criminal justice policy makers in the past few years. In fact, there are nearly 70,000 individuals under this type of sentence. The offender is required to serve all or part of their "sentence" in their own residence.

One of the benefits of [electronic monitoring](#) is it can be tailored to the individual. More specifically, if the individual works or goes to school, conditions can be set to allow him/her to pursue those endeavors. The key is they are in their home at specified times.

Through our expanding technologies, two primary methods of surveillance have been developed. The first type is a signaling device that continuously transmits a signal from the offender to a device attached to the telephone in the individual's home. If the signal is "broken," the probation agency is notified and someone is usually sent to the home. It should be noted that most jurisdictions hire a private agency to monitor the individual.

The second type is simply a computer that randomly dials the offender's phone number. This requires the individual to answer the phone and verify that he/she is home, and the individual under supervision.

The main problem is the reliability of the equipment. Specifically, the equipment does not always work

correctly. Another problem is the failure rate, it tends to run fairly high. Research suggests that jurisdictions who utilize this type of sentence do not necessarily utilize face-to-face contacts, relying on the willpower of the offender to succeed.

Intensive Supervision

This is a variant of probation, a more strict form of probation. Primarily, this type of supervision decreases the probation officer's caseload and increases the number of contacts between the probation officer and the probationer. This alternative usually uses low risk offenders that do not pose a substantial risk to the community, but are too risky for traditional probation.

In terms of effectiveness, intensive probation has high rates of failure. Because of the intensive supervision, the probation officer is able to identify more technical violations. Therefore, many individuals prefer prison over intensive probation.

Shock Probation and Parole

These two alternatives require that the individual spend a short period of time in prison and then is released on probation. The idea is that the short stay or the "shock" of prison will set the offender on the right track. Requirements vary across the states, but in most states, the offender must apply to be able to be on [shock probation](#). Though used throughout the country, it does not seem that this method is any more effective than traditional incarceration.

Boot Camps

Resembling boot camps used in the military, these programs have been extremely popular among the general public, politicians and practitioners. The public tends to see these programs as a quick, inexpensive, a humanitarian way to deal with delinquents. Public agencies tend to see these programs as a method to rehabilitate through the use of punishment.

Despite the popularity, [boot camp programs](#), in general do not appear to be any more effective than traditional probation in terms of recidivism. Success does seem to occur, however, in those individuals that would probably have succeeded without the program.

Boot camps are usually designed for first time, non-violent offenders who spend a relatively short period of time (90-120 days), in a program modeled after military boot camps. While they vary in design and operations, a common core of strict discipline, physical training, manual labor, drill, ceremony, and educational and counseling programs exist in some degree across these programs.

The underlying assumption is through these components, the individual's attitudes and behavior can be modified to develop the necessary life skills that better reflect societal norms. These include high self-esteem, and better physical conditioning.

Though not driven by any type of criminological theory, adherents still support this alternative, in fact, we have one here in Washoe county. The question becomes, why the support? Why do we believe that there is a relationship between exercise and reformation?

What does the research suggest? Well it seems these types of programs do in fact increase levels of self-esteem, and pro-social attitudes. However, there have not been significant differences in recidivism rates between those who have attended boot camp and those who have not. There may be no relationship between high-levels of self-esteem and lower rates of delinquency.

Another problem is that unlike the military, there is no established support group upon completion. In the military, once boot camp is completed, the individual enters an environment supportive and reflective of the values, etc, that were just learned. However, this is not the case with prison boot camps. You are put back in the community with little support.

Some programs have been more successful than others. However, they emphasize exercise less and counseling more, and are not necessarily resembling boot camps.

Criticism of Community-Based Programs

One of the primary criticisms is these programs "widen the net." That is, they include individuals into their programs who would not be under any type of correctional supervision if the programs were not in effect.

Another problem has been termed "creaming the crop." This occurs when the program administrators select only those individuals that will be successful, therefore leaving the individuals with the most problems for traditional incarceration.

QUESTIONS

1. Contrast the alternative sentencing options described in this lesson with the goals of sentencing identified in Chapter 10. Which option is most likely to achieve which goal?
2. Discuss the value of each of the alternative sentencing options. Which of these options are, in your opinion, the most "fair"? Please explain your answer.

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LESSON 13

HISTORY OF PRISONS

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Generally discuss the history of early punishments and show how it impacts modern corrections
- Identify the specific eras of prisons

LECTURE NOTES:

Introduction

As with most institutions in the American criminal justice system, the prison has a rich history marked by numerous changes that mirror larger social changes. In terms of historical analysis, the prison is a relatively new concept in America, dating back about 200 years to the late 1790s.

Before that time, we relied upon the use of physical punishment of offenders. These punishments were by no means pleasant, in fact, they were tortuous by any standards. For example, flogging was commonly used and at times, became deadly. This idea of whipping did not dissipate until the early 1950s. Another type of physical punishment was mutilation. Many have heard of removing hands from burglars, but less common were the removal of tongues, castration, cutting off ears, etc. Branding was also another method of physical punishment. Used primarily in early American history, individuals were branded on their hands as well as their foreheads for easy identification purposes. Americans also relied, as did many European nations, on public humiliation, which was achieved through the use of stocks or the pillory. This was an effective punishment in that it allowed the public to seek its revenge as well as humiliated the individual. Although several other techniques were used, these appear to be the most commonly discussed in the literature. Most important is to remember the social backing of these punishments. Citizens readily supported these types of physical pain mechanisms.

The Birth

During the late 1700s, Americans began to undergo a substantial shift concerning the underlying causes of criminality, and thus, appropriate punishments. This shift was part of the larger "Enlightenment Era" occurring throughout Europe. Though many changes came out of this philosophical era, the most important in terms of corrections was the elimination of the use of torture and the incorporation of the penitentiary as a mechanism of reform.

On American soil, thought shifted from assuming criminal behavior lies within the individual, to forces outside the individual. Relying upon physical torture was no longer seen as effective, instead some kind of mechanism needed to be developed to encourage and facilitate reformation. It is important to note two competing philosophies emerged concerning the reformation of individuals.

Penitentiary Era (1790-1825)

The launch of the Penitentiary Era (1790-1825) was a result of these larger social changes. Fueled by the Quakers in Pennsylvania, a system was developed that drew upon religious and humanitarian methods, and utilized solitary confinement. Termed the *Pennsylvania System*, the Quakers believed the best and most effective way to reform an individual was to place them in solitary confinement, where they could repent their sins and consider their deviant acts. Interestingly, this system incorporated punishment and rehabilitation, which is still the underlying basis of our modern system.

The first institution under this system was the Walnut Street Jail in Pennsylvania. The jail and other similar prisons, were constructed so the individual inmates could not interact with each other, or with anyone on the outside. Accommodations in the cells were very minimal, a Bible, toilet, bed, and table were usually all that were provided. The underlying theory was these individuals would come to be reformed through reading the Bible and individual labor. Three institutions within the state were developed under this philosophy. By the early 1830s, they became severely overcrowded (sound familiar?), which prompted change.

The Auburn York System (1825-1876)

Operating on a different philosophy than the Quakers, advocates of this system relied upon allowing the inmates to congregate. This relieved pressures caused by solitary confinement and overcrowding. The individuals worked together and ate together, but were not allowed to look at each other or talk to each other. If they broke these rules they were physically punished or given hard labor. This system proved to be less expensive and was adopted by many states on the Eastern seaboard. It was seen as an advance over the Pennsylvania system.

Interestingly, although tension continued as to which was the best system, neither produced results that showed deterrence or rehabilitation. However, the concept of using incarceration as a reform method was not abandoned. Instead, the administration of the systems was seen as faulty, therefore, it was the focus of the next set of changes.

The Reformatory Movement (1876-1890)

Again, high levels of overcrowding, inadequate discipline and brutality, as well as corruption pervaded the prison systems. These problems in American penitentiaries, coupled with successes in other countries, brought on substantial changes, the main being that the inmate was in control of his destiny. Through the development of the National Prison Association and their Declaration of Principles, indeterminate sentences were seen as the most effective way to reform an individual. More specifically, it was believed release of the individual was placed in his own hands, therefore, motivation existed for reformation.

The first institution under this system was Elmira Reformatory, which was under the supervision of Zebulon Brockway. His philosophy was education and vocational training were mandatory for

reformation. He also relied upon the "mark" system adopted from reformers in Europe. This system allowed the individual to move closer toward release, if behavior was good, or further from release, if behavior was unacceptable.

As with the previous penological philosophies, this one was no more effective. In fact, research by historians suggests failure can be attributed to the implementation or lack of implementation of the philosophy. Instead of emphasizing education, most institutions relied on punishment.

It is important to note that even though these philosophies encountered failure and substantial change, much of our current thinking about the use of incarceration is drawn from them. For example, the idea of indeterminate sentencing and parole are a result of the reformation era. These institutions encountered many of the same problems we are encountering today, and consequently underwent many changes (many of which we have undergone as well).

The Industrial Prison Era (1890-1935)

On the heels of the failure of the reformation philosophy, institutions were faced with rising costs, increasing populations, and security problems. In an effort to alleviate these problems, states began to utilize prisons for industrial purposes. During this time, inmates manufactured a variety of goods that were used by both private and public organizations.

Although these proved profitable, and in many cases supported the institution, labor unions and private businesses opposed their operations. They were in direct competition with them. Therefore, in 1935 Congress passed legislation that prohibited the interstate transportation and sale of products made in prisons, which pretty much nullified the industry.

There has been, however, a resurgence of interest in this area. Throughout the 1980s, many states began to allow their institutions to engage in producing goods, primarily for consumption with the prison, but also for sale to the general public. These industries take on many forms, from purely public, to ones that are part private and part public.

As far as trends go, this will most likely not become a major one. Due to the emphasis on a competitive market and using inmate labor, which many have called slave labor, most academics and practitioners do not feel the industry will become a major emphasis of prisons in the future.

The Punitive Era (1935-1945)

Following the decline in prison industry, prison officials began to view prisons as institutions developed for providing custody of convicted felons in a safe manner. Consequently, punitiveness reentered the picture. It was believed the only way for inmates to repay their debt to society was to serve long periods of confinement. Therefore, inmates were not required to do anything but sit around, locked up. During this period, many inmates were seen as going crazy from the isolation and boredom that existed in the

institutions.

The Era of Treatment (1945-1967)

Coming out of an era in which not much was done, the environment was ripe for dramatic change. This occurred in the form of adopting the rehabilitation model of corrections. After World War II, correctional institutions began drawing upon different methods of psychological treatment to "cure" the individual of the underlying problems. For example, group therapy, behavior modification, and [counseling](#) were all incorporated into treating the client. This required correctional agencies to hire individuals that had the training to diagnose and classify the inmates according to their behavior problems, and then to develop a treatment program.

Because of the nature of these treatments and the philosophical orientation, this model has been termed the *medical model*. Unfortunately, this model, though popular, did not generate the positive results that were expected. Again the failure has been credited to the implementation of the program and not the underlying philosophy. For example, though rehabilitation was a stated goal, many of the institutions were underfunded and could not afford the expense of the innovative programs. Secondly, most of the individuals working in corrections were trained to provide custody, not treatment. Overall, it appears the treatment, as others prior to it, was not fully implemented as planned. Consequently, it was never allowed to reach its full potential.

As we can see, the history of corrections in the United States is marked by a number of different eras, each with an underlying philosophy that was never fully achieved. Despite these "failures," we find modern correctional philosophy has drawn upon these earlier philosophies in fashioning current practices.

Something to think about. With the number of philosophies that have been tried over a period of 200 years, and the recurring problems of overcrowding, abuse, and corruption, is it possible to develop a correctional philosophy that would be effective? That is, are there more effective methods, or have we tried everything? If that is the case, what should the goal of corrections be?

QUESTIONS

1. Prior to the development of prisons, physical punishments were commonly used on criminal offenders. In your opinion, might corporal punishments again serve a purpose in dealing with some of today's offenders? Why or why not?
2. The Auburn system of imprisonment became popular during which prison era?
 - a. Mass prison
 - b. Punitive
 - c. Penitentiary
 - d. Reformatory

3. The eras describing the development of the use of prisons are closely linked to larger social fluctuations and changes.

True or False

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LESSON 14

HISTORY OF PRISONS AND JAILS

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Outline the characteristics of modern prisons
- Identify the characteristics of jails and their purposes in the correctional system
- Discuss the use of private prisons
- Discuss future trends of incarceration in America

LECTURE NOTES:

The previous lesson focused on the "early" history of prisons in America. This lesson will continue the historical emphasis on more recent developments.

Community Model (1967-1980)

Following the turbulence of the 1960s, many professionals felt the correctional system should focus on reintegrating the individual back into society. Such an effort, however, could not be achieved through current mechanisms. Therefore, conscious efforts were made to divert individuals away from incarceration into programs based in the community.

The underlying philosophy was treatment of the individual came from within the community. Not necessarily psychological counseling, but contact and programmatic efforts based in the community. Examples of such programs included [work release](#), half-way houses, etc., which allowed the inmate an opportunity to interact in the community and the criminal justice system to monitor his/her movements.

Changing social sentiment concerning the treatment of convicted offenders and high recidivism rates, coupled with academic research put an end to the height of community model. While it still exists, it is not as commonly implemented.

Crime Control Model (1980 to present)

During the "get tough" era of criminal justice, the philosophical perspective of the use of prisons dramatically changed. No longer was emphasis placed on reintegrating the offender back into the community. More emphasis was given to "warehousing" or simply incarcerating the individual for their entire sentence.

Many jurisdictions moved in the direction of changing their sentencing to better reflect the new philosophy, and to move away from rehabilitation. More specifically, determinate sentencing was being implemented, discretion of judges reduced, and treatment programs cut back. The return of the [chain gang](#) in the South has also been witnessed. Also during this time, we see many "extras" being eliminated. For example, weight lifting, cable television and other activities seen as privileges to the general public.

This get tough movement has had numerous impacts on the system, but none more problematic than overcrowding. Currently, there are more than one million individuals incarcerated, the largest number of any country. This number represents a 110% increase since 1984. Interestingly, even though reported crime has dropped during this same time period, the incarceration rate still increases. The largest contributor to the overcrowding has been, and continues to be, drug offenders.

The most often cited reasons for overcrowding include: public sentiment, increased effectiveness of the police, harsher sentences and of course, the war on drugs.

With most prisons throughout the country operating above capacity, numerous methods have been implemented in attempts to reduce overcrowding. Several jurisdictions have relied on temporary housing, such as tents, while others have focused more on selecting the most dangerous individuals to incarcerate. This technique is known as selective incarceration and requires authorities to identify those offenders who appear to represent the highest level of danger. As one might imagine, this technique has not been very successful.

In terms of the demographics of those incarcerated:

- Rate of 387 per 100,000 individuals are incarcerated;
- Rate of 207 whites for every 100,000 are incarcerated;
- Rate of 1,471 blacks for every 100,000 are incarcerated.

These demographics represent a system that appears to be discriminatory in its operations. More disturbing is the rate of blacks being incarcerated has grown more quickly than the rate of whites being incarcerated over the past ten years.

It should be noted substantial variation exists across the country. The highest rate of incarceration tends to occur in the South and the West--with California, Nevada, and Arizona having rates above 361 or higher.

Federal Prison Systems

The federal prison system was created in 1930 and has jurisdiction over those individuals who violate federal law. Within this system, there are five security levels (1-5) and a total of 82 facilities throughout the country. The population of these prisons primarily consists of white collar criminals and drug offenders.

Due to the increase in federal crimes, many of these institutions are overcrowded, prompting the government to build many more facilities by the end of this year.

State Prison Systems

While most people hold some conception as to the characteristics of a prison, these conceptions tend to be somewhat narrow, not covering the wide variety of institutions available for men. For example, along with prisons, there are prison farms, reformatories, forestry camps, etc. Focusing specifically on state prisons, 35% were built more than 50 years ago, suggesting that many inmates are housed in outdated institutions.

Along with the variety discussed above, there are three primary classifications used for security throughout state prisons: minimum, medium, and maximum. The minimum security prisons house approximately 1/4 of all inmates and place greater emphasis on education and work-related training programs. Characteristically, the prisoners in these institutions tend to be the least violent and have the most freedom than other classifications. The institutions themselves appear to represent dormitories more than prisons.

The second classification, medium, holds the largest majority of inmates (49%) and represents a more secure design, towers, walls, etc. Inmates in these prisons are afforded less freedom and programs than in minimum, but more so than the highest level of classification.

Maximum security prisons are in place to prevent escape, hence, the gun towers and high walls. Inmates in these prisons have very little freedom and programs available to them. Overall, these prisons hold 26% of the inmates.

Jails

Jails are short-term institutions in which individuals awaiting trial or have been sentenced to short terms are housed. Nationally, there are approximately 3,400 jails, ranging in sizes from an average of 50 persons to the L.A. County jail which has 8,000 inmates. Overall, these institutions house about 600,000 inmates in a given day, with 50% of them awaiting trial.

The primary function of the jail is to house those individuals convicted of misdemeanors with a sentence

of no more than a year, and to hold individuals awaiting their trial. Recently, however, jails are becoming an overflow valve for state prisons. Many jails house individuals that should be in prison, but cannot due to lack of space.

As with most state prisons, the majority of jails are severely overcrowded. On any given day the Washoe County jail has about 900 inmates, and was designed for 600. The overcrowding in jails is a result of many factors, most of them similar to the reasons prisons are overcrowded.

Because of the high turnover rate of inmates, most jails do not offer many educational or job-training programs. An interesting issue, and one that is becoming more so, is that of women in prison. Though they make-up a small percentage, their needs are substantially different than men. For example, most of them have been convicted of drug related crimes, have children or are pregnant and require gynecological care. With the dramatic increases in this particular population, more will have to be done to address these issues (which will be discussed more in depth in later lessons).

Private Prisons

With overcrowding becoming a major issue and the inability of states to build bed space fast enough, an alternative has been to contract out services to private corporations. This practice began in the mid-1980s. There are now approximately 95 privately run prisons in the United States, holding about 55,000 inmates. It should be noted that only 18 states allow these type of institutions to exist. The primary advantage of these institutions is they can be operated at lower costs than publicly operated institutions.

However, many issues still remain unclear. For example, who holds the accountability, and the ability of guards to strike? There is also the ethical question of relegating the state function of social control to private business, who operate for a profit. This needs to be settled before any wide acceptance occurs.

Future Trends

Prisons and jails are an integral part of the criminal justice system and will continue to be so into the future. Despite the demographics which show the majority of individuals incarcerated are poor and a minority, the public attitude of "[get tough on crime](#)" will propel more individuals into the hands of the state. Though many jurisdictions have experimented with different types of incarceration techniques, most will continue to build more jails and prisons.

QUESTIONS

1. What unique opportunities do jails have, due to the shorter sentences, different types of inmates, etc., that prisons do not?
2. If you were appointed director of a state prison system and was asked to alleviate the problems of overcrowding, how would you do this? Be as specific as necessary.

3. Do you think that private prisons are a viable alternative to publicly operated institutions? In your answer, please discuss the benefits and shortcomings of private prisons.

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LESSON 15 PRISON LIFE

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Discuss prison subcultures
- Describe the functions of a prison society
- Identify the various types of inmates
- Identify the various types of correctional officers
- Describe the different stages and causes of prison riots

LECTURE NOTES:

A large number of movies and books have been produced depicting the life of inmates, the conditions of prisons and the harsh realities of prison life. In addition, substantial bodies of research have examined various aspects of life inside prison. In an attempt to dispel some of the misconceptions which have surfaced from these sources, as well as to provide a clearer picture, this lesson begins a discussion on [prison life](#).

Subcultures

Some of the earliest research on prisons focused on the treatment and behavior of inmates. From this research, numerous typologies of inmates and explanations of [inmate behavior](#) were developed. One of the most important, was the **total institution** concept, which suggested prisons may be small societies. Since inmates live, eat, work and engage in recreation in the same place, they develop certain behaviors, values, and morals and ascribe to certain roles. As such, they develop cultures, or subcultures, that are very different from law abiding society.

A **prison subculture** entails a different set of values, language, roles etc. that inmates must abide by in order to survive. The purpose of such a culture is to allow inmates to survive the rigors of prison life and to cope with the realities of being incarcerated. An interesting phenomena that occurs is called **prisonization**, where inmates actually learn the values, culture, etc. of prison. It is thought once

prisonization occurs, inmates become more criminal, therefore making it more difficult to adopt behaviors and attitudes that represent larger society.

The prison subculture is not static; it constantly changes with the types of inmates and the correctional atmosphere. Therefore, depending upon the types of offenses which society is focusing on (e.g., drug offenses) and the types of individuals incarcerated for these offenses, the prison subculture will change accordingly.

Functions of Prison Society

There are two different perspectives on the development of [prison subcultures](#). Both allow the inmate to adapt to prison life. Numerous researchers have suggested the subculture develops from within the institution as a method to alleviate the pains of imprisonment. This perspective, termed the **deprivation model**, arose out of research conducted by Gresham Sykes. His research suggested certain "pains" are a part of prison life, which include the deprivation of liberty, heterosexual relationships, personal security, and autonomy. In order to deal with these pains, inmates have developed their own methods and techniques. The second perspective, the **importation model**, suggests the culture is part of the overall criminal culture brought into prison with the inmates. Therefore, the inmate culture is an extension of the criminal culture found in free society. It is important to note that a single subculture may not exist in a prison, instead, several may be present.

Regardless of the method of development, inmates can choose to either integrate into the subculture(s) or resist adaptation. From this, numerous types of inmates have been identified by researchers. Though expansive, many of these categories can be classified into four areas: *doing time*, *gleaning*, *disorganized criminal*, and *jailing*. Individuals under the category of *doing time* attempt to keep relationships going with those on the outside and avoid deep integration into prison subculture. Those that *glean* take advantage of the many programs offered by the prison. The *disorganized criminal* tends to represent those with behavioral and/or psychological problems. Those individuals who have adopted *jailing* as a lifestyle, are those who become deeply ingrained in prison life, cut themselves off from the outside and attempt to make prison their life.

An interesting phenomena in male prisons is homosexuality. As with other issues, this has been one of considerable focus in movies and popular literature. The majority of research indicates homosexuality plays a role in prison society, with two types of behavior being practiced. The first tends to represent adaptation to prison life. The individuals are not considered homosexual and would not engage in this sort of behavior outside of prison. The second type of homosexuality revolves around those individuals who consider themselves homosexual and have engaged in such behavior before entering prison and will continue such behavior upon release.

Prison Staff

The other major category of individuals in prisons is the staff, who have also been the focus of

substantial bodies of research. Similar to inmates, the staff must also adapt to life inside prison. Although many are required to attend some type of training, the realities of prison tend to be very different than training indicates. Since the number of inmates far exceeds the number of staff, the constant threat of reprisal and potential harm exists.

The adaptation of officers to the prison setting results in them taking on certain characteristics, all of which result in different behavior and attitudes toward the inmates. For example, an individual characterized as a dictator is more likely to abide strictly to the rules and be somewhat authoritarian in his/her demeanor. On the other hand, individuals seen as a friend tend to "buddy" up to the inmates, treating them with respect and developing relationships with them.

Overall, prison staff play an integral role in the security and management of the prison, as well as the inmate subculture. Unfortunately, many states do not adequately prepare future staff for their jobs. Training focuses on the professional aspect of the job and not the realities of inmate subcultures, etc.

Prison Riots

When the delicate balance of order and chaos is disrupted in a prison, a riot can ensue. Throughout American history, there have been a large number of riots causing millions of dollars of damage, as well as serious injuries and death. The majority of riots occurred during the 1970s, however, many experts contend that current prison conditions and atmosphere are "ripe" for riots.

After each riot, academics and practitioners attempt to assess the underlying causes, in hopes of alleviating the probability of future riots. While each riot may have ensued for individual reasons, there tend to be several general causes. These include overcrowding, inmate dissatisfaction with prison services and conditions, power struggles, and changes in administration.

QUESTIONS

1. If you were a correctional officer, what difficulties and pressures would you face in your duties? Be sure to include a discussion concerning formal and informal rules and values.
2. Can prison administrators do anything to alleviate the dangers of inmate subcultures? Why or why not?

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LESSON 16

WOMEN IN JAIL AND PRISON

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Understand and discuss the special problems which female inmates face

LECTURE NOTES:

Though women represent only 6% of all inmates in correctional institutions, their rate of incarceration, over the past ten years has been greater than their male counterparts. The primary reason for the explosive growth, 289% from 1986-1994, has been [drug offenses](#).

Characteristically, women behind bars tend to be poorly educated, young, minorities (60%), single, have children, and be afflicted with drug and alcohol dependence. These characteristics, especially those with children or are pregnant, present many complications for correctional authorities.

Women Social Structure and Subculture

As with male inmates, women tend to find different methods to adapt to life inside prison. However, these methods of adaptation are very different. For example, research indicates women tend to form pseudofamilies, where individuals take on the different roles of mother, father, daughter and sister.

In addition to the overall social structure, there are three different terms ascribed to women and their method of adaptation. The first, **square**, are those women who tend to be noncriminal in nature. They hold ties, values and morals of those in free society. **Cool**, the second classification, tend to be career criminals who have adapted well to their current setting and attempt to gain amenities through manipulation. The final classification, **in the life**, refers to those women who are antisocial, habitual offenders, deeply involved in drugs and prostitution. These women have served time in prison before, and represent nearly 50% of the population.

One of the major concerns facing the incarceration of women is that of children. More specifically, a majority of incarcerated women have children, and most of the time, have very little interaction with them. When a family structure is not available, most children are placed in the custody of the state until the mother is released from prison. Research conducted in this area indicates forcing the separation of child and mother is detrimental to the development of the child as well as the mother. Several states have attempted to alleviate this problem through programs allowing substantial amounts of interaction between mother and child.

A similar situation is when the mother enters the prison pregnant or becomes pregnant while incarcerated. As one might imagine, these two situations create substantial hardships for traditional institutions and require innovative programs to alleviate the situations.

Overall, while women represent a very small proportion of all inmates incarcerated in the United States, their numbers are rapidly increasing. With these increases, administrators face many situations that differ greatly from traditional male inmates and prisons.

QUESTIONS

1. Please describe the differences between the socialization and adaptation of men and women to the prison environment.
2. Are the roles that women have in prison similar to their roles in society? Please explain your answer.

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LESSON 17

PRISONER'S RIGHTS AND FUTURE ISSUES

LEARNING OBJECTIVES:

Upon completion of this lesson, the student should be able to:

- Outline the legal aspects of correctional issues and how they impact prisoner's rights
- Discuss the major problems and issues facing corrections today

LECTURE NOTES:

As with the rest of the criminal justice system and society at large, prisons underwent a fundamental change during the 1960s. Before this time, the internal administration of prisons was left to those within the prison. This was known as the [hands-off doctrine](#). This perspective rests upon the belief that the convicted felon forfeited many of his rights upon conviction. Therefore, there was no compelling reason for the courts to interfere with the administration of the prisons.

This doctrine of non-interference came to an end in 1964, when the Supreme Court ruled inmates may sue officials over the conditions of their imprisonment. This case, and future cases, were brought to court under Title 42, Section 1983 of the US Code, otherwise known as "Section 1983 cases." The majority of cases concern the 8th and the 14th Amendments, while others concern issues relating to the 1st and 4th Amendments. While the list of cases decided by the Supreme Court regarding inmate rights is extensive, it is obvious that the overall impact of the cases has been to improve administrative techniques and overall living conditions within prisons. There does, however, appear to be movement back toward the hands-off policy which dominated much of correctional history.

Recent court cases indicate the Court's reluctance to interfere, once again, with prison officials administrative techniques. An important case signifying this shift was the 1991 case of *Wilson v Seiter*, where the Court ruled the conditions of a prisoner's confinement were not unconstitutional unless it could be shown that prison officials had acted in a manner of "deliberate indifference." In general this ruling sets the standard that any future inmate grievances must show administrators willingly created or ignored the conditions under scrutiny.

It appears the Courts are returning to the hands-off policy regarding issues within prisons. This shift represents, to some degree, the ideological focus of the Supreme Court. More specifically, the Court is dominated by judges with conservative perspectives, therefore, their decisions tend to reflect those perspectives. Consequently, future decisions will most likely continue in the direction of allowing prison officials to operate without the threat of the Court's interference.

Current Issues

Larger social changes as well as changes in the sentencing structures of many states, have created many new challenges for correctional administrators. For example, administrators must now deal with exploding rates of inmates who have the AIDS virus. It has been estimated there are currently 80,000 inmates with AIDS, and 3,500 deaths can be attributed to this deadly disease. More disturbing is the rate of inmates with HIV infection is about 518 per 100,000 which is considerably higher than the 41 per 100,000 in general society. The problem is administrators must deal with those who have tested positive very differently than those who have not, to prevent the spread of the disease and to provide adequate medical care.

Another challenge is the increased numbers of elderly behind bars, called the "graying of corrections." Increases in sentence length and the number of life sentences have increased the average age of offenders, and the percentage of those offenders considered elderly. Currently, only about 20% of all inmates are over the age of 50, however, that percentage will increase to about 40% by the year 2000. These older inmates have special needs which increase the average cost of incarceration. For example, elderly inmates have a higher need for medical care, higher likelihood of physical impairments, and are more vulnerable to attacks. In all, these inmates may need 24-hour care, which prisons are not equipped to provide.

In general, prisons are faced with many challenges beyond overcrowding. Unfortunately, they do not appear to be prepared for these challenges.

QUESTIONS

1. Describe the development of prisoner's rights in America. Do you believe that rights granted to prisoners are "just and fair" or should we take away most of their rights?
2. If you were warden of a prison, how would you prepare your institution for the future

wave of aging criminals? What types of programs and care would you provide?

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LESSONS 18 through 24 TERM PAPER

The term paper for this course, lessons 18-24, will be based on the following topic:

You have recently been appointed to a state commission which is examining the future of corrections in the State of Nevada. The primary goal of this commission is to develop a long range plan to deal with the increasing number of resources to build new jails and prisons.

In your paper, please develop a long range correctional operations plan for the State of Nevada. Be sure to take into account population growth, crime rates, as well as age distribution. Another factor that one has to consider is that of resources. Assume, for this paper, that Nevada is not willing to increase the percentage of its budget devoted to corrections. In other words, you are limited in the amount of money that you may put toward corrections.

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<http://www.criminology.fsu.edu/crimtheory/>

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Philosophical Issues and Criminological Theory

Before we directly address the various models that attempt to explain the roots of criminal behavior, we must first deal with some even more basic questions. These have to do with the beliefs about human behavior that all of us carry around as part of our everyday commonsense understanding about reality. Among them are beliefs about "human nature" and free will. Our thoughts on these basic questions shape our responses to those who would challenge our understandings and even more importantly often shape the direction of research a social scientist will pursue.

Human Nature:

There are several components to this issue that need to be discussed. (1) Is there any such thing as an innate universal [human nature](#)? Some would say yes, because we as human beings do share a common biological heritage.

However, if we accept such a presupposition, another problem immediately ensues: (2) What is the content of human nature? There is no agreement on this point. Some would say that human beings are naturally predisposed toward the "dark side", that evil and even violent behavior are part of our legacy as humans. A religious argument has often been made, particularly among religious fundamentalists, that we are all born with the taint of original sin and thus predisposed toward evil. Another version takes a more [sociobiological](#) approach, claiming that we are still much closer to other animal species than we would like to think. Aggressive defense of territory and violent means to obtain food, water, etc. typify many animal species. How could millions of years of [evolutionary development](#) mysteriously disappear? Haven't war and [violence](#) been an unchangeable aspects of the history of the human race? [G. Gordon Liddyshow](#), the former Watergate conspirator, says as much every time he appears on TV or lectures at a college.

That a universally acquired human nature may pre-equip people to do good seems to be a minority position, but such a starting position is accepted in some cultures. Anthropologists have pointed out that such beliefs arise most frequently in groups that depend greatly on mutual co-operation for survival, such as hunting and gathering societies. For example, among the [Tasaday](#) of the Philippines there are no words in their language to express such feeling or actions as hate, fighting, violence, etc. Are these phenomena unknown among them? The Tasaday assumed their view of human nature was universal.

In the Western tradition positive views of human nature are less common, but not unthinkable. If each infant were born with a spark of the divine as the Genesis account infers, wouldn't that be a potential for good? Some theologians have argued that to be the case. For example, the 19th Century Protestant theologian [Horace Bushnell](#) in his book [Christian Nurture](#) pointed out that older Calvinist ideas of human depravity were no longer adequate. The potential for good existed in all of us. Unfortunately that potential was often extinguished before it had the chance to reach moral maturity.

Sociologists and anthropologists often argue that there is no such thing as a common universal human nature. Instead they hold that culture shapes human nature[s], which is (are) quite plastic or malleable. [Margaret Mead](#) famous [research](#) in New Guinea on the Arapesh, Mundugamor, and Tchambuli peoples is frequently cited. If human nature is a learned phenomenon then it is possibly subject to the type of resocialization that those who favor classical or operant conditioning advocate. However, while sociologists may theoretically hold the position that there is no such thing as human nature, they frequently implicitly acknowledge one in their research.

Whether people are different in kind or only in degree from the rest of the animal kingdom is another important pretheoretical choice researchers make. Those who believe we are much closer to the animal kingdom are going to produce explanations of criminal behavior quite different from those who assert that we are quite unique from other animals. Do human beings respond much the same way rats and pigeons do? Or does the human brain and its use of language allow us to reason in a way that fundamentally separates us from all other animal forms?

Free Will v. Determinism:

Is our behavior, including criminal actions, something we freely choose to do by an act of our will or is our behavior largely determined by forces beyond our immediate self control such as our biological make-up, family environment, or socio-economic condition [i.e. growing up in a ghetto high rise]. There are 3 major positions on determinism that can be labeled hard determinism, soft determinism, and non-determinism [or free will].

The latter has a long history, and is particularly important to the American criminal justice system. Our system is not interested solely in evil actions, but ultimately in the motivation for such actions. For example, killing another human being is not a crime if it is done in self-defense or of an enemy during wartime. The act must be motivated out of a guilty mind that has freely chosen to do evil.

The free will position also has religious roots (like the natural depravity position), and is strongly held among evangelical groups who view freely-made choices as being the major determinants of both our earthly and eternal conditions. The free will position has been reasserted very strongly in our criminal justice system over the last 30 years. Examples include the introduction of adult sentences for juveniles ["they already know better"] and mandatory sentences for drunk driving. (They may suffer from the disease of alcoholism but they made a free will choice to get into their car drunk.) Even the insanity plea has come under attack by those who would seek to eliminate it altogether or replace it with a "guilty, but insane" verdict.

Within criminology, the earliest example of free will theory has become known as the [Classical School](#) [of Beccaria and Bentham]. However, if one argues that pleasure and pain are the only motivations in all situations the Classical school is really somewhat determinist.

At the other end of the spectrum is [hard determinism](#), or the belief that our actions are actually controlled or impelled by forces beyond the immediate decision making process of the individual. Hard determinism takes a number of forms, particularly biological, psychological, and sociological determinism. We are fated by either our biological inheritance, early childhood effects on our psychological being, or the particular social environment we were unfortunately born into. Hard determinists hope to be able, after extensive research, to predict events and ultimately control behavior, particularly criminal behavior. Their models also serve as "salvation devices" by removing blame from the criminal and therefore the necessity of punishment. To punish individuals who cannot control their behavior would be the ultimate cruelty. Instead it is society's obligation to humanely offer treatment or assistance to those trapped in their untoward behavior.

Soft determinism takes a moderate position between the two extremes. Soft determinists believe that human beings do control a significant portion of their behavior, while they are limited in the choices they can make by lack of knowledge, quality of parenting, biological predispositions, economic circumstances, etc. A ghetto child, raised by an inadequate parent, attending an underfunded urban school, in a neighborhood with few job opportunities, etc. has many fewer choices than does a child born into the upper class with all the benefits and privileges such standing accords. However, many kids in ghetto neighborhoods will choose not to join gangs or become involved in delinquent behavior. Many will create better lives for themselves and their children.

Soft determinists also point out that we can not predict or control human behavior. Each person responds to the situations in which they find themselves uniquely. While trends or patterns may be noticed, predictions are always precarious. This is the reason that future violent or dangerous behavior is so difficult to predict, even when a team of psychologists has a prison inmate under continual monitoring.

Within criminology, the Neoclassical school first argued that free will could be diminished by mental disorders, mental incompetence, etc. Some have much more free will than others do.

Michael Katz, in [Seductions of Evil](#), takes a position that on the free will/determinism continuum would

fall somewhere between total free will and soft determinism. He questions whether either biological, psychological, or socio-economic/environmental models really explain criminal motivation. Do these conditions really motivate people to shoplift, rape, rob, and murder? Katz doesn't think so. Instead he asks what is so appealing about each of these types of crimes.

Most criminologists have begun with the assumption that crime is morally repellent and therefore no one would choose freely to act in such a manner. Katz hopes to turn the criminal event into the topic of investigation itself rather than a resource for locating deviant personalities. His goal is shared by a group of sociologists known as ethnomethodologists. They have previously questioned other aspects of our taken-for-granted reality. Katz raises the possibility that certain crimes have seductive potentialities, but even these are not the ultimate determinants of criminal behavior. Criminals allow themselves to be seduced and in the process adopt the often upside down or reversed moral perspectives required to commit the criminal act. Katz's example in his book's introduction demonstrates how interrogators come to feel that those being questioned are under a "moral imperative" to answer their questions. Such a reversed moral logic has led to the beating of non-compliant captured enemy soldiers in wartime and the "compelled" testimony of many within our criminal justice system. Criminals used reversed forms of moral reasoning all the time as [Sykes and Matza](#) best illustrated.

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Demonic Perspectives

The phrase "demonic perspective" conjures up images of Wes Craven-type movies. Teens possessed by Satan run amuck in your hometown! If I had to chose a title, I'd chose a more neutral one such as religious explanations of deviant behavior.

I. Theodicy

It is not surprising that any discussion of the existence of evil behavior in the world would begin with religious explanations. One of the major functions of religion has been to explain the existence of evil, suffering, and death. This particular aspect of religion is known as [theodicy](#). The sociologist [Max Webe](#) identified three major forms of theodicy within the major world religions: (1) karma (2) divine providence and (3) dualism. Taken together these explanations appear better suited to explain victimization than criminal motivation, but both are encapsulated within each model.

1.Karma: This idea comes from Eastern religions, particularly Hinduism and Bhuddism. Karma is closely tied to belief in reincarnation. One's present condition and behavior is explained by the stored up negative or positive karma accumulated from past incarnations of the soul in previous bodies. If you are victimized or suffering in this life, bad karma is to blame. Similarly, evil persons may have inherited the negative traits of past carriers of the soul. (In the movie *Fallen* police officer Denzell Washington tries to track down an evil presence that jumps from one individual to another at the moment of death.)

However, it would be misleading to state that the doctrine of karma is deterministic, invalidates free will, or removes responsibility for actions from individuals. It is possible, for a person with bad karma to struggle against their inherited essence and live a righteous life. Similarly, a person with good karma might squander their noble inheritance by living a life of sin and debauchery. Inevitably, one will have to pay for their misdeeds or be rewarded for their good ones, but not in this lifetime. The next time the soul is reborn the fate of the new inhabited one will be determined by the new karma, now altered by the past incarnation. This process goes on repeatedly, with all rights and wrongs being worked out by the universe. The ultimate escape comes as over time the soul recognizes its higher goal of looking beyond temporal existence and toward oneness with the giant one world soul.

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2. Divine providence (predestination): We are born good or evil (bad seed). Criminals are part of all communities, as saints and sinners are forced to live together. Ultimately it is all part of God's plan, established before the first human ever appeared on earth. If this sounds like [Calvinism](#), as we discussed the first night of class, you're right. A Calvinistic God is all powerful, all knowing, and ultimately inscrutable.

The idea of divine providence leads to many questions. Is God the author of evil as well as good? Why would God choose certain persons for divine bliss while others are destined for eternal damnation? Is there nothing human beings can do about their fate? However, Calvin forbade even asking these questions. Questioning God is the ultimate blasphemy.

What would the followers of Calvin do? Would they follow Calvin's admonition not to question providence? Of course not! Max Weber has described the results of the quest to know one's fate in one of the most famous history texts ever written [The Protestant Ethic and the Spirit of Capitalism](#). Calvin's followers quickly realized that to live in a world in which one's life decisions had no impact on one's ultimate outcome was to live in an absurd world. One could lie, cheat, and steal and still end up in heaven. On the other hand, God might reject even a virtuous person because they were not "chosen" Calvinists believed that God was not a trickster (unlike Woody Allen's view of God in *Love and Death*), and would not fool believers into thinking they were saved. The sign of God's election chosen by

Calvinists was success in a worldly occupation. The idea of "work as a calling" was borrowed from [Martin Luther](#), who exhorted believers not to leave their current jobs for religious occupations (becoming a priest or nun). The inadvertent result of the Calvinist creation of the Protestant work ethic was the establishment of capitalism. With renewed devotion to work, the self-fulfilling prophecy was success in business.

One unfortunate consequence of the Protestant ethic was a flip-flop in Western attitudes toward the poor. Some would argue that our criminal justice system is still trying to overcome the built-in bias against behavior among the poor now dominant in our culture. Prior to Calvinism, the predominant perspective toward poverty was that it had special spiritual significance. Jesus was poor, priests often took vows of poverty, and the poor were to be helped by the church community through the giving of alms. After the emergence of capitalism, the poor were considered disreputable. Images of the poor as lazy, drug and alcohol abusers, petty criminals, are commonplace. Attempts to control the behavior of the poor have abounded, while business-related crimes seemed to be ignored. It has not been difficult for critical theorists to make this point.

3. Dualism: The final major religious explanation for evil is the existence of a malevolent power wrestling for control of the universe with the forces of good. In most versions of dualism the evil force is destined to lose the struggle with God.

In a series of books by Jeffrey Burton Russell, the history of Satan is detailed.

- Lucifer : The Devil in the Middle Ages
- Satan : The Early Christian Tradition
- The Devil : Perceptions of Evil from Antiquity to Primitive Christianity
- Mephistopheles : The Devil in the Modern World

Ironically, early Judaism had no devil, but a dual-sided Yahweh with both a good and evil nature. Later, the Hebrews subtracted the evil personage from God and ascribed it to a different spiritual power, the devil. Christianity would adopt the idea that the devil and his demonic legions would have reign over the earth until Christ's return at the end of time.

Within the larger frame of dualism a number of possible explanations for evil behavior by human beings existed. Could human beings resist the devil? Do human beings have free will? Can saints be possessed by the devil?

II. Temptation or Possession?

Both free will and deterministic views of human nature appear in the Bible. As all are descendants of Adam and Eve, the legacy of original sin taints all human souls. However, the idea that people freely chose to do evil is repeatedly made within Judaism and Christianity.

Judeo-Christian theories of criminal behavior can be categorized as either (1) "temptation" or (2) "possession" models. The first is a "free will" model while the latter is not.

(1) Temptation Model: No matter how tempting the devil's offers might be, the individual always retains the ability to refuse to sin. Of course, the "good force" offers rewards as well for obedience to compete with the devil's, and frequently promises spiritual aid to help the beleaguered individual resist the devil's temptations. Therefore, those who give in to the temptations are by nature "weak-willed."

This commonsense idea that those who turn to crime (or overeat, over drink, etc.) are constitutionally inferior remains quite popular. If only the individual had enough willpower or truly wanted to stop they certainly could. Of course, this model frequently has a deterrent component as well; e.g., the threat of hellfire or other eternal punishment for those who chose to do evil. Classical criminology's emphasis on the threat of punishment is very much part of the legacy of this religious model.

(2) Possession: The second major demonological model--possession--is much more deterministic, and as such may be viewed as the progenitor of later positivistic theories. Once possessed by an evil spirit the person is no longer responsible for their actions. The devil now has taken control of the individual's mind and body resulting in evil behavior. One way of "curing" the individual is through exorcism; a religious ritual aimed at jettisoning the unclean spirit from the body. Usually the more a group believes in the existence of a literal devil, the greater they find a need for exorcisms.

One question that is frequently raised concerning the possession model is whether good or moral persons can be possessed. If not, then the possession model has a free will component built into it. Only those who are not vigilant or turn to the dark side risk possession. Individuals would be held accountable for "allowing" themselves to become contaminated. However, all behavior enacted while possessed would be forgivable. But, not all possession models exempt the righteous from possible takeover by dark forces. The possession of innocents, such as children, is believed possible within some traditions.

What was to be done with the demonic individual? This was a very important question among peoples who believed firmly in the idea that evil, if allowed to continue "untreated," would destroy their societies. The Hebrew prophets told the people of Israel for generations that God would punish them as a people if they persisted in sin. This meant something drastic had to be done to the unrepentant sinners in their midst. One of the advantages of the use of exorcism would be that it allowed individuals to be restored as fully functional community members. Other methods would be perceived by modern observers as much less humane. Public humiliation, execution, and banishment were frequently used by religious societies as ways of controlling their deviant populations, and even more importantly, as a means of restoring the broken people's relationship to their deity. For serious deviants, capital punishment would be a final solution.

On the other hand, religious cultures frequently developed alternative methods to avoid societal breakdown from the deviant actions of one toward others. Modern practices such as restitution, community service, and victim-offender reconciliation had their origin in tribal societies and their

attempts to keep minor offenses from leading to family or clan feuds.

III. Sociodicy: The Rejection of Demonic Perspectives

While religious explanations of deviant and criminal behavior have predominated in history, in the West these were gradually rejected during and following the Enlightenment. The rest of this course will focus on the alternative explanations that have emerged over the last 200 plus years. What unites all modern explanations is their rejection of theodicy (religious explanations for evil) for what Stanford Lyman first labeled **sociodicy** (naturalistic efforts to explain the ways of man to man). Evil and suffering now are explained as the result of worldly rather than otherworldly forces. Both free will and positivistic explanations would fall under sociodicy. For example, the movement to medicalize deviance (explain evil as the result of biological or psychological disease, addiction to substances, etc.) has been influential over the last 100 years. The extent of influence has decreased and increased during certain eras, but medical explanations have remained an important part of criminology.

Another outcome of the decline in belief in an afterlife in which this worldly injustices will be settled, is a new emphasis on ameliorating the conditions producing crime. Positivism's emphasis on prediction and control of behavior is one example. Another is Marxism's attempt to replace the oppressive conditions associated with capitalism with a more socialistic crime-free utopia.

IV. Is There a Place for a Demonic Perspective in Contemporary Criminology?

While scientific explanations have replaced religious ones in geology, biology, etc., when it comes to theories of human behavior religious models are adhered to by many. This allows for the periodic revival of demonic explanations for crime. This was the case in the 1980s and 1990s as a satanic panic swept the US and the world.

SATANIC CRIME TODAY

While satanic forces have been frequently blamed in Western history for the misfortunes of humankind, criminal justice officials in the U.S. have paid satanism little mind until the mid-1980s. At that point the country was swept by an epidemic of allegations that murders, sexual or ritual abuse of children, and ritual sacrifice of animals were commonplace activities among satanists. *Satan's Silence* is an investigation, co-authored by a journalist and an attorney, into a panic which swept the country regarding ritualistic abuse at daycare centers. However, as the authors suggest, fears of contemporary childhood victimization were part of a much larger satanic panic which swept the nation in the 1980s. In this section, we will look at who spread these beliefs, what was claimed, why they were believed, the problems with these accounts, and the continuing legacy of such beliefs. It is my opinion that the satanic panic represents the greatest crime hoax of this century, but one that continues to impact negatively on many people's lives.

Media Involvement

The media helped to create a climate favorable to the belief that satanism had become a real life menace. Gothic literature spawned horror comic books (banned in the 1950s), while Hollywood films featuring satanic themes have long been popular. Early on sympathetic news reports spread belief in satanic crime, but as skepticism increased the news media turned on those who claimed satanism was rampant in the country and asked for proof.

For this type of crime it was not newspapers or TV news, but TV talk shows which were the major media provider of information. TV talk shows like *Geraldo* and *Sally* featured this topic for a number of years and almost always uncritically presented the claims of widespread satanic abuse. Talk shows became the new medium for retelling "urban legends." Those like Nathan who have done a systematic investigation of the backgrounds of major writers and speakers on satanism, have found that many had questionable backgrounds or histories of mental illness. Such facts ought to have been discussed before anyone accepted at face value what these satanic story tellers were saying. However, *Geraldo* and other talk show hosts who had such speakers on their shows rarely if ever mentioned their backgrounds. Anti-satanists went unchallenged for the most part. This was not responsible journalism. On *Geraldo*, *Geraldo* ceased being a journalist, despite his claim that many of shows represented "special investigative reports." The opposition point of view, when presented at all, was typically given to leaders of established Satanic churches like Acquino or LeVay rather than to nay-saying journalists or scholars. The "organized satanists," who claimed they had never murdered or tortured anyone, often were dismissed by audiences and opposition guests alike as obvious liars. Of course, everyone knows "satanists are liars." Talk shows do not present facts and validates information. They represent a new breed of TV, "info-tainment," presenting information as entertainment. They never should be assumed to have the same credibility as nightly news casts or newspaper reports.

Those claiming to have been victimized or victimizers (and sometimes both) in satanic groups included the following:

1. *Children at daycare centers.* Children told hundreds of horrific tales; e.g. of being forced to commit sexual acts with robed, chanting adults; of being made to drink blood or eat feces; and to witness animal and human sacrifices. *Satan's Silence* does an excellent job of discussing how these accounts were produced, so I will not cover the same ground.

2. *Teens who said they were satanists.* There is evidence that some teens spray paint satanic graffiti on walls and even sadistically kill small animals in haphazardly concocted satanic rituals. But, even reports of these incidents far outnumber their reality. A "self-styled satanist" is typically an isolated adolescent male who turns to the black arts. Some teenagers (particularly boys) are attracted to satanism. It offers an easy way to get the things teens want (power, money, sex). For this same reason boys form rock bands. Teens who feel alienated from their classmates may dabble in Satanism, but most leave it rather quickly. However, a few do take the "theological" messages of Satanism seriously. 17-year-old Sean Sellers claimed he was a satanist when he committed two murders in Oklahoma, but had a number of personal and family problems which might better explain his actions. Sellers acted on his own and was not doing the bidding of an organized satanic group.

3. *Middle aged women who in therapy (and often under hypnosis) stated they had recovered repressed memories of childhood satanic abuse.* They told stories of being "breeders" of babies born without official birth certificates so they could be ritually sacrificed to Satan; of how bodies were disposed of in such a way that no trace of their existence could ever be uncovered (corpses were burned and the bones ground into powder); and gruesome tales of cannibalism and blood drinking. Even though they had allegedly witnessed crimes, victims rarely reported them to the police after having recovered their memories. There has been considerable discussion of repressed memories since these reports surfaced and psychological experts on memory have found no evidence to support the phenomenon described by therapists. Also, those who study hypnosis warn of the dangers of trying to reintegrate victims diagnosed as suffering from multiple personality disorder or disassociative disorder. The newly integrated personality may end up believing that they experienced many things which never happened in all likelihood.

4. *Ex-members of satanic covens who since had been converted to evangelical Christianity.* The most notable of these was Mike Warnke, who made an excellent living off telling already convinced Christian audiences that he was an ex-satanic high priest and participated in ritual victimizations. He was later exposed as a fraud. The only thing people who knew him as a teen agreed upon was that he had always had the ability to tell stories and make others believe them.

5. *Members of organized satanic churches like The Church of Satan or Temple of Set.* These organizations are small in numbers and claim never to have murdered or tortured anyone. In terms of their life philosophy they are probably most similar to EST or any other self-awareness group which advocates putting ones own needs and desires first.

Those claiming to have uncovered satanic crimes included:

1. *Cult cops.* Cops and ex-police officers charge fees to lecture audiences of other cops on what they "know" of satanic crime. In Pursuit of Satan by Robert Hicks debunks the cult cop phenomenon.

2. *Child interviewers, social workers and psychologists.* Treatment personnel lectured other child welfare workers on the dangers of Satanic involvement. In November 1992, I attended a workshop sponsored by the Pinellas County Juvenile Welfare Board on "Treatment Approaches: Adolescents and Cults." The workshop featured all the satanic hysteria one could ever want to endure.

3. *Psychiatrists interviewing middle-aged women.* A 1996 episode of *Frontline* documented how deeply psychiatry has been involved in the satanic panic. Women suffering from disassociative disorders who were referred to psychiatrists who believed in satanism were placed in very expensive treatment centers. They were informed they had been abused by satanic cults and had "secret codes" embedded in their memories which if activated would cause them to kill their husbands and children. Needless to say, husbands who believed this left their wives. Children were also alleged to be already initiated into a satanic cult and placed in therapy as well. To date none of the doctors involved has been sued or had

their licenses revoked.

4. Parents of allegedly abused children. This is discussed in *Satan's Silence* as well.

The Claims

Claims that were made stretched from tales of the use of the mass media (including [computer games](#)) to convert kids to satanism, to wholesale torture and murder, a massive cover-up, and a universal conspiracy. Rock music (particularly Heavy Metal), children's cartoons, and role-playing games were identified as gateways to satanism (similar to the way marijuana is singled out as a "gateway drug"). Music such as Ozzy Osbourne's contained lyrics that overtly paid homage to the devil. An even more serious problem was "back masking." Alleged satanic messages were recorded backwards onto a record. The album didn't even have to be played backwards for the message to have its subliminal effect. It sunk into the subconscious and later resulted in negative behavior. The band Judas Priest was unsuccessfully sued by a parent who claimed the phrase "Do it" back masked onto an album had led her son to attempt suicide. No evidence for subliminal suggestion has been uncovered by psychologists. Children's cartoon's such as "He- Man" and "Thundercats" tapped into supernatural forces that detractors of the shows label satanic. Children who watched a steady diet of these cartoons were being set up to accept occult practices later as teens. The Internet may soon be recognized as the latest "doorway to hell"

If satanism were as prevalent as anti-Satan experts claimed it was, bodies would have been unearthed everywhere. Cult experts claimed there are anywhere from 50,000 to 2 million children ritually sacrificed to the devil each year. In comparison, only around 25,000 murders are reported in the U.S. each year. Almost all the alleged "missing" children can be accounted for as "kidnap" victims of one of the parents in a custody dispute. The FBI documents only about 100 stranger kidnappings of children each year.

Anti-satanists claimed that there was a vast organized network of devil worshippers in the U.S. that has infiltrated all levels of local, state, and federal government (including the criminal justice system.) Police officers refused to arrest and hid evidence; prosecutors would not indict; while judges who were part of the conspiracy refused to convict. Conspiracy theories of this nature are rarely if ever true. Other examples include the belief that gun control was a communist plot to have the American citizenry disarmed when the Russians would invade and house to house combat ensued; air pollution laws were generated by socialists who hope to speed up America's economic collapse, or that drugs are being used systematically by white elites to destroy black communities in America.

Why do people believe conspiracy theories? Hans Toch in *The Social Psychology of Social Movements* analyzed the psychological gratifications that conspiracy theories offer, whether of the left-wing or right-wing variety. They allow individuals who believe in them to have one all-encompassing answer to a myriad of social problems. A conspiracy theory also allows those who believe it to "know" the future before it happens. Such knowledge allows them to feel secure while others struggle to understand what is going on around them. Critics have argued that the satanism phenomenon was largely the result of

ultra-right-wing fundamentalist and evangelical Christians spreading their ideas concerning the "end times." If Satan's power is growing, the Judgement Day is near. But, as we have seen it was also supported by the welfare establishment and some branches of psychiatry.

While at first law enforcement agencies took the reports of murdered infants seriously, they gradually realized there was no evidence of these events. [Kenneth Lanning](#) of the FBI wrote a series of articles concluding that no such murders had occurred. However, true believers still exist. A TV program on Satan broadcast on a religious channel in January 1996, repeated many of the same accusations that law enforcement investigators and scholars have been unable to validate for 10 years. These claims put investigators in the unenviable position of trying to disprove a negative. How would one prove earth has never been visited by UFOs?

While satanic crime may be largely mythical, the consequences of the satanic panic have been all too real. As [Nathan and Snedeker](#) documented hundreds of adults were falsely convicted, many children suffered months of excruciating interviews in which they were "forced" to confess to things which never occurred and then put into unnecessary treatment programs, and the lives of thousands of families were needlessly disrupted.

If, however, we eliminate completely discussion of evil from criminological discourse our ability to comprehend contemporary wrongdoing may be lessened. It was in the attempt to revitalize criminological discussion of evil that Stanford Lyman wrote *The Seven Deadly Sins: Society and Evil*. This was the first criminology text with the word "sin" in the title since E.A. Ross' 1907 *Sin and Society*. Ross referred to evils committed by "criminaloids", industrial capitalists whose actions were not yet legally considered crimes. Forty years later Edwin Sutherland would author *White-Collar Crime*, detailing the same evils. Lyman's work delineates the evils of greed, lust, sloth, envy, etc., discussing both motivation and consequences. Other contemporary criminologists such as Richard Quinney have attempted to combine religious perspectives and Marxism. More traditional criminal justice theorists such as Charles Colson also rely on a religious framework.

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The Classical School

These notes refer to the classical school [Cesare Beccaria and Jeremy Bentham], subsequent revisions of this model [frequently referred to as the neo-classical school], and contemporary versions of classical thought [rational choice models].

Before preceding to discuss Beccaria it may be important to discuss the state of criminal justice in Europe to which the classical school was responding. Europe was leaving behind its long history of feudalism and absolute monarchy and turning toward the development of modern nation states that ruled based on rational decision-making powers. However, criminal justice was one of the areas that needed to be updated. Throughout Europe [except in England] the use of torture to secure confessions and force

self-incriminating testimony had been widespread. Michel Foucault's description of the execution of Damiens for attempted regicide shows just how brutal traditional justice could be in France. In England, the standard penalty for conviction of a felony was death. In addition, capital punishment had been combined with [estate forfeiture](#), leaving the felon's widow and children penniless. The "corruption of blood" made it legally impossible for the convict's parents to pass on their wealth to their own grandchildren. Many accused Englishmen allowed themselves to be crushed to death (*piene forte et dure*) rather than risk a trial and leave their families destitute.

It was with knowledge of such history that Beccaria developed his ideas concerning criminal behavior and how best to control it. However, Beccaria and other utilitarians did not develop their ideas in a vacuum. There were other Enlightenment thinkers such as [Hobbes](#), [Locke](#), and [Rousseau](#) who helped to create the intellectual climate in which Beccaria worked. There were a number of beliefs about human behavior that most "reasoned" intellectuals shared. These included:

- (1.) The belief that pain and suffering were a natural part of the human condition.
- (2.) Humankind is a rational species.
- (3.) What controls behavior is the human will.
- (4.) Although supernatural [and natural] forces might influence the will, in regard to specific actions the will was free to choose.
- (5.) The principal means of controlling behavior is fear, particularly fear of pain or punishment. In this way the will could be directed to make correct choices.
- (6.) Since the state had the right to punish behavior, it ought to do so in an organized manner which included the centralized administration of law enforcement, courts, and correctional practices.

Other important points to be made about Beccaria.

1. Beccaria did not develop a new explanation for criminal behavior. He merely accepted the taken-for-granted beliefs of his era. He sought solely to rationalize punishments.
2. Beccaria opposed allowing judges the type of broad discretion they then enjoyed.
3. The ultimate source of law must be the legislature, not the judiciary. Beccaria is here attacking the common law tradition. Today's conservatives attack judicial activism, i.e., in the recent U.S. Supreme Court.
4. The principal role of the judiciary is in determining guilt, not deciding on punishments.

5. A truly rational system of criminal justice would be based on a scale of crimes and punishments: e.g. first, second, and third degree felonies. Each would be assigned a specific punishment that included ascending severity based on the level of seriousness of the offense.

6. The severity of the crime for which one is ultimately punished must be based upon the actual act committed, not the level of intent involved. If you only intended to maim someone but they died as a result of the injuries inflicted, the perpetrator must be charged with murder.

The Neo-classical School

A number of criminal justice historians have noticed the pendulum like nature of criminological theory. Once a particular model becomes "dominant" its antithesis is argued by "reformers". The neo-classical approach to criminology is not a true anti-thesis but a form of revisionism. Neo-classical criminologists recognized that the free will approach had a number of shortcomings. Among them was the English jurist [William Blackstone](#)

Neo-classical criminologists considered the types of criminal behavior best explained by the classical model and what types of criminal behavior the model is inadequate to explain. Some of the objections pointed out by neo-classical thinkers included exceptions long accepted by criminal justice systems. These included classic criminal defenses such as self-defense or mistake of fact. Also, long recognized was the fact that not all persons were completely responsible for their own actions. For example, should children be expected to behave with the same level of responsibility as adults? When does a child become fully responsible for their own actions?

Also noted was the fact that some people appeared to be compelled by forces beyond their rational control. While a supernatural "possession" model had previously accounted for some of this behavior, the decline in belief in supernatural forces was matched by an increasingly positive treatment toward "mental illness" type explanations. There were some who behaved "irrationally." Separating the rational from the irrational has become a continuing problem for modern criminal justice systems.

Another area of long legal concern was whether individuals can be influenced by others to do things they would not normally do, and whether they should be exonerated by the courts in such instances. Duress and entrapment are criminal defenses based on this premise.

Modern Versions of the Classical School

Within criminology the classical school's importance diminished as positivist explanations of criminal behavior emerged and became dominant. However, most modern criminal justice systems have never rejected free will explanations of criminal behavior. In the United States and some other constitutional democracies, the classical model has been thwarted more by the system in which it is implanted (one requiring an adversarial procedure and due process) than by positivism. (See the Packer article in the reader)

The classical model has re-emerged in criminology and American jurisprudence as the "justice model" and rational choice explanations. These approaches are advocated by theorists such as David Fogel, Ernest van den Haag, James Q. Wilson, and Ronald Clarke. Collectively they would favor the following:

1. Doing away with indeterminate sentencing and its replacement with various forms of determinate sentencing, including sentencing guidelines, mandatory sentences, habitual offender statutes, etc.
2. Truth in sentencing. One should serve one's full sentence and not receive an early release through parole or prison overflow control policies.
3. The use of the death penalty. Most favor decreasing the amount of time between sentencing and execution by limiting the appeals process. (Bentham and Beccaria both opposed the death penalty as a punishment so severe it would have no deterrent effect.)
4. Doing away with the exclusionary rule altogether or the allowing of additional "good faith" exceptions for law enforcement infringements and defendants' due process rights.
5. Continued research on criminal behavior predicated on the idea of free will. It examines phenomenon such as criminal career choices. For example, why would an offender choose to shoplift rather than commit robberies? Why do some career criminals finally decide to stop and become honest productive citizens?

Links:

[Jeremy Bentham \(1748-1832\)](#)

[Cohen: Felson's Routine Activities](#)

[Rational Choice and Deterrence Theory](#)

[Rational Choice and Sociology](#)

[Rational Choice Theory](#)

[Rational Choice](#)

[Mathematical Models: Rational Choice Theories](#)

[Does Punishment Deter](#)

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The Positive School: Biological and Psychological Factors

The theories we will be discussing in the next few weeks differ significantly from the classical model.

All presume that scientific study of criminal behavior will uncover the "causes" of such behavior, causes that are beyond the control of the individual. As such, these explanations are deterministic. [Positivist criminologists](#) shared a hope that criminal behavior could be controlled if it first could be understood. While some have argued that positivistic theories offered a humanitarian alternative to the punishment regime mandated by free will explanations, the former have been openly accepted by Fascists as well as libertarians.

For positivist criminologists [Darwin](#) was thought to be a good starting point for a valid scientific theory of criminal behavior. Darwin made the point that humans and other animal species were fundamentally related rather than uniquely different. While humankind was more highly evolved than any other animal species, differences were "of degree" rather than "of kind." It was in such an intellectual environment that Lombroso developed his theories. In addition, earlier biological explanations of criminal behavior such as phrenology had made inroads among educated populations in America and Europe.

BIOLOGICAL FACTORS AND CRIME: Early Theories of Heredity

Many criminologists start their discussion of biological criminology by pointing out how unpopular such views tend to be. Not many want to believe there is any such thing as a "bad seed"; that heredity can make criminal behavior unavoidable and inevitable for some individuals. Environment as a major determining factor in criminality is a much more palatable theory for many. Of course, biopsychologists do not believe that genetic or physiological components are the sole causal agents in behavior.

Theories Related to Physical Appearance

[Lombroso](#) was not alone in thinking that [external physical appearance](#) demonstrated that criminals were biologically inferior to the law abiding. Only gradually did biological criminology shift from searching for external signs of biological abnormality to looking for internal clues of biological dysfunction. Inferior heredity or intelligence is not something one can spot from a cursory exterior examination.

Two of the forerunners of Lombrosian criminology were [physiognomy](#) and [phrenology](#). Both can be traced back to the late 18th century. Physiognomy was developed by Johan Lavater who published his 4 volume *Physiognomical Fragments* in 1775. Bearded women and unbearded men were looked upon with suspicion. Unusual physical traits were thought to be related to strange behavior, such as [tattooing](#) the body. Such facial features as "shifty" eyes, "weak" chins, or "arrogant" noses were also thought to be suspect. Lombroso incorporated many of these ideas.

[Franz Gall](#) beginning in 1791 expounded the theory of phrenology. Gall was an anatomist who believed that [each section of the brain was responsible for a different aspect of human functioning](#). Gall believed that the brain had 26 departments of faculties; a later popularizer of phrenology, [John Spurzheim](#), increased that number to 35. Unfortunately, the categories were not only too numerous, they were also

inaccurate. Specifically, they felt that each section of the brain controlled a unique form of behavior. Included in Gall and Spurzheim's functionally controlled areas of the brain were friendliness, destructiveness, benevolence, and acquisitiveness. Within the brain itself these functions were grouped together into regions. Each of the brain's three regions controlled a major aspect of human behavior:

- (1) **activity** or the "lower" functions were controlled by one section,
- (2) another controlled **moral sentiments**,
- (3) the third housed the **intellectual faculties**.

In order to determine whether an individual suffered from brain dysfunction it was not necessary to do an internal examination of brain tissue, although phrenologists certainly performed brain dissections when given the opportunity. However, external examinations were believed to be an accurate predictor of internal brain development. In particular it was thought that enlarged or unusually undersized brain sections produced bumps or depressions in the skull respectively. This belief made it possible for nearly any "doctor" to perform phrenological examinations and describe the origins of a person's problematic behavior.

Phrenology became quite popular in America and was used for classification purposes in 19th century American prisons. For example, at Eastern Penitentiary in PA phrenology was employed until 1904. In an 1856 phrenological examination of the prison's population, over 70% of the inmates were diagnosed as suffering from an overabundance of "acquisitiveness" while another 17% showed unusual development of the brain area responsible for "destructiveness."

The decline of phrenology had both to do with the fact that it was unprovable and that it was unpopular with the general public and lawmakers who continued to press for a free will explanation of behavior. While Gall argued that phrenology was not deterministic, most critics believed that it was.

The earliest biological explanations of crime to enjoy widespread popularity come from the late 19th Century and the writings of the Italian Cesare Lombroso. Lombroso borrowed from both physiognomy and phrenology as he developed his own descriptors of atavistic criminals. While biological, criminal characteristics were not always directly passed on from parents to children.

Later in his career Lombroso modified his beliefs and admitted that other factors than biology could be involved in producing criminality. Atavism accounted for only about 1/3 of the criminal population. Environmental factors played a role in a number of types of criminality.

Lombroso cited 6 categories of criminality that were not necessarily biologically determined. Among these were the following:

Habitual [or career] criminals had chosen crime as their occupational niche (i.e. Mafia

soldiers). Lombroso believed prisons acted as breeding grounds of crime for many.

Juridicial criminals were those who acted impulsively.

Criminals of passion acted criminally for noble reasons [Jack Katz's righteous slaughter fits this category].

Criminaloids were weak natured and too easily followed the, bad example of others [Sutherland's differential association fits here].

Morally insane criminals did not know the difference between right and wrong.

Hysteric criminals displayed psychological abnormalities.

In America, Lombroso's ideas met with an eager response. The late 19th Century witnessed the birth of American sociology and one of its major concerns was criminal behavior. Lombroso's ideas seemed to mesh well with those who shared his social evolutionary outlook. There were, however, some differences. A number of American scholars favored a non-Darwinian form of evolutionism first exposed by [Lamarck](#). He believed that traits learned by one generation could be passed on through heredity to the next. American criminologists such as [Charles Loring Brace](#) and Charles Henderson applied the theory to such behaviors as criminality, drunkenness, and laziness. If the parents were involved in these behaviors their children would most likely be as well. Proof that criminality ran in families was stated in such books as Dugdale's *The Jukes* and Goddard's *The Kallikak Family*. Inherited feeble-mindedness (mental retardation) was a major culprit.

Lombroso's findings did not go unchallenged by other scientists and such criticisms probably go a long way toward explaining why, over time, he found less and less "born criminals." Lombroso's most severe critic was the Englishman, Charles Goring. Goring wrote *The English Convict*, a study in which he analyzed the physical characteristics of 3000 inmates.

However, unlike Lombroso, Goring included a control sample in his study by comparing the convicts to an equal number of noncriminal British citizens. Included in the comparison group were college students, army members, and hospital patients. Goring was able to disprove that criminals showed physical anomalies when compared to the general population. He also found no significant differences in such traits as eye or hair color or left-handedness. The only differences Goring could document had to do with stature and body weight. He found criminals were on average 2" shorter than noncriminals and weighed 3 to 7 pounds less. [short, but not short and stocky]. Goring believed these differences demonstrated hereditary inferiority. However, Goring continued to assert that criminals were primarily selected from the class of normal men, but may demonstrate "extreme degrees from the normal average." In other words, criminals were simply not that different from the rest of us. While Goring felt he had successfully defeated the Lombrosian claim of biological inferiority, in the 1930s, [E. A. Hooton](#) of Harvard University attempted to repopularize the external biological model.

Biological criminology was closely related to the [Eugenics movement](#) in America. Also, the emphasis of Lombrosian and other forms of biological criminality had a significant effect on American penology. Ultimately it led to a nationwide moral crusade in favor of sterilization as the ultimate solution to the problem of hereditary criminality. In 1914, one such moral entrepreneur came up with the following model law regarding sterilization:

Harry Laughlin's model law called for the sterilization of all those who were potential parents of socially inadequate offspring. The socially inadequate, by his definition, consisted of the feeble-minded, insane, criminalistic ("including the delinquent and way-ward"), epileptic, inebriate, diseased, blind, deaf, deformed, and dependent ("including orphans, ne'er-do-wells, the homeless, tramps and paupers"). The potential parents of such offspring would be subject to sterilization - whether inside or outside an institution-, so that the law would not be discriminatory class legislation and so that the greatest eugenic good would result. In order to assure due process of law, the state eugenicist, whose duty it would be to study the heredity of the state's socially inadequate, would be required to secure a court order for sterilization. While administrative features of his model law were unexceptionable, the choice of candidates for sterilization went far beyond what anyone except the most extreme hereditarian (like Laughlin) would consider justified.

From Mark Haller's *Eugenics: Hereditarian Attitudes in American Thought*

Of course, he was an extremist. However, a number of states did pass sterilization statutes [IN, CT, WA, CA, NJ, 10, NV, NY, ND, MI, KS, WI, NB, OR, SD, NH] in the 1910's. Most limited these statutes to sex offenders and habitual criminals within the prison population. Applying the statutes, to rapists was obviously partially punitive, as are recent calls to castrate rapists. Sterilization was also claimed to have a calming effect on violent criminal personalities.

One of the major factors leading to the popularity [and ultimately the demise] of eugenic sterilization was its racist tendencies. Not only were such ideas applied frequently to black Americans, but to the massive numbers of eastern and southern European and Asian immigrants who were considered to be of inferior genetic stock. Sociologist E.A. Ross argued that the original American settlers (Anglo-Saxons and later Nordics) had as a result of their struggles to survive in the wilderness formed a biologically unique "species" of American he referred to as the "pioneering breed". The massive influx of inferior immigrants if allowed to inbreed with Americans would only weaken our society's biological superiority. [Franz Boas](#), the leading American anthropologist of the early 20th Century took the lead in opposing the racist thought that accompanied the eugenics movement. Eventually all states repealed their sterilization statutes as the eugenics movement lost interest in the 1930's. The Nazi slaughter of millions of European Jews, Gypsies, homosexuals, and mentally and physically defective hospital patients convinced the remaining advocates of eugenics of the possible horrific consequences of a state determined to carry out such a policy.

My own research on this topic has analyzed why late 19th- and early 20th-century American criminologists and sociologists so willingly accepted positivistic models such as Lombroso's. In **The Religious Roots of American Sociology** I argued that the particular religious beliefs espoused by men such as Charles Henderson (author of **An Introduction to the Study of Dependent, Defective, and Delinquent Classes**) and Albion Small (head of the world's first sociology department at the University of Chicago) were related to their beliefs concerning the future religious mission of the American nation. The [Social Gospel](#) had five major components:

- 1) a strong allegiance to evolutionism, which the social gospelers explained theistically
- 2) faith in inevitable progress,
- 3) an optimistic view of human nature that replaced a more pessimistic Calvinist perspective,
- 4) belief that the Kingdom of God was to be an earthly utopia rather than a realm existing only in the afterlife, thus necessitating a program of "social salvation" to either augment or in some cases entirely replace the evangelical concern for individual salvation, and
- 5) the belief that America was to be the place where the earthly Kingdom would be first established, and then serve as a model to the rest of the world.

The role criminology played was to separate out the salvageable from the unsavable portions of the population as an earthly kingdom could not permit "sinners".

Other Italian Positivists

The two most famous of Lombroso's contemporaries were Enrico Ferri and Raffaele Garafolo. Ferri was one of the first researchers interested in the study of crime statistics. While quite interested in Lombroso's biological determinism, Ferri consistently argued for a broader explanation of criminality. In particular, Ferri believed that social, economic, and political factors were important in attempting to develop a comprehensive theory of crime. Included among the factors were:

physical (race, climate, geographic location, seasonal effects, temperature

anthropological (age, sex, organic and psychological conditions)

social (density of population, customs, religion, organization of government, economic and industrial conditions).

From these factors Ferri developed a fourfold typology of criminal types (insane, born, occasional, and

criminal by passion) in his work, [Criminal Sociology](#)

Ferri was also one of the first criminologists to emphasize "crime prevention." By this he meant more than making sure to install deadbolt locks, however, some of his suggestions were quite practical such as increased use of street lighting and state control of weapons manufacture (and distribution). Some of his preventive proposals have since been advocated by others but he was one of the first to advocate massive government involvement and government restructuring as ways to lower crime rates. The study of crime statistics would show which programs were effective and which were not. Among the major changes Ferri proposed were: free trade, abolishing monopolies, public savings banks, foundling homes, and public recreation. In the United States, Progressives such as Teddy Roosevelt and [Jane Addams](#) advocated many of these suggestions. Ferri also suggested public housing for the poor, a welfare state idea. He also felt that birth control, particularly for the most criminogenic classes, might help. Politically, Ferri was a socialist during the middle part of his career, but later became a Fascist. This demonstrates the plasticity of positivist models. Social control of deviant populations is a concern of all authoritarian regimes.

Garafolo started his career as a judge and later became a professor of criminal law. Like other positivists, he fundamentally rejected the idea that criminal behavior was the result of free will and sought to understand crime by adopting the scientific method.

One of Garafolo's goals was developing a universal definition of crime. He claimed to have accomplished this with his concept of "natural crime." By natural crime Garafolo included offenses violated the two basic altruistic sentiments common to all people in all ages: "probity" [morality, virtue] and "pity" [feeling for others, remorse]. If Garafolo had been a better anthropologist he might have recognized the problem inherent in this statement. Anthropologists have been hard pressed to find a universal content to morality although all cultures employ the concept. The American sociologist [William Graham Sumner](#) pointed this out in *Folkways*, much to the disdain of American positivists who were seeking universal values (in keeping with Christianity).

Garafolo rejected the physical type theories of Lombroso and Ferri. Instead he advocated a "psychological" approach. In fact, his favorable position toward punishment places Garafolo closer to the classical school than most other positivists. However, his theory of punishment is ultimately Darwinian. Based on the survival of the fittest tenet, Garafolo argued for the "elimination" of certain criminal types. He advocated death for those with permanent psychological abnormalities (i.e. psychopaths), "partial elimination" (permanent imprisonment) for those fit only for "the life of nomadic hordes or primitive tribes," and "enforced reparation" (restitution) for those lacking altruistic sentiments but unlikely to repeat their crimes. By these methods Garafolo believed we could gradually eliminate our criminal populations.

PHYSIQUE and CRIME: Body Type Theories

The two most famous body type theorists were Ernst Kretschmer and [William Sheldon](#). They believed

that there was a correlation between body type and overall behavioral patterns or temperament. Kretschmer analyzed over 4,000 criminal cases using his 3 body type model: (1) **leptosomic or asthenic** [tall and thin], (2) **athletic** [well developed muscles], and (3) **pyknic** [short and fat]. His conclusion was that there is a greater number of violent criminals who correspond to the athletic type, while the asthenic are more likely to be involved in petty theft and fraud. Finally, Kretschmer found that the pyknic tended toward crimes involving deception and fraud but were also sometimes involved in violent crimes.

One of the frequently employed studies of physique was done by William Sheldon and referred to as somatotyping. He argued that there were 3 basic body builds: 1) endomorphic (fat & soft) 2) ectomorphic (thin & fragile) and 3) mesomorphic (muscular & hard). In order to rate a particular individual Sheldon used a 7-point scale for each body type, thus each individual had 3 ratings. [Example: 1-7-1 = a pure mesomorph.] Sheldon linked certain personality traits to each of the body types.

endomorphs love comfort, food, affection, and being around people; even tempered, easy to get along with [non-deviant]

mesomorphs seek vigorous physical activity, risk-taking, adventure; more likely to be indifferent to pain and aggressive, callous, even ruthless in relationships with others

ectomorphs are usually inhibited, reserved, self-conscious and afraid of people.

Mesomorphs, therefore, pose the greatest threat of becoming delinquents and later criminals. However, he found some relationship between endomorphy and delinquency.

Sheldon did his study by comparing 400 boys in a residential rehabilitation home. He gathered extensive family backgrounds on each and also monitored their growth for 8 years. In criminology, the Gluecks used Sheldon's typology extensively [as did Herrnstein in his book with Wilson]. They found 60% of the delinquent population to be mesomorphs and 30% endomorphs.

In a similar vein others have studied physical attractiveness and crime (a la Corsini) and found a correlation. However, they could not detect whether physical unattractiveness played a part in the initial choice to become deviant or whether the juvenile court system singled out unattractive children from others by adjudicating them delinquent more frequently.

In the 1970's several experimental programs were started that offered facial reconstruction surgery to unattractive inmates at some prisons, the thinking being that a new face might be a good rehabilitative tool. A study was done of over 400 that compared men who received the surgery, counseling, both, or neither. Some positive results were found with certain kinds of offenders who received the surgeries.

Wilson, James Q. and Richard Herrnstein's Crime and Human Nature

While supposedly more skeptical concerning hereditary influences on criminal behavior, Wilson and Herrnstein argue that "constitutional" factors may help account for the fact that criminal behavior is primarily committed by young males. Constitutional factors are not necessarily genetic but they may be, i.e. intelligence and temperament. These factors affect to some extent the likelihood that individuals will engage in criminal activities. An example of a nongenetic constitutional factor would be Fetal Alcohol Syndrome; it is caused by excessive drinking by the pregnant mother.

Wilson and Herrnstein believed that anatomical configurations are correlated with crime. These do not cause crime. But, the fact of their correlation indicates that there is some psychological trait, having a biological origin, that predisposes an individual to criminality--intelligence, personality, and psychopathology are discussed as possible examples. While disposing of physiognomy and phrenology as prescientific, the authors nevertheless assert that modern evidence argues strongly for physical and genetic correlates of crime. The authors reject Goring's outright dismissal of Lombroso and praise Hooton for studying 12% of the male prison population of his time. Hooton's conclusions came close to confirming Lombroso's. However, Wilson and Herrnstein do not agree with Hooton's claim that such criminals are "inferiors." For this fact Hooton has no proof, except for the fact that they were criminals. Wilson and Herrnstein see the outright rejection of Hooton's findings by sociologically oriented criminologists as turf protection and as a response to Fascism and its reliance on race-oriented theories, and the takeover of criminology by sociology-backed theories from physical anthropology as well as psychology and biology.

Wilson and Herrnstein believe Hooton was on the right track but should have concentrated on general physique. The theorist who did this was Sheldon. They argue that while Sheldon's original sample of 200 was small, his findings have been confirmed wherever they have been tested. The author's use of twin studies to back up their suggestion that crime has a constitutional component.

Theories of Mental Deficiency and Feeble-mindedness

Next to physical inferiority, mental deficiency is one of the most frequently cited biological explanations of constitutional criminality. Even after phrenology and Lombrosian criminology were largely disproved the theory that criminals could be characterized as low intelligence human beings persisted.

Historically, those of low intelligence were frequently lumped together with the insane. The insane included the feeble-minded, morons, idiots, imbeciles, simpletons, and fools.

It was not until the early 1800s that doctors such as Esquirol and Ray made a clear distinction between those who were functioning normally and then suddenly started acting crazy [mania and dementia] and those who had never developed properly in the first place or were born defective [idiocy and imbecility]. Today the distinction is made between mental retardation and mental illness.

While there are a number of explanations for both mental retardation and various forms of mental illness

today, in the 19th and early 20th centuries the principle explanation was heredity. Among the most famous researchers of that era were Dugdale and Goddard.

H. H. Goddard was a New Jersey psychologist who firmly believed that lack of intelligence was related to criminality. Such individuals Goddard did not believe were responsible for their actions. Like Dugdale, Goddard traced the family tree of a particularly notorious clan known as the Kallikaks.

The family of Deborah Kallikak, a little moron girl brought to Goddard's Vineland facility in 1897 at the age of eight, became important to both the eugenics movement and intelligence testing.

The story, as finally pieced it together, was as follows. Deborah's great-great-great grandfather had been one Martin Kallikak, a young man of good family, who at the outbreak of the American Revolution, sprang to his country's defense by joining the local militia. At one of the taverns frequented by the militia he met a feeble-minded girl (name unknown), by whom he had an illegitimate son. The son, who bore his father's name, though in later years known more commonly as Old Horror, spawned a family as degenerate as the Jukes. No matter where Goddard traced the descendants Old Horror, whether in the city tenements or rural hovels, the story was always the same: feeble-mindedness, poverty and immorality. Old Horror had 480 descendants, of whom 143 were feeble-minded, forty-six normal, and the rest of doubtful or unknown mentality. The descendants included twenty-six illegitimate children, thirty-three sexually immoral persons (chiefly prostitutes), twenty-four alcoholics, three epileptics, three criminals, and eighty-two who died in infancy. What made the Kallikak family still more interesting was that Martin Kallikak, upon leaving the Revolutionary army, married a Quaker girl of good family, and from this marriage came a line of doctors, lawyers, judges, educators-in short, respectable and honorable citizens all. Both families lived in New Jersey, sharing the same surname but unaware that they were related.

In 1912 Goddard published *The Kallikak Family*, written in a popular vein, with many lurid details concerning the degraded poverty and immorality of the degenerate branch of the family. He considered the family a perfect demonstration of the working of the laws of heredity; for "the biologist could hardly plan and carry out a more rigid experiment and one from which the conclusions would follow more inevitably."

From: Mark Haller's **Eugenics: Hereditarian Attitudes in American Thought**

Goddard defined the mentally incompetent as those born w/o, sufficient intelligence either to know right from wrong, or if they know have not sufficient willpower and judgement to make themselves do what is right. Goddard believed that anywhere from 25 to 50% of those in our prisons were there as a result of feeble-mindedness. "It is hereditary feeble-mindedness and not hereditary criminality that accounts for" our prison populations. Goddard claimed he had uncovered defective rates within individual prisons ranging from 28 to 89% with most over 50%.

Although the idea that the levels of intelligence varied greatly among the human population has long been recognized, it was not until the late 19th century that attempts were made to quantify "Intelligence." Of course, the first question that had to be answered was, "What exactly are we measuring?" (For example, although I was a straight "A" student in elementary school, etc., my father always said I had no common sense. When I got to college I found a major that claimed to be studying "common sense"--that discipline was sociology.) Scientists finally came to the conclusion that "[intelligence](#)" could be measured by creating mathematical rankings for a variety of "mental operations" [logic, reasoning, creative thought, etc.] and the combined score quantified. Alfred Binet and Theodore Simon developed IQ testing. Binet hoped to measure "native intelligence" rather than learned or acquired knowledge. In 1908 Binet-Simon added the concept of mental age to their testing by comparing individuals to average intelligence test scores for their age group. With 100 being normal, those above were above average while those who scored less than 100 were below average. Today's Stanford-Binet test has 90 test modules, arranged in order of difficulty from the 3-year-old level to that of the superior adult.

Once a standardized intelligence test was accepted the problem remained of determining what constituted feeble-mindedness. Goddard, who worked at the New Jersey Training School for the Feeble-minded in Vineland, NJ found that none of his clients had a mental age higher than that of a 13-year-old. Therefore, he set 12 or an IQ of 75 as the upper limit of retardation.

Studies done of the W.W.I draft army found that upwards of 1/3 of the soldiers were feeble-minded according to such criteria. Some studies actually found the mental age of inmates slightly higher than the draft army. Such findings ultimately convinced criminologists that the notion that most criminals were feeble-minded was mistaken. This did not dissuade Goddard.

Contemporary Intelligence Testing

Travis Hirschi switched the direction of contemporary research on this question by focusing on the relationship between academic competence, school performance, and delinquency rather than IQ scores. He examined the police records of over 3600 boys in CA. Hirschi used DAT scores (Verbal Achievement Scores on the Differential Aptitude Test) rather than IQ. Hirschi believed that the difference in school performance rates might explain why there were differing delinquency rates for white and black youths. Hirschi and others have concluded that delinquents tend to have lower DAT scores than their non-delinquent counterparts. This is true even when variables such as race and class are accounted for. i.e., white middle-class delinquents have lower DAT score averages than their non-delinquent peers.

Hirschi's research has not spelled the end for IQ-delinquency studies. In 1976, Robert Gordon published a major study concluding that IQ was definitely related to delinquency. His conclusions about race, IQ, and delinquency were quite similar to [Arthur Jensen's](#). Jensen found the average difference in IQ scores between whites and Blacks to be 15 points. Jensen attempted to explain these differences by genetics rather than environment. The [IQ debate](#) continues on.

From: Herrnstein and Murray's **The Bell Curve** 1994

Among the most firmly established facts about criminal offenders is that their distribution of IQ scores differs from that of the population at large. Taking the scientific literature as a whole, criminal offenders have average IQs of about 92, eight points below the mean. More serious or chronic offenders generally have lower scores than more casual offenders. The relationship of IQ to criminality is especially pronounced in the small fraction of the population, primarily young men, who constitute the chronic criminals that account for a disproportionate amount of crime. Offenders who have been caught do not score much lower, if at all, than those who are getting away with their crimes. Holding socioeconomic status constant does little to explain away the relationship between crime and cognitive ability.

High intelligence also provides some protection against lapsing into criminality for people who otherwise are at risk. Those who have grown up in turbulent homes, have parents who were themselves criminal, or who have exhibited the childhood traits that presage crime are less likely to become criminals as adults if they have high IQ.

These findings from an extensive research literature are supported by the evidence from white males in the NLSY. Low IQ was a risk factor for criminal behavior, whether criminality was measured by incarceration or by self-acknowledged crimes. The socioeconomic background of the NLSY's white males was a negligible risk factor once their cognitive ability was taken into account.

The XYY Chromosome and Criminal Behavior

Once the idea was accepted that inherited genetic traits might be related to criminality, researchers hoped to isolate the specific genes involved. The chemical packages that comprise genes are known as chromosomes. Every human cell contains 23 pairs of chromosomes that contain DNA. Each person has two sex chromosomes, males XY and females XX.

The first finding made by scientists of an abnormal chromosome pattern that was believed might be related to crime was the XYY chromosome, characterized by the extra male Y chromosome. A significantly greater prevalence of institutionalized men with the XYY pattern than in the general population convinced researchers the phenomenon might be related to criminal behavior, particularly violent behavior. It was hypothesized that the extra Y chromosome resulted in a "supermale," one who was therefore more predisposed to aggressive and violent behavior. No researcher suggested that all XYY boys would become delinquent. Other purported consequences of the XYY trait were degeneration of the testes, breast enlargement, partial mental retardation, alcoholism, and homosexuality. Physically, XYY males tended to be quite tall.

However, contrary to expectation, studies of XYY populations within prisons found them considerably less violent than their non-XYY counterparts. Studies were done comparing the overall offense histories of the two groups, as well as their violent criminal histories.

Explanations for the relatively high institutionalization rates for XYY males include: fear of their physical height, and the possibility that lower-class families are producing chromosomal abnormalities because of the difficult living conditions they are exposed to.

Psychological Models

Authors such as Pfohl tend to lump together biological and psychological models under pathological perspectives. Included in our on-line papers are essays on Freud and Jung, focusing on their views of the dark side of human nature and the damage to personality development that inadequate nurturing can produce.

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The Ecological Approach and Social Disorganization

The ecological approach within criminology was popular in the 1920s through the 1940s. The model is often compared to Durkheim's because of its similarity to [anomie theory](#). Both can be labelled as [social disorganization](#) models.

The ecological approach was developed during the 1920s and 1930s at the University of Chicago. The model was developed by the [sociology department](#) and used to explain urban social change; of which changing crime patterns was one phenomenon under study.

[Robert Park](#) and [Ernest Burges](#) pioneered the ecological approach. The model was borrowed from the study of plant ecosystems. In nature, plants and animals seem to live together in mutual harmony and are ultimately interdependent. [Bees pollinate flowers producing seeds, etc.] Such mutual interdependence is called "symbiosis." Park believed that cities might be [symbiotic environments](#).

Park believed that the city was a super-organism [Durkheim's](#) concept of the [division of labor](#) typical of organic solidarity was similar) that contained **natural areas**. Natural areas took many different forms, including [1] ethnic enclaves [2] activity related areas (e.g. business districts, shopping districts, manufacturing districts, residential areas, etc.), [3] income groupings (e.g. The Gold Coast [Zorbaugh](#) middle class neighborhoods, ghettos, etc.), and [4] physically separated areas (areas cut off from each other by rivers, lakes, railroad tracks, airports, etc.).

While the concepts of symbiosis and natural areas might explain city life at any one point in time (a snapshot), alone they could not explain urban change, in particular, the patterns of growth, decay, and renewal which all cities appeared to follow. To explain this phenomenon Park borrowed another concept from plant ecology, **invasion**. While an ecosystem might remain in balance for a sustained period of time, the introduction of a new species might upset the old balance. E.g. In the early 20th century, English settlers introduced a breed of cactus into Australia that proceeded to grow everywhere and killed off a significant amount of the native vegetation. Park believed that a similar pattern occurred in cities. As the "new" invaded an established natural area a struggle for dominance was precipitated. If the invasion was successful, the new became **dominant** and the process of **succession** was complete. The "new" might be a group of people [e.g. Polish immigrants replacing Irish] or urban development.

In order to explain how the process of invasion and succession worked on a large scale, Park and Burgess developed their concentric zone theory.

There were 5 zones:

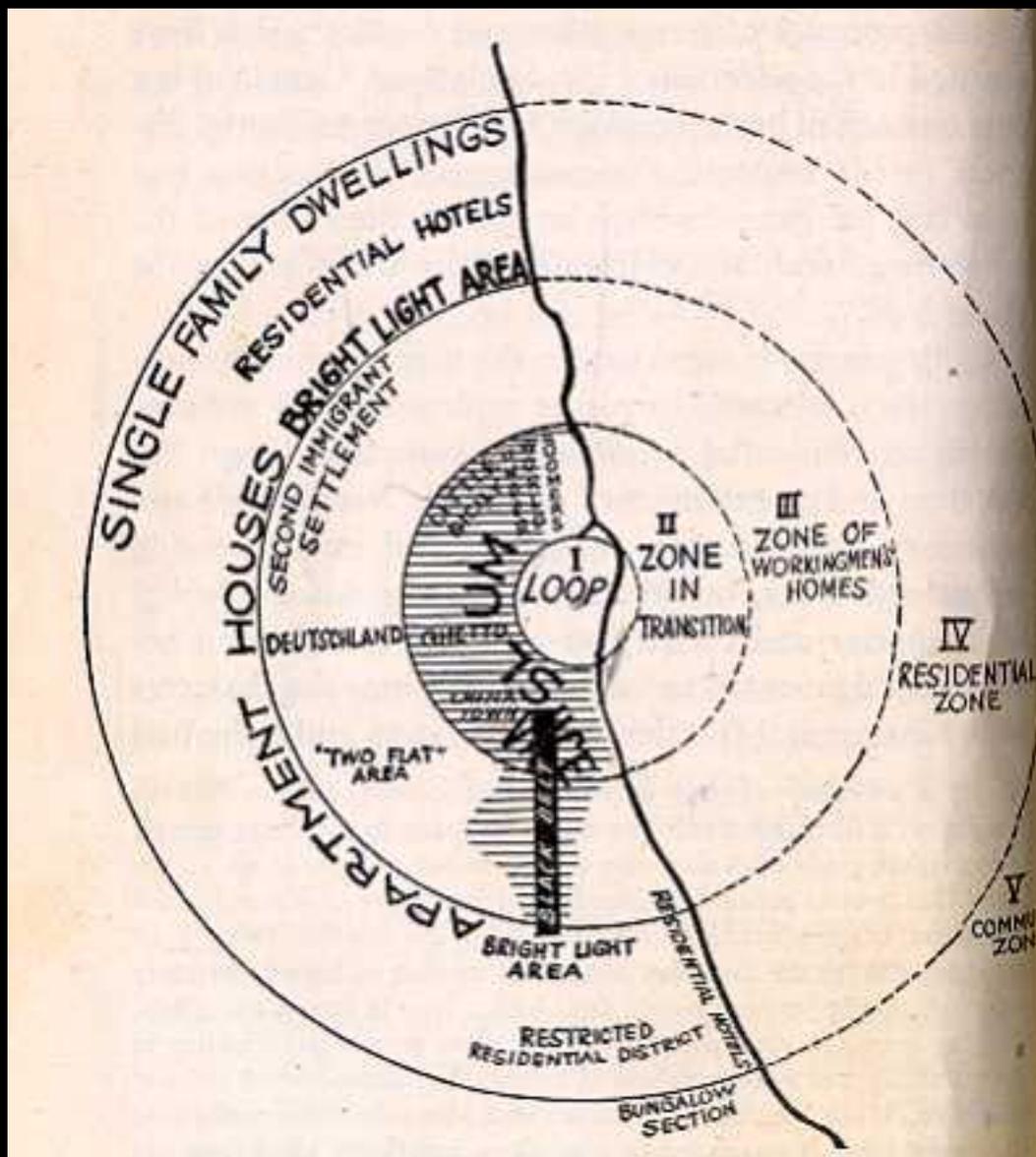
- Zone I - Central business
- Zone II - Zone of Transition
- Zone III - Working Class Homes
- Zone IV - Middle Class Homes
- Zone V - Commuters

Zone II was marked by a high level of transition, people moving in and out of the area. It was hypothesized that this "zone of transition" led to social disorganization.

From such an analysis it becomes quite evident that the problems of our urban slums can not be blamed on the people who live in them, but are the result of much greater social and economic forces, which those who reside in the ghettos are largely powerless to control. When critics attack Shaw and McKay's Chicago Area Project as a fundamentally inadequate response to the forces generating high rates of juvenile delinquency in low-income areas, it is to this fact that they are pointing. While the ecological theory rightly recognized the importance of socioeconomic power [making it a conflict or radical model], none of the ecological theorists were willing to openly express the obvious policy implications of their analysis. The city, state, and federal government would have to intervene on the side of the powerless against the socio-economic forces arrayed against them.

Shaw and McKay's use of the ecological model

Clifford Shaw and Henry McKay applied Park and Burgess's ecological approach and the concentric zone theory to the study of [juvenile delinquency in Chicago](#). The period in which they were doing their research--the 1920s and 1930s--was an interesting period criminologically because of such factors as Prohibition and the Great Depression. In Chicago, a number of criminal gangs had emerged in order to supply the underground economy with a contraband product--alcohol. The depression allowed criminologists to test whether criminality and economic downturns were related.



Concentric Zone Map of Chicago

Shaw and McKay used two different methods in order to test their theory that delinquency and patterns of urban growth and decay might be related. The first was statistical, the second qualitative. They used a large map of the city of Chicago and used pins to mark the home address of each and every juvenile either arrested by the Chicago police or reported to the Cook County Juvenile Court. Through this method they discovered that delinquency rates were highest in areas characterized as: [1] being located within or immediately adjacent to areas of heavy industry and commerce (e.g. condemned buildings, decreasing population), [2] areas having residents of the lowest economic status (e.g. these neighborhoods had the highest percentage of families on welfare, highest rates of infant mortality, tuberculosis, and insanity), [3] areas which had the highest concentration of foreign-born and black heads of families. Factors [2] and [3] were shown by Shaw and McKay to be statistically related. They proved this by following over time the succession patterns of the city's poorest neighborhoods. As new immigrant groups replaced older ones, the delinquency rates within these neighborhoods remained remarkably stable over time. The other piece of evidence for their conclusion was their discovery that ethnicity did not prove to be a significant factor related to delinquency citywide. Each ethnic group

produced delinquency rates that ranged from the highest to the lowest in the city depending on the type of neighborhood in which they resided. Frederick Thrasher used a similar approach in his study of juvenile gangs.

<p>There have been a number of criticisms of Shaw and McKay's statistical approach. They depended solely on "official delinquency statistics," had no access to self-report studies, and missed entirely the existence of middle-class delinquency. (Cicourel, Chambliss)

The other aspect of Shaw and McKay's methodology was qualitative, their use of [oral histories](#). Shaw produced 3 books based on this approach, *The Jack-Roller*, *Brothers in Crime*, and *The Natural History of a Delinquent Career*. Shaw's use of the life history approach is discussed in James Bennett's *Oral History and Delinquency*. Shaw realized that those he interviewed might embellish their pasts or lie but felt that was not a problem if one recognized the importance of understanding the offenders' attitudes. That people choose to lie about or embellish is significant. How people rationalize their deviancy is an important criminological topic [e.g. Sykes and Matza's discovery of the neutralization techniques used by delinquents to excuse or justify their crimes].

Shaw used the oral histories to document both the delinquents' immediate surroundings [homelife, neighborhood, friends, schools, encounters with police, etc.] and the evolution of delinquent careers. Shaw believed that delinquents were essentially normal kids [not biological, intellectual, or psychological misfits] whose illegal activities were related to the environments in which they were living. He discovered that delinquency began in high delinquency areas at an early age as part of the children's play activities on the streets. This was the reason his Chicago Area Project was aimed at finding alternative recreational and time-filling activities so as to prevent the early turn to delinquency. Shaw found that the neighborhoods with high rates of delinquency offered many opportunities for delinquency [junkies needed drugs, residents would purchase stolen goods, dilapidated buildings provided "club houses" where kids could avoid adult supervision, etc.] but few opportunities for successful entry into the world of work [poor schools, few successful role models, lack of jobs, etc.]. Criminal techniques such as how to hot wire cars were taught by older kids to younger ones. While such children may have been long involved in delinquent activities, it was only late in their delinquent careers that they came to identify themselves as part of the criminal world. Shaw here employs an early version of labeling theory, arguing that only after extensive contact with juvenile and adult criminals on the street and in detention centers, jails, and reform schools, plus rejection and stigmatization by the community did the youths come to identify themselves as criminals.

Crime, Poverty, and Economic Inequality

The idea that poverty is related to a whole series of other misfortunes such as illness, despair, and crime is not a new one. The Bible contains many references to poverty, for example. God judged the kings of Israel by their treatment of the poor. Jesus seemed to favor the poor and their company over that of the rich and powerful. The Catholic Church has always held the position that the poor "deserved" alms or charity and did not treat the poor unkindly.

The idea that the poor are somehow disreputable can be traced back in European society to the birth of Calvinism and the Protestant work ethic. As pointed out by [Max Weber](#), as [Calvin's followers](#) sought a sign from God that they were indeed among God's predestined elite, they hit upon the notion that God's blessing might be demonstrated through success in a worldly calling or profession. Thus, business success was the sign of God's blessing. On the other hand, the poor could certainly not be considered members of the elect. The idea that the poor were lazy and refused to "pick themselves up by their own bootstraps" became predominant over the older perspective that the poor were "closer to God".

Based on the premise that the poor are lazy and refuse to work hard, it is not too far of a stretch to argue that they will "choose" crime because it is the easy way out. This is similar to the argument frequently made about welfare. Many believe that if offered handouts such as welfare the lower classes will never go to work. Contemporary conservative authors such as [George Gilder](#) and [Charles Murray](#) advocate the elimination of welfare as an "incentive" for the poor to return to work. Welfare, which has its origins in Elizabethan poor laws [England], was always based on the concept that subsidies to the able-bodied must be kept lower than the lowest paid wage earners, Otherwise, those at the bottom of society would never work since they had no incentive.

Of course, there are a number of other explanations for why poverty and criminal behavior might be related other than those based on the utilitarian rational calculus approach advocated by classical free will theorists. It is possible, for example, that poverty is related to other factors such as resentment, malnutrition, or low intelligence, and that it is these factors which ultimately produce crime. If severe malnutrition (or eating lead-based paint) produces lifelong brain damage, then the long-term effect may be increased rates of crime among these at-risk populations.

However, besides these indirect models, a number of direct correlations between crime and poverty have been expounded upon. For example, if poverty and crime are related, then those societies with higher rates of poverty should have higher crime rates. Similarly, crime should rise during periods of economic depression and decrease whenever economic conditions and opportunities improve. Crime rates should also be higher in poor communities v. middle- and upper-class neighborhoods.

Attempts to statistically study these questions can be traced back to early 19th century France and the work of Guerry and [Quetelet](#). Since the time of Guerry and Quetelet many criminologists have studied the relationship between poverty and crime. However, the findings of such studies depend significantly on how the measure of what constitutes poverty is operationalized.

Differences between (1) poverty, (2) social inequality, and (3) relative deprivation have been operationalized

(1) Poverty has often been defined according to an economic standard. A "poverty line" is drawn based upon income considered necessary to meet basic living standards. While all such standards are arbitrary, the percent of the population living below the poverty line is often used as a measure of social stability.

(2) Social Inequality (def): a comparison between the material level of those who have the least in society and the material level of other groups. Sociologists, political scientists, and economists often divide the population up into 5ths and compare them on income, wealth, etc. Historical comparisons are also done to determine long-term changes in the percentages of wealth or income each fifth has access to. Overall the long-term trend was an upward one for the bottom fifths through 1980 when the trend reversed itself; some say as a result of the introduction of "trickle-down economics" and the concurrent attack on welfare.

Economic inequality models are also used for cross-cultural comparisons. Nations in which everyone is relatively poor such as many third world countries have little social inequality. Communist or socialist societies attempted to minimize economic inequality but still allowed a rather substantial gap between party leaders and officials [the new class] and the rest of the population.

(3) Relative deprivation has a psychological component to it. It is based on the perception that there is a large distinction between the quality of life available to the poor and the middle classes and the wealthy. Feelings of resentment and injustice must be present for relative deprivation to be a significant factor. This phenomenon is thought to be particularly acute in large cities where the wide gap between the wealthy and the poor is readily apparent everyday. The image is one of poor people looking into the store windows of Bloomingdales or Neiman Marcus and finding themselves unable to afford to purchase anything.

Are unemployment (and other measures of poverty) and crime statistically linkable? (2) Social inequality and crime? (3) Relative deprivation and crime?

(1) Unemployment has been used as a way to measure the relationship between poverty and crime because unemployment goes up or down with periods of economic depression or prosperity respectively. The study of the relationship between unemployment and crime has produced considerable controversy. What are some of the specific findings of research in this area? Within criminology, the conclusion is that there is either no relationship between unemployment and crime or that the relationship (which correlations show is sometimes positive and sometimes negative) is ultimately insignificant. Other measures of poverty have been employed as well. Many studies of this phenomenon measure poverty by analyzing factors such as the number of poor people who live in specific neighborhoods or by operationalizing structural poverty [measures of infant mortality, low educational achievement, the number of one-parent families, etc.]

Results of these studies have also proved inconsistent and in some cases contradictory. For example, Cho studied the relationship between the number of people living below the poverty line in major cities and the commission of the FBI's seven index crimes. He found no relationship, meaning that those cities that had a higher percentage of their population living below the poverty line could not be correlated with higher crime rates. On the other hand, Ehrlich found a positive correlation when he used a different method of operationalizing poverty. Ehrlich found that as the percentage of households receiving less than half of the median family income increased or decreased in 1940, 1950, and 1960 the number of

property crimes similarly responded. Since these were periods of overall decrease in the percentage of families falling below the 1/2 median income figure he found that property crimes decreased proportionally. Structural poverty and homicide [particularly acquaintance homicides] were found to be correlated by Loftin and Hill, Messner, and Smith and Parker. It appears that in bad economic times acquaintance homicides go up, possibly as a result of being unable to cope with such stressful situations and then lashing out as those closest around them.

2) Social inequality and crime:

Cross-cultural studies have similarly found higher homicide rates in nations characterized by a greater degree of economic inequality. However, the correlation did not hold true for property crimes. American studies of economic inequality have found it to be a more significant variable than poverty. These studies often use cities or historical eras for comparison purposes. Cities with higher rates of economic inequality are compared to those with less differentiation. Cities like New York and Los Angeles have much wider gaps between the rich and poor than cities in less prosperous parts of the country like Appalachia or the Deep South (Alabama, Mississippi).

(3) Relative deprivation:

It has proved extremely difficult to study the relationship between relative deprivation and crime because the former is so difficult to operationalize. It would require interview-type data collection that is not typically used in this subfield of criminology. Economic studies typically use already existent databases that can be easily manipulated with computer statistical programs such as SPSS. How does one measure feelings that economic inequalities are unjust? While very few Americans are truly wealthy, the overwhelming majority do not feel that the current system is fundamentally unjust if we gage it by programs such as Lifestyles of the Rich and Famous. Those at the bottom appear to more frequently complain that American society is racially unjust rather than blame social class differences for their plight.

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Righteous Slaughter -- Katz Chapter 1

In this chapter, Katz offers an explanation for some types of murder (in another he discusses senseless killings). In many murders, particularly those between persons who know each other, people kill defending what they believe to be the "good" thus justifying the crime in their own minds (at least at the moment they are committing it). In some cases, the public and juries have agreed with the defendant's claim that the killing was justified. Francine Hughes (Burning Bed case) couldn't very well argue self-defense, but did have a jury uphold her temporary insanity plea. She was then shortly released without receiving treatment. In the movie she is pictured as killing to protect her children from further harm, and as the only way to free herself from an otherwise unchangeable situation. Every time she moved away, he followed her. Another example is a husband who murders his adulterous wife or their wife's lover, particularly when the husband catches them in the act. He often receives sympathy from a jury. The husband is killing to defend the sacred institution of marriage from an outside attack.

Killings may also be justified in the eyes of the murderer if property rights have been violated, i.e. breaking into one's home, blocking a driveway with a car.

Overall these types of murders tend to emerge quickly, are fiercely impassioned, and are conducted with an indifference to the legal consequences. They are therefore immune to the [Classical model's](#) insistence that swift, certain, and severe punishment will act as a general deterrence. The person usually makes no attempt to escape and is quickly apprehended.

Why do such murders occur? Katz offers the following explanation:

1. The would-be murdered must come to understand the situation as one in which the victim is attacking what he regards as an eternal human truth. The situation requires a last stand in defense of a value that is associated with the individual's basic worth as a human being. The person feels they can not simply walk away from the situation without suffering a tremendous loss of face.

Katz tries to explain why the overwhelming majority of such murders [occur at home or at a recreational activity](#) (i.e., drinking at a bar). You can walk away from conflicts at work, because after 9 to 5 you are free to leave. The home is a much more difficult scene to relieve oneself from. Also, there is a much greater emotional investment in hearth and home. Recreational facilities are places people often come to as a last resort escape from other spheres of life. If one can not escape serious personal challenges there, where can one turn?

2. The particular emotion the killer is feeling (humiliation) must be transformed into rage. It is on this point that Katz's theory is most problematic? He does not assert simplistically that people are impelled by their emotions. He, in fact, states that persons who become enraged must create their own

emotions first, and then allow themselves to be seduced by their emotions in order to act out violently.

On this point Katz is in agreement with the direction being taken in the newly emerging subdiscipline of the [sociology of emotions](#). This field is much more interested in studying verbal "account" rather than internal emotional states. Neither humiliation nor rage would be universal responses to the situations that righteous killers have found themselves. In both humiliation and rage the individual experiences himself as an object compelled by forces beyond his control. "I got carried away" or "I wasn't myself" are frequently heard statements to express the compulsion. However, humiliation only becomes rage when a person senses that the way to resolve the problem of humiliation is to turn on the source of the humiliation. The goal may not be so much to kill, but to obliterate or annihilate the source of the frustration. In fact, sometimes, if the person dies too quickly the sense of vengeance is not satiated. (i.e. TV soap operas have to revive characters like [Roger Thorpe](#) so they be killed again.)

KATZ Chapter 2- "SNEAKY TRILLS"

When one looks at the entire history of criminological theory, there have been few attempts to explain female criminality. However, the models that have been developed frequently are crime specific. The highest number of property crimes committed by women are shoplifting offenses. Women do not steal cars or commit home break-ins. Female shoplifters fall into 2 subcategories:

Boosters [professional shoplifters](#) likely to use booster boxes, or other shoplifting tools of the trade. They steal for the money, frequently "[fencing](#)" the items quickly.

Snitches -- amateurs or occasional shoplifters. They will steal on impulse or if the opportunity presents itself. The reasons they steal are obscure. There is little proof for kleptomania, a neurotic compulsion to steal.

Turning to Katz's explanation of shoplifting, he seems to best fit the category of occasional shoplifters who steal on a dare or for excitement. College students who described their shoplifting experiences produced his accounts. However, it is possible that all shoplifters experience the kind of emotional "trills" Katz describes

There are 3 phases to the shoplifting experience described by Katz:

- 1) Generating the experience of being seduced to shoplift**
- 2) Reconquering ones fears in an effort to produce normal appearances**
- 3) The euphoric thrill of accomplishment**

While many potential shoplifters go into the store with the idea they will take something, they often do not know what they will end up stealing. They assume that something will catch their eye and pull them toward it. Department stores are modern-day cornucopias overflowing with the goods of our mass-produced economy. Objects in the store have an almost mystical attraction; the right object must almost beg to be stolen. The motivation for deviance is perceived to be shared by shoplifter and object. Of course, this is much like the way many people approach shopping trips to the mall. Bruce Johnson argues in **Kids, Drugs, and Crime** that shoplifting is merely shopping without money, and would agree with Katz's first stage explanation. Another aspect of the seduction process is contemplating how easy it would be to steal the item. "It would be so easy".

2) However, all shoplifters come to recognize stealing is not that easy. The potential thief recognizes that he or she is in the store to steal rather than to shop. They know that the store has detectives whose job it is to catch shoplifters. The shoplifter must be constantly on guard that they are not being watched or followed. Detectives are on the lookout for those who are behaving suspiciously.

The shoplifter is therefore put in the odd position of having to feign that they are shopping while engaged in stealing. All kinds of questions and doubts enter their mind about whether real shoppers would act the way they are. (i.e. returning to the item several times before deciding to buy it; looking up to see if there are any cameras peering on them, etc). Shoplifters must feign shopping if they hope to arouse no suspicions. By not looking around to see if they are being followed, or up to search for cameras, etc, the shoplifter doesn't know if they have been spotted by store security forces. Will they make it out of the store safely?

3) Once safely out of the store, the euphoria of having succeeded in fooling the clerks and detectives emerges. The person has proven to himself or herself that they have the ability to overcome their stagefright and successfully pulled off a deviant act while pretending to be "normal". What has in the end been stolen may be of less importance than the psychological boost the accomplishment brings. Often the object is discarded or given away. Such shoplifters do not develop a deviant identity, and will stop if arrested or caught by store employees.

On the other hand, career shoplifters (boosters) consider being caught the price one must pay. Penalties for shoplifting, even for multiple offenses, are slight.

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Ways of the Badass: Katz Chapter 3

In this chapter, Katz describes the process of becoming a badass or adolescent tough guy willing to use violence to harm others. Katz breaks it down into three aspects, all of which must be present for the youth to be recognized as a badass.

1. He must appear tough and unwilling to be changed or dominated by the opinions of others. He must appear in command of situations and unwilling to back down from a chosen course of action.
- 2) He must make himself appear alien and not part of civilized society. His dress, demeanor, and behavior must reflect this. He wants his very presence to be unnerving for others
- 3) He must appear mean. He must be willing to back up his meanness with violence if the situation requires. However, he can't simply fly off the handle and explode or he risks being labeled a "punk" (and in need of psychiatric care).

The first is accomplished in a number of ways, one of the most important being dress. Leather clothing, black clothing, heavy boots, metal adornments, dark sunglasses are preferred. He can stare at you with impunity, but you dare not stare back at him. Also important is the use of language or lack of it.

Silence is a trademark of the tough guy. He is unwilling to communicate what he thinks or feels. When he does speak he mumbles, doesn't make eye contact, or is chewing gum. Rather than saying hello the first greeting may be a punch or hand slap. Verbal exchanges that resonate in guttural sounds may mark the beginning and ending of an encounter. He doesn't follow the proscribed greetings and closings that are considered the hallmark of civilized conversation. The first word to start a turn of conversation may be "shit" or some other profanity. (Katz is the only author I know of who analyzes the meaning of "shit" in the context of an ongoing conversation--see page 87).

Being Alien:

Being tough is not enough to be considered deviant. Football players, cops, ruthless businessmen or politicians can all appear tough. Katz goes on to identify further elements of style that serve to set the badass off as alien. These include body language, especially walking postures. He moves more of his body, arms, etc, thus taking up more space than the natural walker does. Others may have to back off to give him room to pass by. You dare not invade his space. (Katz is using a great deal of [Irving Goffman](#) in this chapter.) Touching one's own genitals in public, an act ethnic comedians have made much of, is another alien posture. [Tattoos or body piercings](#) set off the individual as having embraced a deviant identity. Cross-cultural evidence supports this. To have gotten a tattoo demonstrates that he has suffered and survived pain. Deviant forms of talking are also frequently employed. Sometimes toughs develop an idiomatic way of speaking that only they can decipher. The use of [argot](#) allows them to understand the larger society, but be unfathomable by it. [Gangster rap](#) uses such language liberally.

Graffiti writing in ways that the letters are unreadable by outsiders also demonstrates an alien presence. Its like trying to decipher hieroglyphics or the writings of extraterrestrials.

Being Mean:

It's still not enough just to be tough and alien. The final ingredient is that one must appear mean. You must show that you mean it. The person must do so in such a way that their actions are never misinterpreted as childish antics. This does not necessarily mean that the individual must be continuously involved in violence. Others must simply believe that physical violence is imminent. They may appear to others as being irrational in their commitment to violence, but they are not. They develop their own rationales to explain their commitment to violence. Katz labels these 1) "soulful chaos". 2) "paraphernalia of purposiveness, and 3)"mind fucking".

By the first Katz refers to the attempt made to convince others that their violent presence represents chaos. They take a sadistic hedonistic pleasure in violence. Obviously, if the intended audience is convinced, no one will mess with him. The badass can convince himself that a victim needs or is seeking a beating.

Weapons are what Katz refers to as the paraphernalia of purposiveness.

Knives, guns, etc., become matters of sacred ritual for the badass. He will spend long hours practicing its use, cleaning it, etc. Others obviously must take seriously one who lavishes so much attention on an object of destruction.

Weapon/No Weapon

- Between 1979 and 1991, almost 400,000 youth aged 15-19 died as the result of firearms.
- In 1991, the offender was armed in 67% of serious violent crimes (i.e., crimes of violence excluding simple assault) involving juvenile victims. In 19% of serious violent incidents the offender had a handgun, in 18% a knife, and in 25% a blunt object was used.
- In 1994, 65% of juvenile murder victims were killed with a firearm -- 72% of males and 42% of females.
- While juvenile homicide victimizations not involving firearms remained constant, those involving firearms nearly tripled from 1984 to 1994.
- Nearly 50,000 children and teenagers were killed by guns between 1979 and 1991 in the U.S.
- 4 times as many juveniles were killed with a gun in 1994 than in 1984. Guns now account for 82% of homicides by juveniles.

Source: Juvenile Violence: [A Guide to Research](#)

Under "mind fucking" the author discusses why the phrase "fuck you" expresses so perfectly the badass's attitude toward others.

The reversed moral logic of the tough is revealed in "the bump" and "whatyoulookingat?" The bump is often the only excuse necessary for a threatening response from the tough. It may be as simple as accidentally entering into his space or touching him. While in civil society both parties assume such collisions are accidental, and both sides apologize and go on their way, the badass uses the bump to justify retaliation. In many cases bumps are simply staged or manufactured by the tough to justify his own actions. One wonders why he even bothers, given he knows what he intends to do anyway.

"What you looking at?" demonstrates that even an unobtrusive invasion of space as eye contact may be considered legitimate grounds for reprisal by the tough guy. Immediately the other is stuck in a Catch 22 type situation. To respond "nothing" is to deny the existence of the badass and require response. To admit that you were looking at him leads to further questioning of why and what right you had to invade his space.

Katz Chapter 4: On Street Gangs

Actually in chapter 3, Katz had been talking about [street gangs](#), because being a tough guy is one of the ways gang members have of demonstrating they are "bad" both to themselves and to outsiders.

The major problem that teen gangs face is being taken seriously. It is very easy to write off their behavior, dress, etc., as childish antics. - This is not that difficult to do given that at home the youth may have a quite different role. A quite serious Cripps gang member while out on the streets (in the documentary "LA Gangs") was a good boy at home, hoping to win a college scholarship to play football. At home he took off his "shades" and bandana and looked as innocent as any normal high school youth.

Katz also compares lower-class gang behavior to middle class delinquents, and finds them quite different. Punks tend to come from middle-class homes, but tend to deny those roots. Punks may adopt lower-class dress and behavior, but deny the ties to neighborhood and territory that are at the basis of true lower-class gang banging. Fights over turf and invasion of turf take up a great deal of time and energy. The turf battles have, of course, been dramatically escalated with the turning of gangs toward organized crime in the form of crack dealing. The weapons are also more deadly, adding to the

problem.

Lower- and middle-class gang behaviors are also distinct in that middle-class kids deny their higher status and adopt lower-class street behavior. (They move down). On the other hand, lower-class gangs consider themselves to be elites and often take names like the Knights, Kings. Etc. (they aspire to move up) Middle-class delinquent groups are also much more likely to include [girls](#) while the male posturing of lower class adolescent gangs virtually keeps females out, except as annexes to the male gang. (See Anne Campbell's books)

Ghetto gangs are actually one of the major reasons that such neighborhoods are so dangerous. Kids don't join them to protect themselves from the muggers and robbers in the neighborhood, but from rival gangs who create most of the problems. The environment does not generate the violence they engage in. The kids use violence because it demonstrates to everyone in the neighborhood their elite status. Without it their antics would appear like the fantasy war games that most children play. Gang behavior is childlike in a number of ways; they stick to their own neighborhoods just like children are told to do. For gangs this becomes a matter of some pride. Turf wars suggest childlike king-of-the-hill games. Being able to control the streets means the gang can collect tribute. Graffiti, like flags in children's war games mark territorial boundaries.

KATZ'S THEORY OF ROBBERY AS LEARNED

In actuality Katz takes up 3 chapters with this issue. He attempts to explain persistence in robbery (stick-up) as a learned behavior. The form of learning theory Katz would subscribe to is not classical conditioning or even Bandura's or Akers more sociological approach. Those that persist in robbery are making a choice to continue involvement in a form of behavior they have found to be both instrumentally and expressively useful in the past. Katz also tries to take into account demographic or environmental factors that limit choices but don't prescribe choosing a deviant lifestyle. In particular, he seeks to offer clues as to why robbery is an almost exclusively male crime, and why there are a disproportionate number of black robbers. In chapter 7, Katz specifically takes up the latter points.

The first question Katz raises is whether persistent robbers can be called professional criminals. Obviously they can not. Most of their robberies result in little money. They run anywhere from a one in 5 to one in 10 chance of being caught each time they commit the crime. They don't improve their technique or sophistication with age or experience.

Katz questions those theorists who simplistically equate robbery with extreme poverty and lack of opportunity to get money in any other way. He also discounts drug addiction models. There are other ways to get money illegitimately that have much lower risk of detection or physical injury than robbery (i.e. selling drugs, numbers running, burglary, etc.). It is true that most robbers also do other types of crime, often the entire above list. However, for some robbery holds a certain fascination that makes it difficult for them to drop it from their criminal repertoire. One man persisted even when bound to a wheelchair as a result of a police shooting. Many robbers have reported that there is something about the thrill of confrontation with a victim that motivates them to commit the crime.

Robbery and mugging are quite different types of crime, the former requiring more "skill" and guts. A mugger wants to grab the person's valuables (purse, wallet, etc.) quickly and run away, while the victim is still too stunned to respond. He may knock the person over or hit them, but this is largely to insure his momentary advantage.

Robbers must declare their intentions and bring their victim's progress to a halt. They must appear threatening (not like Woody Allen in the bank robbery scene of "Take the Money and Run") and quite serious in their request for your valuables. The victim can not be allowed to think they can simply walk or run away or that in a fight they might be able to defeat the robber or scare him away. The assailant must appear to be committed to the use of violence if necessary even if it means getting into a fight in which the robber may be injured. This is, according to Katz, the moral philosophy of the "Hardman" his commitment is that his will, once communicated to the victim, must prevail, regardless of practical calculations of personal danger to himself (or to the victim). Victims do frequently resist (24% of those who face a robber with a gun) and thus the robber's concern is justified (within his moral universe).

There are a number of demographic factors that many persistent robbers share. These include being unmarried with few family obligations, being unemployed either steadily or for long periods of time, the use of [hard drugs](#) (often in combination). Rather than causal factors to explain persistent robbery, Katz sees them as part of an overall pattern of acceptance of a learned "transcendent" way of life (the person will succeed outside of the norms laid down by society). Other evidence to support this conclusion is marshaled by discussing attitudes towards sex, gambling, and money. Robbery is part of a larger commitment to a hedonistic life style that has a particular appeal to some. (Not only those living at the margins of our society, such as [Mafia "wise guy" Henry Hill](#).)

Katz sees the issues, of chaos and control as being very important to understanding the career robber. Chaos is a force that threatens to overwhelm him at any moment. Things can go wrong during the robbery; an informant could always turn him in, etc.

"Seen in the form of snapshots taken from the outside, the hardman seems to be a collection of impulsive outpourings of hostile feelings --- anger, aggressive instincts, and sadistic inclinations. But after series of frustrated robberies, lost fights, betrayals by intimates, arrests, and prison sentences, he has a multitude of reasons for not responding with emotion or trust."

The only way to deal with chaos is through control. He sticks up for himself (literally and figuratively). He attempts to control situations: robberies, his sexual relationships, his criminal associates, etc. (Katz comes to these conclusions not by asking **Why** but **How** the stick-up man goes about creating the universe in which he lives.

In chapter 7, Katz tries to explain why stick-up is largely a male activity. He rejects as too simplistic that females would be found incompetent or that they have a programmed distaste for violence. However, he does rely on the fact that male and female adolescents have separate spheres of activities. Teenage girls are much less likely to be involved in gang banging, gambling, hanging out, e than adolescent males. Thus, they are not learning how to do violent street crimes like their male counterparts are. Also, taking risks with life and limb is simply not a major female preoccupation as it is for males who must demonstrate their approaching manhood.

Katz offers an explanation for the disproportionate numbers of black males involved in robbery.

Five blacks to one white are arrested for robbery. Even other poor minority groups don't have the numbers of robbery arrestees.

One study in Chicago found 90% black v. 6% Hispanic.

Table 4.10

Arrests

By offense charged, age group, and race, United States, 1996

(9,661 agencies; 1996 estimated population 189,885,000)

| Offense charged | Total arrests | | | | | Percent ^a | | | | |
|--------------------------------------|---------------|-----------|-----------|-----------------------------------|---------------------------|----------------------|-------|-------|-----------------------------------|---------------------------|
| | Total | White | Black | American Indian or Alaskan Native | Asian or Pacific Islander | Total | White | Black | American Indian or Alaskan Native | Asian or Pacific Islander |
| Total | 11,072,832 | 7,404,170 | 3,400,338 | 139,290 | 129,034 | 100.0% | 66.9% | 30.7% | 1.3% | 1.2% |
| Murder and nonnegligent manslaughter | 14,439 | 6,176 | 7,928 | 119 | 216 | 100.0 | 42.8 | 54.9 | 0.8 | 1.5 |
| Forcible rape | 24,317 | 13,637 | 10,124 | 266 | 290 | 100.0 | 56.1 | 41.6 | 1.1 | 1.2 |
| Robbery | 121,673 | 48,412 | 70,828 | 651 | 1,782 | 100.0 | 39.8 | 58.2 | 0.5 | 1.5 |
| Aggravated assault | 387,090 | 230,785 | 147,463 | 3,929 | 4,913 | 100.0 | 59.6 | 38.1 | 1.0 | 1.3 |
| Burglary | 263,774 | 179,063 | 78,473 | 2,853 | 3,385 | 100.0 | 67.9 | 29.8 | 1.1 | 1.3 |
| Larceny-theft | 1,094,186 | 709,109 | 351,993 | 13,707 | 19,377 | 100.0 | 64.8 | 32.2 | 1.3 | 1.8 |
| Motor vehicle theft | 131,892 | 74,618 | 53,022 | 1,579 | 2,673 | 100.0 | 56.6 | 40.2 | 1.2 | 2.0 |
| Arson | 13,739 | 10,175 | 3,297 | 132 | 135 | 100.0 | 74.1 | 24.0 | 1.0 | 1.0 |
| Violent crime ^b | 547,519 | 299,010 | 236,343 | 4,965 | 7,201 | 100.0 | 54.6 | 43.2 | 0.9 | 1.3 |

Source: [Sourcebook of Criminal Justice Statistics](#)

Katz's explanation is largely sociological rather than phenomenological (chapter 6). He shows that other ethnic groups have been able to become entrepreneurs, thus allowing racketeering to develop alongside them to exploit their own groups. Robbery is not required to make money criminally through racketeering. The racketeers did offer some positive services to shop owners, especially in regard to city bureaucracies. Thus, white ethnics may be equally criminal, but their crimes will not show up in the robbery statistics. However, the black community lacks its own businesses, (first whites and, now Asians control most ghetto establishments) Most of black robberies of non-whites occur in these establishments of taxi drivers, drug purchasers, etc. Most black robbers victimize other blacks trapped in the ghetto with them.

The other part of Katz's explanation of black robbery is more phenomenological. It has to do with the use of the terms "nigger" and "bad nigger" within the black community itself. This is quite different from when whites use the term. Katz argues that when blacks use the term among themselves it is a special form of insult. Insults and responding to insults are ways that young black ghetto males talk to each other. "Nigger" is meant to represent a non-person status. To call a person a "nigger" is to say he is nothing and therefore invisible.

However, the adjective "bad" has a very specific connotation in Black English. Placed in front of "Nigger" it serves to negate the non-person status and

replace it with "being" Being bad is a form of being and thus proves ones existence. (See Katz p. 271) Robbery is certainly a way of expressing that one is a "bad nigger" one who is willing to risk his life for small gain and unafraid to make good on his threats of violence.

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Katz Chapter 8: Cold-Blooded Senseless Murder

Katz's final chapter covers the type of murders that cause the public the greatest concern and puzzlement, the cold-blooded, senseless killing of total strangers. Often these killings occur in the midst of a robbery or kidnapping, but they can not be explained as an attempt to eliminate witnesses, because often times other witnesses are spared.

This is probably Katz's most complex chapter. His comparison of the fear associated with the supernatural in primitive religions and type of fear/respect that cold-blooded killers try to create in their victims uses considerable poetic license.

Katz limits his discussion by eliminating the following type murders from the senseless murder category:

- 1) righteous slaughters
- 2) berserk killers who enter a building and shoot randomly at everyone inside (no robbery objective)
- 3) serial murders which exhibit sexual or sadistic motives
- 4) killing a robbery victim while they are in the act of resisting the assailant

Murders Katz includes under his senseless category are the "[Onion Field](#)" murders, [Gary Gilmore's](#) murderous rampage that lead to his execution in Utah, etc. The killing is part of an abduction or robbery, the individuals offer no resistance, often witnesses are allowed to escape, and the murder actually makes it more certain the individual(s) will be caught because a tremendous amount of police manpower will be employed to solve the case and caught the killer(s).

Katz offers a 3-part explanation of such killings:

- 1) such individuals hope to have others fear them, to react to them with a sense of primordial fear or dread
- 2) cold-blooded killers are frequently those who have spent a major portion of their lives in reform schools and prisons and have a great deal of difficulty accepting conventional morality
- 3) there must be a proper "killing scene" or opportunity for the potential killer to actualize his fantasies

1) Creating dread:

Cold-blooded killers are the modern equivalent of ancient deities including the God of the Old Testament who were to be feared and approached only with the greatest caution and proper respect (sacrifices, purification rituals, etc.) The wrath of God was greatly feared. God's law was his warning to the people that if they failed to obey him they could expect punishment. Katz sees a modern parallel in the dress and demeanor of the badass. Their

clothing, tattoos, and use of language automatically conveys a message that one must avoid this individual. Destruction may follow without any deliberation if you stray into their path.

2) The dizziness of deviance:

All of the individuals Katz discusses had had long histories of institutionalization in juvenile and adult correctional facilities. This severely impacted upon their ability to live in the community successfully and abide by the law. Obviously, they were lacking in social skills, work-related skills, etc. This meant they felt they were outcasts or individuals with pariah status. While they had been in prison they had remained steadfast in their conviction not to give in to the authorities there, and thus they disobeyed the rules there. To give in would have shown themselves to be weak. Once released a new problem emerges. The parolee's behavior is now viewed by society in a very unique way. When ordinary citizens obey the law not much is said or thought about it. However, when an ex-con upholds the law its seen as an example of "keeping his nose clean". It's like people are waiting for him to fail to prove that he hasn't really reformed.

Some ex-cons react in what most would consider a strange way to these pressures. They come to feel trapped by the constant societal pressure to do good and come to see being good as too easy or an act of cowardice. They want to be bad just to prove to everyone that they can't be so easily controlled. At that point they are under the "spell of deviance" searching for a way of out this dizzying situation. Choosing deviant behavior at that point gives the individual an edge, meaning that it is one way of regaining self-esteem in this situation. It helps the individual to think he is putting one over on those who are stifling his life. Some of these criminals, even returned to the scene of their crimes, (car thief) to see if even then they could get away with it.

Killing is the ultimate act of transcending the morality of the community and thus creating a transcendent identity. One of the [alleged killers](#) of Dr. MacDonald's family (in False Witness) went around the entire next day with blood stains on her white boots [she smelled of blood, too], but no one reported her to the police. She mentioned the murder to people before the press had become aware of it. The other killers were with her and they made no attempt to clean up her clothing or keep her from talking.

3) The importance of the scene:

The goal of creating a sense of dread and the dizziness of deviance are not enough to explain senseless killings, because it still doesn't explain when and where cold-blooded murderers have chosen to kill. It also appears that the scene must be right. Of course, just what is the right scene is in the killer's imagination. Many while in prison had frequently fantasized what they would do when they got out. These "escape" dreams often include criminal activities or capers. While a senseless murder during one of these capers may appear to the public to occur randomly, the killer seems to know that the scene or situation is right. Most of these murders occur at night, and frequently very late at night. Some occur in specific locations such as the basement or the bathroom. One set of killers only murdered after having driven long distances in a car with the victim. The "Onion Field" murderers drove the captured police officers hundreds of miles from LA before killing them. This killing transformed the individual (Powell) from a small time crook into a fearless cop killer. There would be no doubt about his deviant identity from then on.

Katz argues it would be quite easy to try and explain such killers in traditional psychological or sociological terms. Most were isolated individuals before they killed (although most didn't act alone) making it easy to label them as suffering from [antisocial personality disorder](#) or sociologically

attribute their actions to lack of social ties. Katz rejects such models as too simplistic and frequently the result of the way these cases tend to be written up by the press and crime non-fiction writers. Katz has used their accounts, but found things in the writings that could be used to construct his very different causal descriptions.

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RULES OF COURT

Adopted on 14 April 1978

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Preamble

The Court,

Having regard to Chapter XIV of the Charter of the United Nations;

Having regard to the Statute of the Court annexed thereto:

Acting in pursuance of Article 30 of the Statute;

Adopts the following revised Rules of Court, approved on 14 April 1978, which shall come into force on 1 July 1978, and shall as from that date replace the Rules adopted by the Court on 6 May 1946 and amended on 10 May 1972, save in respect of any case submitted to the Court before 1 July 1978, or any phase of such a case, which shall continue to be governed by the Rules in force before that date.

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Part I

THE COURT

Section A. Judges and Assessors

Subsection 1. The Members of the Court

Article 1

1. The Members of the Court are the judges elected in accordance with Articles 2 to 15 of the Statute.
2. For the purposes of a particular case, the Court may also include upon the Bench one or more persons chosen under Article 31 of the Statute to sit as judges *ad hoc*.
3. In the following Rules, the term "Member of the Court" denotes any elected judge; the term "judge" denotes any Member of the Court, and any judge *ad hoc*.

Article 2

1. The term of office of Members of the Court elected at a triennial election shall begin to run from the sixth of February [This is the date on which the terms of office of the Members of the Court elected at the first election began in 1946.] in the year in which the vacancies to which they are elected occur.

2. The term of office of a Member of the Court elected to replace a Member whose term of office has not expired shall begin to run from the date of the election.

Article 3

1. The Members of the Court, in the exercise of their functions, are of equal status, irrespective of age, priority of election or length of service.

2. The Members of the Court shall, except as provided in paragraphs 4 and 5 of this Article, take precedence according to the date on which their terms of office respectively began, as provided for by Article 2 of these Rules.

3. Members of the Court whose terms of office began on the same date shall take precedence in relation to one another according to seniority of age.

4. A Member of the Court who is re-elected to a new term of office which is continuous with his previous term shall retain his precedence.

5. The President and the Vice-President of the Court, while holding these offices, shall take precedence before all other Members of the Court.

6. The Member of the Court who, in accordance with the foregoing paragraphs, takes precedence next after the President and the Vice-President is in these Rules designated the "senior judge". If that Member is unable to act, the Member of the Court who is next after him in precedence and able to act is considered as senior judge.

Article 4

1. The declaration to be made by every Member of the Court in accordance with Article 20 of the Statute shall be as follows:

"I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously."

2. This declaration shall be made at the first public sitting at which the Member of the Court is present. Such sitting shall be held as soon as practicable after his term of office begins and, if necessary, a special sitting shall be held for the purpose.

3. A Member of the Court who is re-elected shall make a new declaration only if his new term is not continuous with his previous one.

Article 5

1. A Member of the Court deciding to resign shall communicate his decision to the President, and the resignation shall take effect as provided in Article 13, paragraph 4, of the Statute.

2. If the Member of the Court deciding to resign from the Court is the President, he shall communicate his decision to the Court, and the resignation shall take effect as provided in Article 13, paragraph 4, of the Statute.

Article 6

In any case in which the application of Article 18 of the Statute is under consideration, the Member of the Court concerned shall be so informed by the President or, if the circumstances so require, by the Vice-President, in a written statement which shall include the grounds therefor and any relevant evidence. He shall subsequently, at a private meeting of the Court specially convened for the purpose, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give, and of supplying answers, orally or in writing, to any questions put to him. At a further private meeting, at which the Member of the Court concerned shall not be present, the matter shall be discussed; each Member of the Court shall state his opinion, and if requested a vote shall be taken.

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Subsection 2. Judges ad hoc

Article 7

1. Judges *ad hoc*, chosen under Article 31 of the Statute for the purposes of particular cases, shall be admitted to sit on the Bench of the Court in the circumstances and according to the procedure indicated in Article 17, paragraph 2, Articles 35, 36, 37, Article 91, paragraph 2 and Article 102, paragraph 3, of these Rules.

2. They shall participate in the case in which they sit on terms of complete equality with the other judges on the Bench.
3. Judges *ad hoc* shall take precedence after the Members of the Court and in order of seniority of age.

Article 8

1. The solemn declaration to be made by every judge *ad hoc* in accordance with Articles 20 and 31, paragraph 6, of the Statute shall be as set out in Article 4, paragraph 1, of these Rules.
2. This declaration shall be made at a public sitting in the case in which the judge *ad hoc* is participating. If the case is being dealt with by a chamber of the Court, the declaration shall be made in the same manner in that chamber.
3. Judges *ad hoc* shall make the declaration in relation to any case in which they are participating, even if they have already done so in a previous case, but shall not make a new declaration for a later phase of the same case.

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Subsection 3. Assessors

Article 9

1. The Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it without the right to vote.
2. When the Court so decides, the President shall take steps to obtain all the information relevant to the choice of the assessors.
3. The assessors shall be appointed by secret ballot and by a majority of the votes of the judges composing the Court for the case.
4. The same powers shall belong to the chambers provided for by Articles 26 and 29 of the Statute and

to the presidents thereof, and may be exercised in the same manner.

5. Before entering upon their duties, assessors shall make the following declaration at a public sitting:

"I solemnly declare that I will perform my duties as an assessor honourably, impartially and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court."

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Section B. The Presidency

Article 10

1. The term of office of the President and that of the Vice-President shall begin to run from the date on which the terms of office of the Members of the Court elected at a triennial election begin in accordance with Article 2 of these Rules.
2. The elections to the presidency and vice-presidency shall be held on that date or shortly thereafter. The former President, if still a Member of the Court, shall continue to exercise his functions until the election to the presidency has taken place.

Article 11

1. If, on the date of the election to the presidency, the former President is still a Member of the Court, he shall conduct the election. If he has ceased to be a Member of the Court, or is unable to act, the election shall be conducted by the Member of the Court exercising the functions of the presidency by virtue of Article 13, paragraph 1, of these Rules.
2. The election shall take place by secret ballot, after the presiding Member of the Court has declared the number of affirmative votes necessary for election; there shall be no nominations. The Member of the Court obtaining the votes of a majority of the Members composing it at the time of the election shall be declared elected, and shall enter forthwith upon his functions.
3. The new President shall conduct the election of the Vice-President either at the same or at the following meeting. The provisions of paragraph 2 of this Article shall apply equally to this election.

Article 12

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court.

Article 13

1. In the event of a vacancy in the presidency or of the inability of the President to exercise the functions of the presidency, these shall be exercised by the Vice-President, or failing him, by the senior judge.

2. When the President is precluded by a provision of the Statute or of these Rules either from sitting or from presiding in a particular case, he shall continue to exercise the functions of the presidency for all purposes save in respect of that case.

3. The President shall take the measures necessary in order to ensure the continuous exercise of the functions of the presidency at the seat of the Court. In the event of his absence, he may, so far as is compatible with the Statute and these Rules, arrange for these functions to be exercised by the Vice-President, or failing him, by the senior judge.

4. If the President decides to resign the presidency, he shall communicate his decision in writing to the Court through the Vice-President, or failing him, the senior judge. If the Vice-President decides to resign his office, he shall communicate his decision to the President.

Article 14

If a vacancy in the presidency or the vice-presidency occurs before the date when the current term is due to expire under Article 21, paragraph 1, of the Statute and Article 10, paragraph 1, of these Rules, the Court shall decide whether or not the vacancy shall be filled during the remainder of the term.

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Section C. The Chambers

Article 15

1. The Chamber of Summary Procedure to be formed annually under Article 29 of the Statute shall be composed of five Members of the Court, comprising the President and Vice-President of the Court, acting *ex officio*, and three other members elected in accordance with Article 18, paragraph 1, of these Rules. In addition, two Members of the Court shall be elected annually to act as substitutes.
2. The election referred to in paragraph 1 of this Article shall be held as soon as possible after the sixth of February in each year. The members of the Chamber shall enter upon their functions on election and continue to serve until the next election; they may be re-elected.
3. If a member of the Chamber is unable, for whatever reason, to sit in a given case, he shall be replaced for the purposes of that case by the senior in precedence of the two substitutes.
4. If a member of the Chamber resigns or otherwise ceases to be a member, his place shall be taken by the senior in precedence of the two substitutes, who shall thereupon become a full member of the Chamber and be replaced by the election of another substitute. Should vacancies exceed the number of available substitutes, elections shall be held as soon as possible in respect of the vacancies still existing after the substitutes have assumed full membership and in respect of the vacancies in the substitutes.

Article 16

1. When the Court decides to form one or more of the chambers provided for in Article 26, paragraph 1, of the Statute, it shall determine the particular category of cases for which each chamber is formed, the number of its members, the period for which they will serve, and the date at which they will enter upon their duties.
2. The members of the chamber shall be elected in accordance with Article 18, paragraph 1, of these Rules from among the Members of the Court, having regard to any special knowledge, expertise or previous experience which any of the Members of the Court may have in relation to the category of case the chamber is being formed to deal with.
3. The Court may decide upon the dissolution of a chamber, but without prejudice to the duty of the chamber concerned to finish any cases pending before it.

Article 17

1. A request for the formation of a chamber to deal with a particular case, as provided for in Article 26, paragraph 2, of the Statute, may be filed at any time until the closure of the written proceedings. Upon receipt of a request made by one party, the President shall ascertain whether the other party assents.
2. When the parties have agreed, the President shall ascertain their views regarding the composition of the chamber, and shall report to the Court accordingly. He shall also take such steps as may be necessary to give effect to the provisions of Article 31, paragraph 4, of the Statute.
3. When the Court has determined, with the approval of the parties, the number of its Members who are to constitute the chamber, it shall proceed to their election, in accordance with the provisions of Article 18, paragraph 1, of these Rules. The same procedure shall be followed as regards the filling of any vacancy that may occur on the chamber.
4. Members of a chamber formed under this Article who have been replaced, in accordance with Article 13 of the Statute following the expiration of their terms of office, shall continue to sit in all phases of the case, whatever the stage it has then reached.

Article 18

1. Elections to all chambers shall take place by secret ballot. The Members of the Court obtaining the largest number of votes constituting a majority of the Members of the Court composing it at the time of the election shall be declared elected. If necessary to fill vacancies, more than one ballot shall take place, such ballot being limited to the number of vacancies that remain to be filled.
2. If a chamber when formed includes the President or Vice-President of the Court, or both of them, the President or Vice-President, as the case may be, shall preside over that chamber. In any other event, the chamber shall elect its own president by secret ballot and by a majority of votes of its members. The Member of the Court who, under this paragraph, presides over the chamber at the time of its formation shall continue to preside so long as he remains a member of that chamber.
3. The president of a chamber shall exercise, in relation to cases being dealt with by that chamber, all the functions of the President of the Court in relation to cases before the Court.
4. If the president of a chamber is prevented from sitting or from acting as president, the functions of the presidency shall be assumed by the member of the chamber who is the senior in precedence and able to act.

Section D. Internal Functioning of the Court

Article 19

The internal judicial practice of the Court shall, subject to the provisions of the Statute and these Rules, be governed by any resolutions on the subject adopted by the Court [The resolution now in force was adopted on 12 April 1976 (see pp. 165-173, below)].

Article 20

1. The quorum specified by Article 25, paragraph 3, of the Statute applies to all meetings of the Court.
2. The obligation of Members of the Court under Article 23, paragraph 3, of the Statute, to hold themselves permanently at the disposal of the Court, entails attendance at all such meetings, unless they are prevented from attending by illness or for other serious reasons duly explained to the President, who shall inform the Court.
3. Judges *ad hoc* are likewise bound to hold themselves at the disposal of the Court and to attend all meetings held in the case in which they are participating. They shall not be taken into account for the calculation of the quorum.
4. The Court shall fix the dates and duration of the judicial vacations and the periods and conditions of leave to be accorded to individual Members of the Court under Article 23, paragraph 2, of the Statute, having regard in both cases to the state of its General List and to the requirements of its current work.
5. Subject to the same considerations, the Court shall observe the public holidays customary at the place where the Court is sitting.
6. In case of urgency the President may convene the Court at any time.

Article 21

1. The deliberations of the Court shall take place in private and remain secret. The Court may however at any time decide in respect of its deliberations on other than judicial matters to publish or allow publication of any part of them.

2. Only judges, and the assessors, if any, take part in the Court's judicial deliberations. The Registrar, or his deputy, and other members of the staff of the Registry as may be required shall be present. No other person shall be present except by permission of the Court.
 3. The minutes of the Court's judicial deliberations shall record only the title or nature of the subjects or matters discussed, and the results of any vote taken. They shall not record any details of the discussions nor the views expressed, provided however that any judge is entitled to require that a statement made by him be inserted in the minutes.
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Part II

THE REGISTRY

Article 22

1. The Court shall elect its Registrar by secret ballot from amongst candidates proposed by Members of the Court. The Registrar shall be elected for a term of seven years. He may be re-elected.
2. The President shall give notice of a vacancy or impending vacancy to Members of the Court, either forthwith upon the vacancy arising, or, where the vacancy will arise on the expiration of the term of office of the Registrar, not less than three months prior thereto. The President shall fix a date for the closure of the list of candidates so as to enable nominations and information concerning the candidates to be received in sufficient time.
3. Nominations shall indicate the relevant information concerning the candidate, and in particular information as to his age, nationality, and present occupation, university qualifications, knowledge of languages, and any previous experience in law, diplomacy or the work of international organizations.
4. The candidate obtaining the votes of the majority of the Members of the Court composing it at the time of the election shall be declared elected.

Article 23

The Court shall elect a Deputy-Registrar: the provisions of Article 22 of these Rules shall apply to his election and term of office.

Article 24

1. Before taking up his duties, the Registrar shall make the following declaration at a meeting of the Court:

"I solemnly declare that I will perform the duties incumbent upon me as Registrar of the International Court of Justice in all loyalty, discretion and good conscience, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court."

2. The Deputy-Registrar shall make a similar declaration at a meeting of the Court before taking up his duties.

Article 25

1. The staff members of the Registry shall be appointed by the Court on proposals submitted by the Registrar. Appointments to such posts as the Court shall determine may however be made by the Registrar with the approval of the President.

2. Before taking up his duties, every staff member shall make the following declaration before the President, the Registrar being present:

"I solemnly declare that I will perform the duties incumbent upon me as an official of the International Court of Justice in all loyalty, discretion and good conscience, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court."

Article 26

1. The Registrar, in the discharge of his function, shall:

(a) be the regular channel of communications to and from the Court, and in particular shall effect all communications, notifications and transmission of documents required by the Statute or by these Rules and ensure that the date of despatch and receipt thereof may be readily verified;

(b) keep, under the supervision of the President, and in such form as may be laid down by the Court, a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry;

(c) have the custody of the declarations accepting the jurisdiction of the Court made by States not parties to the Statute in accordance with any resolution adopted by the Security Council under Article 35, paragraph 2, of the Statute [See pp. 183-185, below], and transmit certified copies thereof to all States parties to the Statute, to such other States as shall have deposited declarations, and to the Secretary-General of the United Nations;

(d) transmit to the parties copies of all pleadings and documents annexed upon receipt thereof in the Registry;

(e) communicate to the government of the country in which the Court or a chamber is sitting, and any other governments which may be concerned, the necessary information as to the persons from time to time entitled, under the Statute and relevant agreements, to privileges, immunities, or facilities;

(f) be present, in person or by his deputy, at meetings of the Court, and of the chambers, and be responsible for the preparation of minutes of such meetings;

(g) make arrangements for such provision or verification of translations and interpretations into the Court's official languages as the Court may require;

(h) sign all judgments, advisory opinions and orders of the Court, and the minutes referred to in subparagraph (f);

(i) be responsible for the printing and publication of the Court's judgments, advisory opinions and orders, the pleadings and statements, and minutes of public sittings in cases, and of such other documents as the Court may direct to be published;

(j) be responsible for all administrative work and in particular for the accounts and financial administration in accordance with the financial procedures of the United Nations;

(k) deal with enquiries concerning the Court and its work;

(l) assist in maintaining relations between the Court and other organs of the United Nations, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law;

(m) ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media;

(n) have custody of the seals and stamps of the Court, of the archives of the Court, and of such

other archives as may be entrusted to the Court [The Registrar also keeps the Archives of the Permanent Court of International Justice, entrusted to the present Court by decision of the Permanent Court of October 1945 (*I.C.J. Yearbook 1946-1947*, p. 26), and the Archives of the Trial of the Major War Criminals before the International Military Tribunal at Nuremberg (1945-1946), entrusted to the Court by decision of that Tribunal of 1 October 1946; the Court authorized the Registrar to accept the latter Archives by decision of 19 November 1949].

2. The Court may at any time entrust additional functions to the Registrar.
3. In the discharge of his functions the Registrar shall be responsible to the Court.

Article 27

1. The Deputy-Registrar shall assist the Registrar, act as Registrar in the latter's absence and, in the event of the office becoming vacant, exercise the functions of Registrar until the office has been filled.
2. If both the Registrar and the Deputy-Registrar are unable to carry out the duties of Registrar, the President shall appoint an official of the Registry to discharge those duties for such time as may be necessary. If both offices are vacant at the same time, the President, after consulting the Members of the Court, shall appoint an official of the Registry to discharge the duties of Registrar pending an election to that office.

Article 28

1. The Registry shall comprise the Registrar, the Deputy-Registrar, and such other staff as the Registrar shall require for the efficient discharge of his functions.
2. The Court shall prescribe the organization of the Registry, and shall for this purpose request the Registrar to make proposals.
3. Instructions for the Registry shall be drawn up by the Registrar and approved by the Court.
4. The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court.

Article 29

1. The Registrar may be removed from office only if, in the opinion of two-thirds of the Members of the Court, he has either become permanently incapacitated from exercising his functions, or has committed a serious breach of his duties.
2. Before a decision is taken under this Article, the Registrar shall be informed by the President of the action contemplated, in a written statement which shall include the grounds therefor and any relevant evidence. He shall subsequently, at a private meeting of the Court, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give, and of supplying answers, orally or in writing, to any questions put to him.
3. The Deputy-Registrar may be removed from office only on the same grounds and by the same procedure.

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Part III

PROCEEDINGS IN CONTENTIOUS CASES

Section A. Communications to the Court and Consultations

Article 30

All communications to the Court under these Rules shall be addressed to the Registrar unless otherwise stated. Any request made by a party shall likewise be addressed to the Registrar unless made in open Court in the course of the oral proceedings.

Article 31

In every case submitted to the Court, the President shall ascertain the views of the parties with regard to questions of procedure. For this purpose he shall summon the agents of the parties to meet him as soon as possible after their appointment, and whenever necessary thereafter.

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Section B. The Composition of the Court for particular cases

Article 32

1. If the President of the Court is a national of one of the parties in a case he shall not exercise the functions of the presidency in respect of that case. The same rule applies to the Vice-President, or to the senior judge, when called on to act as President.
2. The Member of the Court who is presiding in a case on the date on which the Court convenes for the oral proceedings shall continue to preside in that case until completion of the current phase of the case, notwithstanding the election in the meantime of a new President or Vice-President. If he should become unable to act, the presidency for the case shall be determined in accordance with Article 13 of these Rules, and on the basis of the composition of the Court on the date on which it convened for the oral proceedings.

Article 33

Except as provided in Article 17 of these Rules, Members of the Court who have been replaced, in accordance with Article 13, paragraph 3, of the Statute following the expiration of their terms of office, shall discharge the duty imposed upon them by that paragraph by continuing to sit until the completion of any phase of a case in respect of which the Court convenes for the oral proceedings prior to the date of such replacement.

Article 34

1. In case of any doubt arising as to the application of Article 17, paragraph 2, of the Statute or in case of disagreement as to the application of Article 24 of the Statute, the President shall inform the Members of the Court, with whom the decision lies.
2. If a party desires to bring to the attention of the Court facts which it considers to be of possible relevance to the application of the provisions of the Statute mentioned in the previous paragraph, but which it believes may not be known to the Court, that party shall communicate confidentially such facts to the President in writing.

Article 35

1. If a party proposes to exercise the power conferred by Article 31 of the Statute to choose a judge *ad hoc* in a case, it shall notify the Court of its intention as soon as possible. If the name and nationality of the judge selected are not indicated at the same time, the party shall, not later than two months before the time-limit fixed for the filing of the Counter-Memorial, inform the Court of the name and nationality of the person chosen and supply brief biographical details. The judge *ad hoc* may be of a nationality other than that of the party which chooses him.
2. If a party proposes to abstain from choosing a judge *ad hoc*, on condition of a like abstention by the other party, it shall so notify the Court which shall inform the other party. If the other party thereafter gives notice of its intention to choose, or chooses, a judge *ad hoc*, the time-limit for the party which has previously abstained from choosing a judge may be extended by the President.
3. A copy of any notification relating to the choice of a judge *ad hoc* shall be communicated by the Registrar to the other party, which shall be requested to furnish, within a time-limit to be fixed by the President, such observations as it may wish to make. If within the said time-limit no objection is raised by the other party, and if none appears to the Court itself, the parties shall be so informed.
4. In the event of any objection or doubt, the matter shall be decided by the Court, if necessary after hearing the parties.
5. A judge *ad hoc* who has accepted appointment but who becomes unable to sit may be replaced.
6. If and when the reasons for the participation of a judge *ad hoc* are found no longer to exist, he shall cease to sit on the Bench.

Article 36

1. If the Court finds that two or more parties are in the same interest, and therefore are to be reckoned as one party only, and that there is no Member of the Court of the nationality of any one of those parties upon the Bench, the Court shall fix a time-limit within which they may jointly choose a judge *ad hoc*.
2. Should any party amongst those found by the Court to be in the same interest allege the existence of a separate interest of its own, or put forward any other objection, the matter shall be decided by the Court, if necessary after hearing the parties.

Article 37

1. If a Member of the Court having the nationality of one of the parties is or becomes unable to sit in any phase of a case, that party shall therefore upon become entitled to choose a judge *ad hoc* within a time-limit to be fixed by the Court, or by the President if the Court is not sitting.
2. Parties in the same interest shall be deemed not to have a judge of one of their nationalities upon the Bench if the Member of the Court having one of their nationalities is or becomes unable to sit in any phase of the case.
3. If the Member of the Court having the nationality of a party becomes able to sit not later than the closure of the written proceedings in that phase of the case, that Member of the Court shall resume his seat on the Bench in the case.

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Section C. Proceedings before the Court

Subsection 1. Institution of Proceedings

Article 38

1. When proceedings before the Court are instituted by means of an application addressed as specified in Article 40, paragraph 1, of the Statute, the application shall indicate the party making it, the State against which the claim is brought, and the subject of the dispute.
2. The application shall specify as far as possible the legal grounds upon which the jurisdiction of the Court is said to be based; it shall also specify the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based.
3. The original of the application shall be signed either by the agent of the party submitting it, or by the diplomatic representative of that party in the country in which the Court has its seat, or by some other duly authorized person. If the application bears the signature of someone other than such diplomatic representative, the signature must be authenticated by the latter or by the competent authority of the applicant's foreign ministry.
4. The Registrar shall forthwith transmit to the respondent a certified copy of the application.

5. When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case.

Article 39

1. When proceedings are brought before the Court by the notification of a special agreement, in conformity with Article 40, paragraph 1, of the Statute, the notification may be effected by the parties jointly or by any one or more of them. If the notification is not a joint one, a certified copy of it shall forthwith be communicated by the Registrar to the other party.

2. In each case the notification shall be accompanied by an original or certified copy of the special agreement. The notification shall also, in so far as this is not already apparent from the agreement, indicate the precise subject of the dispute and identify the parties to it.

Article 40

1. Except in the circumstances contemplated by Article 38, paragraph 5, of these Rules, all steps on behalf of the parties after proceedings have been instituted shall be taken by agents. Agents shall have an address for service at the seat of the Court to which all communications concerning the cases are to be sent. Communications addressed to the agents of the parties shall be considered as having been addressed to the parties themselves.

2. When proceedings are instituted by means of an application, the name of the agent for the applicant shall be stated. The respondent, upon receipt of the certified copy of the application, or as soon as possible thereafter, shall inform the Court of the name of its agent.

3. When proceedings are brought by notification of a special agreement, the party making the notification shall state the name of its agent. Any other party to the special agreement, upon receiving from the Registrar a certified copy of such notification, or as soon as possible thereafter, shall inform the Court of the name of its agent if it has not already done so.

Article 41

The institution of proceedings by a State which is not a party to the Statute but which, under Article 35, paragraph 2, thereof, has accepted the jurisdiction of the Court by a declaration made in accordance with any resolution adopted by the Security Council under that Article [The resolution now in force was adopted on 15 October 1946 (see pp. 183-185, below)], shall be accompanied by a deposit of the declaration in question, unless the latter has previously been deposited with the Registrar. If any question of the validity or effect of such declaration arises, the Court shall decide.

Article 42

The Registrar shall transmit copies of any application or notification of a special agreement instituting proceedings before the Court: (a) the Secretary-General of the United Nations; (b) the Members of the United Nations; (c) other States entitled to appear before the Court.

Article 43

Whenever the construction of a convention to which States other than those concerned in the case are parties may be in question within the meaning of Article 63, paragraph 1, of the Statute, the Court shall consider what directions shall be given to the Registrar in the matter.

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Subsection 2. The Written Proceedings

Article 44

1. In the light of the information obtained by the President under Article 31 of these Rules, the Court shall make the necessary orders to determine, *inter alia*, the number and the order of filing of the pleadings and the time-limits within which they must be filed.
2. In making an order under paragraph 1 of this Article, any agreement between the parties which does not cause unjustified delay shall be taken into account.
3. The Court may, at the request of the party concerned, extend any time-limit, or decide that any step

taken after the expiration of the time-limit fixed therefor shall be considered as valid, if it is satisfied that there is adequate justification for the request. In either case the other party shall be given an opportunity to state its views.

4. If the Court is not sitting, its powers under this Article shall be exercised by the President, but without prejudice to any subsequent decision of the Court. If the consultation referred to in Article 31 reveals persistent disagreement between the parties as to the application of Article 45, paragraph 2, or Article 46, paragraph 2, of these Rules, the Court shall be convened to decide the matter.

Article 45

1. The pleadings in a case begun by means of an application shall consist, in the following order, of: a Memorial by the applicant; a Counter-Memorial by the respondent.
2. The Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides, *proprio motu* or at the request of one of the parties, that these pleadings are necessary.

Article 46

1. In a case begun by the notification of a special agreement, the number and order of the pleadings shall be governed by the provisions of the agreement, unless the Court, after ascertaining the views of the parties, decide otherwise.
2. If the special agreement contains no such provision, and if the parties have not subsequently agreed on the number and order of pleadings, they shall each file a Memorial and Counter-Memorial, within the same time-limits. The Court shall not authorize the presentation of Replies unless it finds them to be necessary.

Article 47

The Court may at any time direct that the proceedings in two or more cases be joined. It may also direct that the written or oral proceedings, including the calling of witnesses, be in common; or the Court may, without effecting any formal joinder, direct common action in any of these respects.

Article 48

Time-limits for the completion of steps in the proceedings may be fixed by assigning a specified period but shall always indicate definite dates. Such time-limits shall be as short as the character of the case permits.

Article 49

1. A Memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.
2. A Counter-Memorial shall contain: an admission or denial of the facts stated in the Memorial; any additional facts, if necessary; observations concerning the statement of law in the Memorial; a statement of law in answer thereto; and the submissions.
3. The Reply and Rejoinder, whenever authorized by the Court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
4. Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.

Article 50

1. There shall be annexed to the original of every pleading certified copies of any relevant documents adduced in support of the contentions contained in the pleading.
2. If only parts of a document are relevant, only such extracts as are necessary for the purpose of the pleading in question need be annexed. A copy of the whole document shall be deposited in the Registry, unless it has been published and is readily available.
3. A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.

Article 51

1. If the parties are agreed that the written proceedings shall be conducted wholly in one of the two official languages of the Court, the pleadings shall be submitted only in that language. If the parties are

not so agreed, any pleading or any part of a pleading shall be submitted in one or other of the official languages.

2. If in pursuance of Article 39, paragraph 3, of the Statute a language other than French or English is used, a translation into French or English certified as accurate by the party submitting it, shall be attached to the original of each pleading.

3. When a document annexed to a pleading is not in one of the official languages of the Court, it shall be accompanied by a translation into one of these languages certified by the party submitting it as accurate. The translation may be confined to part of an annex, or to extracts therefrom, but in this case it must be accompanied by an explanatory note indicating what passages are translated. The Court may however require a more extensive or a complete translation to be furnished.

Article 52

[The agents of the parties are requested to ascertain from the Registry the usual format of the pleadings, and the conditions on which the Court may bear part of the cost of printing]

1. The original of every pleading shall be signed by the agent and filed in the Registry. It shall be accompanied by a certified copy of the pleading, documents annexed, and any translation, for communication to the other party in accordance with Article 43, paragraph 4, of the Statute, and by the number of additional copies required by the Registry, but without prejudice to an increase in that number should the need arise later.

2. All pleadings shall be dated. When a pleading has to be filed by a certain date, it is the date of the receipt of the pleading in the Registry which will be regarded by the Court as the material date.

3. If the Registrar arranges for the printing of a pleading at the request of a party, the text must be supplied in sufficient time to enable the printed pleading to be filed in the Registry before the expiration of any time-limit which may apply to it. The printing is done under the responsibility of the party in question.

4. The correction of a slip or error in any document which has been filed may be made at any time with the consent of the other party or by leave of the President. Any correction so effected shall be notified to the other party in the same manner as the pleading to which it relates.

Article 53

1. The Court, or the President if the Court is not sitting, may at any time decide, after ascertaining the views of the parties, that copies of the pleadings and documents annexed shall be made available to a State entitled to appear before it which has asked to be furnished with such copies.
2. The Court may, after ascertaining the views of the parties, decide that copies of the pleadings and documents annexed shall be made accessible to the public on or after the opening of the oral proceedings.

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[Table of Contents](#)*Subsection 3. The Oral Proceedings**Article 54*

1. Upon the closure of the written proceedings, the case is ready for hearing. The date for the opening of the oral proceedings shall be fixed by the Court, which may also decide, if occasion should arise, that the opening or the continuance of the oral proceedings be postponed.
2. When fixing the date for, or postponing, the opening of the oral proceedings the Court shall have regard to the priority required by Article 74 of these Rules and to any other special circumstances, including the urgency of a particular case.
3. When the Court is not sitting, its powers under this Article shall be exercised by the President.

Article 55

The Court may, if it considers it desirable, decide pursuant to Article 22, paragraph 1, of the Statute that all or part of the further proceedings in a case shall be held at a place other than the seat of the Court. Before so deciding, it shall ascertain the views of the parties.

Article 56

1. After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of the other part or as provided in paragraph 2 of this Article. The party desiring to produce a new document shall file the original or a certified copy thereof, together with the number of copies required by the Registry, which shall be responsible for communicating it to the other party and shall inform the Court. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document.
2. In the absence of consent, the Court, after hearing the parties, may, if it considers the document

necessary, authorize its production.

3. If a new document is produced under paragraph 1 or paragraph 2 of this Article, the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.
4. No reference may be made during the oral proceedings to the contents of any document which has not been produced in accordance with Article 43 of the Statute or this Article, unless the document is part of a publication readily available.
5. The application of the provisions of this Article shall not in itself constitute a ground for delaying the opening or the course of the oral proceedings.

Article 57

Without prejudice to the provisions of the Rules concerning the production of documents, each party shall communicate to the Registrar, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Court to obtain. This communication shall contain a list of the surnames, first names, nationalities, descriptions and places of residence of the witnesses and experts whom the party intends to call, with indications in general terms of the point or points to which their evidence will be directed. A copy of the communication shall also be furnished for transmission to the other party.

Article 58

1. The Court shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.
2. The order in which the parties will be heard, the method of handling the evidence and of examining any witnesses and experts, and the number of counsel and advocates to be heard on behalf of each party, shall be settled by the Court after the views of the parties have been ascertained in accordance with Article 31 of these Rules.

Article 59

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties

demand that the public be not admitted. Such a decision or demand may concern either the whole or part of the hearing, and may be made at any time.

Article 60

1. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings, or merely repeat the facts and arguments these contain.
2. At the conclusion of the last statement made by a party at the hearing, its agent, without recapitulation of the arguments, shall read that party's final submissions. A copy of the written text of these, signed by the agent, shall be communicated to the Court and transmitted to the other party.

Article 61

1. The Court may at any time prior to or during the hearing indicate any points or issues to which it would like the parties specially to address themselves, or on which it considers that there has been sufficient argument.
2. The Court may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.
3. Each judge has a similar right to put questions, but before exercising it he should make his intention known to the President, who is made responsible by Article 45 of the Statute for the control of the hearing.
4. The agents, counsel and advocates may answer either immediately or within a time-limit fixed by the President.

Article 62

1. The Court may at any time call upon the parties to produce such evidence or to give such explanations as the Court may consider to be necessary for the elucidation of any aspect of the matters in issue, or may itself seek other information for this purpose.

2. The Court may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings.

Article 63

1. The parties may call any witnesses or experts appearing on the list communicated to the Court pursuant to Article 57 of these Rules. If at any time during the hearing a party wishes to call a witness or expert whose name was not included in that list, it shall so inform the Court and the other party, and shall supply the information required by Article 57. The witness or expert may be called either if the other party makes no objection or if the Court is satisfied that his evidence seems likely to prove relevant.

2. The Court, or the President if the Court is not sitting, shall, at the request of one of the parties or *proprio motu*, take the necessary steps for the examination of witnesses otherwise than before the Court itself.

Article 64

Unless on account of special circumstances the Court decides on a different form of words,

(a) every witness shall make the following declaration before giving any evidence:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth";

(b) every expert shall make the following declaration before making any statement:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth and that my statement will be in accordance with my sincere belief".

Article 65

Witnesses and experts shall be examined by the agents, counsel or advocates of the parties under the control of the President. Questions may be put to them by the President and by the judges. Before testifying, witnesses shall remain out of court.

Article 66

The Court may at any time decide, either *proprio motu* or at the request of a party, to exercise its functions with regard to the obtaining of evidence at a place or locality to which the case relates, subject to such conditions as the Court may decide upon after ascertaining the views of the parties. The necessary arrangements shall be made in accordance with Article 44 of the Statute.

Article 67

1. If the Court considers it necessary to arrange for an enquiry or an expert opinion, it shall, after hearing the parties, issue an order to this effect, defining the subject of the enquiry or expert opinion, stating the number and mode of appointment of the persons to hold the enquiry or of the experts, and laying down the procedure to be followed. Where appropriate, the Court shall require persons appointed to carry out an enquiry, or to give an expert opinion, to make a solemn declaration.

2. Every report or record of an enquiry and every expert opinion shall be communicated to the parties, which shall be given the opportunity of commenting upon it.

Article 68

Witnesses and experts who appear at the instance of the Court under Article 62, paragraph 2, and persons appointed under Article 67, paragraph 1, of these Rules, to carry out an enquiry or to give an expert opinion, shall, where appropriate, be paid out of the funds of the Court.

Article 69

1. The Court may, at any time prior to the closure of the oral proceedings, either *proprio motu* or at the request of one of the parties communicated as provided in Article 57 of these Rules, request a public international organization, pursuant to Article 34 of the Statute, to furnish information relevant to a case before it. The Court, after consulting the chief administrative officer of the organization concerned, shall decide whether such information shall be presented to it orally or in writing, and the time-limits for its presentation.

2. When a public international organization sees fit to furnish, on its own initiative, information relevant to a case before the Court, it shall do so in the form of a Memorial to be filed in the Registry before the

closure of the written proceedings. The Court shall retain the right to require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also to authorize the parties to comment, either orally or in writing, on the information thus furnished.

3. In the circumstances contemplated by Article 34, paragraph 3, of the Statute, the Registrar, on the instructions of the Court, or of the President if the Court is not sitting, shall proceed as prescribed in that paragraph. The Court, or the President if the Court is not sitting, may, as from the date on which the Registrar has communicated copies of the written proceedings and after consulting the chief administrative officer of the public international organization concerned, fix a time-limit within which the organization may submit to the Court its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.

4. In the foregoing paragraph, the term "public international organization" denotes an international organization of States.

Article 70

1. In the absence of any decision to the contrary by the Court, all speeches and statements made and evidence given at the hearing in one of the official languages of the Court shall be interpreted into the other official language. If they are made or given in any other language, they shall be interpreted into the two official languages of the Court.

2. Whenever, in accordance with Article 39, paragraph 3, of the Statute, a language other than French or English is used, the necessary arrangements for interpretation into one of the two official languages shall be made by the party concerned; however, the Registrar shall make arrangements for the verification of the interpretation provided by a party of evidence given on the party's behalf. In the case of witnesses or experts who appear at the instance of the Court, arrangements for interpretation shall be made by the Registry.

3. A party on behalf of which speeches or statements are to be made, or evidence given, in a language which is not one of the official languages of the Court, shall so notify the Registrar in sufficient time for him to make the necessary arrangements.

4. Before first interpreting in the case, interpreters provided by a party shall make the following declaration in open court:

"I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete."

Article 71

1. A verbatim record shall be made by the Registrar of every hearing, in the official language of the Court which has been used. When the language used is not one of the two official languages of the Court, the verbatim record shall be prepared in one of the Court's official languages.
2. When speeches or statements are made in a language which is not one of the official languages of the Court, the party on behalf of which they are made shall supply to the Registry in advance a text thereof in one of the official languages, and this text shall constitute the relevant part of the verbatim record.
3. The transcript of the verbatim record shall be preceded by the names of the judges present, and those of the agents, counsel and advocates of the parties.
4. Copies of the transcript shall be circulated to the judges sitting in the case, and to the parties. The latter may, under the supervision of the Court, correct the transcripts of speeches and statements made on their behalf, but in no case may such corrections affect the sense and bearing thereof. The judges may likewise make corrections in the transcript of anything they may have said.
5. Witnesses and experts shall be shown that part of the transcript which relates to the evidence given, or the statements made by them, and may correct it in like manner as the parties.
6. One certified true copy of the eventual corrected transcript, signed by the President and the Registrar, shall constitute the authentic minutes of the sitting for the purpose of Article 47 of the Statute. The minutes of public hearings shall be printed and published by the Court.

Article 72

Any written reply by a party to a question put under Article 61, or any evidence or explanation supplied by a party under Article 62 of these Rules, received by the Court after the closure of the oral proceedings, shall be communicated to the other party, which shall be given the opportunity of commenting upon it. If necessary the oral proceedings may be reopened for that purpose.

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Section D. Incidental Proceedings

Subsection 1. Interim Protection

Article 73

1. A written request for the indication of provisional measures may be made by a party at any time during the course of the proceedings in the case in connection with which the request is made.
2. The request shall specify the reasons therefor, the possible consequences if it is not granted, and the measures requested. A certified copy shall forthwith be transmitted by the Registrar to the other party.

Article 74

1. A request for the indication of provisional measures shall have priority over all other cases.
2. The Court, if it is not sitting when the request is made, shall be convened forthwith for the purpose of proceeding to a decision on the request as a matter of urgency.
3. The Court, or the President if the Court is not sitting, shall fix a date for a hearing which will afford the parties an opportunity of being represented at it. The Court shall receive and take into account any observations that may be presented to it before the closure of the oral proceedings.
4. Pending the meeting of the Court, the President may call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects.

Article 75

1. The Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures which ought to be taken or complied with by any or all of the parties.
2. When a request for provisional measures has been made, the Court may indicate measures that are in whole or in part other than those requested, or that ought to be taken or complied with by the party which has itself made the request.
3. The rejection of a request for the indication of provisional measures shall not prevent the party which made it from making a fresh request in the same case based on new facts.

Article 76

1. At the request of a party the Court may, at any time before the final judgment in the case, revoke or modify any decision concerning provisional measures if, in its opinion, some change in the situation justifies such revocation or modification.
2. Any application by a party proposing such a revocation or modification shall specify the change in the situation considered to be relevant.
3. Before taking any decision under paragraph 1 of this Article the Court shall afford the parties an opportunity of presenting their observations on the subject.

Article 77

Any measures indicated by the Court under Articles 73 and 75 of these Rules, and any decision taken by the Court under Article 76, paragraph 1, of these Rules, shall forthwith be communicated to the Secretary-General of the United Nations for transmission to the Security Council in pursuance of Article 41, paragraph 2, of the Statute.

Article 78

The Court may request information from the parties on any matter connected with the implementation of any provisional measures it has indicated.

[Table of Contents](#)*Subsection 2. Preliminary Objections**Article 79*

1. Any objection by the respondent to the jurisdiction of the Court or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing within the time-limit fixed for the delivery of the Counter-Memorial. Any such objection made by a party other than the respondent shall be filed within the time-limit fixed

for the delivery of that party's first pleading.

2. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions and a list of the documents in support; it shall mention any evidence which the party may desire to produce. Copies of the supporting documents shall be attached.
3. Upon receipt by the Registry of a preliminary objection, the proceedings on the merits shall be suspended and the Court, or the President if the Court is not sitting, shall fix the time-limit within which the other party may present a written statement of its observations and submissions; documents in support shall be attached and evidence which it is proposed to produce shall be mentioned.
4. Unless otherwise decided by the Court, the further proceedings shall be oral.
5. The statements of facts and law in the pleadings referred to in paragraphs 2 and 3 of this Article, and the statements and evidence presented at the hearings contemplated by paragraph 4, shall be confined to those matters that are relevant to the objection.
6. In order to enable the Court to determine its jurisdiction at the preliminary stage of the proceedings, the Court, whenever necessary, may request the parties to argue all questions of law and fact, and to adduce all evidence, which bear on the issue.
7. After hearing the parties, the Court shall give its decision in the form of a judgment, by which it shall either uphold the objection, reject it, or declare that the objection does not possess, in the circumstances of the case, an exclusively preliminary character. If the Court rejects the objection or declares that it does not possess an exclusively preliminary character, it shall fix time-limits for the further proceedings.
8. Any agreement between the parties that an objection submitted under paragraph 1 of this Article be heard and determined within the framework of the merits shall be given effect by the Court.

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Subsection 3. Counter-Claims

Article 80

1. A counter-claim may be presented provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Court.

2. A counter-claim shall be made in the Counter-Memorial of the party presenting it, and shall appear as part of the submissions of that party.

3. In the event of doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the claim of the other party the Court shall, after hearing the parties, decide whether or not the question thus presented shall be joined to the original proceedings.

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Subsection 4. Intervention

Article 81

1. An application for permission to intervene under the terms of Article 62 of the Statute, signed in the manner provided for in Article 38, paragraph 3, of these Rules, shall be filed as soon as possible, and not later than the closure of the written proceedings. In exceptional circumstances, an application submitted at a later stage may however be admitted.

2. The application shall state the name of an agent. It shall specify the case to which it relates, and shall set out:

(a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;

(b) the precise object of the intervention;

(c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.

3. The application shall contain a list of the documents in support, which documents shall be attached.

Article 82

1. A State which desires to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall file a declaration to that effect, signed in the manner provided for in Article 38, paragraph 3, of these Rules. Such a declaration shall be filed as soon as possible, and not later than the date fixed

for the opening of the oral proceedings. In exceptional circumstances a declaration submitted at a later stage may however be admitted.

2. The declaration shall state the name of an agent. It shall specify the case and the convention to which it relates and shall contain:

(a) particulars of the basis on which the declarant State considers itself a party to the convention;

(b) identification of the particular provisions of the convention the construction of which it considers to be in question;

(c) a statement of the construction of those provisions for which it contends;

(d) a list of the documents in support, which documents shall be attached.

3. Such a declaration may be filed by a State that considers itself a party to the convention the construction of which is in question but has not received the notification referred to in Article 63 of the Statute.

Article 83

1. Certified copies of the application for permission to intervene under Article 62 of the Statute, or of the declaration of intervention under Article 63 of the Statute, shall be communicated forthwith to the parties to the case, which shall be invited to furnish their written observations within a time-limit to be fixed by the Court or by the President if the Court is not sitting.

2. The Registrar shall also transmit copies to: (a) the Secretary-General of the United Nations; (b) the Members of the United Nations; (c) other States entitled to appear before the Court; (d) any other States which have been notified under Article 63 of the Statute.

Article 84

1. The Court shall decide whether an application for permission to intervene under Article 62 of the Statute should be granted, and whether an intervention under Article 63 of the Statute is admissible, as a matter of priority unless in view of the circumstances of the case the Court shall otherwise determine.

2. If, within the time-limit fixed under Article 83 of these Rules, an objection is filed to an application for permission to intervene, or to the admissibility of a declaration of intervention, the Court shall hear

the State seeking to intervene and the parties before deciding.

Article 85

1. If an application for permission to intervene under Article 62 of the Statute is granted, the intervening State shall be supplied with copies of the pleadings and documents annexed and shall be entitled to submit a written statement within a time-limit to be fixed by the Court. A further time-limit shall be fixed within which the parties may, if they so desire, furnish their written observations on that statement prior to the oral proceedings. If the Court is not sitting, these time-limits shall be fixed by the President.
2. The time-limits fixed according to the preceding paragraph shall, so far as possible, coincide with those already fixed for the pleadings in the case.
3. The intervening State shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.

Article 86

1. If an intervention under Article 63 of the Statute is admitted, the intervening State shall be furnished with copies of the pleadings and documents annexed, and shall be entitled, within a time-limit to be fixed by the Court, or by the President if the Court is not sitting, to submit its written observations on the subject-matter of the intervention.
2. These observations shall be communicated to the parties and to any other State admitted to intervene. The intervening State shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.

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Subsection 5. Special Reference to the Court

Article 87

1. When in accordance with a treaty or convention in force a contentious case is brought before the

Court concerning a matter which has been the subject of proceedings before some other international body, the provisions of the Statute and of the Rules governing contentious cases shall apply.

2. The application instituting proceedings shall identify the decision or other act of the international body concerned and a copy thereof shall be annexed; it shall contain a precise statement of the questions raised in regard to that decision or act, which constitute the subject of the dispute referred to the Court.

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Subsection 6. Discontinuance

Article 88

1. If at any time before the final judgment on the merits has been delivered the parties, either jointly or separately, notify the Court in writing that they have agreed to discontinue the proceedings, the Court shall make an order recording the discontinuance and directing that the case be removed from the list.
2. If the parties have agreed to discontinue the proceedings in consequence of having reached a settlement of the dispute and if they so desire, the Court may record this fact in the order for the removal of the case from the list, or indicate in, or annex to, the order, the terms of the settlement.
3. If the Court is not sitting, any order under this Article may be made by the President.

Article 89

1. If in the course of proceedings instituted by means of an application, the applicant informs the Court in writing that it is not going on with the proceedings, and if, at the date on which this communication is received by the Registry, the respondent has not yet taken any step in the proceedings, the Court shall make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. A copy of this order shall be sent by the Registrar to the respondent.
2. If, at the time when the notice of discontinuance is received, the respondent has already taken some step in the proceedings, the Court shall fix a time-limit within which the respondent may state whether it opposes the discontinuance of the proceedings. If no objection is made to the discontinuance before the expiration of the time-limit, acquiescence will be presumed and the Court shall make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. If objection is made, the proceedings shall continue.
3. If the Court is not sitting, its powers under this Article may be exercised by the President.

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Section E. Proceedings Before The Chambers

Article 90

Proceedings before the chambers mentioned in Articles 26 and 29 of the Statute shall, subject to the provisions of the Statute and of these Rules relating specifically to the chambers, be governed by the provisions of Parts I to III of these Rules applicable in contentious cases before the Court.

Article 91

1. When it is desired that a case should be dealt with by one of the chambers which has been formed in pursuance of Article 26, paragraph 1, or Article 29 of the Statute, a request to this effect shall either be made in the document instituting the proceedings or accompany it. Effect will be given to the request if the parties are in agreement.
2. Upon receipt by the Registry of this request, the President of the Court shall communicate it to the members of the chamber concerned. He shall take such steps as may be necessary to give effect to the provisions of Article 31, paragraph 4, of the Statute.
3. The President of the Court shall convene the chamber at the earliest date compatible with the requirements of the procedure.

Article 92

1. Written proceedings in a case before a chamber shall consist of a single pleading by each side. In proceedings begun by means of an application, the pleadings shall be delivered within successive time-limits. In proceedings begun by the notification of a special agreement, the pleadings shall be delivered within the same time-limits, unless the parties have agreed on successive delivery of their pleadings. The time-limits referred to in this paragraph shall be fixed by the Court, or by the President if the Court is not sitting, in consultation with the chamber concerned if it is already constituted.
2. The chamber may authorize or direct that further pleadings be filed if the parties are so agreed, or if

the chamber decides, *proprio motu* or at the request of one of the parties, that such pleadings are necessary.

3. Oral proceedings shall take place unless the parties agree to dispense with them, and the chamber consents. Even when no oral proceedings take place, the chamber may call upon the parties to supply information or furnish explanations orally.

Article 93

Judgments given by a chamber shall be read at a public sitting of that chamber.

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Section F. Judgments, Interpretation and Revision

Subsection 1. Judgments

Article 94

1. When the Court has completed its deliberations and adopted its judgment, the parties shall be notified of the date on which it will be read.

2. The judgment shall be read at a public sitting of the Court and shall become binding on the parties on the day of the reading.

Article 95

1. The judgment, which shall state whether it is given by the Court or by a chamber, shall contain:

the date on which it is read;

the names of the judges participating in it;

the names of the parties;

the names of the agents, counsel and advocates of the parties;

a summary of the proceedings;

the submissions of the parties;

a statement of the facts;

the reasons in point of law;

the operative provisions of the judgment;

the decision, if any, in regard to costs;

the number and names of the judges constituting the majority;

a statement as to the text of the judgment which is authoritative.

2. Any judge may, if he so desires, attach his individual opinion to the judgment, whether he dissents from the majority or not; a judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration. The same shall also apply to orders made by the Court.

3. One copy of the judgment duly signed and sealed, shall be placed in the archives of the Court and another shall be transmitted to each of the parties. Copies shall be sent by the Registrar to: (a) the Secretary-General of the United Nations; (b) the Members of the United Nations; (c) other States entitled to appear before the Court.

Article 96

When by reason of an agreement reached between the parties, the written and oral proceedings have been conducted in one of the Court's two official languages, and pursuant to Article 39, paragraph 1, of the Statute the judgment is to be delivered in that language, the text of the judgment in that language shall be the authoritative text.

Article 97

If the Court, under Article 64 of the Statute, decides that all or part of a party's costs shall be paid by the other party, it may make an order for the purpose of giving effect to that decision.

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Subsection 2. Requests for the Interpretation or Revision of a Judgment

Article 98

1. In the event of dispute as to the meaning or scope of a judgment any party may make a request for its interpretation, whether the original proceedings were begun by an application or by the notification of a special agreement.
2. A request for the interpretation of a judgment may be made either by an application or by the notification of a special agreement to that effect between the parties; the precise point or points in dispute as to the meaning or scope of the judgment shall be indicated.
3. If the request for interpretation is made by an application, the requesting party's contentions shall be set out therein, and the other party shall be entitled to file written observations thereon within a time-limit fixed by the Court, or by the President if the Court is not sitting.
4. Whether the request is made by an application or by notification of a special agreement, the Court may, if necessary, afford the parties the opportunity of furnishing further written or oral explanations.

Article 99

1. A request for the revision of a judgment shall be made by an application containing the particulars necessary to show that the conditions specified in Article 61 of the Statute are fulfilled. Any documents in support of the application shall be annexed to it.
2. The other party shall be entitled to file written observations on the admissibility of the application within a time-limit fixed by the Court, or by the President if the Court is not sitting. These observations shall be communicated to the party making the application.
3. The Court, before giving its judgment on the admissibility of the application may afford the parties a further opportunity of presenting their views thereon.

4. If the Court finds that the application is admissible it shall fix time-limits for such further proceedings on the merits of the application as, after ascertaining the views of the parties, it considers necessary.
5. If the Court decides to make the admission of the proceedings in revision conditional on previous compliance with the judgment, it shall make an order accordingly.

Article 100

1. If the judgment to be revised or to be interpreted was given by the Court, the request for its revision or interpretation shall be dealt with by the Court. If the judgment was given by a chamber, the request for its revision or interpretation shall be dealt with by that chamber.
2. The decision of the Court, or of the chamber, on a request for interpretation or revision of a judgment shall itself be given in the form of a judgment.

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Section G. Modifications Proposed by The Parties

Article 101

The parties to a case may jointly propose particular modifications or additions to the rules contained in the present Part (with the exception of Articles 93 to 97 inclusive), which may be applied by the Court or by a chamber if the Court or the chamber considers them appropriate in the circumstances of the case.

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Part IV

ADVISORY PROCEEDINGS

Article 102

1. In the exercise of its advisory functions under Article 65 of the Statute, the Court shall apply, in addition to the provisions of Article 96 of the Charter and Chapter IV of the Statute, the provisions of the present Part of the Rules.
2. The Court shall also be guided by the provisions of the Statute and of these Rules which apply in contentious cases to the extent to which it recognizes them to be applicable. For this purpose, it shall above all consider whether the request for the advisory opinion relates to a legal question actually pending between two or more States.
3. When an advisory opinion is requested upon a legal question actually pending between two or more States, Article 31 of the Statute shall apply, as also the provisions of these Rules concerning the application of that Article.

Article 103

When the body authorized by or in accordance with the Charter of the United Nations to request an advisory opinion informs the Court that its request necessitates an urgent answer, or the Court finds that an early answer would be desirable, the Court shall take all necessary steps to accelerate the procedure, and it shall convene as early as possible for the purpose of proceeding to a hearing and deliberation on the request.

Article 104

All requests for advisory opinions shall be transmitted to the Court by the Secretary-General of the United Nations or, as the case may be, the chief administrative officer of the body authorized to make the request. The documents referred to in Article 65, paragraph 2, of the Statute shall be transmitted to the Court at the same time as the request or as soon as possible thereafter, in the number of copies required by the Registry.

Article 105

1. Written statements submitted to the Court shall be communicated by the Registrar to any States and organizations which have submitted such statements.
2. The Court, or the President if the Court is not sitting, shall:

(a) determine the form in which, and the extent to which, comments permitted under Article 66, paragraph 4, of the Statute shall be received, and fix the time-limit for the submission of any such comments in writing;

(b) decide whether oral proceedings shall take place at which statements and comments may be submitted to the Court under the provisions of Article 66 of the Statute, and fix the date for the opening of such oral proceedings.

Article 106

The Court, or the President if the Court is not sitting, may decide that the written statements and annexed documents shall be made accessible to the public on or after the opening of the oral proceedings. If the request for advisory opinion relates to a legal question actually pending between two or more States, the views of those States shall first be ascertained.

Article 107

1. When the Court has completed its deliberations and adopted its advisory opinion, the opinion shall be read at a public sitting of the Court.

2. The advisory opinion shall contain:

the date on which it is delivered;

the names of the judges participating;

a summary of the proceedings;

a statement of the facts;

the reasons in point of law;

the reply to the question put to the Court;

the number and names of the judges constituting the majority;

a statement as to the text of the opinion which is authoritative.

3. Any judge may, if he so desires, attach his individual opinion to the advisory opinion of the Court,

whether he dissents from the majority or not; a judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration.

Article 108

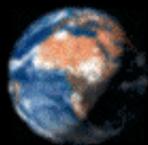
The Registrar shall inform the Secretary-General of the United Nations, and, where appropriate, the chief administrative officer of the body which requested the advisory opinion, as to the date and the hour fixed for the public sitting to be held for the reading of the opinion. He shall also inform the representatives of the Members of the United Nations and other States, specialized agencies and public international organizations immediately concerned.

Article 109

One copy of the advisory opinion, duly signed and sealed, shall be placed in the archives of the Court, another shall be sent to the Secretary-General of the United Nations and, where appropriate, a third to the chief administrative officer of the body which requested the opinion of the Court. Copies shall be sent by the Registrar to the Members of the United Nations and to any other States, specialized agencies and public international organizations immediately concerned.

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✓ [NATO 1997; Year of Change](#) new

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- ✓ [Comparitive Crime Analysis](#)

Very short description of Comparitive Crime Analysis

- ✓ [Deductive Criminal Profiling: Comparing Applied Methodologies between Inductive and Deductive Profiling Techniques](#)

There are essentially two very different types of profiling being done by criminal investigators and criminologists in the United States. The first profiling method will be termed Inductive Criminal Profiling, and is related conceptually to the construction of psychological syndromes and subsequent syndrome evidence. The second, less common, method of profiling will be termed Deductive Criminal Profiling.

- ✓ [Diagnostic criteria for Posttraumatic Stress Disorder](#)

- ✓ [FBI Profile of Scarborough Rapist](#)

- ✓ [The Importance of Victimology in Criminal Profiling](#)

While violent crime is on the rise, profilers are using any resources available to them to aid in stopping the offenders. One such resource is the victim of the crime. How can a deceased victim aid in the investigation? The answer is through a technique called: victimology.

✓ [The Impressions of a Man: An Objective Forensic Guideline to Profiling Violent Serial Sex Offenders](#)

✓ [\(Complete\) Psychological Profile and Forensic Analysis of a triple murder \(by B. Turvey\)](#)

✓ [Recognizing Sadism: The Importance of Reconstruction and Wound Pattern Analysis in Criminal Profiling](#)

✓ [Who Is A Serial Killer](#)

The (generalized) differences between serial killer vs. typical killer

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Security & Intelligence & Terrorism

✓ [Bomb Threats and Physical Security Planning](#)

This pamphlet is designed to help both the public and private sectors prepare for the potential threat of explosives-related violence. While the ideas set forth herein are applicable in most cases, they are intended only as a guide. The information provided is compiled from a wide range of sources, including the actual experiences of special agents of the Bureau of Alcohol, Tobacco and Firearms (ATF).

✓ [Canadian Security Intelligence Service Act \(1984\)](#)

✓ [Defensive Information Warfare](#) new

The Information Age carries implications for virtually all human endeavors, including the military profession. It's likely that these implications have or will produce revolutionary changes in warfare, but that issue remains unresolved among academics and military specialists alike. The search for answers, however, has generated a new intellectual excitement about military theory. It also has uncovered some preliminary notions about national security that require attention now.

✓ [Europäischer Rechtsextremismus](#) new

Der nachfaschistische Rechtsextremismus in Europa kann zunächst als nationalstaatlich orientierter und organisierter Rassismus begriffen werden. Sein Subjekt ist nicht länger der "Arier" oder "(Indo-)Germane", sondern der "Inländer" als Produkt ideologischer Zuschreibungen und materieller Zuweisungen.

✓ [FBI Central Records System Classification Codes](#) (*convince me :-)*)

✓ [Freedom of Information Act Kit](#)

How to use the Freedom Of Information Act

✓ [G7/P8 Ministerial Conference on Terrorism --- 1996](#)

Agreement between the States on actions against terrorism

✓ [Intelligence Updates](#)

Updates about events in the international political world

✓ [Patterns of Global Terrorism: 1998](#)

Publication of the US Department of State

✓ [Open Source Intelligence: Professional Handbook 1.0](#) new

This handbook is based almost entirely on six of the eight lessons comprising the Open Source Training Course funded by the Defense Intelligence Agency (DIA). It has been prepared by the staff of the Navy-Marine Corps Intelligence Center as a means for consolidating the course materials in a form which could be most useful to Marine Air Ground Task Force (MAGTF) staff.

✓ [NSA new employee security manual](#)

also in pdf-format

✓ [Profiles of the U.S. Intelligence Community](#)

✓ [Right-wing Extremist Activities on the Internet](#) new

✓ [Right-wing parties around the world](#) new

✓ [Searching for Partners: Regional Organizations and Peace Operations](#) new

By William H. Lewis and Edward Marks for the Institute for National Strategic Studies at the National Defense University.

✓ [Strategic Assessment 1997; Flashpoints en Force Structure](#) new

The Strategic Assessment applies the research expertise of the National Defense University, under the leadership of its interdisciplinary research arm, the Institute for National Strategic Studies, with the generous assistance of analysts from elsewhere in the U.S. government and from the private sector. Offering such analyses, in both general and

more specialized areas of interest to the national security community, is one part of NDU's educational mission. That mission, as defined by the Joint Chiefs of Staff, is to educate senior military and government officials on issues related to national strategy, security policy, resources management, and warfare in the information age.

✓ [Strategic Assessment 1998; Engaging Power for Peace](#) new

This is the fourth volume in the annual Strategic Assessment series produced by the Institute for National Strategic Studies at the National Defense University, and undertaken to contribute to the national effort to understand more clearly the nature of, and the U.S. role in, the new international system. This volume complements the Strategic Forum series (issue papers on key national security topics), Joint Force Quarterly (a professional military journal published for the Chairman of the Joint Chiefs), and other titles issued by INSS. While Strategic Assessment is not an official government publication, we trust that it will inform and influence policymakers and academics alike.

✓ [The Basics of Terrorism, a quick course](#)

✓ [Terrorists Profiles](#)

Profiles of 39 worldwide terroristic organisations

✓ [Terrorist Group Profiles](#)

from the Terrorism Research Center

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Truth & Politics

✓ [10 very good and valid reasons why lies and dishonesty are the norm in politics.](#)

Written by Pierre Rinfret

✓ [Give war a chance](#) new

An unpleasant truth often overlooked is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace.

✓ [Is Mankind Mad?](#)

Written by Pierre Rinfret

✓ [Populismus und Populistischer Moment im Vergleich zwischen Frankreich, Italien und Österreich](#) new

Einführung in den komparativen Block
Front National, Lega Nord und FPÖ im Vergleich
Gründungs- und Konsolidierungsphasen
Durchbruch der Parteien

✓ *Report on state strategy in punishing criminal offences motivated by racism and xenophobia or committed by supporters of extremist groups* new

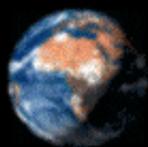
In the Czech Republic extremism started openly manifesting itself after November 1989. At that time the problem of extremism (until then artificially covered up by the communist régime) started surfacing in a more visible and striking way.

✓ *U.S.-Russian Partnership: Meeting the New Millennium* new

Sergey Oznobishchev and James H. Brusstar
1999 National Defense University Press Washington, DC

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✓ [Comparitive Crime Analysis](#)

Very short description of Comparitive Crime Analysis

✓ [Deductive Criminal Profiling: Comparing Applied Methodologies between Inductive and Deductive Profiling Techniques](#)

There are essentially two very different types of profiling being done by criminal investigators and criminologists in the United States. The first profiling method will be termed Inductive Criminal Profiling, and is related conceptually to the construction of psychological syndromes and subsequent syndrome evidence. The second, less common, method of profiling will be termed Deductive Criminal Profiling.

✓ [Diagnostic criteria for Posttraumatic Stress Disorder](#)

✓ [FBI Profile of Scarborough Rapist](#)

✓ [The Importance of Victimology in Criminal Profiling](#)

While violent crime is on the rise, profilers are using any resources available to them to aid in stopping the offenders. One such resource is the victim of the crime. How can a deceased victim aid in the investigation? The answer is through a technique called: victimology.

✓ [The Impressions of a Man: An Objective Forensic Guideline to Profiling Violent Serial Sex Offenders](#)

✓ [\(Complete\) Psychological Profile and Forensic Analysis of a triple murder \(by B. Turvey\)](#)

✓ [Recognizing Sadism: The Importance of Reconstruction and Wound Pattern Analysis in Criminal Profiling](#)

✓ [Who Is A Serial Killer](#)

The (generalized) differences between serial killer vs. typical killer

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Security & Intelligence & Terrorism

✓ [Bomb Threats and Physical Security Planning](#)

This pamphlet is designed to help both the public and private sectors prepare for the potential threat of explosives-related violence. While the ideas set forth herein are applicable in most cases, they are intended only as a guide. The information provided is compiled from a wide range of sources, including the actual experiences of special agents of the Bureau of Alcohol, Tobacco and Firearms (ATF).

✓ [Canadian Security Intelligence Service Act \(1984\)](#)

✓ [Defensive Information Warfare](#) new

The Information Age carries implications for virtually all human endeavors, including the military profession. It's likely that these implications have or will produce revolutionary changes in warfare, but that issue remains unresolved among academics and military specialists alike. The search for answers, however, has generated a new intellectual excitement about military theory. It also has uncovered some preliminary notions about national security that require attention now.

✓ [Europäischer Rechtsextremismus](#) new

Der nachfaschistische Rechtsextremismus in Europa kann zunächst als nationalstaatlich orientierter und organisierter Rassismus begriffen werden. Sein Subjekt ist nicht länger der "Arier" oder "(Indo-)Germane", sondern der "Inländer" als Produkt ideologischer Zuschreibungen und materieller Zuweisungen.

✓ [FBI Central Records System Classification Codes](#) (*convince me :-)*)

✓ [Freedom of Information Act Kit](#)

How to use the Freedom Of Information Act

✓ [G7/P8 Ministerial Conference on Terrorism --- 1996](#)

Agreement between the States on actions against terrorism

✓ [Intelligence Updates](#)

Updates about events in the international political world

✓ [Open Source Intelligence: Professional Handbook 1.0](#) new

This handbook is based almost entirely on six of the eight lessons comprising the Open Source Training Course funded by the Defense Intelligence Agency (DIA). It has been prepared by the staff of the Navy-Marine Corps Intelligence Center as a means for consolidating the course materials in a form which could be most useful to Marine Air Ground Task Force (MAGTF) staff.

✓ [Patterns of Global Terrorism: 1998](#)

Publication of the US Department of State

✓ [NSA new employee security manual](#)

also in pdf-format

✓ [Profiles of the U.S. Intelligence Community](#)

✓ [Right-wing Extremist Activities on the Internet](#) new

✓ [Right-wing parties around the world](#) new

✓ [Searching for Partners: Regional Organizations and Peace Operations](#) new

By William H. Lewis and Edward Marks for the Institute for National Strategic Studies at the National Defense University.

✓ [Strategic Assessment 1997; Flashpoints en Force Structure](#) new

The Strategic Assessment applies the research expertise of the National Defense University, under the leadership of its interdisciplinary research arm, the Institute for National Strategic Studies, with the generous assistance of analysts from elsewhere in the U.S. government and from the private sector. Offering such analyses, in both general and

more specialized areas of interest to the national security community, is one part of NDU's educational mission. That mission, as defined by the Joint Chiefs of Staff, is to educate senior military and government officials on issues related to national strategy, security policy, resources management, and warfare in the information age.

✓ [Strategic Assessment 1998; Engaging Power for Peace](#) new

This is the fourth volume in the annual Strategic Assessment series produced by the Institute for National Strategic Studies at the National Defense University, and undertaken to contribute to the national effort to understand more clearly the nature of, and the U.S. role in, the new international system. This volume complements the Strategic Forum series (issue papers on key national security topics), Joint Force Quarterly (a professional military journal published for the Chairman of the Joint Chiefs), and other titles issued by INSS. While Strategic Assessment is not an official government publication, we trust that it will inform and influence policymakers and academics alike.

✓ [The Basics of Terrorism, a quick course](#)

✓ [Terrorists Profiles](#)

Profiles of 39 worldwide terroristic organisations

✓ [Terrorist Group Profiles](#)

from the Terrorism Research Center

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Truth & Politics

✓ [10 very good and valid reasons why lies and dishonesty are the norm in politics.](#)

Written by Pierre Rinfret

✓ [Give war a chance](#) new

An unpleasant truth often overlooked is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace.

✓ [Is Mankind Mad?](#)

Written by Pierre Rinfret

✓ [Populismus und Populistischer Moment im Vergleich zwischen Frankreich, Italien und Österreich](#) new

Einführung in den komparativen Block
Front National, Lega Nord und FPÖ im Vergleich
Gründungs- und Konsolidierungsphasen
Durchbruch der Parteien

✓ *Report on state strategy in punishing criminal offences motivated by racism and xenophobia or committed by supporters of extremist groups* new

In the Czech Republic extremism started openly manifesting itself after November 1989. At that time the problem of extremism (until then artificially covered up by the communist régime) started surfacing in a more visible and striking way.

✓ *U.S.-Russian Partnership: Meeting the New Millennium* new

Sergey Oznobishchev and James H. Brusstar
1999 National Defense University Press Washington, DC

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http://www.minjust.nl/b_organ/wodc/prod/publ/rapport/ob173_2.htm

Georganiseerde criminaliteit in Nederland; rapportage op basis van de WODC-monitor

E.R. Kleemans, E.A.I.M. van den Berg, H.G. van de Bunt, m.m.v. M. Brouwers, R.F. Kouwenberg, G. Paulides

Onderzoek en beleid, nr. 173

Samenvatting deel I & II

Aanleiding tot het onderzoek

In 1996 concludeerde de Parlementaire Enquêtecommissie Opsporingsmethoden in haar eindrapport dat aan het beleid ter bestrijding van georganiseerde criminaliteit in de afgelopen jaren een beter onderbouwd inzicht ten grondslag had moeten liggen. De studie, die de onderzoeksgroep Fijnaut ten behoeve van de Enquêtecommissie had verricht, voorzag dan ook duidelijk in een behoefte. Naar aanleiding van de conclusies van de Enquêtecommissie heeft de minister van Justitie de Tweede Kamer toegezegd om - in navolging van de studie van de onderzoeksgroep Fijnaut - tweejaarlijks te rapporteren over de aard van de georganiseerde criminaliteit in Nederland en te signaleren ontwikkelingen. Daartoe is door het WODC de 'Monitor georganiseerde criminaliteit' opgezet, op basis waarvan regelmatig publicaties over georganiseerde criminaliteit zullen verschijnen. Het monitor-onderzoek houdt - kort gezegd - in dat er tweejaarlijks gestructureerde gegevensverzameling plaatsvindt met betrekking tot recent afgesloten opsporingsonderzoeken op het terrein van de georganiseerde criminaliteit. Dit rapport is de eerste rapportage die op deze monitor is gebaseerd.

Doelstelling, probleemstelling en onderzoeksvragen

Hoewel er een grote behoefte bestaat aan betrouwbaar en actueel onderzoek naar georganiseerde criminaliteit, moet tegelijkertijd worden geconstateerd dat tot voor kort veel van de kennis die tijdens opsporingsonderzoeken werd opgedaan, verloren ging. Er vond namelijk geen systematische beschrijving en ontsluiting plaats van de belangrijkste gegevens en opgedane inzichten uit opsporingsonderzoeken. Het vermogen van politie en justitie om lering te trekken uit de eigen ervaringskennis was daardoor zwak ontwikkeld. Het doel van de WODC-monitor is om dit leervermogen te vergroten door de inzichten die aan de concrete zaken kunnen worden ontleend, terug te koppelen naar degenen die zijn belast met het ontwikkelen en uitvoeren van preventief en repressief beleid inzake georganiseerde criminaliteit. De WODC-monitor betreft een periodiek onderzoek naar georganiseerde criminaliteit met als centrale probleemstelling: *Wat is de aard van de georganiseerde criminaliteit in Nederland en welke ontwikkelingen zijn op dit gebied te onderkennen?* In deze eerste rapportage ligt het zwaartepunt op de analyse van de aard van de georganiseerde criminaliteit. In volgende rapportages zullen ook de ontwikkelingen meer aan bod komen.

Bij de gegevensverzameling en de analyse zijn twee belangrijke beleidsvragen de leidraad geweest: hoe werken (de leden van) criminele samenwerkingsverbanden met elkaar samen en hoe verlopen de interacties tussen deze criminele samenwerkingsverbanden en de (wettige en onwettige) omgeving? De beantwoording van deze vragen is beleidsmatig van groot belang voor de bepaling van de grenzen en de mogelijkheden van preventieve en repressieve maatregelen tegen georganiseerde criminaliteit. De centrale probleemstelling van de monitor is in deze rapportage geconcretiseerd in de volgende vier onderzoeksvragen:

Wat is de aard van de criminele samenwerkingsverbanden die zich in Nederland schuldig maken aan georganiseerde criminaliteit? (hoofdstuk 2).

Welke mogelijkheden worden aan criminele samenwerkingsverbanden geboden door de omgeving en hoe gaan criminele samenwerkingsverbanden met deze mogelijkheden om? (hoofdstuk 3).

Met welke risico's worden criminele samenwerkingsverbanden vanuit hun omgeving geconfronteerd en hoe gaan zij met deze risico's om? (hoofdstuk 4).

Welke implicaties hebben de onderzoeksresultaten voor de preventie en de bestrijding van de georganiseerde criminaliteit in Nederland? (hoofdstuk 5).

Onderzoekopzet en onderzoeksmethoden

De WODC-monitor is er op gericht om de politieke kennis van georganiseerde criminaliteit zo goed mogelijk vast te leggen en te analyseren. Dit is enerzijds de kracht, maar anderzijds ook de potentiële zwakte van de monitor. Aan de ene kant zijn opsporingsinstanties de belangrijkste bron van kennis over georganiseerde criminaliteit. Het systematisch exploreren van deze bron is ontegenzeggelijk de waarde van de monitor. Maar aan de andere kant is de monitor hiermee ook de gevangene van de politieke prioriteitenstelling: er ontstaat alleen kennis op die gebieden waaraan opsporingsinstanties aandacht besteden. Daarom bestaat het onderzoek uit twee fasen, waarbij in de tweede fase ook gebruik is gemaakt van gegevens uit andere bronnen dan afgesloten opsporingsonderzoeken.

In de eerste fase hebben analyses plaatsgevonden van afgeronde opsporingsonderzoeken op het terrein van de georganiseerde criminaliteit in de periode 1996-1997. Hiertoe is in het voorjaar van 1997 een brede inventarisatie uitgevoerd bij alle arrondissementsparketten, Kernteams en FIOD-vestigingen. Op basis van ingevulde inventarisatieformulieren en aanvullende interviews is een groslijst samengesteld van ongeveer vierhonderd zaken, die volgens de betrokkenen mogelijk zouden kunnen vallen onder de begripsbepaling van de onderzoeksgroep Fijnaut (*er is sprake van georganiseerde criminaliteit indien groepen die primair gericht zijn op illegaal gewin systematisch misdrijven plegen met ernstige gevolgen voor de samenleving, en in staat zijn deze misdaden op betrekkelijk effectieve wijze af te schermen*). Aan de respondenten is gevraagd om bij de inventarisatie het begrip afscherming breed op te vatten (naast geweld en corruptie bijvoorbeeld ook het gebruik van dekmantelfirma's, contra-observatie, et cetera) en naast de handel in verdovende middelen ook aandacht te schenken aan bijvoorbeeld fraude, wapenhandel, milieucriminaliteit, mensensmokkel en vrouwenhandel.

Vervolgens is op basis van deze zeer brede inventarisatie een selectie gemaakt van veertig zaken die gedetailleerd beschreven en geanalyseerd zouden gaan worden. Deze selectie kwam tot stand door na te

gaan of de genoemde gevallen onder de zojuist weergegeven begripsbepaling van georganiseerde criminaliteit vielen. Daarnaast moest het gaan om recente en 'harde' zaken: alleen die opsporingsonderzoeken kwamen in aanmerking waarvan het gerechtelijk vooronderzoek was afgesloten in de periode 1996-1997 en waarbij, gelet op de beslissing van de officier van justitie (om vervolging in te stellen), kennelijk voldoende bewijs was vergaard om de verdachten te kunnen vervolgen. Ten slotte zijn van de ongeveer honderd overgebleven zaken de veertig zaken geselecteerd met de meeste toegevoegde waarde. Sommige zaken voegen immers meer toe aan onze kennis van georganiseerde criminaliteit dan andere. Zo bestaat er reeds vrij veel kennis over de handel in de traditionele verdovende middelen. Veel recenter is de aandacht van politie en justitie voor bijvoorbeeld mensensmokkel, vrouwenhandel en synthetische drugs. Aangezien opsporingsonderzoeken op deze gebieden veel meer toevoegen aan onze kennis dan het zoveelste traditionele drugsonderzoek is in het kader van dit onderzoek extra aandacht besteed aan opsporingsonderzoeken op deze gebieden. De selectie van uitgebreid geanalyseerde zaken is dus niet willekeurig maar bewust selectief. Op deze manier kan enig tegenwicht worden geboden tegen de prioriteitenstelling van politie en justitie, die in de praktijk blijkt uit te monden in een grote hoeveelheid drugsonderzoeken. De selectie van de veertig zaken ziet er als volgt uit (zie ook bijlage 3). Naast de traditionele drugsonderzoeken (zestien zaken) zijn zaken bestudeerd die betrekking hebben op synthetische drugs (zeven zaken), mensensmokkel (vier zaken) en vrouwenhandel (zeven zaken). De resterende zes zaken hebben betrekking op fraude, witwassen en andere delicten. De uitgebreide analyses van de zaken zijn telkens gestart met interviews met betrokken rechercheurs, officieren van justitie en parketsecretarissen, waarbij gebruik is gemaakt van een uitgebreide aandachtspuntenlijst (zie bijlage 2). Vervolgens is op basis van de interviews al het achterliggende bronnenmateriaal bestudeerd, dat relevant was om de verzamelde gegevens in hun context te plaatsen en deze op hun betrouwbaarheid te toetsen: processen-verbaal, tapverslagen, observatieverslagen, verhoren, CID-rapporten, op schrift gestelde misdaadanalyses, et cetera.

Indien uitsluitend gebruik zou worden gemaakt van de analyses van de veertig zaken, bestaat het gevaar dat de overige kennis bij opsporingsinstanties onvoldoende wordt benut. Daarom is ook gebruik gemaakt van vertrouwelijke rapportages, fenomeenonderzoeken, landelijke en regionale misdaadanalyses en (wetenschappelijke) literatuur. In het voorjaar van 1998 is gepoogd deze schriftelijke bronnen systematisch in kaart te brengen. Daarnaast zijn in het voorjaar en in de zomer van 1998 interviews gehouden met verschillende medewerkers van de Kernteams, de divisie Centrale Recherche Informatie, het Meldpunt Ongebruikelijke transacties, de bijzondere opsporingsdiensten FIOD, AID en ECD en de Binnenlandse Veiligheidsdienst. Deze fase van het onderzoek heeft naast de interviewverslagen meer dan negentig schriftelijke rapportages opgeleverd en meer dan honderd beknopte casusbeschrijvingen van afgesloten en lopende opsporingsonderzoeken.

Op basis van dit materiaal kunnen uiteraard geen uitspraken worden gedaan over de omvang van 'de' georganiseerde criminaliteit in Nederland. Wel kunnen op verantwoorde wijze kwalitatieve uitspraken worden gedaan over bepaalde verschijnselen. Zo is ons onderzoeksmateriaal zeer geschikt voor de beantwoording van vragen zoals: hoe werken daders samen?; op welke wijze trekken criminele samenwerkingsverbanden profijt uit de mogelijkheden die de omgeving hen biedt?; en welke soorten afschermingsmaatregelen treffen criminele samenwerkingsverbanden tegen de risico's waarmee zij

worden geconfronteerd? Een beperking van dit onderzoek is dat de reikwijdte van onze uitspraken in principe moet worden beperkt tot de door ons onderzochte zaken; de antwoorden op de onderzoeksvragen kunnen niet worden gegeneraliseerd naar het totale verschijnsel georganiseerde criminaliteit. Dit probleem zou overigens niet principieel anders liggen wanneer wij alle opsporingsonderzoeken zouden hebben onderzocht: ook in dat geval is er immers sprake van een 'selectieve steekproef' (bepaald door de capaciteit en de prioriteitenstelling van opsporingsinstanties), waardoor onmogelijk kan worden gegeneraliseerd naar het totale verschijnsel georganiseerde criminaliteit.

Opzet van het rapport

Na de probleemstelling en verantwoording (hoofdstuk 1) wordt in hoofdstuk 2 nader ingegaan op de aard van de criminele samenwerkingsverbanden. Tevens bevat dit hoofdstuk een uiteenzetting over het theoretisch perspectief van deze rapportage. Dit perspectief belicht vooral de onderlinge wisselwerking tussen criminele samenwerkingsverbanden en hun omgeving. De omgeving kent voor een crimineel samenwerkingsverband twee gezichten. Aan de ene kant kan georganiseerde criminaliteit slechts bestaan bij de gratie van haar sociale en maatschappelijke omgeving: de omgeving als bondgenoot (hoofdstuk 3). Aan de andere kant noodzaakt de illegaliteit van de gedragingen criminele samenwerkingsverbanden tot geheimhouding en afscherming, niet alleen ten aanzien van de wettige omgeving maar ook ten aanzien van het eigen criminele milieu: de omgeving als risicofactor (hoofdstuk 4). Tenslotte worden in hoofdstuk 5 de belangrijkste onderzoeksresultaten weergegeven en wordt nagegaan welke implicaties deze resultaten kunnen hebben voor de preventie en de bestrijding van de georganiseerde criminaliteit in Nederland.

Conclusies en beleidsimplicaties

De twee gezichten van de omgeving

Er bestaan vele raakvlakken tussen vormen van georganiseerde criminaliteit en hun sociale omgeving. Aan de ene kant is de omgeving bedreigend voor criminele samenwerkingsverbanden. Deze kunnen immers schade ondervinden van de wettige omgeving door bijvoorbeeld controle- of opsporingsactiviteiten. Ook in het criminele milieu zijn risico's aanwezig, bijvoorbeeld in de vorm van bedrog (ripdeals) of buitensporig geweld als reactie op zakelijke meningsverschillen. Wij zien dat samenwerkingsverbanden anticiperen op dergelijke bedreigingen, onder meer door gebruik te maken van codetaal in hun onderlinge communicatie en door hun activiteiten geheim te houden, ook tegenover het criminele milieu. Deze geheimhouding beperkt zowel de mogelijkheden tot samenwerking als de mogelijkheden van open competitie. Het is als gevolg van deze geheimhouding voor daders bovendien moeilijk om uit te maken of verkeerd lopende zaken in de samenwerking met anderen te wijten zijn aan moedwil, misverstand of onvermogen van de veroorzaker van de problemen. Daarnaast beschikken daders over minder mogelijkheden om problemen te voorkomen of op te lossen dan het geval is in de 'legale' wereld. Als gevolg hiervan kunnen alledaagse fouten of 'gewone' zakelijke meningsverschillen uitgroeien tot gewelddadige conflicten. Daders van georganiseerde criminaliteit worden wel eens

vergeleken met gewone ondernemers, die zich door winstbejag laten leiden. Deze vergelijking miskent evenwel dat het illegale karakter van de bedrijfsvoering sterk van invloed is op de aard van de samenwerkingsverbanden en op de relatie van de samenwerkingsverbanden met hun omgeving. Aan de andere kant is de omgeving niet alleen een risicofactor maar ook een bondgenoot. De bewuste of onbewuste medewerking van de omgeving is onmisbaar voor de productie van illegale goederen of voor de afname ervan. Soms toont de omgeving zich zelfs bereid om steun te geven aan de uitvoering of de afscherming van misdrijven. Slechts weinig vormen van georganiseerde criminaliteit brengen louter nadeel toe aan anderen; vaak is er naast het toebrengen van schade ook sprake van het ontstaan van symbiotische relaties met onderdelen van de maatschappelijke omgeving. Op deze kant van de omgeving spelen de samenwerkingsverbanden ook in, namelijk door in plaats van zich af te zonderen te kiezen voor het aanknopen van contacten met de omgeving. Criminele samenwerkingsverbanden blijken elkaar in de onderzochte zaken niet in felle concurrentieslagen te bestrijden; voorzover er sprake is van contacten zijn deze er vooral op gericht om door samenwerking wederzijds voordeel te behalen of gemeenschappelijke problemen op te lossen. Of de omgeving meer risicofactor is of bondgenoot hangt niet alleen af van de wijze waarop de samenwerkingsverbanden met de gevaren en mogelijkheden van de omgeving omgaan. Van belang is ook in hoeverre de gepleegde misdrijven schade toebrengen aan of voordeel opleveren voor de omgeving. Groepen die zich met ripdeals of flessentrekkerij bezighouden zullen eerder tegen de risico's van hun bedrijvigheid oplopen dan mensensmokkelaars, EU-fraudeurs, geldwisselaars of vrouwenhandelaren.

Criminele netwerken

Eén van de in het oog springende conclusies van ons onderzoek is dat de wereld van de georganiseerde criminaliteit wordt gekenmerkt door samenwerkingsverbanden die geregeld van samenstelling veranderen en waarin dus ook de taakverdeling tussen de leden niet duurzaam van karakter is. Deze kenmerken wijken af van het beeld van criminele samenwerkingsverbanden, die piramidaal van opbouw zijn en waarbij taakverdeling en taakuitvoering volgens vaste patronen verlopen die door gedragscodes en interne sancties worden gehandhaafd. Hiermee is uiteraard niet gezegd dat er geen groepen zijn die hiërarchisch georganiseerd zijn en die steeds in dezelfde samenstelling opereren. Dergelijke groepen zijn evenwel in de door ons onderzochte zaken eerder uitzondering dan regel. Evenmin wordt door ons beweerd dat er geen taakverdeling zou zijn. Wij hebben in de door ons bestudeerde zaken juist waargenomen dat in wisselende samenwerkingsverbanden vaak dezelfde individuen als hoofdpersonen opduiken, en dat er wel degelijk sprake kan zijn van hiërarchische verhoudingen. Ook is geconcludeerd dat verschillende samenwerkingsverbanden steeds een beroep doen op dezelfde illegale dienstverleners, zoals ondergrondse bankiers, geldwisselaars en paspoortvervalsers. Maar de aanwezigheid van dergelijke 'knooppunten' staat de zojuist geformuleerde conclusie niet in de weg. Overheersend blijft de constatering van het 'fluïde' karakter van de samenwerkingsverbanden.

Dit beweeglijke karakter vormt ook de basis voor de ontwikkeling en de groei van criminele samenwerkingsverbanden en criminele netwerken. Personen die betrokken raken bij criminele samenwerkingsverbanden worden na enige tijd minder afhankelijk van andermans hulpbronnen, zoals geld, kennis en contacten, en zoeken vervolgens hun eigen weg. Bij deze nieuwe samenwerkingsverbanden betrekken zij weer personen uit hun eigen sociale omgeving en het verhaal

begint opnieuw.

De bestrijding van georganiseerde criminaliteit is in het recente verleden sterk beïnvloed door het beeld van piramidale organisaties. Een expliciet geformuleerde doelstelling van menig grootschalig rechercheonderzoek was om 'de top' van de criminele organisatie aan te pakken. Mede hierdoor zijn diverse onderzoeken groot van opzet en wordt met een lange doorlooptijd rekening gehouden. Maar de vraag die op basis van ons onderzoek gesteld kan worden is of men wel kan vinden waarnaar men zoekt. Bovendien kan men zich afvragen of bij de inzet van bijzondere opsporingsmethoden in het recente verleden, zoals infiltratie en het gecontroleerd doorvoeren van drugs, wel voldoende rekening is gehouden met de wisselende samenstellingen waarin samenwerkingsverbanden opereren. Overwogen zou moeten worden om de doeleinden van rechercheonderzoeken bij te stellen. Naast langdurig onderzoek met verregaande opsporingsmethoden, dat nodig blijft om hoofdpersonen uit de georganiseerde criminaliteit aan te kunnen pakken, zou de strategie van de 'korte klappen' veelvuldiger gebruikt kunnen worden. Deze strategie, die ten onrechte wel eens als noodscenario (als het terugschroeven van ambities) wordt beschouwd, sluit misschien beter aan bij de aard en het door ons geconstateerde 'groeiprincipe' van georganiseerde criminaliteit. Korte klappen impliceert de mogelijkheid om sneller in te grijpen. Bij dit ingrijpen zou de strategie gericht kunnen zijn op het opsporen van de 'knooppunten' in de netwerken. Zoals zojuist gesteld, zijn in de wisselende samenwerkingsverbanden enkele constanten te ontwaren. Het draait veelal om dezelfde hoofdpersonen en in een aantal gevallen duiken bij verschillende samenwerkingsverbanden steeds weer de namen van dezelfde illegale dienstverleners op, zoals van documentenvervalsers en geldwisselaars. Dergelijke dienstverleners staan in de regel ver af van de gepleegde 'gronddelicten' en staan daardoor in het onderzoek niet op de voorgrond. Gezien de belangrijke rol die deze dienstverleners vervullen in het verschaffen of verspreiden van kennis aan meerdere samenwerkingsverbanden, is deze marginale positie onterecht. Voor het ontwaren van deze knooppunten is de inzet van misdaadanalisten onontbeerlijk. De korte klappen-strategie zou, tenslotte, ook gericht kunnen zijn op het verwijderen van een schakel in een samenwerkingsketen. Het logistieke proces van mensensmokkel en van de productie van en de handel in drugs vergt de inzet van personen op verschillende plaatsen in de wereld, die de verantwoordelijkheid dragen voor een specifiek deelproject in een lange keten van activiteiten. De aanpak van enkele schakels kan de samenwerking in de keten op de korte termijn sterk ontwrichten. Een dergelijke ontwrichting vindt ook plaats bij het inbeslagnemen van illegale goederen. Binnen opsporingsinstanties valt de gedachte te beluisteren dat het jagen op kilo's drugs of op koeriers geen enkel soelaas biedt, omdat de criminele organisatie er niet door zou worden geraakt: koeriers en drugs zijn gemakkelijk vervangbaar, het verlies ervan zou slechts een financieel bedrijfsrisico zijn dat in het licht van de grote winsten van gering belang is. Deze gedachte wordt niet door onze bevindingen gestaafd. Dergelijke inbeslagnames raken een gevoelige snaar binnen samenwerkingsverbanden omdat zij het onderling wantrouwen versterken en daardoor niet bevorderlijk zijn voor de stabiliteit van de samenwerkingsverbanden. Het moge evenwel duidelijk zijn dat de strategie van de korte klappen alleen niet afdoende is. De korte klappen hebben immers dezelfde beperkingen die ook aan het 'snellen van koppen' kleven: het rendement is van korte duur. Maar dit neemt uiteraard niet weg dat de strategie een belangrijk onderdeel kan vormen binnen het groter geheel van overige preventieve en repressieve activiteiten.

Sociale relaties

Sociale relaties ontstaan niet willekeurig, maar volgen veelal de wetten van sociale en geografische afstand. Dit zien wij ook terug in de samenstelling en werkwijze van criminele samenwerkingsverbanden. Zo zien wij in enkele onderzochte casussen vrijwel alleen maar daders die geboren en getogen zijn in dezelfde stad of in dezelfde buurt. Zij leggen zich voornamelijk toe op het bedienen van lokale illegale markten. Ook in andere casussen zien wij dat de voornaamste criminele activiteiten bestaan uit het bevoorraden van markten in landen of plaatsen waar men vandaan komt of waarmee men rechtstreekse contacten heeft.

In het rapport wordt uiteengezet hoe sociale relaties de brug slaan tussen criminele netwerken in verschillende landen. De sociale bindingen die bijvoorbeeld door migratie zijn ontstaan tussen Nederland en de moederlanden bieden een vruchtbare voedingsbodem voor internationale drugshandel, omdat deze moederlanden tevens belangrijke bronlanden of doorvoerlanden zijn van drugs. Niet etniciteit vormt in deze voorbeelden de basis van de criminele samenwerkingsverbanden, maar de sociale relaties die tussen de verschillende personen bestaan.

Blijkens de literatuur over georganiseerde criminaliteit wordt vaak het bestaan verondersteld van etnische scheidslijnen tussen criminele groepen. Ook door de onderzoeksgroep Fijnaut wordt geconcludeerd dat er sprake is van geslotenheid van etnische circuits. Dit zou met name bij Chinezen en Turken het geval zijn (PEO, Bijlage VII, 1996, p. 209). Wij concluderen dat etniciteit een belangrijke rol speelt in het leven van mensen en om die reden, langs de weg van de sociale relaties, van invloed is op de samenstelling van criminele samenwerkingsverbanden. Een zekere etnische homogeniteit valt dan ook te verwachten, maar van etnische geslotenheid is beslist geen sprake. In verschillende van de door ons bestudeerde zaken treffen wij juist een bonte mengeling van etniciteiten aan. Mogelijk is dit een aanwijzing voor een belangrijke trend en is er sprake van een toenemende etnische heterogeniteit van criminele samenwerkingsverbanden. Toenemende integratie van etnische minderheden in de Nederlandse samenleving zal zich naar onze verwachting ook weerspiegelen in een meer heterogene samenstelling van criminele samenwerkingsverbanden. Politie en justitie zouden hiermee in de toekomst meer rekening moeten houden.

Ook het scala van illegale activiteiten dat gepleegd wordt door samenwerkingsverbanden is heterogener dan door de onderzoeksgroep Fijnaut is geconstateerd. Mogelijk is ook hier sprake van een recente ontwikkeling, waarin vooral de criminele samenwerkingsverbanden in de drugshandel zich toeleggen op de handel in meerdere soorten drugs: synthetische en niet-synthetische drugs, hard- en softdrugs. De stelling dat etnische groepen zich specifiek met de handel in één type drugs bezighouden (bijvoorbeeld Turken: heroïne; Colombianen: cocaïne) wordt door ons casusmateriaal weerlegd. De werkelijkheid van de Nederlandse georganiseerde criminaliteit blijkt er veelkleuriger uit te zien dan de stelling van 'etnische specialisatie' doet voorkomen. Ook de stelling dat er op het niveau van de groothandel in drugs sprake zou zijn van een scheiding van markten, wordt door ons onderzoeksmateriaal weerlegd.

De consequenties van deze heterogeniteit zijn van velerlei aard. Wij volstaan hier met twee voorbeelden. Ten eerste worden de mogelijkheden van politieke infiltratie groter. Het is bijvoorbeeld niet meer per definitie nodig om Turkse infiltranten in te zetten tegen Turkse samenwerkingsverbanden. Ten tweede kan dit consequenties hebben voor de huidige indeling van de aandachtsgebieden van de Kernteams. De huidige indeling berust immers grotendeels op de verdeling van etnische groepen. Een dergelijke 'specialisatie' heeft onmiskenbaar voordelen voorzover het bijvoorbeeld gaat om kennis van etnische

groepen en de situatie in het moederland of om de samenwerking met het buitenland. Anderzijds wordt door de geconstateerde etnische heterogeniteit de noodzaak sterker om te komen tot onderlinge samenwerking en informatie-uitwisseling, zowel tussen Kernteams onderling als tussen Kernteams, regiokorpsen en andere opsporingsinstanties.

Wat betreft het belang van sociale relaties verdient de positie van vrouwen specifieke vermelding. Vrouwen blijken een belangrijke rol te spelen in het leggen van contacten en het verstevigen van de onderlinge banden. Afgaande op onze casusbeschrijvingen kan het belang hiervan niet worden overschat. In de meerderheid van onze casussen behoren een of meer vrouwen tot de groep van verdachten. Opmerkelijk is dat vrouwen ook in zaken waarin zij niet door de politie als verdachten zijn aangemerkt, functies hebben vervuld in de communicatie (berichten doorgeven; leggen van contacten). Het verdient, gelet op de sterke 'informatiepositie' van vrouwen, aanbeveling om meer aandacht aan hen te besteden bij opsporingsonderzoeken.

Hoe zeer sociale relaties ook een rol spelen in de vorming van criminele samenwerkingsverbanden, het zou een misvatting zijn om te stellen dat deze samenwerkingsvormen louter vriendenclubs zijn. Juist doordat de leden bepaalde banden met elkaar hebben, worden individuele gedragingen die indruisen tegen het belang van de groep gemakkelijk als deloyaal uitgelegd. Dit kan tot escalatie van geweld leiden. Sociale relaties blijken niet altijd voldoende bindingskracht te geven om in de 'jungle' van de illegaliteit te kunnen overleven. Dreiging of toepassing van geweld is naast sociale relaties en het economisch voordeel dat mensen aan de deelname aan een groep ontnemen, dan ook één van de 'bindingsmechanismen' die criminele samenwerkingsverbanden bijeen houden. Geweld en intimidatie treffen wij overigens niet alleen in de wereld van de verdovende middelen aan. Ook in verschillende vrouwenhandelzaken en fraudezaken vinden wij sporen van intimidatie en geweld.

Sociale relaties onttrekken zich aan het analytisch onderscheid tussen de wettige omgeving en het illegale milieu. Volgens een recent onderzoek ontstaan er problemen wanneer beide werelden worden verbonden door sociale relaties. Uit het onderzoek komt naar voren dat 'lekken' (onoorbare informatie-uitwisseling) vooral wordt veroorzaakt doordat de betrokkenen uit het criminele milieu en politiefunctionarissen elkaar uit andere hoefde kennen (Van Ruth en Gunther Moor, 1997, p. 251). Maar het is evenzeer een probleem voor de criminele samenwerkingsverbanden; leden van deze verbanden zijn graag bereid om elkaar of hun relaties daarbuiten meer informatie te verstrekken dan strikt noodzakelijk is. Het 'need to know' beginsel gaat nu eenmaal ten koste van de kwaliteit van de sociale relaties, ook van de relaties binnen criminele samenwerkingsverbanden. Ondanks de noodzaak om niet te veel met elkaar te praten, wordt er dan ook veel gepraat en weten de leden van samenwerkingsverbanden in de regel veel over de illegale activiteiten die hebben plaatsgevonden. Veel praten is het onvermijdelijke gevolg van het hebben van hechte sociale relaties. Uit onze inventarisatie van wat de aanleiding is geweest tot het doen instellen van opsporingsonderzoek in de veertig casussen is naar voren gekomen dat de aanleiding vaak door het criminele milieu zelf is gegeven. Informatie van RCID'en, die de informatie grotendeels hebben betrokken uit het criminele milieu, alsook verklaringen die verdachten in andere onderzoeken hebben afgelegd, staan meestal aan de basis van de onderzoeken. Tijdens de onderzoeken zelf (tappen, verhoren) blijkt ook de loslippigheid van de verdachten. Ook dit gegeven biedt mogelijkheden voor de opsporende overheid. Bij wijze van discussiepunt werpen wij hier

op dat de overheid zijn mogelijkheden verder zou kunnen vergroten door de bereidheid om te praten te stimuleren. In de eerste plaats kan hierbij worden gedacht aan het stimuleren van slachtoffers (vrouwenhandel, flessentrekkerij) om aangifte te doen en zo veel mogelijk mededelingen over de criminele groep te verstrekken. In de tweede plaats zou de justitiële overheid ervoor kunnen kiezen om deloyaliteit aan het samenwerkingsverband te belonen met onder meer vermindering van straf. Momenteel is een wetswijziging in voorbereiding om getuigen die tevens verdachten zijn, strafvermindering te geven wanneer zij relevante gegevens over andere verdachten verstrekken.

Kamerstukken, 1998-1999, 26 294. In dit wetsontwerp wordt ook geregeld dat deze getuigen in aanmerking kunnen komen voor een protectieprogramma.

Wij gaan hier verder niet in op de voors en tegens van een dergelijke regeling, maar volstaan met de constatering dat dergelijke regelingen gelet op de 'loslippigheid' van verdachten, vermoedelijk effectief zullen zijn.

Tot slot constateren wij dat daders veel ontmoetingen hebben met hun mededaders. Dikwijls fungeren gewone uitgaansgelegenheden (restaurant, café) daarvoor als vaste ontmoetingspunten. In aansluiting op de constatering dat er veel met elkaar wordt gesproken, is het positief te noemen dat de minister van Justitie recentelijk op verzoek van de Tweede Kamer in het wetsvoorstel over direct afluisteren, de mogelijkheden van direct afluisteren heeft verruimd. Oorspronkelijk zou afluisteren alleen in openbare ruimten zijn toegestaan, nu wordt ook direct afluisteren in woningen onder voorwaarden toegestaan (Kamerstukken, 1996-1997, 25 403, nr. 7, p. 6).

Raakvlakken met de wettige omgeving

Er bestaan vele raakvlakken tussen georganiseerde criminaliteit en de wettige omgeving. De aanwezigheid en de steun van de wettige omgeving zijn een levensvoorwaarde voor veel vormen van georganiseerde criminaliteit. Dit geldt bijvoorbeeld voor de noodzakelijke medewerking van de wettige omgeving bij de productie van illegale goederen (bijvoorbeeld grondstoffen voor synthetische drugs) en de afzet van goederen. Voor veel vormen van georganiseerde criminaliteit geldt dat deze geen overlevingskansen hebben als de wettige omgeving geen afnemer zou zijn van hun diensten of producten. Vrouwenhandel en de verkoop van illegale goederen zoals drugs en illegale cd's, zijn hiervan de meest duidelijke voorbeelden.

Ook blijkt dat de wettige omgeving een faciliterende bijdrage levert aan georganiseerde criminaliteit. De voordelen van de gewone maatschappelijke infrastructuur (vervoer, huisvesting, dienstverlening) worden ook door criminele samenwerkingsverbanden benut. Wij concluderen dat deze benutting plaats kan vinden zonder enige bewuste medewerking van de wettige omgeving. Maar er zijn ook situaties aangetroffen (in het vervoer en in de dienstverlening) die wijzen op een verwijtbare betrokkenheid van personen of organisaties bij georganiseerde criminaliteit.

De vele raakvlakken met de wettige omgeving vormen de achilleshiel van criminele samenwerkingsverbanden. Zij bieden derhalve goede aanknopingspunten voor de preventie en de bestrijding van deze criminaliteit. De maatregelen zouden vooral betrekking moeten hebben op het verminderen van de mogelijkheden die de wettige omgeving momenteel verschaft aan de georganiseerde criminaliteit. In de eerste plaats kan hierbij gedacht worden aan het versterken van toezicht en controle.

Diverse, zeer uiteenlopende gevallen (oliefraude, mensensmokkel, XTC-productie, creditcardfraude) maken duidelijk dat georganiseerde criminaliteit kansen krijgt voor illegale activiteiten, wanneer degenen die toezicht moeten houden tekort schieten. In enkele gevallen schiet het toezicht tekort omdat de toezichthouder geen belang heeft bij scherpe controle: de luchtvaartmaatschappij oefent uit concurrentieoverwegingen geen scherp toezicht uit op reisdocumenten en creditcardmaatschappijen nemen uit bedrijfseconomische overwegingen een bepaald niveau van fraude met creditcards voor lief. Via aanscherping van wetgeving zou hierin verbetering kunnen worden gebracht.

Daarnaast kan het toezicht tekort schieten doordat samenwerkingsverbanden zich er gemakkelijk aan kunnen onttrekken door internationaal te gaan opereren. Sluitende(r) controle op het financiële verkeer in Nederland heeft geleid tot verplaatsingsgedrag van personen die misdaadgeld in het girale verkeer willen brengen; zij storten bijvoorbeeld geldbedragen op bankrekeningen in Zwitserland of Luxemburg. Een vergelijkbaar voorbeeld uit een geheel ander misdaadveld: toezicht van de Economische Controle Dienst (ECD) op de vervaardiging en verkoop van grondstoffen voor XTC in Nederland wordt illusoir, wanneer de grondstoffen vrij gemakkelijk uit het (verre) buitenland kunnen worden betrokken. Betere, internationale samenwerking is onontbeerlijk voor een effectief toezicht in eigen land. Tenslotte kan gebrekkig toezicht het gevolg zijn van het impliciet of expliciet stellen van posterioriteiten. In de afgelopen jaren heeft de controle op bordelen slechts beperkt aandacht ondervonden van opsporingsinstanties/vreemdelingendiensten. Door deze diensten is vooral onvoldoende onderkend dat achter prostitutie vrouwenhandel schuil kan gaan. Dit blijkt onder meer uit het gedrag van de uitbaters van bordelen of clubs. Zij treffen maatregelen om te voorkomen dat vrouwen worden uitgezet omdat zij geen geldige werk- en verblijfsvergunning hebben. Zij houden er geen rekening mee dat de controle aan het licht zou kunnen brengen dat de vrouwen onder dwang moeten werken.

Het huidige gedoogbeleid inzake de exploitatie van bordelen heeft er kennelijk toe bijgedragen dat de mening heeft post gevat onder exploitanten dat er op het gebied van prostitutie veel is toegestaan. In elk geval blijkt het gedoogbeleid onvoldoende onderscheidend te zijn geweest; de vrouwenhandelaren uit onze dossiers zijn in sommige gevallen 'gewone' exploitanten van bordelen of seksclubs. De opheffing van het bordeelverbod licht de exploitatie van bordelen uit de huidige schemerzone tussen legaliteit en illegaliteit. Dit kan aan de ene kant betekenen dat gedwongen prostitutie eerder ontdekt en voorkomen wordt dan onder het huidige gedoogbeleid het geval is. Maar het effect kan ook zijn dat er ontwijkingsstrategieën worden ontwikkeld (bijvoorbeeld: escortservice), waardoor verhandelde vrouwen verder aan het oog van de overheidscontrole worden onttrokken dan nu reeds het geval is. Het verdient aanbeveling om bij de invoering van de nieuwe wet bedacht te zijn op het optreden van dergelijke negatieve neveneffecten.

Ook door het gedoogbeleid inzake softdrugs wordt een raakvlak gecreëerd tussen de wettige omgeving en de illegaliteit. Hierdoor wordt niet alleen een illegale markt in stand gehouden, maar wordt ook onduidelijkheid geschapen over het illegale karakter van de handel. In de luwte van het gedoogbeleid hebben enkele Nederlandse groepen zich tot groothandelaren in softdrugs kunnen ontwikkelen (PEO, Bijlage VIII, 1996, p. 19). Slechts ten koste van grote inspanningen van politie en justitie is het vervolgens gelukt deze grote criminele samenwerkingsverbanden op te sporen en te vervolgen. Uit oogpunt van bestrijding van georganiseerde criminaliteit

Overigens kan het gedoogbeleid uit volksgezondheidsperspectief misschien veel positiever worden beoordeeld. Wij oordelen slechts vanuit het perspectief van de

bestrijding van georganiseerde criminaliteit.

verdient het aanbeveling om de nadelen van de inherente tegenstelling van het gedoogbeleid (gedogen aan de voordeur, vervolgen aan de achterdeur) zo goed mogelijk te ondervangen. Dit kan gebeuren door verder te gaan dan thans in het toestaan van de productie en toelevering van softdrugs aan gedoogde verkooppunten, dan wel door de strafrechtelijke repressie van de aanbodzijde wat verder door te trekken naar de consumentenkant (strikttere reglementering). Vooral criminele samenwerkingsverbanden lijken baat te hebben bij het schemergebied dat wordt gecreëerd door toe te staan wat verboden is.

Professionele beroepsgroepen en dienstverleners komen allen in aanraking met georganiseerde criminaliteit. Advocaten komen er qualitate qua mee in aanraking, maar ook van auto-leasemaatschappijen en bankinstellingen zullen diensten worden gevraagd. Veel van deze contacten zijn onvermijdelijk: de dienstverleners behoeven zich er niet altijd van bewust te zijn dat de geleasede auto wordt gebruikt als vluchtauto of dat door de girale overboeking van geld naar het buitenland misdaadgeld naar elders wordt verplaatst. In toenemende mate wordt van de dienstverleners evenwel verwacht dat zij alert zijn op het mogelijke misbruik dat van hun dienstverlening wordt gemaakt. Een aantal beroepsgroepen heeft richtlijnen geformuleerd waarin gespecificeerd wordt onder welke omstandigheden de dienstverlener argwaan moet krijgen, en nader moet doorvragen naar de bonafiditeit van het verzoek of de verzoeker, dan wel zijn medewerking aan de gevraagde dienstverlening moet weigeren. De bekendste wetgeving op dit terrein is de wet Melding Ongebruikelijke Transacties, die financiële dienstverleners verplicht om ongebruikelijke transacties aan te melden bij een centraal meldpunt. Daarnaast hebben enkele professionele beroepsgroepen, zoals de advocatuur en het notariaat, vertrouwenspersonen aangesteld die door de beroepsbeoefenaar kunnen worden geconsulteerd, indien hij twijfels heeft over de bonafiditeit van het verzoek van de cliënt. Over de ervaringen die tot nu toe met de richtlijnen en de vertrouwenspersonen zijn opgedaan, is nu nog weinig bekend. Het verdient aanbeveling om nader onderzoek hiernaar te verrichten. Dit geldt ook voor de effecten van de bestuurlijke aanpak van de georganiseerde criminaliteit in Amsterdam. Naar aanleiding van de resultaten van de onderzoeksgroep Fijnaut heeft het openbaar bestuur in samenwerking met politie en justitie een uitgebreid en veelbelovend actieprogramma geformuleerd waarbij de georganiseerde criminaliteit geïntegreerd, zowel met inzet van vele bestuurlijke middelen als met strafrechtelijke middelen, wordt bestreden. Het is van groot belang de resultaten van deze aanpak nauwlettend te volgen.

Confrontaties met de overheid

Criminele samenwerkingsverbanden zijn uit op het verdienen van geld, niet op het vestigen van de hegemonie in een bepaald territorium. Zo moeten ook de door ons geconstateerde contrastrategieën tegen de overheid worden begrepen. Zij zijn waarschijnlijk bedoeld als afweer en niet als aanval. De gevallen zijn ernstig van karakter, maar wij betwijfelen of deze gebeurtenissen een nieuwe, gevaarlijke ontwikkeling in de georganiseerde criminaliteit inluiden. Er zou evenwel meer aandacht gegeven moeten worden aan een verschijnsel dat veel minder ruchtbaarheid verkrijgt, namelijk dat criminele samenwerkingsverbanden met succes de confrontatie met de overheid uit de weg gaan. Vanuit het perspectief van deze groepen bezien, is het mijden van de confrontatie met de overheid verstandiger dan het trotseren van de overheidsmacht. Het ontwijkingsgedrag van de groepen wijst erop dat strafrechtelijk

optreden zijn schaduw vooruit werpt en invloed heeft. Het zou een aanmoediging kunnen vormen voor de Nederlandse politie en justitie om verder te gaan, dat wil zeggen om zelf eerder de confrontatie aan te gaan, bijvoorbeeld door het aanpakken van illegale dienstverleners of de strategie van 'korte klappen'. Hiermee kan ook een wig worden gedreven in het precaire onderlinge vertrouwen tussen daders, waardoor de onderlinge samenwerking onder druk wordt gezet.

Hierbij is gelet op het ontwijkingsgedrag van criminele samenwerkingsverbanden meer internationale samenwerking noodzakelijk. Want in één opzicht troeven criminele samenwerkingsverbanden de nationale overheden duidelijk af, namelijk in hun vermogen om internationaal te opereren.



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Jong en gewelddadig; ontwikkeling en achtergronden van de geweldscriminaliteit onder jeugdigen

M.W. Bol, G.J. Terlouw, L.W. Bles, C. Verwers

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Samenvatting

In dit onderzoek met betrekking tot de geweldscriminaliteit van jeugdigen staan de volgende drie vragen centraal.

Hoe heeft zich de geweldscriminaliteit van jeugdigen sinds 1985 ontwikkeld? Welke factoren hebben mogelijk de officiële cijfers vertekend?

Wat is er uit de wetenschappelijke literatuur bekend over de achtergronden van agressie en geweld onder jongeren?

Hoe is in het licht van die kennis een (eventuele) toename van het geweld van jeugdigen te verklaren?

Het dient vooropgesteld te worden dat de doelstelling van dit onderzoek niet zozeer geweest is om - al dan niet schokkende - nieuwsfeiten boven tafel te krijgen, als wel om bestaande inzichten met betrekking tot de ontwikkeling en achtergronden van geweldscriminaliteit onder jeugdigen nader te analyseren en te verdiepen.

Onder agressie wordt verstaan: *iedere vorm van gedrag die erop gericht is iemand lichamelijk of geestelijk te schaden*. Neemt de agressie een extreme vorm aan, namelijk van *een opzettelijke poging om ernstig lichamelijk letsel toe te brengen*, dan spreken we van geweld. Het onderzoek beperkt zich dus tot de persoonsgerichte vormen van agressie en geweld. Dit houdt in dat bij de analyse van cijfermateriaal delicten als vernieling, vandalisme en bekladding buiten beschouwing zijn gebleven.

Om de bovengenoemde onderzoeksvragen te beantwoorden, zijn in totaal vier deelonderzoeken verricht. Het *eerste* deelonderzoek, een trendstudie, bestaat uit een beschrijving en een analyse van aard en omvang van geweldscriminaliteit onder jeugdigen, gebaseerd op onder meer CBS-gegevens en self-reportcijfers, en heeft betrekking op de periode 1985 tot en met 1996.

Door middel van het *tweede* deelonderzoek is getracht meer inzicht te krijgen in de achtergronden van geweldscriminaliteit onder jeugdigen. Dit deel bestaat uit een uitgebreide literatuurstudie waarbij is uitgegaan van een *levensloopmodel*. In dit model wordt ervan uitgegaan dat alles wat een kind meemaakt in de opeenvolgende leefomgevingen waarin het zich bevindt (te beginnen met de baarmoeder), doorwerkt in elk van de volgende, steeds groter wordende omgevingen, c.q. de volgende

levensfasen. In het kader van dit model is de aandacht gericht op risico- en protectieve factoren waarmee kinderen in de opeenvolgende fasen van hun leven te maken kunnen krijgen. De keuze voor deze theoretische invalshoek, met een zwaar accent op de ontogenese (de individuele ontwikkeling van geboorte tot volwassenheid), heeft ertoe geleid dat vooral veel ontwikkelingspsychologische en -criminologische literatuur is bestudeerd. Via deze weg is gezocht naar een antwoord op de tweede onderzoeksvraag. Het levensloopmodel blijkt in principe een zeer vruchtbare weg om het inzicht in de achtergronden van geweldscriminaliteit te verdiepen.

Het *derde* deelonderzoek betreft interviews die gehouden werden met (acht) jeugdige plegers van fysiek geweld. Om de eigen verhalen van de jeugdigen verder aan te vullen, zijn tevens hun strafdossiers gelicht respectievelijk geanalyseerd. Bij deze interviews met ouders was het de opzet, nadere bevestiging (of ontkenning) te zoeken voor wat reeds uit ander deelonderzoek naar voren is gekomen; in dit geval bij de uitkomsten van de literatuurstudie. Daarnaast hebben we aandacht besteed aan overeenkomsten (en verschillen) tussen de achtergronden van de jongeren. De uitkomsten van dit deelonderzoek kunnen niet gegeneraliseerd worden; de interviews zijn veeleer bedoeld als een illustratie bij hetgeen uit de cijfermatige analyses en de literatuurstudie al naar voren is gekomen, als ondersteuning derhalve bij de eerste twee deelonderzoeken.

Hetzelfde geldt voor het *vierde* deelonderzoek. Dit bestaat uit interviews die zijn gehouden met (negen) - sleutelfiguren -, personen die vooral gezien moeten worden als ervaringsdeskundigen op het gebied van agressie en geweld onder jongeren.

Een antwoord op de vraag hoe in het licht van de op basis van deze deelonderzoeken verworven kennis de "eventuele" toename te verklaren valt (de derde onderzoeksvraag), kan slechts gegeven worden door in speculatieve termen voort te borduren op de resultaten van de vier deelonderzoeken. Alvorens een samenvatting van deze speculaties prijs te geven, worden nu eerst de vier deelonderzoeken nader besproken. Reeds hier zij opgemerkt dat de bevindingen van het eerste deelonderzoek (de trendstudie) en meer nog die van het tweede (de literatuurstudie) inderdaad royaal worden gesteund door de uitkomsten van het derde en vierde deelonderzoek.

Eerste onderzoeksvraag - trendstudie

Om een zo compleet en betrouwbaar mogelijk beeld te krijgen van de ontwikkeling (sinds 1985) en omvang van de geweldscriminaliteit van jeugdigen, zijn drie verschillende gegevensbronnen geraadpleegd.

Uit de zogeheten HKS-gegevens van de politieregio Haaglanden komt naar voren dat het aantal door minderjarige ouders gepleegde geweldsdelicten tot 1995 voortdurend toeneemt. In 1996 treedt een lichte daling op. Het meest voorkomende geweldsmisdrijf is diefstal met geweld/afpersing. Dit vormt circa 45% van de geweldsdelicten gepleegd door minderjarigen. Op de tweede plaats komt mishandeling (rond de 30%). Het percentage meervoudige ouders is tot 1995 behoorlijk stabiel en schommelt rond de 13%; in 1996 vermindert dit percentage tot 8%. Binnen de groep minderjarige ouders verdubbelt het percentage zeer jeugdigen (12 tot 14 jaar) van 1992 op 1993 van 8% naar 16%, om daarna nog maar in geringe mate te fluctueren.

Uit een andere bron, de CBS-politiegegevens, blijkt tussen 1985 en 1996 het aantal inzake geweldsdelicten gehoorde minderjarige verdachten te zijn toegenomen met een factor 3,4. De stijging zit

hem vooral in de delicten mishandeling, diefstal met geweld/afpersing en bedreiging. Met uitzondering van diefstal met geweld/afpersing groeit volgens de CBS-cijfers het aantal van geweldsmisdrijven verdachte meisjes sneller dan dat van jongens; niettemin blijven de meisjes een marginale groep wanneer het gaat om geweldscriminaliteit.

Een derde bron wordt gevormd door self-reportgegevens. Ook deze laten zien dat het aantal jongeren dat toegeeft zich schuldig te hebben gemaakt aan gewelddadig gedrag, in de loop der jaren is toegenomen. Dit geldt niet voor alle vormen van geweld in even sterke mate. De continue toename van het percentage jongeren dat betrokken is bij vechtpartijen, de stijging van het aantal jongeren dat toegeeft anderen te hebben lastiggevallen, en de groei van het percentage jongeren dat een wapen zegt te dragen, lijken te corresponderen met het beeld dat uit de CBS-gegevens naar voren komt.

Het beeld dat de verschillende gegevensbronnen schetsen, is dat van een toename van geweldscriminaliteit onder jongeren. Aangezien de gebruikte bronnen vergelijkbare tendensen vertonen, achten wij de waargenomen ontwikkelingen reeel. Er zijn naar onze mening echter wel redenen om aan te nemen dat de feitelijke toename geringer is dan de cijfers op het eerste gericht suggereren. Er zijn meer dan tien factoren te noemen die een effect kunnen hebben gehad op de uiteindelijke cijfers, maar het is niet of nauwelijks mogelijk om aan te geven in welke mate deze factoren een inflatoir of juist een deflatoir effect hebben gehad. Bovendien achten wij het waarschijnlijk dat er tussen de effecten van de verschillende factoren interacties zijn opgetreden die de invloeden van een unieke factor mogelijk weer hebben versterkt of verzwakt. Omdat het effect van de individuele factoren niet stabiel is, zijn ook interacties aan wijzigingen onderhevig en daarmee eveneens de sterkte van de vertekening der cijfers. Ondanks deze onzekerheden stellen wij ons per saldo op het standpunt, dat van een reële stijging inderdaad sprake is.

Tweede onderzoeksvraag

Literatuurstudie

Met het oog op het verklaren van antisociaal en agressief gedrag lijken de verschillende wetenschappelijke disciplines zich ieder op een bepaald moment of op een bepaalde periode in de levensloop van de opgroeiende mens te fixeren: biologie, persoonlijkheidspsychologie, ontwikkelingspsychologie, (ortho)pedagogiek, sociale psychologie, sociologie, antropologie. Verklaringsmodellen met betrekking tot crimineel gedrag waren de laatste decennia overwegend sociologisch getint. Er zijn echter steeds meer aanwijzingen dat de basis voor antisociaal gedrag, zeker indien dit gewelddadig van aard is, bij velen (indien niet reeds in aanleg aanwezig) vooral wordt gelegd in de vroege levensjaren door middel van conditioneringsprocessen. Dit heeft ons aanleiding gegeven om te kiezen voor een *levensloopmodel*, waarin (gedeelten van) diverse bestaande criminologische theorieën kunnen worden ingepast.

Het model houdt in dat hoe eerder in het leven er iets misgaat, hoe verontrustender dit is voor de verdere ontwikkeling van het kind. Het 'ontwikkelingsdenken' is overigens niet echt nieuw. De laatste jaren zijn steeds meer psychologen en sociologen voor het verklaren van antisociaal en gewelddadig gedrag vanuit een tijdsperspectief gaan denken.

Ontwikkelingsdenkers kijken voor het verklaren van crimineel gedrag bij voorkeur niet naar losse elementen uit iemands verleden of huidige omgeving. Liever vragen zij zich af hoe vanuit de ene

ontwikkeling de volgende heeft kunnen voortvloeien, of nog kan voortvloeien. In dat kader richt de aandacht zich veelal op *risico- (en protectieve) factoren*, waarmee kinderen in de opeenvolgende fasen van hun leven te maken kunnen krijgen. Dat de meeste jeugdigen niet crimineel worden, laat zien dat 1 risicofactor niet genoeg is. Uit recent onderzoek blijkt dat risicofactoren alleen een negatief effect hebben als ze cumuleren.

In vier opeenvolgende levensfasen c.q. niveaus van ontwikkeling kunnen kinderen bloot komen te staan aan tal van risicofactoren: op individueel niveau, gezinsniveau, niveau van school en leeftijdgenoten, maatschappelijk en cultureel niveau. Zo kan een beeld geschetst worden van wat er in elke levensfase zoal goed of fout kan gaan. De 'uitkomsten' van de ene fase werken mogelijk progressief door naar en in de volgende fase.

We zijn uitgegaan van de veronderstelling dat bepaalde combinaties en/of een bepaalde volgorde van blootstelling aan risicofactoren zouden kunnen leiden tot verschillende *soorten van geweld of typen van geweldplegers*. Er is daarom gericht gezocht naar literatuur waarin juist die clustering van factoren aan de orde kwam. De resultaten zijn wat dit laatste betreft enigszins teleurstellend te noemen, want duidelijke patronen komen uit de onderzoeksliteratuur niet naar voren. Wel is door middel van onderzoek aangetoond dat 'vroeg starters' vaak jarenlang crimineel (i.c. gewelddadig) blijven, terwijl het criminele gedrag van 'late starters' meestal van voorbijgaande aard lijkt te zijn. Vroeg starters hebben al vroeg in hun jeugd te maken gehad met diverse risicofactoren. Bij late starters is het vooral de factor 'invloed van leeftijdgenoten', die hen op het slechte pad brengt. Verder hebben degenen die vroeg beginnen, meer moeite om weer te stoppen dan degenen die relatief laat beginnen.

Wij besluiten de literatuurstudie met een aantal concrete *suggesties voor nader onderzoek* om de aangetroffen lacunes in kennis over agressie en geweld onder jongeren op te vullen.

Op het niveau van de individuele factoren lijkt de familiegebonden genafwijking *MAOA* interessant. Wat verder opvalt, is dat de stof *serotonine* een belangrijke functie heeft bij het reguleren van de (impulsieve) agressie. Nader onderzoek op dit gebied zou zich tevens kunnen uitstrekken tot vroegtijdig en/of overmatig alcoholgebruik, en misschien ook tot de aandachtstekortstoornis *ADHD*. In de vakliteratuur worden verschillende soorten agressieve persoonlijkheden en vormen van agressie onderscheiden. Het onderscheid tussen bewust gecontroleerde agressie en impulsieve agressie biedt naar onze mening goede perspectieven voor nader onderzoek.

Op het niveau van de gezinsfactoren kan sociaal-wetenschappelijk onderzoek wellicht nader inzicht bieden in de werking van risico- en beschermende factoren. Door middel van zorgvuldige evaluaties van opvoedingsondersteunende programma's zouden onderzoekers kunnen nagaan of deze op den duur tot het uitblijven dan wel tot een afname van de (gewelds)criminaliteit leiden.

Ook schoolfactoren lenen zich voor nader onderzoek, bijvoorbeeld met betrekking tot spijbel- en pestgedrag van kinderen op basisscholen. Op middelbare scholen zouden experimenten met zogeheten 'schoolassistenten' geëvalueerd kunnen worden; dit zijn een soort toezichthouders, tevens vertrouwenspersonen, die als bemiddelaar tussen leraar en leerling optreden.

Op het niveau van de maatschappelijke en culturele factoren ten slotte is en wordt al veel - vooral sociologisch - onderzoek gedaan. Vaak gaat het daarbij om de kwetsbare positie

van minderheidsgroepen in de samenleving.

Behalve dat we meer zouden moeten weten over de invloed van 'losse' risicofactoren, zijn we geïnteresseerd in de verschillende manieren waarop deze factoren zich mogelijk opeenstapelen, en wat daarvan de effecten zijn: leiden bepaalde patronen van cumulatie van factoren tot bepaalde soorten van crimineel gedrag of typen delinquenten respectievelijk geweldplegers? Daarover is nog (te) weinig bekend.

Daders aan het woord

In het begin van 1998 zijn acht jeugdige daders van geweldsdelicten geïnterviewd. Vijf van hen waren ten tijde van het vraaggesprek gedetineerd in een rijksinrichting voor jeugdigen, twee waren bezig met de uitvoering van een taakstraf, een bevond zich in voorlopige hechtenis.

Het waren allen jongens; zij varieerden in leeftijd van 14 tot 20 jaar en hadden zich schuldig gemaakt aan mishandeling, bedreiging, diefstal met geweld en afpersing, poging tot doodslag en/of openlijke geweldpleging.

De interviews werden gehouden aan de hand van beknopte lijsten met aandachtspunten. Het was de bedoeling de jongens tijdens het onderhoud zoveel mogelijk zelf aan het woord te laten. De aldus verzamelde subjectieve informatie werd verder aangevuld met meer objectieve gegevens uit de strafdossiers, die voor alle jongeren - met hun toestemming - werden opgevraagd en ingezien. Op basis van dit gecombineerde materiaal zijn acht casusbeschrijvingen gemaakt.

Kijken we naar de levensloop van de jongeren, dan blijken ze aan een grote hoeveelheid risicofactoren blootgesteld te zijn geweest, zowel op individueel, gezins-, school-, als maatschappelijk en cultureel niveau. Dit ondanks het feit dat door de interviewers tijdens de gesprekken naar de meeste van deze risicofactoren niet rechtstreeks werd gevraagd.

Voor het verklaren van hun gedrag verwijzen de jongeren zelf slechts in geringe mate naar deze factoren. Opvallend is dat enkelen geneigd zijn, de verantwoordelijkheid voor hun (mis)dadens buiten zichzelf te leggen. Drie van de jongens meenden een vriend of familielid te moeten verdedigen. Twee anderen, die zeiden te hebben gehandeld uit een behoefte aan spanning en sensatie, merkten op dat het vooral groepsdruk was geweest waardoor de zaak uit de hand was gelopen.

Sleutelfiguren aan het woord

In het voorjaar van 1998 zijn gesprekken gevoerd met negen zogeheten sleutelfiguren: mensen die in hun werk veel te maken hebben met (soms gewelddadige) jongeren. Deze sleutelfiguren moeten vooral worden gezien als *ervaringsdeskundigen*, hoewel enkelen van hen ook professioneel deskundig zijn op het gebied van agressie en geweld. Met de volgende personen werd gesproken: een directeur van een middelbare school (kort middelbaar beroepsonderwijs), een gedragsdeskundige, een inspecteur van politie, een jongerenwerker, een kinderrechtter, een kinder- en jeugdpsychiater, een officier van justitie, een rector van een middelbare school (college voor mavo, havo en vwo) en een straathoekwerker. Evenals bij de jongeren werden de interviews gehouden aan de hand van beknopte lijsten met aandachtspunten.

Jongeren hebben volgens de sleutelfiguren uiteenlopende motieven voor het gebruiken van geweld. Bij het verwijzen naar mogelijke risicofactoren die aanleiding kunnen geven tot (later) geweldsgebruik, benadrukken twee van de ondervraagden dat geweld altijd *multicausaal* verklaard moet worden. De algemene indruk onder de sleutelfiguren is, dat er de laatste jaren inderdaad sprake is van een toename van geweld onder jongeren. Zij zijn vrijwel unaniem van mening dat de toename van geweld voor een deel is toe te schrijven aan een toename van *groeps*geweld.

Als mogelijke verklaringen voor de toename worden vooral maatschappelijke en culturele factoren aangedragen. Afgaande op de door de sleutelfiguren genoemde kenmerken van individuele daders lijken er enige aanwijzingen voor te zijn dat verschillende typen van delinquenten aan verschillende (combinaties van) risicofactoren zijn blootgesteld geweest.

Met de sleutelfiguren werd ook gesproken over mogelijkheden van preventie. Bij hen overheerst de opvatting dat vroegtijdig ingrijpen veel geweld kan voorkomen. De beide in het middelbaar onderwijs werkzame sleutelfiguren voelen zich niet verantwoordelijk voor het gedrag van leerlingen buiten de school. Zij willen zich wel inzetten voor de preventie van geweld, maar dan moeten daar de nodige financiële middelen tegenover staan. Verschillende ondervraagden benadrukken dat de samenleving als geheel meer moet investeren in het voorkomen van geweld. Het is daarbij volgens hen van groot belang dat de diverse instanties die met jeugdigen te maken hebben, nauwer met elkaar gaan samenwerken en dat ook ouders daarbij betrokken worden.

Derde onderzoeksvraag - mogelijke verklaringen voor de toename van jeugdgeweld

Over mogelijke oorzaken van de geconstateerde toename kan - zoals gezegd - slechts in speculatieve termen worden gesproken. De invloed van genetische of biologische factoren op de ontwikkeling van de totale geweldscriminaliteit zal vermoedelijk marginaal zijn. Anders is het wellicht gesteld met risicofactoren die zich op het gezinsniveau doen gelden. Vooral de factoren die samenhangen met een 'instabiele of conflictueuze thuissituatie' geven te denken. Steeds meer kinderen lijken te moeten opgroeien in een dergelijke situatie.

Belangrijke veroorzaker van geweld op scholen is misschien een gebrek aan orde en discipline. Overigens vrezen wij dat risicofactoren die zich voordoen *buiten* de school voor het verklaren van het toenemend jeugdgeweld minstens zoveel gewicht in de schaal leggen. We denken dan vooral aan het uitgaansgedrag van jongeren en de daarmee gepaard gaande alcoholconsumptie. Ook de invloed van veelvuldige blootstelling aan mediageweld en het (veelvuldig) spelen van gewelddadige spellen op de computer moet naar onze mening niet worden onderschat.

Waar we ten slotte op wijzen, is de situatie waarin allochtone jongeren verkeren. Maar al te vaak zal een problematische thuissituatie leiden tot slechte schoolprestaties, werkloosheid, een geringe integratie in de Nederlandse samenleving, met uiteindelijk een bewuste keus voor een criminele, en daarmee een gewelddadige, levenswandel. Aangezien uit onderzoek blijkt dat allochtonen meer dan Nederlanders te maken hebben (gehad) met *vroeg*e risicofactoren, kunnen we ervan uitgaan dat juist voor geweldplegers van allochtone herkomst de prognose met betrekking tot een terugkeer naar het rechte pad relatief ongunstig is.

Al met al lijkt veel 'risico' te zijn gelegen in de afwezigheid van vertrouwenwekkende en gerespecteerde gezagsfiguren in de respectievelijke omgevingen waarin het opgroeiende kind verkeert. Niet alleen in gezinnen en op scholen maar ook in het publieke domein is er in de loop der tijd op diverse plaatsen een

gezagsvacuüm ontstaan. Juist opgroeiende jeugdigen echter hebben behoefte aan volwassen rolmodellen, en naarmate aan die behoefte eerder in het leven van een jongere minder was voldaan, zal het ontbreken daarvan des te meer als een gemis worden ervaren.

Beleidsaanbevelingen

Een beleidsaanbeveling die vooraf dient te gaan aan alle andere, betreft de registratie van (gewelds) delicten door de politie. Het minste dat men doen kan, is te streven naar volledigheid en uniformiteit in de registratie van verdachten en delicten. Pas wanneer de door de politie gehanteerde registratiesystemen meer aan deze eigenschappen voldoen, zullen op basis daarvan ook betrouwbare landelijke overzichten kunnen worden gegenereerd.

Voor de repressie van geweldscriminaliteit zijn politie en justitie de eerst aangewezen instanties. Hun invloed op daders zal echter vaak slechts marginaal kunnen zijn omdat er in veel gevallen al een te lange voorgeschiedenis van blootstelling aan risicofactoren is. Veel meer dan van repressie valt er te verwachten van preventie.

Preventie van geweld op een strikt individueel (genetisch, biologisch) niveau is moeilijk en vaak ook ethisch ongewenst. Het manipuleren van biosociale factoren vergt eveneens een ethische toets, maar zal maatschappelijk gezien op minder weerstanden stuiten.

Ook op het gezinsniveau heeft men nog te maken met een ethisch aspect, met de vraag namelijk in hoeverre men van overheidswege mag interveniëren in gezinnen waar in strafrechtelijke zin (nog) niets aan de hand is. Onze onderzoeksresultaten doen vermoeden dat het geven van opvoedingsondersteuning veel kan bijdragen aan het voorkomen van geweldscriminaliteit. In het zogeheten CRIEM-rapport (waarbij CRIEM staat voor 'riminaliteit in relatie tot de integratie van etnische minderheden') stelt het kabinet ten aanzien van allochtone jongeren drie beleidssporen voor. 1 daarvan is gericht op de voorschoolse jeugd; ook in dit verband wordt gewezen op het grote belang van opvoedingsondersteuning.

De beste kansen voor preventie via het onderwijs lijken te zijn gelegen in het basisonderwijs. Het aanpakken van spijbelen en pestgedrag juist op dit niveau zal ontsporingen op latere leeftijd kunnen helpen voorkomen. Mocht het aanstellen van 'schoolassistenten' op middelbare scholen effectief blijken te zijn, dan kan permanente invoering worden overwogen. Daarnaast kan worden gedacht aan een actiever mentorschap van leraren. Het tweede beleidsspoor dat in het CRIEM-rapport wordt voorgesteld, richt zich op de ongewenstheid van een voortijdig (ongediplomeerd) schoolverlaten in het voortgezet onderwijs.

Ook op een breed maatschappelijk niveau is het zaak, de blootstelling aan risicofactoren terug te dringen. Belangrijk is onder meer het ontmoedigen van overmatig alcoholgebruik, het opzetten van activiteiten waardoor de behoefte van jongeren om zichzelf te bewijzen in positieve banen wordt geleid, het bieden van meer perspectieven aan allochtone jongeren, enzovoort.

Optimaal lijkt een aanpak waarin diverse preventie-activiteiten op elk van de reeds beschreven niveaus tegelijkertijd en in samenhang met elkaar worden ontplooid. In diverse publicaties is al voor een dergelijke integrale aanpak gepleit. In het CRIEM-rapport wordt benadrukt dat (juist) ten aanzien van allochtone jongeren de afstemming van repressief en preventief beleid van groot belang is (het eerste beleidsspoor). Volgens ons zouden de samenwerkende instanties moeten proberen de risicojongeren

telkens een slag voor te zijn, door hen op tijd de nodige

- aanvullende of vervangende - gezagsfiguren te bieden die niet alleen hun gezag doen gelden, maar die tevens respect afdwingen. In verschillende steden worden inmiddels initiatieven in de richting van een integrale aanpak ontplooid, en ook van overheidswege zijn diverse integrale 'plannen van aanpak' gelanceerd.

Op grond van de resultaten van dit onderzoek is de veronderstelling gerechtvaardigd dat al deze acties en plannen meer effect zullen sorteren indien prioriteit wordt gegeven aan het wegnemen van risicofactoren die zich voordoen vroeg in het leven van opgroeiende kinderen.



[*Return to Home*](#)

Anti-Semitism Worldwide 1997/8

NETHERLANDS

Holland's extreme right parties suffered a major defeat in the March 1998 local elections, gaining only two seats. The number of anti-Semitic incidents in 1997 rose in comparison with the previous year. Most were manifested in threats and abusive behavior. Many more incidents were reported in the workplace than in previous years. An important watershed in the struggle against Holocaust denial in 1997 was the Supreme Court's confirmation of the May 1996 conviction by a lower court of the Belgian Holocaust denier Siegfried Verbeke.

THE JEWISH COMMUNITY

An estimated 30,000 Jews live in the Netherlands today out of some 15.5 million inhabitants. The great majority live in the Amsterdam area. There are two other major communities in the environs of the Hague and in Rotterdam. Dutch Jewry is represented by three councils, based on affiliation: the Netherlands Israelitish Kergenootta, the Verbond van Liberal Religieuze Joden and the Portugees-Israelitisch Kergenootschap. The community publishes a weekly, Nieuw Israelitisch Weekblad.

EXTREMIST ORGANIZATIONS AND HATE GROUPS

Extreme Right Political Parties Holland's extreme right parties were practically wiped off the political map when they gained only two seats in the March 1998 local elections: one seat went to the Centrum Democrates (CD) in Schiedam (near Rotterdam) and one to the Dutch Bloc in Utrecht. The CD lost 76 of the 77 seats it won in the 1994 elections. These seats were not always occupied and some of the seats were lost when members switched parties or started their own faction. The Centrum Party (CP'86) contested the election unsuccessfully, after gaining nine seats in 1994. CP'86, whose motto is "One people, one fatherland," is considered the most radical party of the extreme right. A study conducted by Willem Poppe of the Institute for Criminology, Utrecht University, showed that most support for CP'86 came from young people who regularly went to rave-ups. The hard core wore bomber jackets emblazoned with Dutch flags, screamed slogans such as "White Power" and gave the Hitler salute. According to CP'86 official sources, the party was planning to set up a branch in Belgium. Other small ultra-right parties that failed to win seats in the election were the Netherlands Bloc, and the Dutch People's Party, led by Joop Glimmerveen, which ran under the name List Glimmerveen.. In 1997 a new extreme right party appeared in the Netherlands -- the People's Nationalist Party of the Netherlands (VNN). This party resulted from the split which occurred the previous year within CP'86. The party, which is led by chairman Willem Jan Beaux and deputy chairman Marc de Boer, seeks unification between the Netherlands and Flanders (Belgium). The VNN first came to public notice when in October twenty members forced their way into a tent site for unprocessed asylum seekers. They shouted slogans such as "Illegals out" and nailed leaflets to trees urging illegal immigrants to leave the Netherlands. The VNN participated in the municipal elections in six municipalities. Meetings and Rallies of the Extreme Right As in previous years, the most important event for the extreme right was the

commemoration of Hitler's unsuccessful coup d'état on November 9, 1923, which also coincides with the anniversary of Kristallnacht (November 9-10, 1938). A closed meeting was organized, in order to avoid clashes with the police, but the media were invited. Practically all Holland's leading neo-Nazis were present, among them, Jan Teijn and Martin Freling, the CP'86 local council members from Rotterdam, Joop Glimmerveen. Constant Kusters from Arnhem and Eite Homan from Groningen, as well as some German neo-Nazis. The speeches of Glimmerveen and Kusters were regularly interrupted with cries of "Sieg Heil." Visitors also gave the Hitler salute and some wore swastika armbands. Similarly, Dutch neo-Nazis commemorated the tenth anniversary of the death of the Nazi leader Rudolph Hess on August 17. CP'86 leaders Stewart Mordaunt and Freling attended a ceremony in Denmark. Freling called Hess "the greatest man in history," while Mordaunt warned that "blacks will try to destroy us." In Alphen aan den Rijn and Woubrugge (two small towns in the province of South Holland) leaflets were found with a picture of Hess.

ANTI-SEMITIC ACTIVITIES

The number of reported anti-Semitic incidents in 1997 rose in comparison with the previous year. It is noteworthy that the number of incidents at the workplace also increased. Violence, Vandalism, Threats and Abuse Anti-Semitism was manifested mainly in threats and abusive behavior. However, there were also a number of cases of vandalism at memorial sites and Jewish institutions. The text "Never again Auschwitz" at the Auschwitz memorial in Amsterdam was rendered illegible, while, for the second time in three years, on the night of May 4 (May 5 is the Dutch remembrance day for World War II) the war monument in Vught was defaced with eight swastikas, an upside down crucifix and an unfinished text relating to the Klu Klux Klan. Threats and abuse either by mail or phone were received by both Jewish organizations and individuals. The Jewish National Fund of Amsterdam, for example, which regularly places ads in newspapers, was sent a number of these ads daubed with anti-Semitic remarks. The Internet site of this organization was also infiltrated with extremely anti-Semitic remarks, including allusions to the gas chambers. A fax sent to the Jewish weekly Nieuw Israelitische Weekblad claimed that by exploiting the guilt complex of non-Jews, Jews have obtained over 65 billion dollars in aid from Germany. One example of the many cases of abusive behavior toward Jewish individuals was the message left on the answering machine of an elderly Jewish woman: "Dirty Jew. Hitler forgot a few." She also received an anonymous letter daubed with swastikas. In addition, anti-discrimination registration centers as well as the Commission on Equal Treatment (a government commission which fights discrimination) received complaints about anti-Semitic insults. An anti-Semitic remark made by Cardinal Simonis on a TV program of the Evangelic Broadcasting Corporation (a public broadcasting network) evoked outrage in the Netherlands. Simonis spoke of the "little Jew who comes to Jesus and has to choose between eternal life and a thousand guilders and chooses the money." In a letter to the Jewish community newspaper, he offered his apologies, denying that he had meant to denigrate the Jews.

Propaganda and Holocaust Denial Several anti-Semitic brochures and pamphlets were disseminated during the year in various places in the Netherlands. Some were distributed anonymously and others by well-known anti-Semites. In Kootwijkerbroek (a small town in the middle of the Netherlands), P. Van der Meer and W. Oostrum published a brochure full of anti-Semitic allegations against the Jewish people and Israel. F.G. Meulemans from Amsterdam distributed pamphlets containing details of a worldwide conspiracy theory which made Jews responsible for society's ills. The anti-discrimination center in Maastricht received racist and anti-Semitic pamphlets including a registration form for the neo-Nazi organization NSDAP/AO, as well as other pamphlets including one with the symbol of "White Power" and the text "How the Jews invented Hollywood," together with Nazi symbols. In the southern regional daily De Gelderlander an article appeared with the headline "Jew Cash," which shocked many readers. The paper printed a lengthy apology. The phrase

"Jew cash" also appeared in a seamen's paper. In spite of many letters of protest, the editors refused to dissociate themselves from these words. Christian allegations against the Jewish people continued to be distributed by Holocaust denier Lucas Goeree in the province of Drenthe. A typical example was: "Jesus says to the Jews, you cannot hear my word. Your father is the devil and you want to satisfy his desires." There were few reports of Holocaust denial, probably due to strict enforcement of the law against such acts. Consequently, Holocaust denial on the Internet is disseminated via foreign websites. Over the last few years the main distributor of material denying the Holocaust in the Netherlands was Siegfried Verbeke, head of the Antwerp-based Foundation for Free Historical Research. (VHO). However, in 1997 he curtailed his activities in the country due to legal proceedings against him (see below). There was only one complaint of Holocaust denial in 1997, concerning the tract "Jewish Losses and Missing Persons during World War II," sent by the VHO to a journalist working for the largest circulation daily De Telegraaf. Another distributor of Holocaust denial is the widow of Rost van Tonningen, a former leader of the NSB (Dutch National Socialists). On several occasions, Nazi propaganda has been seized from her house, including Holocaust denial brochures such as *Die Auschwitz-I?ge*, written by her friend, the deceased Nazi Thies Christophersen. The judicial authorities and the mayor of Velp say they will act if van Tonningen proceeds with a planned exhibition of Nazi symbols.

ATTITUDES TOWARD THE HOLOCAUST AND THE NAZI ERA

Demonstrations and meetings to commemorate World War II were held once again in 1997, the most important taking place on May 4 and 5 (Dutch Liberation Day). There was also an Auschwitz commemoration ceremony at the end of January. The fact that *Mein Kampf* is being offered for sale in second-hand bookshops, book fairs and book retailers was raised in the parliament. Members of parliament claimed that the book was relatively easy to obtain and estimated that about half of the purchasers were supporters of the extreme right. Justice Minister W. Sorgdrager stated that, in principle, *Mein Kampf* should not be sold and that the police must report such cases. However, certain editions were permitted for sale provided the publisher distanced himself from the contents in the foreword. As in many European countries, the media devoted considerable attention to the subjects of Nazi gold and the Swiss bank deposits of Holocaust victims. In the Netherlands, too, insurance companies and banks were faced with demands to pay out life insurance and deposits. The Dutch government has revived its claim for the return of Dutch gold looted by the Nazis. At the end of 1997, the government decided to hand over to the Jewish community fl 20 million, the equivalent of looted deposits remaining in the Allied countries. A further fl 20 million was granted to people living in Eastern Europe.

RESPONSES TO RACISM AND ANTI-SEMITISM

Court Cases and Legal Proceedings An important step in the fight against Holocaust denial was made on November 25, 1997, when the Supreme Court upheld the May 1996 verdict delivered by a Hague court in the case of Belgian Holocaust denier Siegfried Verbeke. The Hague court had fined Verbeke fl 5,000 and given him a six month suspended sentence. Thus, the Supreme Court laid down a legal precedent in the Netherlands for cases of deliberate denial or minimization of the Holocaust. The Supreme Court judgment is the final step in a process which began in 1992 when the Anne Frank Foundation, the National Bureau for the Struggle Against Racism and CIDI (Israel Information and Documentation Center) initiated legal proceedings against Verbeke (see previous reports). It should be noted, however, that the verdict in the Netherlands has not interrupted Verbeke's activities (see Belgium, Germany). In addition, several other

racists and anti-Semites were prosecuted and convicted. On May 7, for example, a magistrate's court in Dordrecht fined the CD representative on the Dordrecht municipal council, Chiel Koning, fl 2,000 and gave him a two-week suspended jail sentence for distributing racist propaganda. In December, three leading activists, the CD leader in parliament, Hans Janmaat, and former CP'86 members Martin Freling and T. Mudde, were fined and received suspended jail sentences for deliberate incitement to discrimination during a demonstration held on February 24, 1996, in Zwolle. Another important verdict was given by a magistrate's court in Assen (capital of the northern province of Drenthe) in October. The court fined a football supporter for repeatedly yelling "Disgusting Jew" during a football match. A number of cases are still pending against Constant Kusters, including one for discriminatory views expressed in the August and December 1995 issues of JFN'94, News, which he edits. Questions in this connection were raised in the Lower House of parliament, and the justice minister admitted that the charge had been "inadequately dealt with." Public Activity The European Year Against Racism, 1997, attracted more public attention to the struggle than in previous years. The discussion was highlighted in October, when the Supreme Court convicted the CP'86 leadership on charges of membership in a criminal organization. The issue was debated both inside and outside political circles. Following the court verdict, the justice minister stated in parliament that she was investigating the possibility of banning certain political parties. She stated that extreme right violence against local politicians was on the increase. In addition to receiving threatening letters, council members and aldermen had suffered arson and physical and verbal abuse. The governing party, D'66, proposed a bill denying the right to be elected to public office to supporters of extreme right parties who were found guilty of acts of violence. A parliamentary discussion took place concerning the meeting of Dutch neo-Nazis to commemorate Kristallnacht, and the participation of members of the Dutch extreme right in Denmark in ceremonies marking the death of Rudolph Hess. The justice minister announced that the public prosecutor's office in Rotterdam had been asked to open an investigation into possible punishable offenses committed during the meeting in the Netherlands. In regard to the Danish meeting, the public prosecutor is awaiting steps by the Danish authorities before taking any further action. A report entitled Monitor Racism and the Extreme Right appeared for the first time in 1997, published by the Institute for Social Scientific Investigation of Leiden. The report outlines the development of the extreme right in the Netherlands, its method of operation, and governmental measures to prohibit its activities. Public anti-racist activities included the annual anti-racism demonstration on March 21, and a pop festival "Racism - Beat It." A pilot project launched in the Hague in the context of the European Year against Racism sought to award ten schools in this municipality the title of "School without racism." The project was the initiative of young people of the Hague in cooperation with CIDI in the Netherlands and CEJI (European Jewish Information Center), which introduced the World of Difference program, developed in the US by the Anti-Defamation League. At the end of December, a study day was held on Holocaust denial, organized by the Anne Frank Foundation, the Christian-Jewish consultative body and CIDI. The day was officially opened by Justice Minister Sorgdrager. Speakers dealt with various aspects of Holocaust denial and discussed whether a special clause prohibiting Holocaust denial should be included in legislation.

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AN OVERVIEW OF DUTCH FOREIGN POLICY 2000

(taken from Chapter 1 of the Foreign Affairs Explanatory Memorandum 2000)

Investing in the international community

It pays to invest in the international community. Dutch foreign policy is idealistic without harbouring illusions. Foreign policy cannot be a blueprint to adhere to rigidly. It is a mix of goals, resources and instruments for exerting a positive influence on national and international processes. This chapter provides an overview of the Dutch government's foreign policy objectives and priorities. The chapters that follow will examine individual issues in depth.

The interconnections in our world are growing ever closer and more complex. This increases the influence of multilateral bodies. Dutch policy must respond to growing multilateralism by strengthening its bilateral connections to match. After all, forging winning coalitions means maintaining good relations with many countries. But Dutch support cannot be taken for granted. The Netherlands will not allow itself to be locked into one particular coalition. This government will tackle individual themes or issues together with like-minded countries. That is the best way for the Netherlands to promote its own interests and effectively disseminate its views. In the Latin American and Caribbean region, we will work with the Antilles and Aruba in a mature, forward-looking spirit.

As a medium-sized power, the Netherlands significantly influences the international scene. This influence is amplified by our economic strength, clear mission and reputation as a trustworthy partner. One goal of the second Kok government is to bring new élan to Dutch foreign policy. This strategy is just beginning to bear fruit. The Netherlands has secured the non-permanent seat in the Security Council, where it has initiated debates on both topical issues and more general matters. EU funding is now more fairly distributed as a direct result of the Netherlands' efforts. The implementation of new policy on bilateral aid will sharply increase the effectiveness of Dutch development aid. With this turnaround in its national policy, the Dutch government, partly in cooperation with the United Kingdom, is taking the lead in fundamentally improving development policy throughout Europe.

As globalisation continues, domestic and foreign policy are becoming ever more deeply interwoven. The Ministry of Foreign Affairs is at the heart of Dutch society. It is a priority and a necessity to take into consideration the many links between topics such as poverty reduction, environmental degradation, human rights, trade, and migration. Development cooperation is not separate from foreign policy, but an integral part of it. A coherent, effective foreign policy requires interdepartmental assessment of foreign policy objectives, resources, and instruments.

This has been made possible in part by bringing together all funding for international policy in a single budget, the Homogeneous Budget for International Cooperation. And this approach has proved its effectiveness in practice. It prevents fragmentation. Policy documents, policy memorandums, and budgets for international policy are discussed and agreed on in advance by officials and political leaders from several ministries. Foreign visits by the various Dutch ministers and state secretaries are carefully

harmonised with each other. The Minister of Foreign Affairs coordinates the entire process.

However, an integrated, cohesive, and effective foreign policy cannot be based on good intentions alone. It requires the ongoing efforts of all the ministries involved. After all, working together on one shared foreign policy is what it is all about.

Foreign policy objectives and priorities of the second Kok government

The second Kok government has the following foreign policy objectives: promoting the international legal order and international security, furthering economic and other national interests, and reducing poverty internationally through sustainable development. In pursuing these objectives, the government's priorities include promoting international order, European integration, security, poverty reduction, human rights, the transatlantic relationship, Southeastern Europe, Africa, the Middle East, and consular services.

International order

The Dutch government believes that a balanced international political and economic order helps safeguard international justice and solidarity. The Netherlands believes the UN has an important role to play in helping prevent crises and, when necessary, managing and resolving them. Other global problems also require a focused, integrated approach with the United Nations as forum. However, the poor cohesiveness of some aspects of the United Nations' organisation must be addressed. Chapter 2 will discuss the Netherlands' goals in the Security Council. Undesirable behaviour by states is tempered by international law. International problems often require international solutions. In this connection, the government worked hard to ensure that the International Criminal Court would be located in The Hague, where it will strengthen that city's position as legal capital of the world.

More and more often, the market is one step ahead of politics. An international free market needs good, effective rules. In 2000 the next round of WTO trade negotiations will begin. This round is crucial to the Netherlands' economic interests. The Dutch government will set out to promote the accessibility and transparency of the global free trade system, based on the premise that the poorest developing countries should also be able to reap its rewards.

International order also relates to the free movement of persons. "People and borders" is an increasingly important theme in foreign policy. The Netherlands would like to address asylum and migration on an international level. When people can be accommodated in their own country or region, the Netherlands can use the limited means available to keep its doors open for those truly in need. The government will also invest in a European asylum policy based on mutual solidarity. The Dutch contribution to international order will be discussed in Chapter 2.

European integration

The European Union is in a state of flux. As one of its "founding fathers", the Netherlands is actively involved in the Union's further development. At the same time, the Union magnifies the authority and influence of the Netherlands on the international scene. A strong, revitalised Union is of primary importance to the Netherlands. The government therefore has three ambitions for the Union in the 21st century. First of all, the stimulation of European integration. Second, the swift enlargement of the Union to include a number of Central and Eastern European countries. And third, the development of a coherent and effective policy on Southeastern Europe. Chapter 3 will discuss European integration in greater depth. A detailed position statement will be included in the State of the European Union to be presented to Parliament with this budget on the third Tuesday in September.

Security

Security cannot be taken for granted. A solid defence architecture remains necessary, in Europe as elsewhere. The government sees NATO as the cornerstone of European - and therefore Dutch - security. The European Union needs a credible Common Foreign and Security Policy. A truly European Foreign and Security Policy can only be effective if military intervention is possible when crises arise. Furthermore, it can no longer be assumed that the United States will want to take part in crisis management operations, military or otherwise. For these reasons, it is time the European Union began taking more responsibility for its own security. Within the Atlantic context there is room for a European Security and Defence Identity (ESDI). The time is ripe and the viewpoints of the European partners are swiftly adapting. Chapter 4 will discuss Dutch security policy.

Poverty reduction

1999 saw the fiftieth anniversary of the government's decision to take part in the United Nations' Expanded Program of Technical Assistance with a contribution of NLG 1.5 million. Fifty years later, Dutch commitment to development cooperation has grown into a policy that is helping to set new international standards. Standards not only for underlying principles and implementation, but also for the extent of aid in both relative and absolute terms. The Dutch contribution to development cooperation, as measured using the official criteria of the Development Assistance Committee, is among the highest in the world, putting the Netherlands in a class with only the Scandinavian countries. The United Nations has praised the Netherlands for being one of the few countries willing to provide extra support to aid programmes in Africa. In the next few years, the Netherlands will also make a substantial contribution of approximately NLG 500 million a year. The widespread support that international solidarity enjoys among the people of the Netherlands is the driving force behind this considerable Dutch commitment.

Still, the second Kok government sees no reason for complacency. Development cooperation has reached a crucial point. The belief that it can achieve concrete results if properly implemented is gaining ground internationally. The public support and the momentum are present. Development cooperation does make a difference. It works, but it must be tailored to a constantly changing reality. To that end, the government is developing a cogent policy to increase the efficiency and effectiveness of development cooperation still further. A large part of this policy turnaround will be carried out in 2000. The quality of

socioeconomic policy and of governance in the recipient country is crucial to sustainable development and effective poverty reduction. These two criteria, as well as the extent of poverty, were used in 1999 to select a number of countries with which the Netherlands will maintain structural bilateral aid relations.

Human rights

In the area of human rights, there is still a great deal of work to be done. This does not necessarily involve drawing up still more declarations on more rights. Paper can wait. In fact, this government will do its best to defend and perpetuate fundamental human rights in practice. This policy too must focus on results. The Netherlands, in both bilateral and multilateral contexts, will call upon countries to fulfil their responsibilities. Combating religious persecution will be a particular focus. Chapter 5 will take a closer look at human rights, good governance and democratisation.

The transatlantic relationship

The contrast between Atlanticists and Europeanists has outlived its usefulness. The two sides of the Atlantic Ocean share common roots and convictions. We are related to one another by our history and wedded to one another by conscious choice. Our security remains as ever inextricably tied to the United States. In the past, Europe was merely a security "consumer". Now it is becoming more and more a security partner. On the other hand, the immense volume of commerce between the US and the EU can sometimes lead to contrasting viewpoints. However, the transatlantic relationship has matured and can take a little rough weather.

Southeastern Europe

The consequences of the conflict in Kosovo extend beyond Serbia's borders. The entire region of Southeastern Europe will take years to recover. An integrated approach will also be necessary to procure the economic and political stability the region cannot do without if it is to avoid conflict in the future. The recently signed stability pact, which is supported ideologically and financially by the Dutch government, will buttress and stimulate the process of reconstruction in Southeastern Europe. The Netherlands finds the term "process" more useful than "pact" and is committed to a stabilising process with a major contribution by the region concerned. What Southeastern European countries themselves initiate, the international community will support and facilitate. During the conference on the stability pact in Sarajevo, the Netherlands promised approximately NLG 500 million for the reconstruction of the region over the next few years.

In the light of the stabilising process and the relationship of the Southeastern European region to the European Union, the Netherlands favours a quick start to negotiations on accession to the EU with Romania and Bulgaria. In the strategy laid out in the stability pact, these two countries function as "anchors" for the region. In early 2000 the way should be clear for accession negotiations, which will be carried out at an adjusted pace; this will send out a clear political signal that Europe is indivisible.

Africa

As far as the Dutch government is concerned, Africa continues to occupy an important place on the international agenda. It is a continent where violent conflicts are fought every day, poverty is widespread, entire harvests are destroyed and human rights are trampled. But Africa must not become a lost continent. There are also encouraging developments that deserve our whole-hearted support. The second Kok government sees opportunities to help the people of Africa draw nearer to the ideals of peace, prosperity, and democracy. It is clear that development cooperation alone is not enough. Problems and challenges in Africa as elsewhere demand an integrated foreign policy. It is a continent where development issues, humanitarian crises, the resolution and prevention of conflicts, Dutch economic interests and multilateral cooperation meet. Recently a policy memorandum on Africa was presented to Parliament.

The Middle East

The Middle East is a crucial region in the eyes of the Dutch government for several reasons. For one thing, security and economic interests would be served by a long-term resolution of the serious disputes between the parties involved. True to tradition, the United States plays a leading role in the Middle East peace process. The Dutch government acknowledges this role, but believes Europe too has a part to play. The Oslo and Wye Accords provide a strong framework in which to create opportunities for a comprehensive peace settlement in the Middle East. The election of a new government in Israel holds out new prospects of breaking the deadlock in the peace process. The Netherlands will take full advantage of these opportunities.

Consular services

When the Dutch public comes into contact with the Ministry of Foreign Affairs, it is generally through the Ministry's consular services. The government believes it is important to enhance both the quality and extent of these services, the demand for which increases yearly. This will make it possible to serve the Dutch people better. The government also considers it its duty, in combination with the relevant civil-society organisations, to assist Dutch detainees abroad, who are often held in abominable conditions. The Netherlands supports these people, not their crimes. In addition, the number of asylum seekers is increasing sharply. This has increased the workload of the public servants involved with them. It has been decided to expand the department's capacity. An effective review of the consular services is part of this.

In addition to the priorities listed above, the government will continue its work unabated in other areas of international policy.

The Advisory Council on International Affairs is still in the process of preparing a number of recommendations on the interaction between financial and trade issues, institutional reform as a result of the enlargement of the European Union, and foreign policy on Africa. Recommendations already issued

are included in the Council's annual report. Parliament will receive the Council's programme of the activities along with this explanatory memorandum.

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WET PERSOONSREGISTRATIES (tekst per 1 januari 1997)

Wet van 28 december 1988, houdende regels ter bescherming van de persoonlijke levenssfeer in verband met persoonsregistraties, Staatsblad 1988, nr. 665

Wij Beatrix, bij de gratie Gods, Koningin der Nederlanden, Prinses van Oranje-Nassau, enz. enz. enz.

Allen, die deze zullen zien of horen lezen, saluut! doen te weten:

Alzo Wij in overweging genomen hebben, dat ter bescherming van de persoonlijke levenssfeer met betrekking tot persoonsregistraties uitvoering dient te worden gegeven aan artikel 10, tweede en derde lid, van de Grondwet;

Zo is het, dat Wij, de Raad van State gehoord, en met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Paragraaf 1. Inleidende bepalingen

Artikel 1.

In deze wet en de daarop berustende bepalingen wordt verstaan onder:

persoonsgegevens: een gegeven dat herleidbaar is tot een individuele natuurlijke persoon;

persoonsregistratie: een samenhangende verzameling van op verschilden personen betrekking hebbende persoonsgegevens, die langs geautomatiseerde weg wordt gevoerd of met het oog op een doeltreffende raadpleging van die gegevens systematisch is aangelegd;

houder: degene die de zeggenschap heeft over een persoonsregistratie;

bewerker: degene die het geheel of een gedeelte van de apparatuur onder zich heeft, waarmee een persoonsregistratie waarvan hij niet de houder is, wordt gevoerd;

verstrekken van gegevens uit een persoonsregistratie: het bekend maken of ter beschikking stellen van persoonsgegevens, voor zover zulks geheel of grotendeels steunt op gegevens die in die persoonsregistratie zijn opgenomen, of die door verwerking daarvan, al dan niet in verband met andere gegevens, zijn verkregen;

verstrekken van gegevens aan een derde: verstrekken van gegevens uit een persoonsregistratie aan een persoon of instantie buiten de organisatie van de houder, met uitzondering van het verstrekken aan de bewerker of de

geregistreerde;

gedragscode: een besluit van een of meer organisaties, representatief voor de sector waarop het besluit betrekking heeft, houdende in het belang van de bescherming van de persoonlijke levenssfeer gestelde regels of gedane aanbevelingen ten aanzien van persoonsregistraties;

Onze Minister: Onze Minister van Justitie;

Registratiekamer: de Registratiekamer, ingesteld bij artikel 37.

Artikel 2.

1. Deze wet is niet van toepassing op:

a. persoonsregistraties die naar hun aard voor persoonlijk of huiselijk gebruik bestemd zijn;

b. persoonsregistraties die uitsluitend ten dienste staan van de openbare informatievoorziening door pers, radio of televisie;

c. boeken en andere schriftelijke publikaties, alsmede catalogisegen daarvan;

d. persoonsregistraties die berusten in een archiefbewaarplaats als bedoeld in de Archiefwet 1995 (Stb. 276).

2. Deze wet is niet van toepassing op openbare registers die bij de wet zijn ingesteld.

3. Deze wet is niet van toepassing op:

a. persoonsregistraties, gehouden bij of ten behoeve van de inlichtingen- en veiligheidsdiensten, bedoeld in de Wet op de inlichtingen- en veiligheidsdiensten;

b. persoonsregistraties, aangelegd ten dienste van de uitvoering van de politietaak, omschreven in artikel 2 van de Politiewet 1993;

c. persoonsregistraties, gehouden ter uitvoering van de Kieswet.

c. [d.] persoonsregistraties, gehouden ingevolge de Wet gemeentelijke basisadministratie persoonsgegevens (Stb. 1994, 494).

Artikel 3.

Voordrachten tot een algemene maatregel van bestuur krachtens deze wet worden gedaan door Onze Minister. Indien de maatregel mede een van Onze andere ministers aangaat, wordt de voordracht gedaan door Onze Minister en deze andere minister gezamenlijk.

Paragraaf 2. Algemene bepalingen

Artikel 4.

1. Een persoonsregistratie wordt slechts aangelegd voor een bepaald doel waartoe het belang van de houder redelijkerwijs aanleiding geeft.

2. Het doel van een persoonsregistratie mag niet in strijd zijn met de wet, de openbare orde of de goede zeden.

Artikel 5.

1. Een persoonsregistratie bevat slechts persoonsgegevens die rechtmatig zijn verkregen en in overeenstemming zijn met het doel waarvoor de registratie is aangelegd.
2. De houder treft de nodige voorzieningen ter bevordering van de juistheid en de volledigheid van de opgenomen persoonsgegevens.

Artikel 6.

1. De opgenomen persoonsgegevens worden slechts gebruikt voor doeleinden die met het doel van de persoonsregistratie verenigbaar zijn.
2. Binnen de organisatie van de houder worden uit een persoonsregistratie slechts gegevens verstrekt aan personen die ingevolge hun taak die gegevens mogen ontvangen.

Artikel 6a.

1. Een nummer dat ter identificatie van een persoon wettelijk is voorgeschreven, wordt in een persoonsregistratie of bij het verstrekken van gegevens daaruit, slechts gebruikt ter uitvoering van de betrokken wettelijke regeling dan wel ten behoeve van de richtige uitvoering van wettelijke voorschriften waarbij eveneens van dat nummer gebruik kan worden gemaakt. Het nummer kan tevens worden gebruikt in andere gevallen bij of krachtens de wet bepaald.
2. Bij algemene maatregel van bestuur kunnen gevallen worden aangewezen waarin een daarbij aan te wijzen nummer als bedoeld in het eerste lid, kan worden gebruikt. Daarbij kunnen nadere voorschriften worden gegeven over het gebruik van een zodanig nummer.

Artikel 7.

1. Bij algemene maatregel van bestuur worden regels gesteld inzake het opnemen in een persoonsregistratie van persoonsgegevens betreffende iemands godsdienst of levensovertuiging, ras, politieke gezindheid, seksualiteit of intiem levensgedrag, alsmede persoonsgegevens van medische, psychologische, strafrechtelijke of tuchtrechtelijke aard.
2. De regels, bedoeld in het eerste lid, kunnen verschillen naar de soorten van registraties.
3. Uiterlijk op 1 juni 1997 wordt een voorstel van wet tot regeling van het in het eerste lid omschreven onderwerp aan de Staten-Generaal gedaan.
4. Indien de Registratiekamer om advies wordt gevraagd over het ontwerp van een algemene maatregel van bestuur of van een voorstel van wet als bedoeld in dit artikel, geeft de Registratiekamer bij de voorbereiding van dit advies toepassing aan de in de afdeling 3.4 van Algemene wet

bestuursrecht geregelde procedure.

Artikel 8.

De houder draagt zorg voor de nodige voorzieningen van technische en organisatorische aard ter beveiliging van een persoonsregistratie tegen verlies of aantasting van de gegevens en tegen onbevoegde kennisneming, wijziging of verstrekking daarvan. Gelijke plicht rust op de bewerker voor het geheel of het gedeelte van de apparatuur die hij onder zich heeft.

Artikel 9.

1. Indien iemand schade lijdt doordat ten opzichte van hem in strijd wordt gehandeld met de bij of krachtens deze wet gegeven voorschriften ter bescherming van de belangen van geregistreerde of te registreren personen, zijn de volgende leden van toepassing, onverminderd de aanspraken op grond van andere wettelijke regels.
2. Voor nadeel dat niet in vermogensschade bestaat, heeft de benadeelde recht op een naar billijkheid vast te stellen schadevergoeding.
3. De houder van een persoonsregistratie is aansprakelijk voor de schade of het nadeel, voortvloeiende uit het niet-nakomen van de in het eerste lid bedoelde voorschriften in verband met die persoonsregistratie. De bewerker is aansprakelijk voor die schade of dat nadeel, voor zover ontstaan door zijn werkzaamheid.

Artikel 10.

1. Indien de houder of de bewerker van een persoonsregistratie handelt in strijd met het bij of krachtens deze wet bepaalde en een ander daardoor schade lijdt of dreigt te lijden, kan de rechter hem op vordering van die ander zodanig gedrag verbieden en hem bevelen maatregelen te treffen tot herstel van de gevolgen van dat gedrag.
2. Vervallen

Paragraaf 3. Verstrekken van gegevens aan een derde

Artikel 11.

1. Uit een persoonsregistratie worden slechts gegevens aan een derde verstrekt voor zover zulks voortvloeit uit het doel van de registratie, wordt vereist ingevolge een wettelijk voorschrift of geschiedt met toestemming van de geregistreerde.
2. Ten behoeve van wetenschappelijk onderzoek of statistiek dan wel op grond van een dringende en gewichtige reden, kunnen desgevraagd gegevens aan een derde worden verstrekt voor zover de persoonlijke levenssfeer van

de geregistreerden daardoor niet onevenredig wordt geschaad.

3. De verstrekking van gegevens blijft achterwege voor zover uit hoofde van ambt, beroep of wettelijk voorschrift geheimhouding geboden is.

4. Indien de geregistreerde minderjarig is en de leeftijd van zestien jaren nog niet heeft bereikt, of onder curatele is gesteld, is in plaats van de toestemming van de geregistreerde die van zijn wettelijke vertegenwoordiger vereist.

Artikel 12.

1. Indien voor de verstrekking van gegevens uit een persoonsregistratie toestemming van de geregistreerde of van zijn wettelijke vertegenwoordiger is vereist, kan deze slechts schriftelijk worden gegeven.

2. De toestemming kan betrekking hebben op één geval of op een beperkte categorie van gevallen en moet in het geschrift nauwkeurig zijn omschreven.

3. De toestemming kan steeds schriftelijk worden ingetrokken.

Artikel 13.

1. Dit artikel is van toepassing op persoonsregistraties, gehouden of mede gehouden met het oog op deze werkzaamheid door een natuurlijke of rechtspersoon, die bedrijfsmatig persoonsgegevens, anders dan met toestemming van degenen op wie die gegevens betrekking hebben of, in de gevallen bedoeld in artikel 11, vierde lid, van hun wettelijke vertegenwoordigers, verzamelt en aan derden verstrekt.

2. In een persoonsregistratie als bedoeld in het eerste lid, worden slechts persoonsgegevens opgenomen, die op hun juistheid zijn onderzocht.

3. Uit een persoonsregistratie als bedoeld in het eerste lid, worden aan een derde slechts op diens verzoek gegevens verstrekt. Het verzoek vermeldt het doel waarvoor de gevraagde gegevens zullen worden gebruikt.

4. De verstrekking vindt niet plaats, indien:

a. het doel waarvoor de verstrekking is verzocht, in strijd is met de wet, de openbare orde of de goede zeden;

b. de verstrekking redelijkerwijs niet in overeenstemming is met dat doel;

c. door de verstrekking de persoonlijke levenssfeer van de geregistreerde onevenredig zou worden geschaad.

5. De houder van een persoonsregistratie als bedoeld in het eerste lid, is verplicht elke verstrekking van gegevens aan een derde ten minste een jaar nadat de verstrekking geschiedde, vastgelegd te houden, tenzij hij redelijkerwijs kan aannemen dat de geregistreerde daarbij geen belang heeft.

Artikel 14.

1. Uit een persoonsregistratie, niet begrepen onder artikel 13, eerste lid, kunnen ook in andere gevallen dan omschreven in artikel 11, eerste en tweede lid, bestanden persoonsgegevens, alleen bestaande uit naam, adres, woonplaats, postcode en soortgelijke voor communicatie benodigde gegevens, aan een derde worden verstrekt. De artikelen 11, derde lid, en 13, derde en vierde lid, zijn van overeenkomstige toepassing.
2. De houder laat op verzoek van de geregistreerde of, in de gevallen bedoeld in artikel 11, vierde lid, van zijn wettelijke vertegenwoordiger zodanige verstrekking ten aanzien van diens gegevens achterwege.

Paragraaf 4. Gedragscodes en bijzondere voorschriften

Artikel 15.

1. De organisatie of organisaties, die een gedragscode vaststelden, kunnen de Registratiekamer verzoeken te verklaren dat deze code naar haar oordeel in overeenstemming is met het bepaalde bij of krachtens deze wet en voldoet aan redelijkerwijs ter bescherming van de persoonlijke levenssfeer van geregistreerden te stellen eisen.
2. De Kamer neemt het verzoek slechts in behandeling, indien naar haar oordeel de verzoeker of verzoekers representatief zijn voor de betrokken sector, deze sector in de code nauwkeurig is omschreven en de code zorgvuldig, in het bijzonder in genoegzaam overleg met organisaties van belanghebbenden, is voorbereid.
3. Alvorens te beslissen op een verzoek dat zij in behandeling heeft genomen, stelt de Kamer een ieder in de gelegenheid schriftelijk bedenkingen of opmerkingen in te brengen.
4. De verklaring wordt, tezamen met de gedragscode waarop zij betrekking heeft, door de zorg van de Kamer in de Staatscourant geplaatst.
5. De verklaring geldt voor de termijn waarvoor de gedragscode is vastgesteld, doch ten hoogste voor vijf jaar na het tijdstip van de verklaring.
6. De verklaring bindt de rechter niet.
7. Een beslissing op het verzoek is met redenen omkleed. Tegen de beslissing staat geen voorziening van administratieve rechtspraak open.

Artikel 16.

1. Na verloop van drie jaren na de inwerkingtreding van artikel 15 kunnen bij algemene maatregel van bestuur voor een bepaalde sector nadere regels worden gesteld inzake de in de artikelen 4 tot en met 6, 8 en 11 tot en met 14 geregelde onderwerpen.
2. De Registratiekamer geeft in haar jaarverslag aan in hoeverre naar

haar oordeel toepassing van het eerste lid wenselijk is.

3. Indien de Registratiekamer om advies wordt gevraagd over het ontwerp van een algemene maatregel van bestuur als bedoeld in het eerste lid, geeft de Registratiekamer bij de voorbereiding van dit advies toepassing aan de in de afdeling 3.4 van Algemene wet bestuursrecht geregelde procedure.

Paragraaf 5. Persoonsregistraties op het gebied van de overheid en het onderwijs, de gezondheidszorg en de maatschappelijke dienstverlening

Artikel 17.

Deze paragraaf is van toepassing op persoonsregistraties van:

- a. het Rijk, provincies, gemeenten en andere openbare lichamen met inbegrip van de daaronder ressorterende diensten, instellingen en bedrijven;
- b. bij algemene maatregel van bestuur aangewezen instellingen die met de uitvoering van publiekrechtelijke taken zijn belast;
- c. bij algemene maatregel van bestuur aangewezen instellingen en voorzieningen voor onderwijs, gezondheidszorg en maatschappelijke dienstverlening.

Artikel 18.

1. Een persoonsregistratie als bedoeld in artikel 17, wordt slechts aangelegd indien dit noodzakelijk is voor een goede vervulling van de taak van de houder.
2. Zodanige persoonsregistraties bevatten slechts persoonsgegevens die voor het doel van de registratie noodzakelijk zijn.
3. Uit deze persoonsregistraties kunnen desgevraagd gegevens worden verstrekt aan personen of instanties met een publiekrechtelijke taak, voor zover zij die gegevens behoeven voor de uitvoering van hun taak en de persoonlijke levenssfeer van de geregistreerden daardoor niet onevenredig wordt geschaad. Artikel 11, derde lid, is van overeenkomstige toepassing.

Artikel 19.

1. Voor een persoonsregistratie als bedoeld in artikel 17, wordt een reglement vastgesteld.
2. Het reglement alsmede de wijziging en intrekking daarvan, wordt openbaar gemaakt en voor een ieder ter inzage gelegd overeenkomstig regels bij algemene maatregel van bestuur te stellen.
3. De houder doet van het feit van de terinzagelegging en de aard van de persoonsregistratie schriftelijk mededeling aan de Registratiekamer onder opgave van zijn naam, adres en woonplaats.

4. De houder geeft binnen vier weken schriftelijk kennis aan de Registratiekamer van iedere wijziging in zijn naam, adres of woonplaats.

Artikel 20.

1. In het reglement moet de werking van de persoonsregistratie zijn beschreven.

2. Het reglement bevat in elk geval een duidelijke regeling van de volgende onderwerpen:

- a. het doel van de registratie;
- b. de categorieën van personen over wie gegevens in de registratie worden opgenomen;
- c. de soorten van gegevens die in de registratie worden opgenomen, en de wijze waarop deze worden verkregen;
- d. de gevallen waarin opgenomen gegevens worden verwijderd;
- e. de categorieën van personen of instanties, waaraan gegevens uit de registratie worden verstrekt;
- f. de soorten van gegevens die aan de onder e bedoelde personen of instanties worden verstrekt;
- g. de rechtstreekse toegang tot de registratie;
- h. eventuele verbanden tussen de registratie en enige andere gegevensverzameling;
- i. de wijze waarop geregistreerde personen of hun wettelijke vertegenwoordigers kennisneming en verbetering van de over hen opgenomen gegevens kunnen verkrijgen;
- j. de wijze waarop geregistreerde personen of hun wettelijke vertegenwoordigers mededeling van verstrekking van hen betreffende gegevens kunnen verkrijgen;
- k. de hoofdlijnen van het beheer van de registratie.

Artikel 21.

De houder, de bewerker en al degenen die verder bij de werking van de persoonsregistratie zijn betrokken, zijn verplicht het overeenkomstig artikel 19, tweede lid, bekendgemaakte reglement na te leven.

Artikel 22.

1. Bij algemene maatregel van bestuur kan worden bepaald dat artikel 19 niet van toepassing is op daarbij aan te geven persoonsregistraties die aan daarbij aan te geven eisen voldoen.

2. Bepalingen als bedoeld in het eerste lid, worden in elk geval gesteld met betrekking tot:

- a. boekhoudingen en financiële administraties;
- b. personeels- en salarisadministraties;
- c. andere administraties dan bedoeld onder a en b, ten dienste van het

- intern beheer van de betrokken organisatie;
- d. administraties van abonnementen;
- e. administraties van leden en begunstigers;
- f. andere persoonsregistraties, voor zover daarin geen andere gegevens zijn opgenomen dan naam, adres, woonplaats, postcode en soortgelijke voor communicatie benodigde gegevens.

Paragraaf 6. Persoonsregistraties op het gebied van bedrijf en beroep en op overige gebieden

Artikel 23.

Deze paragraaf is van toepassing op persoonsregistraties niet begrepen onder artikel 17.

Artikel 24.

1. Een persoonsregistratie waarop deze paragraaf van toepassing is, moet worden aangemeld bij de Registratiekamer.
2. De aanmelding geschiedt door inzending van het formulier dat voor het verrichten van de aanmelding is bestemd. Onze Minister stelt het model van het formulier vast.
3. Bij het formulier worden de bij algemene maatregel van bestuur te bepalen gegevens verstrekt. Deze kunnen slechts betrekking hebben op de onderwerpen als bedoeld in artikel 20, tweede lid. Tevens wordt opgave gedaan van de naam, het adres en de woonplaats van de houder.
4. De aanmelding wordt bekendgemaakt en een afschrift van het formulier wordt voor een ieder ter inzage gelegd overeenkomstig regels bij algemene maatregel van bestuur te stellen.

Artikel 25.

1. De houder van een aangemelde persoonsregistratie geeft binnen vier weken schriftelijk kennis aan de Registratiekamer van iedere wijziging in zijn naam, adres of woonplaats.
2. Bij wijziging of aanvulling van de overige verstrekte gegevens en bij opheffing van de registratie is artikel 24 van overeenkomstige toepassing, met dien verstande dat alleen de wijziging of aanvulling onderscheidenlijk de opheffing behoeft te worden aangemeld.

Artikel 26.

De houder, de bewerker en al degenen die verder bij de werking van de persoonsregistratie zijn betrokken, zijn verplicht ten aanzien daarvan te handelen overeenkomstig de bij de aanmelding verstrekte gegevens.

Artikel 27.

Bij algemene maatregel van bestuur kan worden bepaald dat de artikelen 24 en 25 niet van toepassing zijn op daarbij aan te geven persoonsregistraties die aan daarbij aan te geven eisen voldoen. Artikel 22, tweede lid, is van overeenkomstige toepassing.

Paragraaf 7. Rechten van de belanghebbende op kennisneming en verbetering

Artikel 28.

1. De houder van een persoonsregistratie deelt een ieder over wie voor de eerste keer persoonsgegevens in de registratie worden opgenomen binnen vier weken schriftelijk mede dat dit het geval is. De mededeling bevat een aanduiding van het doel van de registratie, alsmede de naam, het adres en de woonplaats van de houder.
2. De verplichting, bedoeld in het eerste lid, geldt niet:
 - a. indien de betrokkene weet of redelijkerwijs kan weten dat een dergelijke opname heeft plaatsgevonden;
 - b. indien een gewichtig belang van de betrokkene zich tegen het doen van een schriftelijke mededeling verzet;
 - c. voor zover het achterwege laten van de mededeling noodzakelijk is met het oog op de belangen, genoemd in artikel 30.

Artikel 29.

1. De houder deelt een ieder op diens verzoek schriftelijk binnen vier weken mede of hem betreffende persoonsgegevens in de registratie zijn opgenomen.
2. Indien zodanige gegevens in de registratie zijn opgenomen, stelt de houder de verzoeker desverlangd binnen vier weken na ontvangst van het verzoek schriftelijk een volledig overzicht daarvan met inlichtingen over de herkomst ter beschikking.
3. Indien een gewichtig belang van de verzoeker dit eist, voldoet de houder aan een verzoek als bedoeld in dit artikel, in een andere dan schriftelijke vorm, die aan dat belang is aangepast.
4. De houder draagt zorg voor een deugdelijke vaststelling van de identiteit van de verzoeker.
5. De verzoeken, bedoeld in het eerste en tweede lid, worden ten aanzien van minderjarigen die de leeftijd van zestien jaren nog niet hebben bereikt, en ten aanzien van onder curatele gestelden gedaan door hun wettelijke vertegenwoordigers. De betrokken mededeling geschiedt eveneens aan de wettelijke vertegenwoordigers.

Artikel 30.

De houder kan weigeren aan een in artikel 29 bedoeld verzoek te voldoen, voor zover dit noodzakelijk is in het belang van:

- a. de veiligheid van de staat;
- b. de opsporing en vervolging van strafbare feiten;
- c. economische en financiële belangen van de staat en andere openbare lichamen;
- d. inspectie, controle en toezicht door of vanwege overheidsorganen of andere organen met een publiekrechtelijke taak;
- e. gewichtige belangen van anderen dan de verzoeker, de houder daaronder begrepen.

Artikel 31.

1. Degene aan wie overeenkomstig artikel 29 kennis is gegeven van hem betreffende persoonsgegevens, kan de houder schriftelijk verzoeken deze te verbeteren, aan te vullen of te verwijderen, indien deze feitelijk onjuist, voor het doel van de registratie onvolledig of niet ter zake dienend zijn dan wel in strijd met een wettelijk voorschrift in de registratie voorkomen. Het verzoek behelst de aan te brengen wijzigingen.

2. De houder bericht de verzoeker binnen acht weken na ontvangst van het verzoek schriftelijk of dan wel in hoeverre hij daaraan voldoet. Artikel 29, derde, vierde en vijfde lid, is van overeenkomstige toepassing. Een weigering is met redenen omkleed.

3. De houder draagt zorg dat een beslissing tot verbetering, aanvulling of verwijdering zo spoedig mogelijk wordt uitgevoerd.

Artikel 32.

1. De houder deelt een ieder op diens verzoek schriftelijk binnen vier weken mede of hem betreffende gegevens in het jaar voorafgaande aan het verzoek uit de persoonsregistratie aan derden zijn verstrekt.

2. Indien zodanige verstrekking is geschied, doet de houder daarvan desverlangd binnen vier weken na ontvangst van het verzoek in schriftelijke vorm mededeling aan de verzoeker. De houder kan volstaan met een in algemene termen vervatte mededeling betreffende de aard van de verstrekte gegevens en degenen aan wie deze zijn verstrekt, indien de vastlegging daarvan achterwege is gebleven en hij redelijkerwijs mocht aannemen dat het belang van de geregistreerde daardoor niet onevenredig zou worden geschaad.

3. De artikelen 29, derde, vierde en vijfde lid, en 30 zijn van overeenkomstige toepassing.

Artikel 33.

Met betrekking tot persoonsregistraties, uitsluitend voor

wetenschappelijk onderzoek of statistiek aangelegd:

- a. zijn de artikelen 28 tot en met 31 niet van toepassing, indien de uitkomsten waarvoor de persoonsgegevens worden gebruikt, niet meer herleidbaar zijn tot individuele natuurlijke personen;
- b. is artikel 32 niet van toepassing met betrekking tot verstrekking van gegevens aan een derde die deze uitsluitend voor wetenschappelijk onderzoek of statistiek verzamelt, mits de uitkomsten waarvoor deze gegevens worden gebruikt, niet meer herleidbaar zijn tot individuele natuurlijke personen.

Artikel 34.

1. Indien de houder niet aan een verzoek als bedoeld in de artikelen 29, 31 of 32, voldoet dan wel niet in schriftelijke vorm daaraan voldoet, kan de betrokkene zich tot de arrondissementsbank wenden met het schriftelijk verzoek, de houder te bevelen alsnog aan dat verzoek te voldoen dan wel in schriftelijke vorm daaraan te voldoen. Gelijke bevoegdheid heeft de betrokkene, indien hij zich door een mededeling als bedoeld in artikel 32, tweede lid, tweede volzin, in zijn belangen geschaad acht.
2. Het verzoekschrift moet worden ingediend binnen acht weken na ontvangst van het antwoord van de houder. Indien de houder niet binnen de gestelde termijn heeft geantwoord, moet het verzoekschrift worden ingediend binnen acht weken na afloop van die termijn.
3. De betrokkene kan zich ook binnen de in het tweede lid gestelde termijn tot de Registratiekamer wenden met het verzoek te bemiddelen of te adviseren in zijn geschil met de houder. In dat geval kan het verzoekschrift als bedoeld in het eerste lid, nog worden ingediend nadat de betrokkene van de Registratiekamer bericht heeft ontvangen dat zij de behandeling van de zaak heeft gestaakt, doch uiterlijk tot acht weken na dat tijdstip.
4. Over een verzoekschrift kan de rechtbank het advies van de Registratiekamer inwinnen.
5. De rechtbank wijst het verzoek toe, voor zover zij dit gegrond oordeelt.
6. De twaalfde titel van het Eerste Boek van het Wetboek van Burgerlijke Rechtsvordering met uitzondering van artikel 429d, derde lid, treedt voor procedures als bedoeld in het eerste tot en met het vijfde lid, in werking op hetzelfde tijdstip als dit artikel. Artikel 345 van dat wetboek is niet van toepassing.
7. De derde afdeling van de vijfde titel van het Tweede Boek van het Wetboek van Burgerlijke Rechtsvordering is van overeenkomstige toepassing.
8. De griffier zendt afschrift van de uitspraak aan de Registratiekamer.

Artikel 35.

1. De houder, die aan een overeenkomstig artikel 31 gedaan verzoek voldoet of wie dit door de rechter ingevolge artikel 34, vijfde lid, is bevolen, is verplicht om aan degenen aan wie hij naar zijn weten in het jaar voorafgaand aan het verzoek en in de sinds dat verzoek verstreken periode de betrokken gegevens heeft verstrekt, mededeling te doen van de verbetering, aanvulling of verwijdering.
2. De houder doet aan de verzoeker opgave van degenen aan wie hij de mededeling heeft gedaan.
3. Dit artikel geldt niet, indien de verzoeker te kennen heeft gegeven op de mededeling als bedoeld in het eerste lid, geen prijs te stellen.

Artikel 36.

De houder kan voor een bericht als bedoeld in de artikelen 29 en 32, een vergoeding van kosten verlangen, die niet hoger mag zijn dan een bij of krachtens algemene maatregel van bestuur vast te stellen bedrag. De vergoeding wordt teruggegeven in geval van een weigering van een verzoek als bedoeld in die artikelen, dan wel nadat de houder op verlangen van de verzoeker of op bevel van de rechter tot verbetering, aanvulling of verwijdering is overgegaan.

Paragraaf 8. De Registratiekamer

Artikel 37.

1. Er is een Registratiekamer.
2. De Kamer ziet toe op de werking van persoonsregistraties overeenkomstig het bij en krachtens deze wet bepaalde en in het belang van de bescherming van de persoonlijke levenssfeer in het algemeen.
3. De Kamer dient Onze Minister, dan wel in daarvoor in aanmerking komende gevallen Onze Minister en Onze andere ministers die het mede aangaat, gezamenlijk, desgevraagd of uit eigen beweging van advies over de uitvoering van deze wet en andere onderwerpen die daarmee samen hangen.
4. De Kamer vervult overigens de taken, haar bij de wet opgedragen.
5. De Kamer brengt jaarlijks aan Onze Minister een openbaar verslag uit van haar werkzaamheden en bevindingen.

Artikel 38.

1. De Kamer heeft een voorzitter, twee andere leden en een bij koninklijk besluit, op voordracht van Onze Minister, te bepalen aantal plaatsvervangende leden en buitengewone leden.
2. De voorzitter wordt bij koninklijk besluit, op voordracht van Onze Minister, benoemd voor een tijdvak van zes jaar en kan steeds worden

herbenoemd. De andere leden en de plaatsvervangende en buitengewone leden worden bij koninklijk besluit, op voordracht van Onze Minister, benoemd voor een tijdvak van vier jaar. Zij kunnen worden herbenoemd

3. Bij de benoeming van de buitengewone leden wordt spreiding over de onderscheidene sectoren van de maatschappij nagestreefd.

Artikel 39.

1. Aan een lid, plaatsvervangend lid en buitengewoon lid wordt bij koninklijk besluit, op voordracht van Onze Minister, ontslag verleend met ingang van de eerste maand volgend op die waarin hij de leeftijd van vijfenzestig jaar bereikt.

2. Artikel 11 met uitzondering van het bepaalde onder d, 3o, en de artikelen 12 tot en met 13, 13a met uitzondering van het vijfde lid, 13b en 14a tot en met 14c, 14d, eerste en tweede lid, en 14e van de Wet op de rechterlijke organisatie (Stb. 1972, 463) zijn van overeenkomstige toepassing.

3. Bij toepassing van artikel 14d, tweede lid, van de Wet op de rechterlijke organisatie stelt de Hoge Raad de voorzitter van de Kamer in de gelegenheid omtrent een aanhangige klacht schriftelijk of mondeling inlichtingen te verstrekken en van zijn gevoelen daaromtrent blijk te geven.

Artikel 40.

1. De voorzitter en de andere leden genieten een bezolging voor hun werkzaamheden. De plaatsvervangende en buitengewone leden genieten een zittingsgeld. Hun rechtspositie wordt nader geregeld bij algemene maatregel van bestuur. Artikel 3, tweede lid, is niet van toepassing.

2. Tevens genieten zij vergoeding van reis- en verblijfkosten overeenkomstig de bepalingen welke te dien aanzien voor de burgerlijke rijksambtenaren gelden.

3. De voorzitter mag zonder toestemming van Onze Minister geen andere werkzaamheden verrichten waarvoor een beloning wordt genoten.

Artikel 41.

De Kamer heeft een secretariaat, waarvan de ambtenaren door Onze Minister, op voordracht van de voorzitter, worden benoemd, geschorst en ontslagen.

Artikel 42.

1. De voorzitter geeft leiding aan de werkzaamheden van de Kamer en van het secretariaat.

2. Bij koninklijk besluit, op voordracht van Onze Minister, wordt uit de leden een eerste en een tweede plaatsvervangend voorzitter aangewezen.

Artikel 43.

1. De Kamer heeft een Centrale Afdeling, bestaande uit de voorzitter en de twee andere leden. Ieder lid kan worden vervangen door een plaatsvervangend lid.
2. De Centrale Afdeling kan meervoudige en enkelvoudige afdelingen instellen voor de behandeling en afdoening van door haar omschreven aangelegenheden.
3. Een meervoudige afdeling bestaat uit een lid of plaatsvervangend lid als voorzitter en twee buitengewone leden als leden. Een enkelvoudige afdeling bestaat uit een lid of een plaatsvervangend lid.
4. De Centrale Afdeling wijst de leden van de overige afdelingen aan. Zij kan ter vervanging in een afdeling van een lid of plaatsvervangend lid van de Kamer een ander lid of plaatsvervangend lid van de Kamer en ter vervanging in een afdeling van een buitengewoon lid een ander buitengewoon lid aanwijzen.

Artikel 44.

De Centrale Afdeling stelt de in artikel 37, derde lid, bedoelde adviezen en het jaarverslag vast. Zij behandelt voorts de aangelegenheden die zij niet op andere afdelingen heeft ingedeeld.

Artikel 45.

1. Aan de Kamer worden op haar verzoek gegevens uit een persoonsregistratie verstrekt.
2. De houder van een persoonsregistratie en de personen die bij de werking van een persoonsregistratie zijn betrokken, verstrekken desgevorderd de Kamer, de ambtenaren van het secretariaat en andere, door de Kamer daartoe aangewezen personen alle inlichtingen en verlenen hun alle overige medewerking die deze voor de uitoefening van hun taak behoeven.
3. De leden, plaatsvervangende leden en buitengewone leden van de Kamer, de ambtenaren van het secretariaat en andere, door de Kamer daartoe aangewezen personen, hebben toegang tot elke plaats waar zich een persoonsregistratie of een deel daarvan bevindt of waar de registratie toegankelijk is, voor zover dit redelijkerwijs voor de vervulling van hun taak nodig is. Zij zijn bevoegd apparatuur, programtuur, boeken en bescheiden te onderzoeken en zich de werking van apparatuur en programmatuur te doen tonen, voor zover dit redelijkerwijs voor de uitoefening van hun taak nodig is.
4. De ambtenaren van het secretariaat en de andere personen, bedoeld in het derde lid, behoeven voor de uitoefening van de in dat lid omschreven bevoegdheden de uitdrukkelijke en bijzondere volmacht van de Kamer,

onverminderd het bepaalde in artikel 2 van de Algemene wet op het binnentreden (Stb. 1994, 572).

5. Indien naar het redelijk oordeel van de Kamer de in dit artikel bedoelde medewerking in onvoldoende mate wordt verleend, kunnen op kosten van de nalatige de nodige maatregelen worden getroffen.

6. Geen beroep is mogelijk op een geheimhoudingsplicht, voor zover inlichtingen of medewerking wordt verlangd in verband met de eigen betrokkenheid bij de werking van een persoonsregistratie.

Artikel 46.

1. De Kamer kan ambtshalve of op verzoek van een belanghebbende of van een rechtspersoon die ingevolge zijn statuten de belangen behartigt van de personen die door het gedrag van de houder of de bewerker schade lijden of dreigen te lijden een onderzoek instellen naar de wijze waarop ten aanzien van een persoonsregistratie toepassing wordt gegeven aan het bij en krachtens deze wet bepaalde.

2. In geval van een onderzoek, ingesteld op verzoek van een belanghebbende, doet de Kamer aan deze mededeling van haar bevindingen, tenzij zodanige mededeling onverenigbaar is met het doel van de registratie of de aard van de persoonsgegevens, dan wel gewichtige belangen van anderen dan de verzoeker, de houder daaronder begrepen, daardoor onevenredig zouden worden geschaad. Indien zij mededeling van haar bevindingen achterwege laat, zendt zij de belanghebbende zodanig bericht als haar geraden voorkomt.

3. De Kamer kan, indien haar bevindingen daartoe aanleiding geven, aan de houder van de persoonsregistratie een aanbeveling doen. Zij gaat daartoe niet over dan na de houder in de gelegenheid te hebben gesteld te worden gehoord.

4. Tegen een afwijzing van een verzoek als bedoeld in het eerste lid, een mededeling of bericht, als bedoeld in het tweede lid, en een aanbeveling als bedoeld in het derde lid, staat geen voorziening van administratieve rechtspraak open.

Paragraaf 9. Internationale aspecten

Artikel 47.

1. Deze wet is mede van toepassing op zich niet in Nederland bevindende persoonsregistraties van een in Nederland gevestigde houder, voor zover deze persoonsgegevens bevatten van in Nederland gevestigde personen.

2. Onze Minister kan, de Registratiekamer gehoord, ontheffing verlenen van bij of krachtens deze wet gestelde bepalingen voor een persoonsregistratie als bedoeld in het eerste lid, indien de voor die registratie geldende wetgeving van het land waar de registratie zich

bevindt een gelijkwaardige bescherming biedt voor de persoonlijke levenssfeer van de geregistreerden.

Artikel 48.

Onze Minister kan, de Registratiekamer gehoord, voor persoonsregistraties waarvan de houder niet in Nederland is gevestigd, ontheffing verlenen van bij of krachtens deze wet gestelde bepalingen, indien de bescherming van de persoonlijke levenssfeer van de geregistreerden met betrekking tot die registratie voldoende is gewaarborgd.

Artikel 49.

1. Degene die vanuit Nederland toegang heeft tot een zich buiten Nederland bevindende persoonsregistratie waarop deze wet niet van toepassing is, is verplicht de nodige voorzieningen te treffen voor de beveiliging van die toegang en van de daardoor verkregen persoonsgegevens.

2. Het is verboden vanuit Nederland gegevens te verstrekken aan of te betrekken van een zich elders bevindende persoonsregistratie waarop deze wet niet van toepassing is, voor zover bij algemene maatregel van bestuur is verklaard dat door zodanig verstrekken of betrekken de persoonlijke levenssfeer van de betrokken personen ernstig kan worden benadeeld.

Paragraaf 10. Strafbepalingen

Artikel 50.

1. Met geldboete van de tweede categorie wordt gestraft:

- a. degene die een persoonsregistratie in werking heeft ten aanzien waarvan het bij of krachtens de artikelen 19, 24 of 25 bepaalde niet is nageleefd;
- b. degene die als bewerker optreedt van een persoonsregistratie als bedoeld onder a;
- c. degene die handelt in strijd met het bij en krachtens artikel 49, tweede lid, bepaalde.

2. Degene die een feit als omschreven in het eerste lid, opzettelijk begaat, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

3. De in het eerste lid strafbaar gestelde feiten zijn overtredingen. De in het tweede lid strafbaar gestelde feiten zijn misdrijven.

4. Met de opsporing van de in dit artikel omschreven strafbare feiten zijn behalve de bij of krachtens artikel 141 van het Wetboek van Strafvordering aangewezen ambtenaren belast de door Onze Minister daartoe aangewezen ambtenaren van het secretariaat van de Registratiekamer.

Paragraaf 11. Overgangs- en slotbepalingen

Artikel 51. Vervallen

Artikel 52. Wijziging andere regelgeving

Artikel 53. Wijziging andere regelgeving.

Artikel 54.

1. Deze wet treedt, met uitzondering van de paragrafen 5, 6 en 10 in werking op een bij koninklijk besluit te bepalen tijdstip, dat niet later kan worden gesteld dan zes maanden na de afkondiging van deze wet.
2. De paragrafen 5, 6 en 10 treden in werking op een bij koninklijk besluit te bepalen tijdstip, dat niet later kan worden gesteld dan een jaar na de afkondiging van deze wet.
3. Ten aanzien van een persoonsregistratie, bestaande op het in het vorig lid omschreven tijdstip, blijven de paragrafen 5, 6 en 10 gedurende zes maanden na dat tijdstip buiten toepassing.
4. Bij algemene maatregel van bestuur kan worden bepaald dat deze wet niet van toepassing is op bij die maatregel aangewezen persoonsretraties die bij of krachtens de wet zijn ingesteld en bestaan op het in het eerste lid omschreven tijdstip. Zodanige maatregel wordt slechts vastgesteld, indien naar Ons oordeel met het oog op de invoering van deze wet een nadere voorziening bij de wet ten aanzien van die persoonsregistraties is vereist. Behoudens eerdere intrekking vervalt de maatregel drie jaren na zijn inwerkingtreding, tenzij voordien een voorstel van wet tot een voorziening als in de vorige volzin bedoeld, aan de Staten-Generaal is gedaan.
5. Ten aanzien van de algemene maatregel van bestuur, bedoeld in het vorige lid, en, voor zover deze wordt vastgesteld voor het in het eerste lid omschreven tijdstip, de algemene maatregel van bestuur, bedoeld in artikel 36, is artikel 3, tweede lid, niet van toepassing.
6. Artikel 28 is van overeenkomstige toepassing op persoonsgegevens die op het in het eerste lid omschreven tijdstip reeds in een persoonsregistratie zijn opgenomen, met dien verstande dat de houder ten aanzien van die gegevens de vereiste mededeling doet binnen zes maanden na dat tijdstip.

Artikel 55.

Deze wet kan worden aangehaald als: Wet persoonsregistraties.

Lasten en bevelen dat deze in het Staatsblad zal worden geplaatst en dat

alle ministeries, autoriteiten, colleges en ambtenaren wie zulks aangaat, aan de nauwkeurige uitvoering de hand zullen houden.

Gegeven te 's-Gravenhage, 28 december 1988
Beatrix

De Minister van Justitie,
F. Korthals Altes

De Minister van Binnenlandse Zaken,
C.P. van Dijk

Uitgegeven de vijfde januari 1989
De Minister van Justitie,
F. Korthals Altes

Bijzonderheden

Op grond van de Europese richtlijn zal de Wet persoonsregistraties in oktober 1998 vervangen worden door de Wet bescherming persoonsgegevens.

Wet politieregisters

Wet van 21 juni 1990, houdende regels ter bescherming van de persoonlijke levenssfeer in verband met politieregisters (Wet politieregisters),
Stb. 1990, 414 (tekst van de wet per 1 januari 1998)
inwerkingtreding en wijzigingen

Paragraaf 1. Inleidende bepalingen

Artikel 1

In deze wet en de daarop berustende bepalingen wordt verstaan onder:

- a. Onze Ministers: Onze Ministers van Justitie en van Binnenlandse Zaken gezamenlijk;
- b. politietaak: de taak van de politie, omschreven in artikel 2 van de Politiewet 1993;
- c. politieregisters of register: een persoonsregistratie als bedoeld in de Wet persoonsregistraties (Stb. 1988, 665), aangelegd ten dienste van de uitvoering van de politietaak;
- d. koppeling: het treffen van technische of organisatorische voorzieningen, waardoor verschillende

verzamelingen van persoonsgegevens

systematisch met elkaar kunnen worden vergeleken;

e. antecedenten: bij algemene maatregel van bestuur te omschrijven persoonsgegevens betreffende de toepassing van het strafrecht of de

strafvordering;

f. beheerder met betrekking tot een register:

1e. bij een regionaal politiekorps: de ingevolge de Politiewet als korpsbeheerder aangewezen burgemeester;

2e. bij het Korps landelijke politiediensten: Onze Minister van Justitie;

3e. bij de bijzondere ambtenaren van politie, bedoeld in artikel 43 van de Politiewet 1993: Onze Minister van Justitie;

4e. bij de Koninklijke marechaussee: Onze Minister van Defensie;

5e. gemeenschappelijk aan twee of meer politiekorpsen:

de beheerder van het politiekorps die is belast met de feitelijke zorg voor het goed functioneren van dat register;

6e. mede gemeenschappelijk aan de Koninklijke marechaussee: het door Onze Ministers in overeenstemming met Onze Minister van Defensie

aan te wijzen gezag;

g. reglement: het reglement, bedoeld in artikel 9;

h. verstrekken van gegevens uit een politieregister: het bekend maken of ter beschikking stellen van persoonsgegevens, voor zover zulks

geheel of grotendeels steunt op gegevens die in dat politieregister zijn opgenomen, of die door verwerking daarvan, al dan niet in verband met

andere gegevens, zijn verkregen;

i. persoonsgegeven en Registratiekamer of Kamer: hetgeen daaronder wordt verstaan in de Wet persoonsregistraties.

Artikel 2

Deze wet is niet van toepassing op verzamelingen van persoonsgegevens

a. die zijn aangelegd voor de uitvoering van de taken ten dienste van de justitie, bedoeld in artikel 1, eerste lid, onder g, onderdelen 1 en 2, van

de Politiewet 1993;

b. die naar hun aard voor persoonlijk gebruik zijn bestemd.

Artikel 3

Voordrachten tot een algemene maatregel van bestuur krachtens deze wet worden gedaan door Onze Ministers.

Paragraaf 2. Algemene bepalingen

Artikel 4

1. Het aanleggen van een politieregister vindt slechts plaats voor een bepaald doel en voor zover dit noodzakelijk is voor een goede uitvoering

van de politietaak.

2. Het bevat slechts persoonsgegevens die rechtmatig zijn verkregen en die noodzakelijk zijn voor het doel waarvoor het is aangelegd.

3. De beheerder treft de nodige voorzieningen ter bevordering van de juistheid en de volledigheid van de opgenomen persoonsgegevens.

Artikel 5

1. Registratie van personen wegens hun godsdienst of levensovertuiging, ras, politieke gezindheid, seksualiteit, intiem levensgedrag, of op

grond van medische of psychologische kenmerken, vindt niet plaats.

2. Opneming in een register van persoonsgegevens die betrekking hebben op de in het eerste lid genoemde kenmerken, vindt slechts plaats in

aanvulling op andere persoonsgegevens en voor zover dit voor het doel van het register onvermijdelijk is. Bij algemene maatregel van bestuur

kunnen daaromtrent nadere regels worden gesteld.

3. Over bepalingen in een reglement omtrent de opneming van persoonsgegevens bedoeld in het tweede lid, wordt de Registratiekamer vooraf gehoord.

Artikel 6

1. Een politieregister kan slechts worden gekoppeld met een ander politieregister of met een andere verzameling van persoonsgegevens indien

dit noodzakelijk is voor een goede uitvoering van de politietaak.

2. Een koppeling als bedoeld in het eerste lid, vindt slechts plaats overeenkomstig het voor het register geldende reglement. Over bepalingen

in een reglement omtrent koppeling wordt de Registratiekamer vooraf gehoord.

3. Bij algemene maatregel van bestuur worden omtrent koppeling nadere regels gesteld ter bescherming van de persoonlijke levenssfeer.

4. Onze Minister van Justitie kan in bijzondere gevallen toestemming geven tot een koppeling, in afwijking van het bepaalde krachtens het

tweede en derde lid, indien dit noodzakelijk is voor de opsporing van een misdrijf waardoor de rechtsorde ernstig is geschokt. Aan de

toestemming kunnen beperkingen en voorschriften worden verbonden. De Registratiekamer wordt hierover zo mogelijk vooraf gehoord. De

toestemming wordt in ieder geval zo spoedig mogelijk aan de Registratiekamer medegedeeld.

Artikel 7

1. De beheerder draagt zorg voor de juiste werking van het register. Aan hem worden alle inlichtingen verstrekt die hij voor dit doel nodig heeft.

2. Hij draagt zorg voor de nodige voorzieningen van technische en organisatorische aard ter beveiliging van het register tegen verlies of

aantasting van de gegevens en tegen onbevoegde kennisneming, wijziging of verstrekking daarvan.

Bij algemene maatregel van bestuur

worden regels gesteld omtrent gevallen waarin het in het kader van technische werkzaamheden noodzakelijk is van gegevens kennis te nemen.

Artikel 8

De artikelen 9 en 10 van de Wet persoonsregistraties zijn van overeenkomstige toepassing met dien verstande dat de beheerder voor de toepassing van deze artikelen wordt aangemerkt als de houder.

Paragraaf 3. Het reglement

Artikel 9

1. De beheerder van een politieregister stelt voor het register een reglement vast.
2. De vaststelling geschiedt na overleg met het gezag dat verantwoordelijk is voor de uitvoering van de politietaak ten dienste waarvan het register wordt aangelegd.
3. Het reglement wordt bekendgemaakt en voor een ieder ter inzage gelegd overeenkomstig regels bij algemene maatregel van bestuur te stellen.
4. De beheerder zendt een exemplaar van het reglement aan de Registratiekamer.
5. Het register wordt niet in werking gesteld dan nadat aan het eerste tot en met vierde lid is voldaan.
6. Het tweede tot en met vijfde lid is van overeenkomstige toepassing bij wijziging of intrekking van het reglement.

Artikel 10

1. In het reglement moet de werking van het register zijn beschreven.
2. Het reglement bevat ten minste een duidelijke regeling van de volgende onderwerpen:
 - a. het doel van het register;
 - b. de categorieën van personen over wie gegevens worden opgenomen, en de soorten van de over hen op te nemen gegevens;
 - c. de gevallen waarin opgenomen gegevens worden verwijderd;
 - d. de vernietiging, zodra dit mogelijk is, van verwijderde gegevens;
 - e. eventuele verbanden tussen het register en enige andere gegevensverzameling;
 - f. de wijze waarop geregistreerde personen of hun wettelijke vertegenwoordigers kennisneming en verbetering van de over hen opgenomen gegevens kunnen verkrijgen;
 - g. de bevoegdheid tot het invoeren en wijzigen van gegevens in, alsmede het verwijderen van gegevens uit het register;
 - h. de aanwijzing van degene, onder verantwoordelijkheid van de beheerder belast met de zeggenschap over het register, en de omschrijving van de daaruit voortvloeiende bevoegdheden;

i. de aanwijzing van degene of degenen, belast met de dagelijkse leiding van het register.

3. Indien het reglement een politieregister betreft als bedoeld in artikel 1, onder f, sub 4 of sub 5, wordt in het reglement tevens vermeld wie beheerder van dat register is.

4. Het reglement regelt de verstrekking van gegevens uit het register, daaronder begrepen de rechtstreekse toegang met het oog op raadpleging van persoonsgegevens, met inachtneming van het bij of krachtens de artikelen 14 tot en met 19 en 27 bepaalde.

Artikel 11

De beheerder en al degenen die verder bij de werking van het register zijn betrokken, zijn verplicht het reglement dat voor het register geldt, na te leven.

Artikel 12

1. Degene die een model van een reglement heeft vastgesteld, kan de Registratiekamer verzoeken te verklaren dat het model naar haar oordeel in overeenstemming is met het bepaalde bij of krachtens deze wet. Indien de Kamer een zodanige verklaring afgeeft, wordt het model in de Staatscourant geplaatst.

2. Bij vaststelling van een reglement overeenkomstig een model ten aanzien waarvan is voldaan aan het gestelde in het eerste lid, zijn de artikelen 5, derde lid, 6, tweede lid, tweede volzin, 9, vierde lid, en 21, derde lid, tweede volzin, niet van toepassing. De beheerder deelt aan de Kamer mede overeenkomstig welk model het reglement is vastgesteld.

Artikel 13

1. Op registers van tijdelijke aard die zijn aangelegd met het oog op de uitvoering van de politietaak in een bepaald geval, zijn de artikelen 6, tweede lid, en 9, eerste lid, niet van toepassing gedurende een bij algemene maatregel van bestuur te bepalen termijn.

2. Na afloop van deze termijn is artikel 9, vijfde lid, van overeenkomstige toepassing.

3. De beheerder stelt binnen een week nadat is begonnen met het aanleggen van een register als bedoeld in het eerste lid, de Registratiekamer daarvan in kennis, tenzij dit inmiddels is vernietigd.

4. Bij algemene maatregel van bestuur worden nadere regels gesteld ter bescherming van de persoonlijke levenssfeer met betrekking tot registers als bedoeld in het eerste lid.

Paragraaf 4. Het verstrekken van gegevens uit een politieregister

Artikel 14

Uit een politieregister worden gegevens verstrekt aan:

- a. ambtenaren van politie, voor zover zij deze behoeven voor de vervulling van de politietaak en zij niet zijn aangesteld voor de uitvoering van technische, administratieve en andere taken ten dienste van de politie;
- b. krachtens artikel 141, onder c, van het Wetboek van Strafvordering aangewezen ambtenaren van de Koninklijke marechaussee, voor zover zij deze behoeven voor de vervulling van de hun opgedragen politietaak;
- c. andere opsporingsambtenaren in dienst van een publiekrechtelijk lichaam, voor zover zij deze behoeven ter opsporing van strafbare feiten bij het onderzoek waarvan zij zijn betrokken;
- d. andere opsporingsambtenaren dan begrepen onder a, b en c, voor zover zij deze behoeven ter opsporing van strafbare feiten bij het onderzoek waarvan zij zijn betrokken, en mits daartoe in afzonderlijke gevallen door de officier van justitie of in het algemeen door Onze Minister van Justitie voorafgaand toestemming is verleend;
- e. bij of krachtens algemene maatregel van bestuur aan te wijzen andere ambtenaren dan die begrepen onder a en b, voor zover zij deze behoeven ter uitvoering van opdrachten voortvloeiende uit de signalering van personen.

Artikel 15

1. Uit een politieregister worden op hun verzoek gegevens verstrekt aan:

- a. leden van het openbaar ministerie, voor zover zij deze behoeven
 1. in verband met hun gezag en zeggenschap over de politie, dan wel over andere personen of instanties die met de opsporing van strafbare feiten zijn belast, of
 2. voor de uitvoering van andere bij of krachtens wet opgedragen taken;
 - b. de burgemeesters, voor zover zij deze behoeven
 1. voor de afgifte omtrent de verklaringen omtrent het gedrag,
 2. in verband met hun gezag en zeggenschap over de politie, of
 3. in het kader van de handhaving van de openbare orde.
 - c. korpschefs van een regionaal politiekorps, voor zover zij deze behoeven voor de uitoefening van bevoegdheden hun bij of krachtens de Wet wapens en munitie (Stb. 1986, 41) of de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties verleend.
 - d. vervallen.
2. Voorts kunnen uit een politieregister gegevens worden verstrekt voor zover dit voortvloeit uit de Wet op de inlichtingen- en veiligheidsdiensten (Stb. 1987, 635).

Artikel 16

1. Uit een politieregister worden op hun verzoek antecedenten verstrekt aan:

- a. Onze Minister van Justitie;
- b. Nederlandse rechterlijke ambtenaren, met rechtspraak belast, voor zover zij deze behoeven voor de

uitoefening van hun taak;

c. bij algemene maatregel van bestuur aan te wijzen reclasseringswerkers en ambtenaren van de kinderscherming, voor zover zij deze behoeven voor de uitoefening van hun taak;

d. korpschefs van een regionaal politiekorps, voor zover zij deze behoeven voor de uitoefening van bevoegdheden hun bij of krachtens de Vreemdelingenwet (Stb. 1965, 40) en de Jachtwet (Stb. 1954, 523) toegekend.

2. Uit een politieregister kunnen op hun verzoek antecedenten worden verstrekt aan benadeelden van strafbare feiten voor zover zij deze behoeven om in rechte voor hun belangen op te kunnen komen.

Artikel 17

Bij algemene maatregel van bestuur kan ten aanzien van bepaalde categorieën van gegevens de verplichting ingevolge de artikelen 14, 15, eerste lid, en 16, eerste lid, om deze gegevens te verstrekken, worden beperkt. Daarbij kan verder de bevoegdheid worden beperkt om

ingevolge deze bepalingen uit een politieregister:

- a. bepaalde gegevens te verstrekken of
- b. aan bepaalde personen gegevens te verstrekken.

Artikel 18

1. Bij algemene maatregel van bestuur worden regels gesteld omtrent de verstrekking van gegevens uit een politieregister - hetzij door tussenkomst van Interpol, hetzij anderszins - aan politieautoriteiten in andere landen, alsmede omtrent de daarbij te stellen voorwaarden aan het gebruik daarvan door die politieautoriteiten.

2. Bij algemene maatregel van bestuur worden regels gesteld omtrent de verstrekking van gegevens uit het register van het meldpunt bedoeld in artikel 2 van de Wet melding ongebruikelijke transacties aan van overheidswege aangewezen niet-politiële instanties in het buitenland die een vergelijkbare taak hebben als het meldpunt, alsmede omtrent de daarbij te stellen voorwaarden aan het gebruik daarvan door die autoriteiten.

3. Bij algemene maatregel van bestuur kunnen personen of instanties met een publieke taak belast, indien het openbaar belang dit vordert, worden aangewezen aan wie in bij die algemene maatregel aan te geven gevallen gegevens uit een politieregister mogen worden of dienen te worden verstrekt. Daarbij kunnen nadere regels omtrent de verstrekking worden gesteld.

4. Bij algemene maatregel van bestuur worden regels gesteld omtrent het verstrekken van gegevens uit een politieregister ten behoeve van wetenschappelijk onderzoek en statistiek, met dien verstande dat de resultaten daarvan geen persoonsgegevens mogen bevatten.

5. Onze Minister van Justitie of Onze Minister van Binnenlandse Zaken kan in bijzondere gevallen toestemming of opdracht geven tot het

verstrekken van daartoe omschreven gegevens uit een politieregister. Hij doet van de desbetreffende beschikking mededeling aan de Registratiekamer.

Artikel 19

Bij of krachtens algemene maatregel van bestuur worden regels gesteld omtrent de voor verzoeken tot verstrekking van gegevens uit een politieregister en de verstrekking daarvan in acht te nemen procedure en de vastlegging van verstrekkingen uit het register.

Paragraaf 5. Rechten van de belanghebbende op kennisneming en verbetering

Artikel 20

1. De beheerder deelt een ieder op diens verzoek binnen vier weken mede of en zo ja welke deze persoon betreffende persoonsgegevens in een register zijn opgenomen. Hij verstrekt daarbij tevens desgevraagd inlichtingen over de herkomst van de gegevens en over degenen aan wie deze zijn verstrekt. Hij doet daarbij geen mededelingen in schriftelijke vorm.
2. De beheerder draagt zorg voor een deugdelijke vaststelling van de identiteit van de verzoeker.
3. Het verzoek, bedoeld in het eerste lid, wordt ten aanzien van minderjarigen die de leeftijd van zestien jaren nog niet hebben bereikt, en ten aanzien van onder curatele gestelden gedaan door hun wettelijke vertegenwoordigers. De betrokken mededeling geschiedt eveneens aan de wettelijke vertegenwoordigers.
4. vervallen.

Artikel 21

1. Een mededeling als bedoeld in artikel 20, eerste lid, blijft achterwege voor zover dit noodzakelijk is voor de goede uitvoering van de politietaak dan wel indien gewichtige belangen van derden daartoe noodzaken.
2. Het eerste lid is niet van toepassing op antecedenten of op persoonsgegevens die op verzoek van de geregistreerde zijn opgenomen.
3. In het reglement wordt bepaald in hoeverre toepassing wordt gegeven aan het bepaalde bij het eerste lid. Omtrent dergelijke bepalingen wordt de Registratiekamer vooraf gehoord.

Artikel 22

1. Degene aan wie overeenkomstig artikel 20 mededeling is gedaan van hem betreffende persoonsgegevens, kan de beheerder schriftelijk verzoeken deze te verbeteren, aan te vullen of te verwijderen.
2. Artikel 31 van de Wet persoonsregistraties is verder van overeenkomstige toepassing.

Artikel 23

1. Indien de beheerder niet aan een verzoek als bedoeld in de artikelen 20 of 22 voldoet, kan de betrokkene zich tot de arrondissementsrechtbank wenden met het schriftelijk verzoek, de beheerder te bevelen alsnog aan dat verzoek te voldoen.
2. Artikel 34, tweede tot en met achtste lid, van de Wet persoonsregistraties is van overeenkomstige toepassing.

Artikel 24

- De beheerder die in een register persoonsgegevens heeft verbeterd, aangevuld of daaruit heeft verwijderd naar aanleiding van een verzoek van een belanghebbende ingevolge artikel 22, een bevel van de rechter ingevolge artikel 23 of een daartoe strekkende aanbeveling van de Registratiekamer, is verplicht om aan hen aan wie hij naar zijn weten in het jaar voorafgaand aan het verzoek en in de sinds dat verzoek verstreken periode de betrokken gegevens heeft verstrekt, mededeling te doen van deze wijziging.

Artikel 25

1. Een verzoek ingevolge artikel 20, is slechts ontvankelijk na betaling van een kostenvergoeding. Het bedrag van de vergoeding en de wijze van betaling worden geregeld bij algemene maatregel van bestuur.
2. De vergoeding wordt teruggegeven wanneer het verzoek leidt tot verbetering, aanvulling of verwijdering van de persoonsgegevens van de betrokkene, of wanneer het verzoek moet worden geweigerd ingevolge artikel 21, eerste lid.

Paragraaf 6. Bepalingen betreffende het toezicht

Artikel 26

1. De Registratiekamer ziet toe op de werking van de politieregisters overeenkomstig het bij en krachtens deze wet bepaalde en in het belang van de bescherming van de persoonlijke levenssfeer in het algemeen.
2. Voor de behandeling en afdoening van de aangelegenheden voortvloeiend uit het eerste lid, wordt bij de Kamer een meervoudige afdeling ingesteld.
3. Met het toezicht op de naleving van het bij enig wettelijk voorschrift ten aanzien van de werking van politieregisters bepaalde, zijn belast de leden, plaatsvervangende leden en buitengewone leden van de Kamer en de ambtenaren van het secretariaat van de Kamer.

Artikel 27

- De artikelen 37, vijfde lid, 44, 45 en 46 van de Wet persoonsregistraties zijn van overeenkomstige toepassing.

Artikel 28

De korpsbeheerders van een regionaal politiekorps, de korpschef van het Korps landelijke politiediensten en de commandant van de Koninklijke marechaussee, verstrekken de Kamer desgevraagd inlichtingen omtrent bij hun korps of wapen aangelegde andere verzamelingen van persoonsgegevens dan een politieregister. Met betrekking tot deze verzamelingen is artikel 45 van de Wet persoonsregistraties van overeenkomstige toepassing.

Paragraaf 7. Overgangs- en slotbepalingen

Artikel 29

Aan de artikelen 5, derde lid, 7, eerste lid, onder c, 23, eerste lid, onder c, en 30 van de Politiewet wordt de volzin toegevoegd: Regels betreffende een politieregister als bedoeld in artikel 1 van de Wet politieregisters (Stb. 1990, 414), worden niet gegeven dan nadat de Registratiekamer, bedoeld in artikel 37 van de Wet persoonsregistraties (Stb. 1988, 665), is gehoord.

Artikel 30

1. Een ieder die krachtens deze wet de beschikking krijgt over gegevens met betrekking tot een derde, is verplicht tot geheimhouding daarvan, behoudens voor zover een bij of krachtens deze wet gegeven voorschrift mededelingen toelaat, dan wel de uitvoering van de taak met het oog waarop de gegevens zijn verstrekt tot het ter kennis brengen daarvan noodzaakt.

2. Artikel 272, tweede lid, van het Wetboek van Strafrecht is niet van toepassing.

Artikel 31

1. De artikelen 1 tot en met 3 en 26 tot en met 30 van deze wet treden in werking met ingang van de dag na de datum van uitgifte van het Staatsblad waarin zij wordt geplaatst.

2. De overige artikelen van deze wet treden zes maanden later in werking.

Artikel 32

1. Het reglement voor een politieregister bestaande op het in artikel 31, tweede lid, bedoelde tijdstip, wordt binnen zes maanden na dat tijdstip vastgesteld.

2. Binnen dezelfde termijn wordt de inhoud van het register met het reglement en het bij of krachtens deze wet bepaalde in overeenstemming gebracht. Onze Ministers, de Registratiekamer gehoord, kunnen ten aanzien van het register deze termijn eenmaal met dezelfde termijn verlengen.

Artikel 33

Deze wet kan worden aangehaald als: Wet politieregisters.

Besluit politieregisters

Besluit van 14 februari 1991, houdende bepalingen ter uitvoering van de Wet politieregisters (Besluit politieregisters), Stb. 1991, 56. (tekst van het besluit per 1 januari 1998) inwerkingtreding en wijzigingen

Wij Beatrix, bij de gratie Gods, Koningin der Nederlanden, Prinses van Oranje-Nassau, enz. enz. enz. Op de voordracht van Onze Ministers van Justitie, van Binnenlandse Zaken en van Defensie, van 7 januari 1991, Stafafdeling Wetgeving Publiekrecht, nr. 41162/91/6;

Gelet op de artikelen 1, onder e, 3, 5, tweede lid, 6, derde lid, 7, tweede lid, 9, derde lid, 13, eerste en vierde lid, 14, onder e, 16, eerste lid, onder c, 17, 18,

eerste tot en met derde lid, 19 en 25, eerste lid, van de Wet politieregisters (Stb. 1990, 414);

Gehoord de Registratiekamer (advies van 30 november 1990, nr. WGAG/1990/2);

De Raad van State gehoord (advies van 8 februari 1991, nr. WO 3.91.0017);

Gezien het nader rapport van Onze Minister van Justitie, mede namens Onze Ministers van Binnenlandse Zaken en van Defensie a.i., van 12 februari 1991,

Stafafdeling Wetgeving Publiekrecht, nr. 44995/91/6;

Hebben goedgevonden en verstaan:

Paragraaf 1. Inleidende bepalingen

Artikel 1

In dit besluit wordt verstaan onder

a. de wet: de Wet politieregisters;

b. een register van de criminele inlichtingendienst of CID-register: een register dat is aangelegd met het oog op de voorkoming of opsporing van misdrijven die, gezien hun ernst of frequentie dan wel het georganiseerd verband waarin zij worden gepleegd, een ernstige inbreuk op de rechtsorde opleveren;

c. CID-subject: een persoon die als verdachte betrokken is of naar redelijkerwijs kan worden vermoed als verdachte betrokken zal worden bij misdrijven met het oog waarop een CID-register is aangelegd;

d. een grijze veld-register: een register dat is aangelegd met het oog op de vaststelling of de geregistreerde in samenhang met andere gegevens kan worden aangemerkt als CID-subject;

e. het bevoegd gezag:

1E. bij de handhaving van de openbare orde en bij de hulpverlening: de burgemeester;

2E. bij de strafrechtelijke handhaving van de rechtsorde: de officier van justitie;

f. het Meldpunt Ongebruikelijke Transacties: het meldpunt, bedoeld in artikel 2 van de Wet melding ongebruikelijke transacties.(1)

Artikel 2

De volgende persoonsgegevens zijn antecedenten:

a. het feit dat een proces-verbaal is opgemaakt van het verhoor van een bepaald persoon ter zake van een strafbaar feit waarvoor deze als verdachte is gehoord, daaronder begrepen de aanduiding van de aard van dat strafbare feit;(2)

b. het feit of al dan niet een proces-verbaal als bedoeld onder a, is verzonden aan het openbaar ministerie, en zo ja, de datum van verzending en het nummer waarmee het proces-verbaal aldaar kan worden geïdentificeerd en

c. de beslissing van het openbaar ministerie of de rechter over de aangelegenheid waarop het proces-verbaal betrekking heeft.

Paragraaf 2. Algemene bepalingen

Artikel 3

1. Persoonsgegevens die betrekking hebben op de in artikel 5, eerste lid, van de wet genoemde kenmerken, worden slechts in een register opgenomen indien het reglement dit uitdrukkelijk toelaat.

2. Persoonsgegevens met betrekking tot iemands ras, worden slechts opgenomen indien dit onvermijdelijk is

a. met het oog op diens identificatie;

b. voor de juiste beoordeling van een strafbaar feit en zulk een gegeven het slachtoffer of de motieven van de dader van dat feit betreft;

c. met het oog op de verlening van hulp door de politie.

3. Bij de opneming van een gegeven als bedoeld in het eerste lid, wordt tevens een aanduiding omtrent de betrouwbaarheid van het gegeven opgenomen. De aanduiding wordt gegeven door personen die daartoe door de beheerder zijn aangewezen.

Artikel 4

1. Koppeling is slechts toegestaan van een politieregister met een ander politieregister of met een persoonsregistratie als bedoeld in artikel 17, aanhef en onder a, van de Wet persoonsregistraties (Stb.1988, 665).

2. Koppeling van een register als bedoeld in artikel 13, eerste lid, van de wet, met een ander register vindt slechts plaats voor zover dit noodzakelijk is voor het doel waarvoor het eerstbedoelde register is aangelegd.

Artikel 5

1. Van een koppeling wordt een proces-verbaal opgemaakt dat zo nauwkeurig mogelijk vermeldt:

a. het doel van de koppeling;

b. de datum van de koppeling;

c. degen in wiens opdracht de koppeling plaatsvond;

d. de registraties die zijn gekoppeld, alsmede de naam van de beheerder of de houder van die registraties;

e. of de koppeling heeft geleid tot nieuwe persoonsgegevens en zo ja, welke;

f. of de gegevens, bedoeld onder e, zijn opgenomen in een register en zo ja, in welk;

g. eventuele bijzonderheden.

2. De beheerder bewaart het proces-verbaal gedurende twee jaren op zodanige wijze dat dit desgevraagd onmiddellijk aan de daartoe bevoegde organen ter inzage kan worden gegeven.

3. Bij reglement kan van het eerste lid worden afgeweken voor zover dat onvermijdelijk is met het oog op een goede uitvoering van de politietaak.

Artikel 6

1. De personen die technische werkzaamheden verrichten als bedoeld in artikel 7, tweede lid, tweede volzin, van de wet, komen niet als geregistreerde voor in de registers waarvan zij in dat kader kunnen kennisnemen.
2. De beheerder bepaalt vooraf schriftelijk welke personen onder welke voorwaarden de werkzaamheden, bedoeld in het eerste lid, kunnen verrichten.
3. Indien de werkzaamheden langs geautomatiseerde weg worden verricht, worden deze vastgelegd.
4. De gegevens die zijn vastgelegd krachtens het tweede en derde lid, worden gedurende twee jaren bewaard.

Paragraaf 3. Het reglement

Artikel 7(3)

1. Een reglement wordt voor een ieder ter inzage gelegd wanneer het betreft een register bij:
 - a. het regionale politiekorps: op het hoofdbureau van politie en op de bureaus waar het desbetreffende register wordt gevoerd of rechtstreeks toegankelijk is;
 - b. het Korps landelijke politiediensten en de bijzondere ambtenaren van politie: bij de voorlichtingsdienst van het Ministerie van Justitie en het betrokken onderdeel(4);
 - c. de Koninklijke marechaussee: bij de voorlichtingsdienst van het Ministerie van Defensie, bij de Commandant van de Koninklijke marechaussee, bij het Hoofd van de Centrale Recherche Koninklijke marechaussee en op de bureaus van de districts-commandanten;
 - d. het Meldpunt Ongebruikelijke Transacties: bij de voorlichtingsdienst van het Ministerie van Justitie en ter plaatse van de vestiging van het Meldpunt.(5)
2. Indien de beheerder behoort tot het Rijk, maakt hij het reglement bekend in de Staatscourant en doet hij van het reglement of het feit van terinzagelegging mededeling in het Algemeen Politieblad.(6)

3. De beheerder van een regionaal politiekorps maakt het reglement of het feit van de terinzagelegging bekend op een in de gemeente waarvan de korpsbeheerder burgemeester is gebruikelijke wijze.(7)

4. Het reglement met betrekking tot een register mede gemeenschappelijk aan de Koninklijke marechaussee wordt bekendgemaakt en ter inzage gelegd op een bij de beslissing krachtens artikel 1, onder f, onder b, onderdeel 6, van de wet te bepalen wijze.(8)

5. De bekendmaking van het feit van de terinzagelegging van een reglement vermeldt de aard van het register, de datum waarop het reglement is vastgesteld en de beheerder, alsmede de plaatsen waar het reglement voor een ieder ter inzage is gelegd.

6. Ten aanzien van een bekendmaking van een wijziging of de intrekking van een reglement zijn het eerste tot en met vijfde lid van overeenkomstige toepassing.

Paragraaf 4. De tijdelijke registers

Artikel 8

1. Indien wordt besloten tot het aanleggen van een register als bedoeld in artikel 13, eerste lid, van de wet, wordt daarbij vooraf schriftelijk vastgelegd:

a. het doel van het register met inbegrip van een nauwkeurige omschrijving van het bepaalde geval, zo mogelijk aangeduid naar tijd en plaats;

b. de datum waarop met het aanleggen van het register wordt begonnen.

2. De beheerder stelt binnen een week nadat is begonnen met het aanleggen van dit register, het gezag dat verantwoordelijk is voor de uitvoering van de politietaak ten dienste waarvan het is aangelegd, daarvan in kennis, tenzij het inmiddels is vernietigd.

3. De artikelen 6, tweede lid, en 9, eerste lid, van de wet, alsmede artikel 3, eerste lid, van dit besluit zijn op dit register niet van toepassing gedurende zes maanden na de datum, bedoeld in het eerste lid, onder b. Het bevoegd gezag kan deze termijn één of meer malen verlengen voor de duur van ten hoogste zes maanden, indien het doel waarvoor het register is aangelegd door de bekendmaking en de terinzagelegging van een reglement ernstig in gevaar zou worden gebracht en de beheerder een regeling heeft getroffen met betrekking tot de onderwerpen, bedoeld in artikel 10 van de wet. Van elke beslissing tot verlenging wordt melding gemaakt aan de Registratiekamer.

4. Indien dit uit het doel waarvoor het register is aangelegd, voortvloeit, kan het register worden overgedragen aan een andere beheerder of worden samengevoegd met een ander register als bedoeld in het eerste lid. Het tweede lid is alsdan van overeenkomstige toepassing met betrekking tot het nieuwe gezag.
5. Indien het register wordt overgedragen of samengevoegd, wordt de termijn, bedoeld in het derde lid, niet geschorst. Bestaat er voor het register een reglement, dan wordt dit dienovereenkomstig aangepast. Indien het register wordt overgedragen kan het doel niet worden gewijzigd. Indien het register wordt samengevoegd met een ander register kan het doel slechts worden verruimd met toestemming van
 - a. de officier van justitie, indien het betreft een register dat is aangelegd met het oog op de uitvoering van een taak onder diens gezag of
 - b. de burgemeester, indien het betreft een register dat is aangelegd met het oog op de uitvoering van een taak onder diens gezag.
6. Bij dringende noodzakelijkheid kan in plaats van de officier van justitie de hulpofficier van justitie en in plaats van de burgemeester een door hem schriftelijk aangewezen politie-ambtenaar de toestemming als bedoeld in het vijfde lid, geven, onder de verplichting om van de ondernomen handeling onverwijld schriftelijk kennis te geven aan de officier van justitie onderscheidenlijk de burgemeester.
7. De Registratiekamer wordt van een samenvoeging of een overdracht zo spoedig mogelijk in kennis gesteld, onder vermelding van de datum daarvan.
8. Indien het doel met het oog waarop het register is aangelegd, is bereikt, worden de daarin opgenomen persoonsgegevens zo spoedig mogelijk vernietigd voor zover deze geen betekenis hebben voor een eventueel verder strafrechtelijk onderzoek in het bepaalde geval als omschreven krachtens het eerste lid, onder a, dan wel het vijfde of zesde lid.
9. Van de vernietiging als bedoeld in het achtste lid, wordt een proces-verbaal opgemaakt, dat gedurende twee jaren wordt bewaard op zodanige wijze dat dit desgevraagd onmiddellijk aan de daartoe bevoegde organen ter inzage kan worden gegeven.

Paragraaf 5. Het verstrekken van gegevens uit een politieregister

Artikel 9

Aan de volgende ambtenaren worden, in aanvulling op de ambtenaren, bedoeld in artikel 14, onder a en b, van de wet, gegevens uit een register verstrekt voor zover zij deze behoeven ter uitvoering van opdrachten voortvloeiende uit de signalering van personen:

- a. ambtenaren van de dienst van de invoerrechten en accijnzen;
- b. buitengewoon opsporingsambtenaren(9) die als werknemer zijn tewerkgesteld bij de Nederlandse Spoorwegen N.V., voor zover zij deel uitmaken van de Spoorwegpolitie;
- c. ambtenaren van het Ministerie van Buitenlandse Zaken voor zover dit noodzakelijk is met het oog op de uitvoering van opdrachten in het buitenland.(10)

Artikel 10

Antecedenten worden op hun verzoek, voor zover zij deze behoeven voor de uitvoering van hun taak, verstrekt aan:

- a. reclasseringswerkers als bedoeld in artikel 17, eerste lid, van de Reclasseringsregeling 1986 (Stb.1);
- b. ambtenaren die zijn verbonden aan het bureau van een Raad voor de kindbescherming en zijn benoemd krachtens artikel 21, eerste lid, van het Organisatiebesluit raden voor de Kinderbescherming 1982 (Stb. 16).

Artikel 11

1. Een beheerder is bevoegd verstrekking van gegevens uit een politieregister ingevolge de artikelen 14 en 15, eerste lid, onder b tot en met d, van de wet te weigeren indien:

- a. het gegevens betreft omtrent personen die aan de politie informatie hebben verstrekt omtrent door anderen gepleegde of te plegen strafbare feiten;
- b. het gegevens uit een CID-register betreft, tenzij het een verstrekking betreft als bedoeld in artikel 14, tweede lid, van gegevens die noodzakelijk zijn om te kunnen vaststellen of een persoon CID-subject is; of
- c. het gegevens uit een register betreft waarbij, mede gelet op de bijzondere aard van het register, in

geval van verstrekking direct gevaar voor de geregistreerde of voor derden zou zijn te duchten.(11)

2. Verstrekking van gegevens uit een politieregister ingevolge de artikelen 14 en 15, eerste lid, van de wet kan achterwege worden gelaten indien de desbetreffende gegevens slechts konden worden verkregen onder de voorwaarde dat deze alleen voor een bepaald doel zou worden gebruikt en de verstrekking een ander doel zou betreffen. Het bestaan van een dergelijke voorwaarde kan slechts worden aangenomen indien van de voorwaarde blijkt uit een proces-verbaal en van het bestaan van een dergelijke voorwaarde aantekening is gehouden in datzelfde register.

3. Het eerste en tweede lid vinden slechts toepassing indien dit noodzakelijk is voor de goede uitvoering van de politietaak. Bij de verstrekking van de daar bedoelde gegevens kunnen beperkingen aan het gebruik van de gegevens worden opgelegd.(12)

Artikel 12

1. Er worden geen gegevens uit een politieregister verstrekt ingevolge de artikelen 14 en 15, eerste lid, van de wet, indien de verstrekking een ander doel zou betreffen dan waarvoor het register is aangelegd:

a. wanneer het een register betreft als bedoeld in artikel 13, eerste lid, van de wet, tenzij

1E. de verstrekking plaatsvindt ten behoeve van de opsporing van een misdrijf dat een ernstige inbreuk op de rechtsorde oplevert,

2E. de verstrekking plaatsvindt ten behoeve van de opname in een CID-register of in een 'grijze veld'-register of

3E. uit de gegevens zelf een redelijk vermoeden voortvloeit dat een bepaalde persoon een strafbaar feit heeft begaan;

b. wanneer het een 'grijze veld'-register betreft, tenzij de gegevensverstrekking plaatsvindt op grond van het bepaalde in artikel 14, tweede lid, en het slechts gegevens betreft die noodzakelijk zijn om te kunnen vaststellen of een persoon in dat register is opgenomen;(13)

c. wanneer het register uitsluitend is aangelegd met het oog op de uitvoering van de hulpverleningstaak van de politie, tenzij met uitdrukkelijke instemming van de geregistreerde;

d. wanneer het een register bij het Meldpunt Ongebruikelijke Transacties betreft, tenzij:

1E. de verstrekking plaatsvindt ten behoeve van de opneming in een CID-register of in een 'grijze veld'-register;

2E. uit de gegevens zelf een redelijk vermoeden voortvloeit dat een bepaalde persoon een misdrijf heeft begaan;

3E. de gegevensverstrekking plaatsvindt op grond van artikel 15, eerste lid, onder a, van de wet, en deze gegevens redelijkerwijs van belang kunnen zijn ter voorkoming of opsporing van misdrijven als bedoeld in artikel 1, onder b;

4E. de verstrekking plaatsvindt op grond van artikel 13, derde lid, en het gegevens betreft die noodzakelijk zijn ter opsporing van een misdrijf waardoor de rechtsorde in het verzoekende land ernstig is geschokt.(14)

2. Er worden geen gegevens uit een politieregister verstrekt ingevolge de artikelen 14 en 15, eerste lid, van de wet omtrent de uitoefening door de geregistreerde van het recht op kennisneming of verbetering ingevolge de artikelen 20, eerste lid, onderscheidenlijk 22, eerste lid, van de wet.

3. Gegevens die betrekking hebben op de in artikel 5, eerste lid, van de wet genoemde kenmerken, worden slechts verstrekt

a. ingevolge artikel 14 van de wet voor zover dit noodzakelijk is voor de goede uitvoering van de politietaak;

b. ingevolge artikel 15, eerste lid, 16, eerste lid, en krachtens artikel 18 van de wet voor zover dit onvermijdelijk is voor de goede uitvoering van de taak met het oog waarop wordt verstrekt.

4. Bij een verstrekking van gegevens als bedoeld in het derde lid, wordt de daarbij ingevolge artikel 3, derde lid, opgenomen aanduiding omtrent de betrouwbaarheid vermeld.

Artikel 13

1. Uit een politieregister kunnen gegevens worden verstrekt aan politie-autoriteiten in een ander land indien dit noodzakelijk is:

- a. voor de goede uitvoering van de politietaak in Nederland of voor de uitvoering van opdrachten voortvloeiende uit de signalering van personen door Nederlandse autoriteiten;
 - b. ter voorkoming van een ernstig en dreigend gevaar of ter opsporing van een misdrijf waardoor de rechtsorde in dat land ernstig is geschokt of
 - c. voor de goede uitvoering van de politietaak in dat land, op grond van een verzoek met betrekking tot een bepaalde persoon of een bepaald geval.
2. In de grensgebieden kunnen gegevens als bedoeld in het eerste lid, aanhef en onder c, ook zonder een daartoe strekkend verzoek worden verstrekt.
 3. Uit een politieregister bij het Meldpunt Ongebruikelijke Transacties kunnen gegevens worden verstrekt aan van overheidswege aangewezen administratieve of politieke meldpunten in het buitenland die een vergelijkbare taak hebben als het meldpunt. Het zevende lid vindt geen toepassing.
 4. Bij de beoordeling van de vraag of gegevens ingevolge het eerste of derde lid zullen worden verstrekt, wordt rekening gehouden met de mate waarin waarborgen in het andere land aanwezig zijn met betrekking tot een juist gebruik van de verstrekte gegevens en met betrekking tot de bescherming van de persoonlijke levenssfeer.
 5. De gegevens worden steeds verstrekt onder de algemene voorwaarde dat deze slechts zullen worden gebruikt voor het doel waarvoor zij zijn verstrekt. De beheerder kan in bijzondere gevallen op verzoek van de buitenlandse politie-autoriteiten toestemmen in gebruik voor een ander doel voor zover dit noodzakelijk is voor goede uitvoering van de politietaak in dat land.
 6. Gegevens die betrekking hebben op de in artikel 5, eerste lid, van de wet genoemde kenmerken, worden slechts verstrekt indien dit met het oog op een juiste beantwoording van een door een buitenlandse politie-autoriteit gestelde vraag onvermijdelijk is. Daarbij wordt een aanduiding omtrent de betrouwbaarheid van het gegeven vermeld.
 7. De verstrekking vindt plaats door tussenkomst van het Korps landelijke politiediensten.(17) De verstrekking kan echter rechtstreeks plaatsvinden overeenkomstig afspraken met politie-autoriteiten in het buitenland, voor zover met deze afspraken is ingestemd door (18)
 - a. Onze Minister van Justitie, indien het gegevens betreft uit een register dat is aangelegd met het oog op

de uitvoering van een taak onder het gezag van de officier van justitie of

b. Onze Minister van Binnenlandse Zaken, indien het gegevens betreft uit een register dat is aangelegd met het oog op de uitvoering van een taak onder het gezag van de burgemeester.

8. Onverminderd het bepaalde in artikel 552 h van het Wetboek van Strafvordering worden geen gegevens verstrekt:

a. wanneer een vermoeden bestaat dat de gegevens zullen worden gebruikt voor een onderzoek, ingesteld met het oogmerk een verdachte te vervolgen, te straffen, of op andere wijze te treffen in verband met zijn godsdienstige of staatkundige overtuiging, zijn nationaliteit, zijn ras of de groep van de bevolking waartoe hij behoort;

b. voor zover het verstrekken van gegevens zou strekken tot het verlenen van medewerking aan een vervolging of een berechting welke onverenigbaar is met het aan artikel 68 van het Wetboek van Strafrecht en artikel 255, eerste lid, van het Wetboek van Strafvordering ten grondslag liggende beginsel;

c. ten behoeve van een onderzoek naar feiten terzake waarvan de verdachte in Nederland wordt vervolgd;

d. ten behoeve van een onderzoek naar feiten als bedoeld in artikel

552m van het Wetboek van Strafvordering, dan krachtens een overeenkomstig die bepaling verleende machtiging van Onze Minister van Justitie.(19)

9. Indien grond bestaat voor het vermoeden, bedoeld in het achtste lid, onder a, wordt het verzoek aan Onze Minister van Justitie voorgelegd.(20)

10. Het eerste, tweede en vierde tot en met zevende lid(21) is niet van toepassing op de politie-ambtenaar uit een ander land die als contactambtenaar is geplaatst [bij(22),] bij enig politiekorps of bij het Wapen der Koninklijke marechaussee, voor zover met het land door welke hij is gezonden, daarvan afwijkende afspraken zijn gemaakt waarmee Onze Minister van Justitie heeft ingestemd.(23) Aan hem kunnen gegevens worden verstrekt op gelijke voet als aan Nederlandse politie-ambtenaren voor zover in overeenstemming met deze afspraken.

11. Het eerste, tweede en vierde tot en met zevende lid(24) is evenmin van toepassing op de Nederlandse politie-ambtenaar of de ambtenaar van de Koninklijke

marechaussee die als contactambtenaar of anderszins is gezonden naar het buitenland. Aan hem kunnen gegevens worden verstrekt als ware hij in Nederland.

Het eerste, tweede, vierde tot en met zesde alsmede het achtste, negende en twaalfde lid zijn van toepassing bij de verstrekking van de door hen ontvangen gegevens aan politie-autoriteiten in het land waar zij werkzaam zijn.(25)

12. De artikelen 11 en 12 zijn van overeenkomstige toepassing.

Artikel 14(26)

1. Gegevens worden desgevraagd uit een politieregister verstrekt, voorzover zij deze behoeven voor een goede uitvoering van hun taak, aan

a. de personen, anders dan die bedoeld in artikel 14, onder a, van de wet, die bij de politie(27), het Meldpunt Ongebruikelijke Transacties of bij de Centrale Recherche Koninklijke marechaussee werkzaam zijn ten dienste van de uitvoering van de politietaak, voor zover zij daartoe door de desbetreffende beheerder schriftelijk zijn geautoriseerd;(28)

b. de Commissie schadefonds geweldsmisdrijven als bedoeld in artikel 2 van de Wet voorlopige regeling schadefonds geweldsmisdrijven (Stb.1975, 382);

c. de Directeur van de Stichting Centraal Bureau Rijvaardigheidsbewijzen voor zover dit noodzakelijk is met het oog op het onderzoek, bedoeld in de artikelen 101 en 142 van het Reglement rijbewijzen, en het betreft overtreding van artikel 6 of artikel 8 van de Wegenverkeerswet 1994;(29)

d. personen, werkzaam bij het bureau vertrouwensartsen als bedoeld in de Bijlage onder I, onder 4, behorende bij de Wet op de jeugdhulpverlening (Stb. 1989, 360);

e. personen, belast met de uitvoering van de Vreemdelingenwet (Stb. 1965, 40), voor zover het betreft gegevens die noodzakelijk zijn voor de vaststelling van de identiteit van personen;

f. personen die de beheerder heeft benoemd in een commissie die toezicht houdt op de naleving van de gestelde regels bij of krachtens de wet met betrekking tot het register, voor zover het reglement dat bepaalt en Onze Ministers, de Registratiekamer gehoord, met dit reglement hebben ingestemd;

g. de directeurs van de inrichtingen, bedoeld in artikel 6 van de Beginselenwet gevangeniswezen, de

directeuren van de inrichtingen, bedoeld in artikel 37d van het Wetboek van Strafrecht, en de directeuren van de voorzieningen, bedoeld in artikel 65 van de Wet op de jeugdhulpverlening, voor zover zij deze behoeven voor het nemen van beslissingen inzake hetzij de aanstelling of het ontslag van personeel, hetzij voor de toelating tot de inrichting van personen die niet worden ingesloten in de inrichting voor zover dat noodzakelijk is voor de orde of de veiligheid van de inrichting respectievelijk de voorziening;

h. personen die optreden namens een rechtspersoon met volledige rechtsbevoegdheid op ideële grondslag die krachtens zijn doelstelling en blijkens zijn feitelijke werkzaamheden in het bijzonder de belangen van slachtoffers van strafbare feiten of van verkeersongevallen behartigt, voor zover de gegevens betrekking hebben op deze slachtoffers en die rechtspersoon tot het ontvangen van dergelijke gegevens is gemachtigd door de Minister van Justitie, de Registratiekamer gehoord;(30)

i. de Nederlandse Vereniging van Automobiellasseuradeuren, gevestigd te 's Gravenhage, voor zover het betreft gegevens inzake aanrijdingen en

j. personen en instanties met een publieke taak belast, voor zover het betreft gegevens die op hun verzoek met het oog op de signalering van personen zijn opgenomen;

k. Onze Minister van Justitie, voor zover dit noodzakelijk is met het oog op:

1E. de afgifte van een verklaring van geen bezwaar in verband met de oprichting van een naamloze of besloten vennootschap dan wel de wijziging van de statuten daarvan;

2E. de uitoefening van de bevoegdheden krachtens de Wet wapens en munitie of de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties;

l. Onze Minister van Verkeer en Waterstaat, voor zover hij deze behoeft in verband met de hem bij de artikelen 131 tot en met 134 van de Wegenverkeerswet 1994(31) opgedragen taak;

m. de Directeur van de Dienst wegverkeer, voor zover hij deze behoeft in verband met de uitvoering van de taken van de Dienst Wegverkeer;(32)

n. medewerkers van Halt-bureaus, voor zover deze bureaus zijn aangesloten bij de Stichting Halt Nederland, en het gegevens betreft die voor de alternatieve afdoening van strafbare feiten, gepleegd door minderjarigen, noodzakelijk zijn;

- o. Onze Minister van Justitie, voor zover dit in het kader van de beoordeling van een verzoek tot het verkrijgen van het Nederlanderschap op grond van artikel 9, eerste lid, van de Rijkswet op het Nederlanderschap, noodzakelijk is teneinde na te gaan of tegen de betrokkene een uitleveringsverzoek is gedaan;
- p. de burgemeester, voor zover dit in het kader van de beoordeling van een verzoek tot het verkrijgen van het Nederlanderschap op grond van de Rijkswet op het Nederlanderschap, noodzakelijk is;
- q. de burgemeester en de commissaris van de Koning, voor zover dit in het kader van hun adviserende taak, bedoeld in het Reglement op de Orde van de Nederlandse Leeuw en de Orde van Oranje-Nassau noodzakelijk is;
- r. ambtenaren aan wie bevoegdheden zijn toegekend met het oog op het toezicht op de naleving van de regels die zijn gesteld bij of krachtens de Wet milieubeheer, de Wet milieugevaarlijke stoffen, de Bestrijdingsmiddelenwet 1962, de Wet Gevaarlijke Stoffen, de Wet verontreiniging oppervlaktewateren, de Wet inzake de luchtverontreiniging, de Wet chemische afvalstoffen, de Afvalstoffenwet, de Wet bodembescherming en de Meststoffenwet, voor zover het gegevens over overtredingen van deze wetten betreft en zij deze behoeven voor de goede uitoefening hun toezichthoudende bevoegdheden;
- s. de raad voor de kindbescherming, voor zover het de strafrechtelijke uitoefening van zijn taak betreft, alsmede zijn bevoegdheden ter uitvoering van de ondertoezichtstelling van minderjarigen, bedoeld in de artikelen 254 en volgende van Boek I van het Burgerlijk Wetboek en de in het kader daarvan te treffen voorlopige voorzieningen en voor zover het gegevens betreft die uitsluitend zijn vastgelegd met het oog op de hulpverleningstaak van de politie;
- t. het bevoegd gezag, bedoeld in artikel 1, eerste lid, onder k, van het Besluit algemene rechtspositie politie en artikel 1, eerste lid, onder e, van het Besluit rechtspositie vrijwillige politie, voor zover zij deze behoeven voor het verrichten van een antecedentenonderzoek als bedoeld in artikel 8a, eerste en tweede lid, en artikel 8b, eerste lid, van het Besluit algemene rechtspositie politie en artikel 4a, eerste lid, en artikel 4b, eerste lid, van het Besluit rechtspositie vrijwillige politie, of voor het verrichten van een antecedentenonderzoek ten aanzien van personen die op basis van een arbeidsovereenkomst of anderszins werkzaamheden verrichten voor een politiekorps of het Landelijk selectie- en opleidingsinstituut politie. (toegevoegd bij *)

2. Uit een politieregister worden gegevens verstrekt aan het Meldpunt Ongebruikelijke Transacties, voor

zover het die behoeft voor een goede uitvoering van zijn taak.

3. Aan de machtiging, bedoeld in het eerste lid, onder k, kunnen voorschriften en beperkingen worden verbonden.(33)

4. De artikelen 11 en 12 zijn van overeenkomstige toepassing.

Artikel 14a(34)

1. Uit een politieregister kunnen desgevraagd gegevens worden verstrekt, voorzover zij deze behoeven voor een goede uitvoering van hun taak, aan:

a. Onze Minister van Financiën op grond van:

1?. de artikelen 23, tweede lid, onder d, 24, tweede lid, onder d, 26, zesde en zevende lid, 41 en 82 van de Wet toezicht kredietwezen 1992,

2?. artikel 22, eerste en tweede lid, van de Wet toezicht effectenverkeer 1995,

3?. de artikelen 174, vierde lid, onder c, 175, tweede lid, onder d, en 176, zesde lid, onder b, en zevende lid, onder c, van de Wet toezicht verzekeringsbedrijf 1993,

4?. de artikelen 82, tweede lid, onder d, en 84, zesde lid, onder b, en zevende lid, onder c, van de Wet toezicht natura-uitvaartverzekeringsbedrijf,

b. Onze Minister van Financiën, dan wel de rechtspersoon of rechtspersonen waaraan op grond van artikel 40 van de Wet toezicht effectenverkeer 1995 taken en bevoegdheden zijn overgedragen, op grond van de artikelen 7, vierde lid, 11, eerste lid, aanhef en onder a, en zevende lid, 16,

vierde lid, 19, eerste lid, en 20 van die wet,

c. Onze Minister van Financiën, dan wel de rechtspersoon of rechtspersonen waaraan op grond van artikel 29 van de Wet toezicht beleggingsinstellingen taken en bevoegdheden zijn overgedragen, op grond van de artikelen 5, eerste lid, aanhef en onder a, 12, eerste lid, en 15, aanhef en onder e, van die wet,

d. De Nederlandsche Bank N.V. op grond van:

1?. de artikelen 9, eerste lid, onder c en e, 14, onder b, en slot, 15, eerste lid, onder d, 23, tweede lid, onder c, 24, tweede lid, onder c, 26, zesde en zevende lid, 39, 41, 45, eerste lid, en 47, aanhef en onder d, van de Wet toezicht kredietwezen 1992,

2?. de artikelen 3, tweede lid, aanhef en onder a en b, en 6, tweede lid, onder c, aanhef en onder 1e en 2e, van de Wet inzake de wisselkantoren,

e. De Verzekeringskamer op grond van:

1?. de artikelen 29, tweede en vierde lid, 30, 45, zevende lid, 82, derde lid, 148, aanhef en onder b, 174, vierde lid, onder a en b, 175, tweede lid, onder a tot en met c, 176, zesde lid, onder b, en zevende lid, onder a tot en met c, van de Wet toezicht verzekeringsbedrijf 1993,

2?. de artikelen 18, tweede en vierde lid, 19, 23, zevende lid, 60, aanhef en onder b, 82, tweede lid, onder a tot en met c, en 84, zesde lid onder b, en zevende lid, onder a tot en met c, van de Wet toezicht natura-uitvaartverzekeringsbedrijf, voor zover verstrekking van deze gegevens

verenigbaar is met een doeltreffende opsporing en vervolging van strafbare feiten. Verstrekking vindt niet plaats, indien de gegevens onvoldoende betrouwbaar moeten worden geacht als grondslag voor de uitoefening van vorenbedoelde taken.

2. Verstrekking van gegevens als bedoeld in het eerste lid, of van inlichtingen daarover, vindt alleen plaats door, dan wel met bijzondere toestemming van het openbaar ministerie en onder daaraan door het openbaar ministerie te stellen voorwaarden. Die voorwaarden kunnen onder meer betreffen het ter beschikking stellen of doorgeven van die gegevens of inlichtingen daarover aan derden.

3. Ingevolge dit artikel verstrekte gegevens worden niet langer dan gedurende een termijn van zes maanden na datum van verkrijgen bewaard, tenzij met bijzondere toestemming van het openbaar ministerie. Daarbij kunnen nadere voorwaarden worden gesteld.

4. Onze Ministers kunnen nadere regels vaststellen met betrekking tot de verstrekking en bewaring van gegevens als bedoeld in het eerste tot en met het derde lid.

Artikel 15

1. Verstrekking van gegevens uit een politieregister ten behoeve van wetenschappelijk onderzoek en statistiek vindt slechts plaats nadat aan de betrokken onderzoeker daartoe een machtiging is verleend door:
 - a. Onze Minister van Justitie, indien het gegevens betreft uit een register dat is aangelegd met het oog op de uitvoering van een taak onder het gezag van de officier van justitie of
 - b. de burgemeester, indien het gegevens betreft uit een register dat is aangelegd met het oog op de uitvoering van een taak onder het gezag van de burgemeester.
2. De machtiging als bedoeld in het eerste lid, wordt slechts gegeven indien
 - a. het onderzoek een algemeen belang dient;
 - b. de organisatie van de politie niet onnodig wordt belast;
 - c. het onderzoek niet zonder de betrokken gegevens kan worden uitgevoerd en
 - d. de persoonlijke levenssfeer van de geregistreerden niet onevenredig wordt geschaad.
3. Rechtstreekse benadering van geregistreerden door de onderzoeker vindt niet plaats, tenzij dit uitdrukkelijk is toegestaan in de machtiging ingevolge het eerste lid. Deze toestemming kan slechts worden verleend indien rechtstreekse benadering voor het doel van het onderzoek onvermijdelijk is.
4. De beheerder kan een machtiging verlenen tot verstrekking van gegevens uit een politieregister ten behoeve van de interne bedrijfsstatistiek aan personen werkzaam binnen de politie-organisatie, indien de persoonlijke levenssfeer van de geregistreerden daardoor niet onevenredig wordt geschaad.
5. Aan de machtiging als bedoeld in het eerste en vierde lid, kunnen beperkingen worden gesteld en voorschriften worden verbonden.

Paragraaf 6. Het vastleggen van verstrekkingen

Artikel 16

1. In gevallen waarin een verzoek tot verstrekking van gegevens uit een politieregister wordt gedaan en niet aanstonds duidelijk is wie de verzoeker is en of deze gerechtigd is tot de verstrekking, wordt de verstrekking eerst gedaan nadat dit is vastgesteld.
2. Indien niet rechtstreeks langs geautomatiseerde weg gegevens uit een politieregister worden verstrekt, wordt daarvan aantekening gehouden, tenzij overeenkomstig het doel van het register is verstrekt aan personen die blijkens het reglement behoren tot de vaste gebruikers van het register.
3. Van een verstrekking behoeft geen aantekening te worden gehouden ingevolge het tweede lid, indien de verstrekking het resultaat is van een koppeling en ingevolge artikel 5, eerste lid, van de koppeling een proces-verbaal is opgemaakt.
4. Van een verstrekking behoeft geen aantekening te worden gehouden indien dit zich niet verdraagt met het belang van de veiligheid van de staat.

Artikel 17

1. Een gegeven kan rechtstreeks langs geautomatiseerde weg uit een politieregister worden verstrekt aan de personen die daartoe een schriftelijke autorisatie voor een daarbij bepaald omschreven doel van de beheerder hebben gekregen. De autorisatie kan slechts worden verleend aan de ambtenaren, bedoeld in artikel 14, onder a en b, van de wet, alsmede aan de personen, bedoeld in artikel 14, eerste lid, onder a, van dit besluit.
2. De autorisatie kan tijdelijk of voor onbepaalde tijd worden verleend. Daaraan kunnen beperkingen worden gesteld en voorschriften verbonden.
3. Een gegeven kan rechtstreeks langs geautomatiseerde weg uit een politieregister worden verstrekt aan degenen die daartoe gerechtigd zijn met het oog op de uitvoering van opdrachten voortvloeiende uit de signalering van personen.
4. De beheerder treft de nodige voorzieningen van technische en organisatorische aard die er toe strekken te waarborgen dat geen verstrekkingen ingevolge het eerste lid worden gedaan anders dan in overeenstemming met een verleende autorisatie.
5. Van een verstrekking ingevolge het eerste lid wordt in alle gevallen langs geautomatiseerde weg aantekening gehouden.
6. Indien de handhaving van het verstrekkingenregime anderszins afdoende is gewaarborgd, kan, de Registratiekamer gehoord, van de verplichting, bedoeld in

het vijfde lid, vrijstelling of ontheffing worden verleend door

- a. Onze Minister van Justitie, indien het verstrekkingen betreft uit een register dat is aangelegd met het oog op de uitvoering van een taak onder het gezag van de officier van justitie of
- b. Onze Minister van Binnenlandse Zaken, indien het verstrekkingen betreft uit een register dat is aangelegd met het oog op de uitvoering van een taak onder het gezag van de burgemeester.(35)

7. Aan een vrijstelling of ontheffing als bedoeld in het zesde lid, kunnen voorschriften worden verbonden.

Artikel 18

1. Indien van de verstrekking aantekening wordt gehouden, wordt daarbij de identiteit van de verzoeker, de datum van de verstrekking en een omschrijving van de verstrekte gegevens vastgelegd.
2. In het geval aantekening wordt gehouden van een verstrekking ingevolge artikel 16, tweede lid, wordt tevens het doel van de verstrekking vastgesteld.
3. Indien van de verstrekking aantekening wordt gehouden en ten tijde van de verstrekking vaststaat dat het doel waartoe is verstrekt, noodzaakt tot bekendmaking aan bepaalde derden, wordt hiervan apart aantekening gehouden.
4. De ingevolge artikel 16, tweede en derde lid, en 17, vijfde lid, vastgelegde gegevens worden gedurende twee jaren bewaard. Deze gegevens kunnen slechts met toepassing van de artikelen 6, vierde lid, of 18, vierde lid, van de wet voor een ander doel worden gebruikt dan de toezicht(36) op de naleving van het verstrekkingenregime.
5. Onze Ministers kunnen nadere regels stellen omtrent de uitvoering van dit artikel, de Registratiekamer gehoord.

Paragraaf 7. Kostenvergoeding bij verzoeken tot kennisneming

Artikel 19

Een verzoek om kennisneming door een geregistreerde van de hem betreffende gegevens, is ontvankelijk na betaling van een door de beheerder te bepalen bedrag van ten hoogste tien gulden. De beheerder bepaalt de wijze van betaling.

Paragraaf 8. Slotbepalingen

Artikel 20

1. Dit besluit treedt in werking op het tijdstip, bedoeld in artikel 31, tweede lid, van de wet. De artikelen 16, tweede lid, en 17, vijfde lid, treden zes maanden later in werking. Onze Ministers kunnen deze termijn met betrekking tot bepaalde registers eenmaal met dezelfde termijn verlengen.(37)

2. Aan de personen, bedoeld in artikel 14, eerste lid, onder k, kunnen gedurende zes maanden na inwerkingtreding van dit besluit, desgevraagd gegevens worden verstrekt, indien zij naar het oordeel van de beheerder voldoen aan de in dat onderdeel vermelde criteria, ook zonder dat de daar bedoelde machtiging is verstrekt.

Artikel 21

Dit besluit kan worden aangehaald als: Besluit politieregisters.

Lasten en bevelen dat dit besluit met de daarbij behorende nota van toelichting in het Staatsblad zal worden geplaatst en dat daarvan afschrift zal worden gezonden aan de Raad van State.

Zürs, 14 februari 1991

Beatrix

De Minister van Justitie,

E.M.H. Hirsch Ballin

De Minister van Binnenlandse Zaken,

C.I. Dales

De Minister van Defensie a.i.,

J.P. Pronk

Uitgegeven de vijftiende februari 1991

De Minister van Justitie,

E.M.H. Hirsch Ballin

CID-regeling 1995

Regeling van 31 maart 1995, Regelingnummer: 488050/595/GBJD/EA88/N368/C93/320, Stcrt. 1995,

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Inwerkingtreding: 15 april 1995 met terugwerkende kracht vanaf 1 april 1994

De Ministers van Justitie, van Binnenlandse Zaken en van Defensie,

Gezien de adviezen van de korpsbeheerders,

Gezien het advies van de Raad voor het Korps landelijke politiediensten,

Gezien het advies van de Registratiekamer van 29 december 1994 (nr. 94.A.07.01)

Gelet op de artikelen 46 en 48 van de Politiewet 1993 en op de artikelen 2 en 4 van het Besluit beheer regionale politiekorpsen;

Besluiten:

Artikel 1

In deze regeling wordt verstaan onder:

- a. criminele inlichtingendiensten: de organisatorische eenheden bij het Korps landelijke politiediensten en de Koninklijke marechaussee, belast met de taak, bedoeld in artikel 2, alsmede de regionale criminele inlichtingendiensten, bedoeld in artikel 4, eerste lid, van het Besluit beheer regionale politiekorpsen;
- b. nationale criminele inlichtingendienst: de organisatorische eenheid bij de divisie Centrale Recherche Informatie van het Korps landelijke politiediensten, bedoeld in artikel 6;

- c. CID-subject: een natuurlijke persoon of rechtspersoon, die als verdachte betrokken is, of naar redelijkerwijs kan worden vermoed als verdachte betrokken zal worden bij enig misdrijf met het oog waarop een CID-register is aangelegd;
- d. "grijze veld"-subject: een natuurlijke persoon of rechtspersoon, die als verdachte betrokken is, of naar redelijkerwijs kan worden vermoed betrokken zal worden, bij enig misdrijf en van wie nog niet vaststaat of hij als CID-subject kan worden aangemerkt;
- e. CID-register: het register van gegevens omtrent CID-subjecten dat gehouden wordt bij criminele inlichtingendiensten met het oog op de uitvoering van de taak, bedoeld in artikel 2;
- f. nationaal CID-register: het register van gegevens omtrent CID-subjecten dat gehouden wordt bij de nationale criminele inlichtingendienst;
- g. "grijze veld"-register: het register van gegevens omtrent "grijze veld"-subjecten dat gehouden wordt bij criminele inlichtingendiensten met het oog op de vaststelling of de geregistreerde in samenhang met andere gegevens kan worden aangemerkt als CID-subject;
- h. nationaal "grijze veld"-register: het register van gegevens omtrent "grijze veld"-subjecten dat gehouden wordt bij de nationale criminele inlichtingendienst met het oog op de vaststelling of de geregistreerde in samenhang met andere gegevens kan worden aangemerkt als CID-subject;
- i. CID-informatie: gegevens omtrent CID-subjecten en "grijze veld"-subjecten;
- j. CID-actie: het systematisch en gericht inwinnen van gegevens over CID-subjecten;
- k. registerbeheerder: de functionaris die onder verantwoordelijkheid van de beheerder, bedoeld in artikel 1, onder f, van de Wet politieregisters, belast is met het daadwerkelijk beheer over het CID-register en het "grijze veld"-register;
- l. CID-officier: de als zodanig door de betrokken hoofdofficier van justitie in ieder arrondissement aangewezen officier van justitie;
- m. nationale CID-officier: de als zodanig door de college-vergadering van procureurs-generaal aangewezen officier van justitie.

Artikel 2

1. Criminele inlichtingendiensten hebben tot taak het bevorderen van:

- a. de opsporing van misdrijven, die gezien hun ernst of frequentie danwel het georganiseerd verband waarin ze worden gepleegd een ernstige inbreuk op de rechtsorde maken;
- b. de opsporing van natuurlijke en rechtspersonen die zich aan de misdrijven, bedoeld in onderdeel a, schuldig maken of hebben gemaakt;
- c. het voorkomen van misdrijven, bedoeld in onderdeel a;
- d. het inwinnen van gegevens omtrent de financieel le situatie van de natuurlijke en rechtspersonen, bedoeld in onderdeel b.

2. De taakuitvoering, bedoeld in het eerste lid, vindt plaats binnen de door de betrokken CID-officier aangegeven kaders en met inachtneming van de door de betrokken CID-officier gegeven aanwijzingen.

Artikel 3

- 1. Criminele inlichtingendiensten werken overeenkomstig deze regeling met elkaar samen.
- 2. De samenwerking, bedoeld in het eerste lid, strekt tot een zo doelmatig en doeltreffend

mogelijke taakvervulling en bestaat in ieder geval uit:

- a. een uniforme onderlinge informatievoorziening als bedoeld in artikel 5;
 - b. een uniforme en structurele informatievoorziening aan de nationale criminele inlichtingendienst als bedoeld in artikel 6;
 - c. een uniforme wijze van omgaan met CID-informatie als bedoeld in de artikelen 7 tot en met 22.
3. Ten behoeve van de samenwerking, bedoeld in het eerste lid, registreren en bewerken criminele inlichtingendiensten CID-informatie op de wijze, bedoeld in artikel 4.

Artikel 4

1. Criminele inlichtingendiensten verrichten ter uitvoering van de taak, bedoeld in artikel 2, in ieder geval de volgende werkzaamheden:
 - a. het inwinnen, verzamelen en verifiëren van gegevens omtrent CID-subjecten alsmede het stimuleren daartoe;
 - b. het registreren van:
 - 1e. gegevens omtrent CID-subjecten in een CID-register;
 - 2e. gegevens omtrent "grijze veld"-subjecten in een "grijze veld"-register;
 - 3e. de aanvang en bediening van CID-acties;
 - 4e. de codes van de personalia van informanten;
 - c. het verwerken van de onder b, sub 1e en 2e, bedoelde gegevens;
 - d. het naar aanleiding van de onder c bedoelde verwerking van de onder b, sub 1e en 2e, bedoelde gegevens bevorderen van gerichte inwinning en aanvulling van de informatie;
 - e. het analyseren van de onder b, sub 1e en 2e, bedoelde gegevens en het aan de hand van de uitkomsten daarvan signaleren van gevallen van criminaliteit die van meer bovenlokale omvang of betekenis zijn;
 - f. het bevorderen van de instelling van opsporingsonderzoeken door het beschikbaar stellen van daartoe relevante gegevens aan hen die daarop bij of krachtens de Wet politieregisters aanspraak kunnen maken;
 - g. het leggen van verbanden tussen de onder b, sub 1e en 2e, bedoelde gegevens en lopende opsporingsonderzoeken en het op basis daarvan gericht verschaffen van informatie aan hen die daarop bij of krachtens de Wet politieregisters aanspraak kunnen maken.
2. Ten behoeve van de werkzaamheden, bedoeld in het eerste lid, onder a, c, d, e, f en g maken criminele inlichtingendiensten onder meer gebruik van het geautomatiseerd systeem CID-Subjectenindex (CIDS), bedoeld in artikel 6, eerste lid, onder c.

Artikel 5

1. Onverminderd artikel 4, eerste lid, onder f, wisselen criminele inlichtingendiensten onderling, gevraagd en ongevraagd, gegevens uit indien dit van belang kan zijn voor de opsporing en voorkoming van misdrijven, die gezien hun ernst of frequentie danwel het georganiseerd verband waarin ze worden gepleegd een ernstige inbreuk op de rechtsorde maken.
2. De informatie, bedoeld in het eerste lid, bestaat in ieder geval uit de gegevens zoals vermeld in het in bijlage I opgenomen modelformulier.
3. Criminele inlichtingendiensten stellen de nationale criminele inlichtingendienst te allen

tijde ongevraagd in kennis van de gegevens, bedoeld in artikel 6, derde lid.

Artikel 6

1. Ter coordinatie van de samenwerking, bedoeld in artikel 3, registreert de nationale criminele inlichtingendienst:

- a. gegevens omtrent CID-subjecten in het nationaal CID-register, voor zover de gegevens van nationale of internationale betekenis zijn;
- b. gegevens omtrent "grijze veld"-subjecten in het nationaal "grijze veld"-register, voor zover de gegevens van nationale of internationale betekenis zijn;
- c. de personalia of bedrijfsgegevens van de bij de criminele inlichtingendiensten geregistreerde CID-subjecten in het geautomatiseerd systeem CID-subjectindex (CIDSi);
- d. CID-acties;
- e. de codes van de personalia van informanten.

2. Ter ondersteuning van de opsporing van misdrijven, die gezien hun ernst of frequentie danwel het georganiseerd verband waarin ze worden gepleegd een ernstige inbreuk op de rechtsorde maken, bewerkt en analyseert de nationale criminele inlichtingendienst de in het eerste lid, onder a en c, genoemde gegevens en verstrekt aan de hand van de uitkomsten daarvan informatie aan hen die daarop bij of krachtens de Wet politieregisters aanspraak kunnen maken.

3. Ten behoeve van de landelijke registraties, genoemd in het eerste lid, stellen criminele inlichtingendiensten de nationale criminele inlichtingendienst in kennis van:

- a. CID-informatie die van nationale of internationale betekenis is;
 - b. de personalia danwel bedrijfsgegevens van CID-subjecten die in het CID-register zijn opgenomen;
 - c. CID-acties;
 - d. de codes van de personalia van informanten;
 - e. criminaliteitsontwikkelingen;
 - f. overige informatie die van belang kan zijn voor de landelijke coördinatie en ondersteuning.
4. De informatie, bedoeld in het derde lid, onder c, bestaat in ieder geval uit de gegevens zoals vermeld in het in bijlage II opgenomen modelformulier.
5. De taakuitvoering, bedoeld in dit artikel, vindt plaats binnen de door de betrokken NCID-officier aangegeven kaders en met inachtneming van de door hem gegeven aanwijzingen.

Artikel 7

1. In het CID-register worden met het oog op de voorkoming of opsporing van misdrijven, die gezien hun ernst of frequentie danwel het georganiseerd verband waarin zij worden gepleegd een ernstige inbreuk maken op de rechtsorde uitsluitend gegevens opgenomen omtrent:

- a. CID-subjecten;
- b. natuurlijke en rechtspersonen die met de in het register opgenomen CID-subjecten in contact staan;
- c. ambtenaren van politie danwel ambtenaren van de Koninklijke marechaussee, voor zover dit van belang is bij de behandeling van de gegevens, bedoeld onder a en b.

2. Omtrent CID-subjecten kunnen ten hoogste de volgende soorten van gegevens worden opgenomen:

- a. de personalia danwel gegevens ter identificatie van de rechtspersoon;
- b. financid le gegevens;
- c. gegevens over het staatsburgerschap;
- d. gegevens over de identiteitspapieren;
- e. gegevens over het uiterlijk;
- f. gegevens over de karaktereigenschappen;
- g. gegevens over de persoonlijke omstandigheden;
- h. gegevens over de opleiding en uitgeoefende beroepen;
- i. gegevens over de levenswijze;
- j. gegevens over de contacten en contactadressen;
- k. gegevens over de plaatsen van geregeld verblijf;
- l. gegevens over de bewegingen;
- m. gegevens over de communicatiemiddelen;
- n. gegevens over de vervoermiddelen;
- o. gegevens over de (voorgenomen) criminele activiteiten;
- p. gegevens over de modus operandi;
- q. verwijzingen naar andere gegevensverzamelingen;
- r. persoonsafbeeldingen;
- s. mededelingen van gegevensverstrekking buiten het werkerrein waarbinnen de criminele inlichtingendienst zijn werkzaamheden verricht;
- t. gegevens over de periode en de plaats waar een CIDsubject rechtens van zijn vrijheid is beroofd of beroofd is geweest.

3. Omtrent de personen die contact hebben met de in het register opgenomen CID-subjecten, en die niet zelf CID-subject zijn, kunnen ten hoogste de in het tweede lid, onder a tot en met e, h, j tot en met o, q, r en s genoemde soorten van gegevens worden opgenomen, voor zover deze verband houden met de contacten van de desbetreffende personen met de in het register opgenomen CID-subjecten.

4. Omtrent ambtenaren van politie danwel ambtenaren van de Koninklijke marechaussee kunnen ten hoogste de volgende soorten van gegevens worden opgenomen:

- a. naam, voornaam;
- b. gebruikelijke organisatie-aanduiding, rang en functie.

Artikel 8

1. Bij de gegevens omtrent personen als bedoeld in artikel 7, derde lid, wordt een aanduiding opgenomen van de aard van de contacten en de reden waarom gegevens omtrent deze personen noodzakelijk zijn voor het doel van het register.

2. In aanvulling op de in artikel 7, tweede lid, genoemde gegevens kunnen omtrent CID-subjecten, voorzover het betreft natuurlijke personen, gegevens worden opgenomen omtrent hun ras, medische en psychologische kenmerken voor zover dit onvermijdelijk is:

- a. met het oog op hun identificatie;
- b. voor de juiste beoordeling van een strafbaar feit en zulk een gegeven het slachtoffer of de motieven van de dader betreft.

3. In aanvulling op de in artikel 7, tweede lid, genoemde gegevens kunnen omtrent

CID-subjecten, voorzover het betreft natuurlijke personen, gegevens worden opgenomen omtrent hun godsdienst of levensovertuiging, politieke gezindheid, seksualiteit en intiem levensgedrag, voor zover dit onvermijdelijk is voor de juiste beoordeling van een strafbaar feit en zulk een gegeven het slachtoffer of de motieven van de dader betreft.

4. In aanvulling op de in artikel 7, derde lid, genoemde gegevens kunnen omtrent contacten van CID-subjecten, voor zover het betreft natuurlijke personen, gegevens worden opgenomen betreffende hun ras, medische en psychologische kenmerken voor zover dit onvermijdelijk is met het oog op hun identificatie.

5. Een opgenomen gegeven als bedoeld in het tweede, derde of vierde lid, wordt voorzien van een indicatie van de betrouwbaarheid en de vermelding van de ambtelijke bron.

6. Een gegeven kan worden voorzien van een "embargo"-aanduiding, wanneer dit gegeven naar het oordeel van de persoon die het gegeven heeft aangeleverd, niet dan met toestemming van de registerbeheerder mag worden verstrekt en gebruikt.

7. Indien een gegeven slechts kon worden verkregen onder voorwaarde dat dit alleen voor een bepaald doel zou worden gebruikt, wordt van het bestaan van een dergelijke voorwaarde aantekening gehouden in het register, met een verwijzing naar het proces-verbaal waaruit de voorwaarde blijkt.

Artikel 9

1. Indien blijkt dat bepaalde gegevens onjuist of onvolledig zijn, draagt de registerbeheerder zorg voor zo spoedig mogelijke verbetering of aanvulling van die gegevens.

2. De gegevens, bedoeld in de artikelen 7 en 8, worden uit het CID-register verwijderd en terstond vernietigd indien de gegevens niet langer noodzakelijk zijn voor het doel van het register danwel na verloop van vijf jaar na datum van laatste opname. Hiertoe wordt het register minstens eenmaal per jaar gecontroleerd.

3. De termijn, genoemd in het tweede lid, wordt geschorst gedurende de tijd dat het CID-subject rechtens van zijn vrijheid is beroofd.

4. Van de gevallen, bedoeld in het eerste en tweede lid, stelt de registerbeheerder diegenen in kennis waaraan naar zijn weten gegevens omtrent de geregistreerde zijn verstrekt.

Artikel 10

1. Tot het CID-register hebben uitsluitend rechtstreekse toegang:

- a. personen werkzaam bij de criminele inlichtingendienst waar het register wordt gehouden danwel bij een andere criminele inlichtingendienst, voor zover zij daartoe schriftelijk door de registerbeheerder waar het register wordt gehouden zijn aangewezen;
- b. door de registerbeheerder schriftelijk aangewezen misdaadanalisten;
- c. personen, door de registerbeheerder schriftelijk belast met het uitvoeren van technische werkzaamheden aan het CID-register.

2. Bij de schriftelijke aanwijzing legt de registerbeheerder het doel vast waartoe de autorisatie wordt verstrekt.

3. Indien de werkzaamheden van de personen, bedoeld in het eerste lid, onder c, langs geautomatiseerde weg worden verricht, worden deze schriftelijk vastgelegd. De vastgelegde gegevens worden gedurende twee jaren bewaard.

Artikel 11

1. Uit het CID-register worden slechts gegevens verstrekt aan die personen die daarop bij of krachtens de Wet politieregisters aanspraak kunnen maken.
2. De verstrekking van gegevens ingevolge de artikelen 14 en 15, eerste lid, onder b tot en met d van de Wet politieregisters kan worden geweigerd op grond van artikel 11 van het Besluit politieregisters.
3. Bij de verstrekking kunnen beperkingen aan het gebruik van de gegevens worden opgelegd.

Artikel 12

1. Schriftelijke verstrekking aan ambtenaren van politie danwel ambtenaren van de Koninklijke marechaussee buiten het werkerrein van de criminele inlichtingendienst waar het CID-register wordt gehouden, vindt slechts plaats via de criminele inlichtingendienst van het onderdeel waar de desbetreffende ambtenaren van politie danwel ambtenaren van de Koninklijke marechaussee werkzaam zijn.
2. Mondelinge verstrekking geschiedt uitsluitend wanneer bij de verstreckende ambtenaar zekerheid bestaat omtrent de identiteit en de informatiegerechtigdheid van de aanvrager. Een mondelinge verstrekking van gegevens wordt schriftelijk bevestigd.
3. Van een verstrekking buiten het werkerrein van de criminele inlichtingendienst wordt afschrift gezonden aan de nationale criminele inlichtingendienst.

Artikel 13

1. Verstrekking van gegevens aan buitenlandse politie instanties vindt slechts plaats door tussenkomst van de nationale criminele inlichtingendienst danwel in overeenstemming met afspraken gemaakt met politie autoriteiten in het buitenland, voor zover deze overeenkomstig artikel 13 van het Besluit politieregisters zijn goedgekeurd door de Minister van Justitie.
2. Onverminderd het eerste lid van dit artikel vindt verstrekking van gegevens aan buitenlandse politie autoriteiten slechts plaats in overleg met de CID-officier.
3. Indien de verstrekking niet door tussenkomst van de nationale criminele inlichtingendienst geschiedt, wordt van de verstrekking afschrift gezonden aan de nationale criminele inlichtingendienst.

Artikel 14

1. Van iedere verstrekking die niet rechtstreeks langs geautomatiseerde weg geschiedt, wordt aantekening gehouden, tenzij overeenkomstig het doel van het register is verstrekt aan personen die blijkens het tweede lid behoren tot de vaste gebruikers.
2. Vaste gebruikers van het register zijn die personen die door de registerbeheerder krachtens artikel 10, eerste lid, onder a en b, zijn aangewezen als personen die rechtstreekse toegang tot het register hebben.
3. Van iedere verstrekking die rechtstreeks langs geautomatiseerde weg geschiedt wordt aantekening gehouden, voor zover deze verstrekkingen niet zijn vrijgesteld bij besluit van de Minister van Justitie.
4. Indien van een verstrekking aantekening wordt gehouden, wordt daarbij de identiteit van

degene aan wie is verstrekt, de datum en het doel van de verstrekking en een omschrijving van de verstrekte gegevens vastgelegd. De vastgelegde gegevens worden gedurende twee jaren bewaard.

5. Van een verstrekking behoeft geen aantekening te worden gehouden ingevolge het eerste lid indien deze het resultaat is van een koppeling en van die koppeling een proces-verbaal is opgemaakt.

Artikel 15

1. Koppeling van het CID-register met een ander politieregister of een register als bedoeld in artikel 17, aanhef en onder a, van de Wet persoonsregistraties, kan plaatsvinden voor zover deze koppeling noodzakelijk is voor het voorkomen en opsporen van misdrijven die gezien hun ernst of frequentie danwel het georganiseerd verband waarin ze worden gepleegd een ernstige inbreuk op de rechtsorde opleveren en het betreft:

- a. andere CID-registers, "grijze veld"-registers danwel gegevensverzamelingen waarvan de doelstelling nauw bij die van het CID-register aansluit;
- b. andere gegevensverzamelingen.

2. Van koppelingen als bedoeld in het eerste lid, onder b, wordt de Registratiekamer in kennis gesteld.

3. Voor zover een koppeling niet plaatsvindt in het kader van misdaadanalyse, wordt daarvan overeenkomstig artikel 5 van het Besluit politieregisters proces-verbaal opgemaakt, hetwelk gedurende twee jaren wordt bewaard.

Artikel 16

1. De gegevens, opgenomen in het CID-register, kunnen afkomstig zijn uit andere CID-registers of "grijze veld"-registers. Tevens kan in een herkenningdienstregister de aantekening worden opgenomen waaruit blijkt dat omtrent betrokkene tevens gegevens in een CID-register zijn opgenomen.

2. De gegevens, opgenomen in het CID-register, kunnen worden verstrekt ter opneming in een register van gesignaleerde personen.

Artikel 17

1. In het "grijze veld"-register worden met het oog op de vaststelling of de geregistreerde in samenhang met andere gegevens kan worden aangemerkt als CID-subject uitsluitend gegevens opgenomen omtrent:

- a. "grijze veld"-subjecten;
- b. ambtenaren van politie danwel ambtenaren van de Koninklijke marechaussee, voor zover dit van belang is bij de behandeling van de gegevens omtrent de personen, bedoeld onder a.

2. Omtrent de personen, bedoeld in het eerste lid, onder a, kunnen ten hoogste de volgende soorten van gegevens worden opgenomen:

- a. de personalia danwel gegevens ter identificatie van de rechtspersoon;
- b. gegevens over het uiterlijk;
- c. de reden van opneming in het register;
- d. de datum van opneming in het register;

- e. verwijzingen naar andere gegevensverzamelingen;
 - f. de wijze van verkrijging van de gegevens;
 - g. de activiteiten ten behoeve van het doel van het register.
3. Omtrent de personen, bedoeld in het eerste lid, onder b, kunnen ten hoogste de volgende soorten van gegevens worden opgenomen:
- a. naam, voornaam;
 - b. de gebruikelijke organisatie-aanduiding, rang en functie.
4. De volgende bepalingen zijn van overeenkomstige toepassing op het "grijze veld"-register: artikel 8, tweede, derde, vijfde, zesde en zevende lid, artikel 9, eerste en vierde lid, artikel 10 en de artikelen 12 tot en met 14.
5. Gegevens omtrent "grijze veld"-subjecten worden niet anders opgenomen dan in het "grijze veld"-register.

Artikel 18

1. De in het "grijze-veld"-register opgenomen gegevens worden binnen zes maanden na datum van eerste opname uit het register verwijderd. Hiertoe wordt het register minstens eenmaal per zes maanden gecontroleerd.
2. De uit het "grijze veld"-register verwijderde gegevens worden direct vernietigd, tenzij deze, in samenhang met andere gegevens, voldoende grond vormen om betrokkene als CID-subject aan te merken. In dat geval kunnen de gegevens in het CID-register worden opgenomen.
3. Van de verwijdering van gegevens omtrent een geregistreerde stelt de registerbeheerder diegenen in kennis waaraan naar zijn weten gegevens omtrent deze geregistreerde zijn verstrekt. Indien de betreffende gegevens in het CID-register zijn opgenomen wordt daarvan tevens mededeling gedaan.

Artikel 19

Uit het "grijze veld"-register worden slechts gegevens verstrekt aan die personen die daarop aanspraak kunnen maken ingevolge het bij of krachtens de Wet politieregisters bepaalde, voor zover deze verstrekking in overeenstemming is met het doel van het register.

Artikel 20

1. Koppeling van het "grijze veld"-register met een ander politieregister of een register als bedoeld in artikel 17, aanhef en onder a, van de Wet persoonsregistraties, kan plaatsvinden voor zover deze koppeling noodzakelijk is voor het doel van het register en het betreft:
- a. andere "grijze veld"-registers, CID-registers danwel gegevensverzamelingen waarvan de doelstelling nauw bij die van een CID-register aansluit;
 - b. andere gegevensverzamelingen.
2. Gegevens uit het register kunnen in andere "grijze veld"-registers worden opgenomen, alsmede in een CID-register, overeenkomstig artikel 18, tweede lid.
3. Artikel 15, tweede lid, is van overeenkomstige toepassing.

Artikel 21

1. De bij de criminele inlichtingendiensten in gebruik zijnde vertrekken zijn afsluitbaar en

beveiligd. Tot deze vertrekken hebben slechts toegang de personen, bedoeld in artikel 10, eerste lid, en zij die worden begeleid door de personen, bedoeld artikel 10, eerste lid, onder a.

2. Bij afwezigheid van de personen, bedoeld in artikel 10, eerste lid, zijn de vertrekken deugdelijk afgesloten.

Artikel 22

De registerbeheerder draagt ervoor zorg dat onbevoegde kennisneming van CID-informatie niet kan plaatsvinden. In dat kader ziet de registerbeheerder erop toe dat:

- a. CID-informatie niet door onbevoegden waarneembaar is;
- b. CID-informatie niet zonder toestemming wordt vermenigvuldigd;
- c. CID-informatie niet zonder toestemming uit de vertrekken, bedoeld in artikel 21, wordt meegenomen;
- d. de informatiedragers van CID-informatie op afdoende wijze vernietigd kunnen worden;
- e. de toegang tot geautomatiseerde CID- en "grijze veld"-registers wordt beveiligd met een gebruikersnaam en periodiek wisselende wachtwoorden;
- f. bij geautomatiseerd transport van CID-informatie voldoende beveiligingsmaatregelen zijn getroffen;
- g. bij gebruik van een netwerkstelsel voldoende beveiligingsmaatregelen zijn getroffen ter voorkoming van onbevoegde bevraging van het geautomatiseerd CID- en "grijze veld"-register.
- h. "back-ups" van het geautomatiseerd CID- en het "grijze veld"-register, of in voorkomend geval de handmatige CID- en "grijze veld"-registers worden bewaard in een kluis in de vertrekken, bedoeld in artikel 21.

Artikel 23

Voor de doeleinden, genoemd in artikel 2, worden gegevens omtrent CID-subjecten en "grijze veld"-subjecten slechts systematisch en gericht ingewonnen, en geregistreerd door de criminele inlichtingendiensten overeenkomstig deze regeling.

Artikel 24

De Ministers van Justitie en van Binnenlandse Zaken kunnen besluiten andere organisatorische eenheden die zijn belast met de strafrechtelijke handhaving van de rechtsorde aan te merken als criminele inlichtingendienst, bedoeld in artikel 1, onder a. In dat geval is deze regeling van overeenkomstige toepassing.

Artikel 25

Deze regeling treedt in werking met ingang van de tweede dag na de datum van uitgifte van de Staatscourant waarin zij wordt geplaatst, en werkt terug tot en met 1 april 1994.

Artikel 26

Deze regeling wordt aangehaald als: CID-regeling 1995.

Deze regeling zal met toelichting in de Staatscourant en in het Algemeen Politieblad worden geplaatst.

's-Gravenhage, 31 maart 1995.

De Minister van Justitie,

W. Sorgdrager.

De Minister van Binnenlandse Zaken,

H.F. Dijkstal.

De Minister van Defensie,

J.J.C. Voorhoeve.

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BESLUIT WAPENS EN MUNITIE

REGELING WAPEN EN MUNITIE

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BEGRIPPEN WET WAPENS EN MUNITIE

Besluit Wapens en Munitie

Vervallen na de inwerkingtreding van Staatsblad 579/1995, per 1 januari 1997, wet van 16 november 1995 tot herziening van de Wet wapens en munitie.

Regeling wapens en munitie

1. Begripsbepalingen

Artikel 1

1. In deze regeling wordt verstaan onder:

a. de wet:

de Wet wapens en munitie;

b. de Minister:

de minister van Justitie;

c. de korpschef:

de korpschef, bedoeld in artikel 24 van de Politiewet 1993;

d. jachtakte:

een jachtakte bedoeld in titel III van de Jachtwet, tenzij uitdrukkelijk anders is

aangegeven;

e. de bedrijfsruimte van de erkende:

de ruimte waarin de erkende de handelingen, waarop zijn erkenning betrekking heeft, verricht of doet verrichten;

f. buitengewoon opsporingsambtenaar:

de buitengewoon opsporingsambtenaar, bedoeld in artikel 142, eerste lid, van het Wetboek van Strafvordering;

g. schietvereniging:

de vereniging die blijkens de in een notariële akte opgenomen statuten tot doel heeft haar leden in de gelegenheid te stellen de schietsport te beoefenen.

2. Overige in deze regeling voorkomende begrippen hebben dezelfde betekenis als in de wet.

2. Nadere omschrijving van wapens

Artikel 2

1. In de wet en de daarop berustende bepalingen wordt verstaan onder:

a. stiletto:

een opvouwbaar mes waarvan het lemmet door een druk-, of vergelijkbaar ontgrendelingsmechanisme zijdelings scharnierend uit het heft wordt gebracht;

b. valmes:

een mes waarvan het lemmet door een druk- of vergelijkbaar ontgrendelingsmechanisme, dan wel door een zwaaibeweging rechtstandig uit het heft wordt gebracht;

c. vlindermes:

een mes waarvan het heft in de lengterichting in tweeën is gedeeld en waarvan het lemmet naar buiten wordt gebracht door elk van de delen van het heft in tegenovergestelde richting zijdelings op te vouwen;

d. vilmes:

een niet-opvouwbaar mes waarvan het heft zeer kort is, haaks op het lemmet staat, en dat is bestemd om bij gebruik in de palm van de hand te worden gehouden, terwijl het lemmet tussen de vingers door naar buiten steekt;

e. ballistisch mes:

een mes waarvan het lemmet, al dan niet tezamen met het heft, door middel van lucht-, gas- of veerdruk rechtstandig uit een geleidingscilinder wordt gedreven;

f. geluiddemper:

een niet in het vuurwapen geïntegreerd, doorgaans aan de loopmond daarvan bevestigd voorwerp dat bestemd of geschikt is om te bewerkstelligen dat het geluid van het afgaan van het schot wordt gedempt;

g. ploertendoder:

een verende of uitschuifbare staaf met een verzwaard uiteinde.

2. Geen wurgstokken in de zin van de wet en de daarop berustende bepalingen zijn voorwerpen die bestemd zijn voor de serieuze beoefening van vechtsporten in verenigingsverband en die gelet op hun constructie of het materiaal waaruit zij zijn vervaardigd niet bestemd zijn om ernstig letsel aan personen toe te brengen.

3. Aanwijzing voor bedreiging of afdreiging geschikte voorwerpen

Artikel 3

Als voorwerpen van categorie I, onder 7°, die een ernstige bedreiging van personen kunnen vormen of die zodanig op een wapen gelijken dat zij voor bedreiging of afdreiging geschikt zijn, worden aangewezen:

- a. voorwerpen vermeld op lijst a of lijst b van de bij deze regeling behorende bijlage I, alsmede niet in die bijlage genoemde voorwerpen die voor wat betreft hun vorm, afmetingen of kleur daarmee een sprekende gelijkenis vertonen;
- b. voorwerpen die voor wat betreft hun vorm, afmetingen en kleur een sprekende gelijkenis vertonen met vuurwapens of met voor ontploffing bestemde voorwerpen;
- c. lucht-, gas- en veerdrukwapens die zodanig zijn gewijzigd dat het dragen niet of minder zichtbaar is;
- d. stiletto's, valmessen en vlindermessen waarvan het heft van een stootplaat is voorzien.

4. Buitengewoon opsporingsambtenaren

Artikel 4

1. Het bepaalde in artikel 22, eerste lid, 26 eerste lid en 27, eerste lid, van de wet is niet van toepassing op buitengewoon opsporingsambtenaren, voorzover hen het voorschrift is gegeven om gedurende hun dienstuitoefening een wapen en munitie voorhanden te hebben.

2. Het in het eerste lid bedoelde voorschrift wordt verleend:

- a. door de minister indien de opsporingsbevoegdheid in het gehele land wordt uitgeoefend;
- b. in de overige gevallen: door de procureur-generaal in het ressort waar de opsporingsbevoegdheid wordt uitgeoefend.

3. Het eerste lid geldt uitsluitend gedurende de periode dat de buitengewoon opsporingsambtenaar beschikt over een titel van opsporingsbevoegdheid.

Artikel 5

1. Een voorschrift, bedoeld in artikel 4, eerste lid, wordt slechts gegeven indien en voorzolang de noodzaak tot bewapening aannemelijk is en de bekwaamheid van de buitengewoon opsporingsambtenaar in de omgang met het wapen en de munitie is aangetoond.

2. Aan een voorschrift kunnen voorwaarden en beperkingen worden verbonden die betrekking hebben op de veiligheid, de bekwaamheid in de omgang met wapens en munitie, alsmede op de opslag en het vervoer daarvan.

3. Indien aan het voorschrift een beperking is verbonden, geldt de vrijstelling in artikel 4, eerste lid, slechts voorzover het voorschrift reikt.

Artikel 6

1. Het voorschrift, bedoeld in artikel 4, eerste lid, kan uitsluitend betrekking hebben op:

- een korte wapenstok, van een door de minister en de Minister van Binnenlandse Zaken goedgekeurd merk en type;
- een half-automatisch pistool van het merk Walther, type P5, kaliber 9 x 19 millimeter;
- munitie van het merk Dynamit Nobel A.G., type Action, model 3, kaliber 9 x 19 millimeter; of
- andere wapens en munitie dan genoemd onder a tot en met c.

2. Een voorschrift dat betrekking heeft op de in het eerste lid, onder d, bedoelde wapens of munitie wordt door de procureur-generaal slechts verleend nadat daarvoor door de minister voorafgaande schriftelijke toestemming is verleend.

5. Overige openbare dienst

Artikel 7

Van het verbod van artikel 14, eerste lid, 22, eerste lid, en artikel 26, eerste lid, van de wet wordt vrijstelling verleend aan personen die werkzaam zijn bij het Gerechtelijk Laboratorium of de Divisie Logistiek van het Korps Landelijke Politiediensten, voorzover het doen binnenkomen of uitgaan, het vervoeren of het voorhanden hebben geschiedt uit hoofde van de dienstuitoefening.

6. Erkenningen; leeftijd, zedelijk gedrag en vakbekwaamheid

Artikel 8

1. De aanvrager of de beheerder, bedoeld in artikel 10, eerste lid, onder a, van de wet is niet jonger dan achttien jaar.
2. De aanvrager of de beheerder, bedoeld in artikel 10, eerste lid onder a, van de wet mag niet met toepassing van artikel 37 van het Wetboek van Strafrecht in een psychiatrisch ziekenhuis zijn geplaatst, dan wel met toepassing van artikel 37a van het Wetboek van Strafrecht ter beschikking zijn gesteld.
3. De aanvrager of de beheerder, bedoeld in artikel 10, eerste lid onder a, van de wet mag niet binnen de laatste acht jaren bij onherroepelijk geworden rechterlijke uitspraak zijn veroordeeld wegens overtreding van één of meer bepalingen gesteld bij of krachtens:
 - a. de Wet van 9 mei 1890 (Stb. 81), houdende verbodsbepalingen tegen het dragen van wapenen;
 - b. de Vuurwapenwet 1919;
 - c. de Wet tot wering van ongewenste handwapenen;
 - d. de Wet wapens en munitie;
 - e. de artikelen 92 tot en met 110, 115, 116, 121 tot en met 125, 131, 141, 181, 182, 191, 208, 209, 225, 226, 242, 246, 250ter, 282, 282a, 285, 287 tot en met 289, 300, tweede, derde en vierde lid, 301, tweede en derde lid 302, 303, 310, 311, 312, 317, 322, 326, 328, 336, 341, 343 tot en met 345, 350, 359, 360, 357, 381, 385a, 385b, 416, 417, 417bis en 437 tot en met 437quater, van het Wetboek van Strafrecht, alsmede de artikelen van Titel VII van het Tweede Boek, van het Wetboek van Strafrecht;
 - f. de artikelen 77, 78, 81, 82, 98, tot en met 100, 116, 117, 119 en 120 van het Wetboek van Militair Strafrecht;
 - g. de Opiumwet.
4. De aanvrager of beheerder, bedoeld in artikel 10, eerste lid, onder a, van de wet mag niet binnen de laatste acht jaren in het buitenland bij onherroepelijk geworden rechterlijke uitspraak zijn veroordeeld wegens overtreding van één of meer aldaar geldende strafbepalingen, vergelijkbaar met de bepalingen genoemd in het vorige lid.
5. Op de termijnen genoemd in het derde en vierde lid zijn de bepalingen van de Wet op de justitiële documentatie en op de verklaring omtrent het gedrag van overeenkomstige toepassing.
6. Vrijwillige betaling van een geldsom, als bedoeld in artikel 74 van het Wetboek van Strafrecht, wordt voor de toepassing van het derde lid gelijk gesteld met een onherroepelijk geworden uitspraak.
7. Van het bepaalde in het tweede tot en met vierde lid kan de korpschef op verzoek ontheffing verlenen indien de toepassing daarvan kennelijk onredelijk is.

Artikel 9

1. De aanvrager of de beheerder, bedoeld in artikel 10, eerste lid, onder a, van de wet dient met gunstig gevolg een examen te hebben afgelegd waarvan de exameneisen en het examenreglement door de minister zijn goedgekeurd.
2. Goedkeuring als bedoeld in het eerste lid wordt in ieder geval verleend aan:
 - a. het Vakexamen voor de handel in wapens en munitie van de Leidsche Onderwijs Instellingen;
 - b. het Examen inzake vakbekwaamheid voor de detailhandel in vuurwapens en munitie van de Nederlandse Vereniging voor de Wapenhandel, voor zover dat examen voor 1 januari 1989 is afgelegd.
3. De minister kan, al dan niet tijdelijk, gehele of gedeeltelijke ontheffing verlenen van het bepaalde in het eerste lid. Aan de ontheffing kunnen voorwaarden en beperkingen worden verbonden.

Artikel 10

Artikel 9, eerste lid, van deze regeling is niet van toepassing, indien de aangevraagde erkenning, bedoeld in artikel 10 van de wet, bedrijven betreft waarin:

- a. geen andere onder de wet vallende voorwerpen dan noodsignaalmiddelen worden hersteld of verhandeld, hieronder mede verstaan het verhandelen van bijbehorende munitie;
- b. uitsluitend wapens worden gegraveerd of geblauwd, dan wel aan een andere oppervlaktebehandeling worden onderworpen;
- c. slechts lucht-, gas- of veerdrukwapens, uitsluitend bestemd en geschikt voor de paintballsport, worden verhandeld; of
- d. uitsluitend munitie van categorie III wordt verhandeld, en die op 26 september 1996 in het bezit waren van een daartoe strekkende erkenning.

7. Erkenningen; beveiliging bedrijfsruimte

Artikel 11

1. De bedrijfsruimte van de erkende:
 - a. is niet in gebruik als woonruimte;
 - b. is deugdelijk afsluitbaar en is voorzien van een alarminstallatie;
 - c. bevat een deugdelijk afsluitbare bergruimte; en
 - d. is niet toegankelijk voor publiek, tenzij daar tevens toezichthoudend personeel aanwezig is.

2. Het bepaalde in het eerste lid, onder a en b, is niet van toepassing op de bedrijfsruimte van de erkende, bedoeld in artikel 10, eerste lid, onder a en b.
3. In de bedrijfsruimte van de erkende worden vuistvuurwapens niet uitgesteld op een plaats die vanaf de openbare weg zichtbaar is.
4. Indien in de bedrijfsruimte van de erkende geen toezichthoudend personeel aanwezig is, worden vuistvuurwapens opgeslagen in de bergruimte, bedoeld in het eerste lid onder c.
5. Onverminderd het bepaalde in de voorgaande leden voldoet de bedrijfsruimte van de erkende die wapens van categorie II vervaardigt, transformeert, in de uitoefening van zijn bedrijf uitwisselt, verhuurt of anderszins ter beschikking stelt, herstelt of verhandelt, aan de veiligheidseisen die zijn gesteld in bijlage IV bij deze regeling.

8. Erkenningen; registers

Artikel 12

1. De erkenninghouder of de in het bewijs van erkenning genoemde beheerder houdt een doorlopend register bij waarin alle door deze onder enige titel verkregen of overgedragen wapens en munitie, onderdelen en hulpstukken als bedoeld in artikel 3 van de wet daaronder mede begrepen, worden aangetekend, met uitzondering van patroonhouders en magazijnen, lucht-, gas- en veerdrukwapens van categorie IV en van die wapens of munitie waarvoor ingevolge één van de artikelen 18, 19, 20, 21, en 22 een vrijstelling geldt.
2. Het in het eerste lid genoemde register bestaat uit de volgende afzonderlijke registraties:
 - a. een registratie betreffende het inkomen van voor de handel bestemde wapens;
 - b. een registratie het inkomen van voor de handel bestemde munitie;
 - c. een registratie betreffende het uitgaan van voor de handel bestemde wapens;
 - d. een registratie betreffende het uitgaan van voor de handel bestemde munitie;
 - e. een registratie betreffende in bewaring of ter reparatie gegeven wapens en munitie.
3. De in het tweede lid onder a genoemde registratie bevat kolomsgewijs en achtereenvolgens: het volgnummer, de datum van ontvangst, het aantal, een omschrijving van het wapen met vermelding van fabrikaat, type, kaliber en nummer, de naam en het adres van degene die heeft geleverd, alsmede de soort, het nummer en de afgevende instantie van het document waaruit de bevoegdheid blijkt van degene die heeft geleverd.
4. De in het tweede lid onder b genoemde registratie bevat kolomsgewijs en achtereenvolgens: het

volgnummer, de datum van ontvangst, de hoeveelheid, een omschrijving van de munitie met vermelding van fabrikaat, type en kaliber, de naam en het adres van degene die heeft geleverd, alsmede de soort, het nummer en de afgevende instantie van het document waaruit de bevoegdheid blijkt van degene die heeft geleverd.

5. De in het tweede lid onder c genoemde registratie bevat kolomsgewijs en achtereenvolgens: het volgnummer, een verwijzing naar het volgnummer waaronder het wapen in de in het tweede lid onder a bedoelde registratie staat vermeld, de datum van overdracht, het aantal, een omschrijving van het wapen met vermelding van fabrikaat, type, kaliber en nummer, de naam en het adres van degene aan wie het wapen wordt overgedragen, de soort, het nummer en de afgevende instantie van het document waaruit de bevoegdheid blijkt van degene aan wie het wapen wordt overgedragen, alsmede, in gevallen waarin een verlof tot verkrijging vereist is, het nummer van dit verlof en de instantie die het heeft afgegeven.

6. De in het tweede lid onder d genoemde registratie bevat kolomsgewijs en achtereenvolgens: het volgnummer, de hoeveelheid, een omschrijving van de munitie met vermelding van fabrikaat, type en kaliber, de naam en het adres van degene aan wie de munitie wordt overgedragen, alsmede de soort, het nummer en de afgevende instantie van het document waaruit de bevoegdheid blijkt van degene aan wie wordt overgedragen.

7. De in het tweede lid onder e genoemde registratie bevat kolomsgewijs en achtereenvolgens: het volgnummer, de datum van ontvangst, het aantal, een omschrijving van het wapen met vermelding van fabrikaat, type, kaliber en nummer, een omschrijving van de munitie met vermelding van fabrikaat, type en kaliber, de naam en het adres van degene die in bewaring of in reparatie heeft gegeven, de soort, het nummer en de afgevende instantie van het document waaruit de bevoegdheid blijkt van degene die in bewaring of in reparatie heeft gegeven, gegevens betreffende de doorgifte van het wapen aan degene die het wapen in reparatie of bewaring heeft gegeven.

8. De erkenninghouder of de in het bewijs van erkenning genoemde beheerder verstrekt voor de zevende dag van elke kalendermaand aan de korpschef een door hem per bladzijde ondertekende en gedateerde kopie dan wel, voorzover het een geautomatiseerd te verwerken registratie betreft, een uitdraai van het gedeelte van elk van de in het tweede lid onder a t/m d genoemde registraties, dat betrekking heeft op de voorgaande kalendermaand, onder gelijktijdige afgifte van de door hem in die periode ingenomen verlopen tot verkrijging. Op verzoek van de korpschef overlegt hij tevens maandelijks een kopie dan wel, voorzover het een geautomatiseerd te verwerken registratie betreft, een uitdraai van het desbetreffende gedeelte van de in het tweede lid onder e genoemde registratie.

9. De erkenninghouder of de in het bewijs van erkenning genoemde beheerder die handelt in lucht-, gas-, of veerdrukwapens van categorie IV, patroonhouders of -magazijnen bedoeld in artikel 18, onder g, van deze regeling, stroomstootwapens bedoeld in artikel 21, van deze regeling, of in noodsignaalmiddelen een register waarin kolomsgewijs en achtereenvolgens wordt aangetekend: de datum van overdracht, het aantal, het fabrikaat en type van de overgedragen voorwerpen, de naam en het adres van degene aan wie wordt overgedragen, alsmede het soort en nummer van diens

legitimatiebewijs. De in dit register opgenomen gegevens blijven tenminste gedurende vijf jaren bewaard.

Artikel 13

Bij verkrijging van wapens van categorie III van personen die een verlof tot het voorhanden hebben als bedoeld in artikel 28 van de wet bezitten, dan wel op grond van artikel 26, tweede lid, van de wet voor de jacht bestemde wapens voorhanden mogen hebben, verstrekt de erkende, dan wel de beheerder, bedoeld in artikel 9, derde lid, van de wet, een ontvangstbewijs overeenkomstig het in bijlage 3 bij deze wet opgenomen model.

9. Vrijstelling van de erkenningsplicht

Artikel 14

Van het verbod in artikel 9, eerste lid, van de wet wordt vrijstelling verleend voor het vervaardigen, transformeren of in de uitoefening van een bedrijf uitwisselen, verhuren of anderszins ter beschikking stellen, herstellen, beproeven of verhandelen van wapens van categorie IV onder 1°, 2°, 3° en 5°.

Artikel 15

1. Van het verbod in artikel 9, eerste lid, van de wet wordt vrijstelling verleend voor het in de uitoefening van een bedrijf ter beschikking stellen van lucht-, gas- en veerdrukwapens van categorie IV, onder 4°, aan bezoekers van erkende kermissen.
2. De vrijstelling in het eerste lid geldt slechts voor:
 - a. kermisexploitanten die tijdens de erkende kermis een toegestane attractie exploiteren;
 - b. gedurende de openingstijden van die kermis; en
 - c. op het terrein van de kermis in de onmiddellijke nabijheid van de attractie.

Artikel 16

1. Van het verbod in artikel 9, eerste lid, van de wet wordt vrijstelling verleend voor het ter beschikking stellen van lucht-, gas- en veerdrukwapens van categorie IV, onder 4°, aan bezoekers van braderieën, rommelmarkten, jaarmarkten, fancy-fairs en soortgelijke evenementen.
2. De vrijstelling in het eerste lid geldt slechts:

- a. voor personen die voorafgaande schriftelijke toestemming van de korpschef hebben om de attractie te exploiteren, welke toestemming wordt onthouden of ingetrokken indien geen redelijke maatregelen ter voorkoming van letsel en schade zijn getroffen, dan wel indien misbruik is te vrezen,
- b. gedurende de openingstijden van het in het eerste lid bedoelde evenement,
- c. op het terrein van het evenement in de onmiddellijke nabijheid van de attractie.

Artikel 17

Van het verbod in artikel 9, eerste lid, van de wet wordt vrijstelling verleend voor het vervaardigen en transformeren van munitie, voor zover het gaat om herladen:

- a. voor eigen gebruik
 - 1° door personen die houder zijn van een jachtakte; of
 - 2° door personen die houder zijn van een verlof tot het voorhanden hebben van wapens en munitie, voor zover het betreft munitie die kan worden afgeschoten door middel van een vuurwapen, tot het voorhanden hebben waarvan die personen gerechtigd zijn;
- b. zonder winst oogmerk door een lid van een schietvereniging ten behoeve van andere leden van die vereniging, voor zover:
 - 1° dit lid daartoe door het bestuur van de vereniging schriftelijk is aangewezen, terwijl van die aanwijzing door het bestuur schriftelijk kennis is gegeven aan de korpschef binnen wiens regio het vervaardigen of transformeren plaatsvindt; en
 - 2° dit lid geen andere munitie vervaardigt of transformeert dan die, welke kan worden afgeschoten door middel van een vuurwapen, tot het voorhanden hebben waarvan hij is gerechtigd, behoudens de gevallen waarin door de korpschef voor dit doeleinde op verzoek van het bestuur van de vereniging een afzonderlijk verlof tot het voorhanden hebben van munitie aan het lid is verleend.

10. Vrijstelling voor vuurwapens en munitie

Artikel 18

Onverminderd het bepaalde in artikel 3 van deze regeling wordt van het verbod in artikel 14, eerste lid, 22, eerste lid, 26, eerste lid, en 31, eerste lid van de wet vrijstelling verleend voor het doen binnenkomen of uitgaan, vervoeren, voorhanden hebben en overdragen van:

- a. vuurwapens die voor gebruik als zodanig ongeschikt zijn gemaakt op de wijze, beschreven in bijlage II bij deze regeling;
- b. vuurwapens in de vorm van geweren, revolvers, pistolen en combinatiewapens die zijn vervaardigd vóór 1 januari 1945 en die ontworpen zijn om te worden geladen:
 - 1° door de loopmond, voorzover het revolvers betreft de voorzijde van de cilinder daaronder mede begrepen, met losse kogels en los buskruit; of
 - 2° met eenheidspatronen, met uitzondering van die welke tot ontbranding worden gebracht

door middel van een centraalvuursysteem of door middel van een randvuursysteem en die van het kaliber .22 zijn;

- c. vuurwapens in de vorm van geweren, hetzij enkelschots, hetzij meerschots, die:
 - 1° vóór 1 januari 1870 zijn vervaardigd of getransformeerd, en die
 - 2° zijn ingericht voor het verschieten van eenheidspatronen waarvan de voortdrijvende lading bestaat uit zwart buskruit;
- d. kennelijk gebruikte lege patroon- en granaathulzen bestemd voor dan wel deel uitmakend van een verzameling;
- e. munitie en onderdelen van munitie van categorie II, uitsluitend voor de houders van een verlot tot het voorhanden hebben van munitie van categorie III en vermeld op dit verlot, voorzover de munitie of onderdelen van munitie passen binnen de op dit verlot omschreven specialisatie en voorzover munitie met een kaliber boven de 12.7 mm (.50) niet voorzien is van brisante ladingen en munitie met een kaliber boven de 19 mm bovendien geen voortdrijvende ladingen bevat;
- f. voorlaadkanonnen, gegoten vóór 1 januari 1870 en voorzien van een zundgat voor lontontsteking.
- g. patroonmagazijnen en patroonhouders voorzover het personen betreft die bevoegd zijn de wapens of de munitie waarvoor deze voorwerpen bestemd zijn voorhanden te hebben.

Artikel 19

- 1. Van het verbod van artikel 14, eerste lid, het verbod van artikel 22, eerste lid, en het verbod van artikel 26, eerste lid, van de wet, wordt vrijstelling verleend voor bij schiethamers behorende munitie.
- 2. De vrijstelling ingevolge het eerste lid geldt slechts voor de munitie die behoort bij schiethamers waarvoor een certificaat van goedkeuring als bedoeld in artikel 4 van de Wet op de gevaarlijke werktuigen (Stb. 1952, 104) is afgegeven.

Artikel 20

- 1. Van het verbod van artikel 14, eerste lid, artikel 22, eerste lid, en artikel 26, eerste lid, van de wet, wordt vrijstelling verleend voor het doen binnenkomen of uitgaan, vervoeren en voorhanden hebben van munitie, bestemd voor wapens die het karakter dragen van oudheden of replica's daarvan, voorzover deze munitie bestaat uit ronden loden kogels.
- 2. Van het verbod van artikel 14, eerste lid, artikel 22, eerste lid, en artikel 26, eerste lid, van de wet wordt vrijstelling verleend aan houders van een jachtakte voor het doen binnenkomen en uitgaan, voorhanden hebben en vervoeren van metallisch lood bevattende hagelpatronen buiten het veld zoals bedoeld in artikel 1 van de Jachtwet.

11. Vrijstelling voor stroomstootwapens en noodsignaalmiddelen

Artikel 21

1. Van het verbod van artikel 14, eerste lid, artikel 22, eerste lid, artikel 26, eerste lid en artikel 27 eerste lid, van de wet, wordt vrijstelling verleend voor het doen binnenkomen of uitgaan, vervoeren, voorhanden hebben en dragen van voorwerpen waarmee door een elektrische stroomstoot personen weerloos kunnen worden gemaakt of pijn kan worden toegebracht, aan personen die zich bezighouden met de beroepsmatige uitoefening van de veehouderij, het transport van vee, of de medische behandeling daarvan.

2. De vrijstelling in het eerste lid geldt voorzover het dragen betreft uitsluitend op het moment dat de in het eerste lid genoemde activiteiten daadwerkelijk plaatsvinden.

Artikel 22

1. Van het verbod van artikel 14, eerste lid, 22, eerste lid, 26, eerste lid en 27, eerste lid, van de wet wordt vrijstelling verleend voor het doen binnenkomen of uitgaan, vervoeren, voorhanden hebben dragen van noodsignaalmiddelen en de daarbij behorende lichtsignaal- of rooksignaalpatronen door personen van 18 jaar of ouder.

2. De vrijstelling ingevolge het eerste lid geldt slechts indien:

1° de noodsignaalmiddelen

- a. van een kleiner kaliber zijn dan kaliber 12 (18,2 mm);
- b. uitsluitend geschikt zijn voor het verschieten van noodsignaalmunitie;
- c. zijn vervaardigd van kunststof of lichtmetaal;
- d. niet de vorm hebben van een geweer, pistool of revolver;
- e. door middel van gravering zijn voorzien van de postcode en het huisnummer van de

eigenaar; en

2° de in het eerste lid genoemde handelingen in directe relatie staan tot het vergroten van de veiligheid aan boord van een vaartuig.

Artikel 23

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend aan in het buitenland wonende personen van 18 jaar en ouder die met hun vaartuig een vaste ligplaats in Nederland hebben, voor het doen binnenkomen of uitgaan van andere noodsignaalmiddelen dan bedoeld in het eerste lid.

2. De vrijstelling ingevolge het eerste lid geldt slechts voor personen die de meegevoerde

noodsignaalmiddelen in Nederland krachtens een verlof voorhanden mogen hebben.

Artikel 24

Van het verbod in artikel 22, eerste lid, van de wet, wordt vrijstelling verleend voor het vervoeren van andere noodsignaalmiddelen dan bedoeld in artikel 22, tweede lid, aan de door de minister van Verkeer en Waterstaat aangewezen ambtenaren van de Vaarwegmarkeringsdienst van het Directoraat-Generaal Scheepvaart en Maritieme Zaken van het ministerie van Verkeer en Waterstaat.

Artikel 25

Van het verbod in artikel 26, eerste lid, van de wet, wordt vrijstelling verleend voor het voorhanden hebben van andere noodsignaalmiddelen dan bedoeld in artikel 22, tweede lid, aan zeeverkeersambtenaren van het Directoraat-Generaal Scheepvaart en Maritieme Zaken van het ministerie van Verkeer en Waterstaat, in de daartoe door de minister van Verkeer en Waterstaat aangewezen zeeverkeersposten.

12. Vrijstelling voor wapens van categorie IV

Artikel 26

1. Van het verbod in artikel 26, vijfde lid, van de wet wordt vrijstelling verleend voor het voorhanden hebben van degens, lucht-, gas-, en veerdrukwapens van categorie IV, alsmede van kruisbogen, aan personen die de leeftijd van 18 jaar nog niet hebben bereikt, voor de beoefening van sporten in verenigingsverband.

2. De vrijstelling ingevolge het eerste lid geldt slechts voor personen die door middel van een bewijs van lidmaatschap kunnen aantonen lid te zijn van een vereniging waarbinnen de sportbeoefening met behulp van een of meer van de in het eerste lid bedoelde voorwerpen plaatsvindt.

3. Voorzover het lucht-, gas- of veerdrukwapens betreft geldt, in afwijking van het tweede lid, de vrijstelling in het eerste slechts voor:

- a. personen die door middel van een bewijs van lidmaatschap kunnen aantonen ten minste drie maanden lid te zijn van een schietvereniging, zoals bedoeld in artikel 1, eerste lid, onder g, van deze regeling;
- b. lucht-, gas- en veerdrukwapens die zijn toegelaten in het Schiet- en wedstrijdreglement van de Koninklijke Nederlandse Schutters Associatie.

Artikel 27

1. Van het verbod van artikel 31, vierde lid, van de wet wordt vrijstelling verleend voor het overdragen aan personen die de leeftijd van 18 jaar nog niet hebben bereikt van degens, lucht-, gas-, en veerdrukwapens van categorie IV, en van kruisbogen, een en ander met het oog op in verenigingsverband beoefende sporten.
2. De vrijstelling ingevolge het eerste lid geldt voorzover het lucht-, gas-, of veerdrukwapens betreft uitsluitend indien:
 - a. de persoon aan wie de in het eerste lid bedoelde voorwerpen worden overgedragen een verklaring, die niet ouder is dan veertien dagen, van het bestuur van de vereniging overlegt, waaruit blijkt dat hij tenminste 3 maanden lid is van een schietvereniging, zoals bedoeld in artikel 1, eerste lid, onder g, van deze regeling;
 - b. het betreft lucht-, gas- en veerdrukwapens die zijn toegelaten in het Schiet- en wedstrijdreglement van de Koninklijke Nederlandse Schutters Associatie; en
 - c. de onder a bedoelde verklaring door degene die het wapen overdraagt in ontvangst wordt genomen, welke verklaring, nadat de datum van overdracht daarop door hem is aangetekend, tenminste vijf jaar na de overdracht van het wapen wordt bewaard.
3. Buiten het geval bedoeld in het tweede lid geldt de vrijstelling in het eerste lid slechts indien:
 - a. de persoon aan wie de in het eerste lid bedoelde voorwerpen worden overgedragen een verklaring, die niet ouder is dan veertien dagen, van het bestuur van de vereniging overlegt waaruit blijkt dat:
 - 1° die vereniging de serieuze sportbeoefening met een of meer van het over te dragen voorwerp tot doel heeft; en
 - 2° de in het eerste lid bedoelde persoon lid is van die vereniging; en
 - b. de onder a bedoelde verklaring door degene die het wapen overdraagt in ontvangst wordt genomen, welke verklaring, nadat de datum van overdracht daarop door hem is aangetekend, tenminste vijf jaar na de overdracht van het wapen wordt bewaard.

Artikel 28

1. Van het verbod in artikel 27, eerste lid, van de wet wordt vrijstelling verleend voor het dragen van degens, lucht-, gas-, en veerdrukwapens van categorie IV, alsmede van kruisbogen op voor het publiek toegankelijke plaatsen, met uitzondering van de openbare weg.
2. De vrijstelling ingevolge het eerste lid geldt uitsluitend:
 - a. voor personen die bevoegd zijn de wapens voorhanden te hebben;
 - b. voor de beoefening van sporten in verenigingsverband ten behoeve waarvan voorafgaande schriftelijke toestemming door de korpschef is verleend, welke toestemming wordt onthouden of

ingetrokken indien geen redelijke maatregelen ter voorkoming van letsel en schade zijn getroffen, dan wel indien misbruik is te vrezen;

- c. gedurende de tijden waarop het sportevenement plaatsvindt;
- d. op het terrein van het evenement in de onmiddellijke nabijheid van de plaats waar de sport daadwerkelijk wordt beoefend.

Artikel 29

Van het verbod van artikel 27, eerste lid, van de wet wordt vrijstelling verleend voor het dragen lucht-, gas- en veerdrukwapens van categorie IV aan personen aan wie deze overeenkomstig artikel 15 of artikel 16 van deze regeling ter beschikking worden gesteld. Artikel 15, tweede lid, onder b en c, en artikel 16, tweede lid, onder b en c, van deze regeling zijn van overeenkomstige toepassing.

13. Vrijstelling voor ceremoniële wapens, optochten en studentenweerbaarheidsverenigingen

Artikel 30

1. Van het verbod van artikel 27, eerste lid, van de wet, wordt vrijstelling verleend voor het dragen van een wapen van categorie IV, aan personen ten aanzien van wie het wapen deel uitmaakt van hun officiële ceremonieel tenue.
2. De vrijstelling in het eerste lid geldt uitsluitend op de tijdstippen dat de ambtskleding of het officiële ceremonieel tenue daadwerkelijk wordt gedragen.

Artikel 31

1. Van het verbod van artikel 27, eerste lid, van de wet, wordt vrijstelling verleend voor het in een optocht meevoeren van wapens van categorie III of IV.
2. De vrijstelling ingevolge het eerste lid geldt slechts indien:
 - a. de wapens worden meegevoerd door personen die op grond van de wet bevoegd zijn die wapens voorhanden te hebben, en
 - b. de burgemeester in de gemeente waar de optocht wordt gehouden schriftelijk heeft verklaard tegen het meevoeren van de in de verklaring omschreven wapens geen bedenkingen te hebben.

Artikel 32

1. Van het verbod van artikel 27, eerste lid, van de wet, wordt vrijstelling verleend aan door de Minister van Defensie erkende studentenweerbaarheidsverenigingen voor het dragen van wapens van categorie III, welke door de krijgsmacht ter beschikking zijn gesteld en van wapens van categorie IV, onder 2°.
2. De vrijstelling ingevolge het eerste lid geldt slechts indien:
 - a. in uniform gekleed en in onderling verband wordt opgetreden tot het verrichten van eerbetoon, het deelnemen aan een optocht of een afstandsmars dan wel het oefenen voor een van deze gelegenheden;
 - b. voorzover vuurwapens worden gedragen, de vereniging op grond van een verlof bevoegd is die vuurwapens voorhanden te hebben; en
 - c. de Minister van Defensie voor het dragen van de ter beschikking gestelde wapens tijdens het onder a bedoelde optreden toestemming heeft verleend, en de burgemeester in de gemeente waar wordt opgetreden daartegen geen bedenkingen heeft.

14. Vrijstelling voor schepen en luchtvaartuigen

Artikel 33

Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor het aan boord van een Nederlands schip of luchtvaartuig doen uitgaan en binnenkomen van wapens van categorie III en de bijbehorende munitie die behoren tot de uitrusting van dat schip of luchtvaartuig en die krachtens een verlof aan boord voorhanden gehouden mogen worden.

Artikel 34

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor de doorvoer van wapens en munitie die behoren tot de uitrusting van een buitenlands schip dan wel tot de persoonlijke bezittingen van de gezagvoerder of de andere bemanningsleden.
2. De vrijstelling ingevolge het eerste lid geldt slechts voor:
 - a. wapens en munitie die aan boord van het schip blijven en die onder douaneverzegeling worden gehouden; en
 - b. wapens van categorie III en de bijbehorende munitie die aan boord van het schip blijven en die buiten douaneverzegeling worden gelaten, voor zover zulks noodzakelijk is voor de beveiliging van het schip, de opvarenden of de lading, dan wel voor de handhaving van de orde aan boord van het schip.

Artikel 35

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor de doorvoer van wapens en munitie die als vrachtgoederen aan boord van een zeeschip worden aangevoerd en die zonder lossing of overlading, binnen veertien dagen na de aankomst van het schip in de haven van bestemming weer over zee worden weggevoerd.
2. De vrijstelling ingevolge het eerste lid geldt slechts indien:
 - a. de gezagvoerder onmiddellijk na de aankomst van het schip in elke Nederlandse haven, waar ligplaats gekozen wordt, van de aanwezigheid aan boord van de wapens en munitie schriftelijk kennis geeft aan de korpschef; en
 - b. de wapens en munitie onder douaneverzegeling worden gehouden.

Artikel 36

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor de doorvoer van wapens en munitie die behoren tot de uitrusting van een buitenlands burgerlijk lijn- of charter vliegtuig of tot de uitrusting dan wel persoonlijke bezittingen van de gezagvoerder of de andere bemanningsleden.
2. De vrijstelling ingevolge het eerste lid geldt slechts in geval van een landing op de luchthaven Schiphol, Rotterdam, Eelde of Maastricht en indien de gezagvoerder de wapens en munitie:
 - a. bij een oponthoud van drie dagen of korter, in een afgesloten bergplaats aan boord van het vliegtuig houdt, of
 - b. bij een oponthoud langer dan drie dagen, in bewaring geeft aan de Commandant van de op de luchthaven gestationeerde afdeling of onderafdeling van het District Koninklijke marechaussee Luchtvaart.

Artikel 37

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor de doorvoer van wapens en munitie die als vrachtgoederen aan boord van een burgerlijk lijn- of chartervliegtuig uit het buitenland worden aangevoerd op een internationale luchthaven en vandaar binnen zeven dagen na de landing per vliegtuig naar het buitenland worden weggevoerd.
2. De vrijstelling ingevolge het eerste lid geldt slechts indien:
 - a. de gezagvoerder onmiddellijk na de landing van het vliegtuig van de aanwezigheid aan boord van de wapens en munitie schriftelijk kennis geeft aan de Commandant van de op de luchthaven gestationeerde afdeling of onderafdeling van het District Koninklijke marechaussee Luchtvaart, indien aanwezig, of anders aan de korpschef, zo nodig door tussenkomst van de douane; en
 - b. de wapens en munitie, in het geval dat die tijdens het oponthoud worden gelost of

overgeladen en niet onmiddellijk naar het buitenland worden weggevoerd, op de luchthaven in een inrichting voor douaneopslag worden opgeslagen.

3. In het geval dat de wapens of munitie na de landing van het vliegtuig worden gelost of overgeladen, geldt de vrijstelling ingevolge het eerste lid bovendien slechts indien ten genoegen van degene aan wie ingevolge het tweede lid, onder a, schriftelijk kennis is gegeven, is aangetoond dat de overheid van het land van bestemming geen bedenkingen heeft tegen de invoer van die wapens en munitie.

Artikel 38

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend voor de doorvoer van vuurwapens van categorie III, die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend, alsmede voor doorvoer van de daarbij behorende munitie door passagiers van burgerlijke lijn- of chartervliegtuigen, die voor een kort oponthoud landen op een Nederlandse internationale luchthaven.

2. De vrijstelling ingevolge het eerste lid geldt slechts indien

- a. de gezagvoerder onmiddellijk na de landing van het vliegtuig van de aanwezigheid aan boord van de wapens en munitie schriftelijk kennis geeft aan de Commandant van de op de luchthaven gestationeerde afdeling of onderafdeling van het District Koninklijke marechaussee Luchtvaart, indien aanwezig, of anderszins aan de korpschef, zo nodig door tussenkomst van de douane; en
- b. de wapens en munitie tijdens het oponthoud op de luchthaven in een afgesloten en voor de passagiers niet toegankelijke bergplaats aan boord van het vliegtuig worden gehouden, tenzij zij moeten worden overgebracht naar een ander vliegtuig, waarmee de luchtreis wordt voortgezet.

15. Vrijstellingen sportschutters en jagers voor buitenlandse activiteiten

Artikel 39

1. Van het verbod van artikel 14, eerste lid en 22, eerste lid van de wet, wordt vrijstelling verleend aan de houder van een geldige jachtakte, voor zover het betreft het ter beoefening door hem van de jacht doen uitgaan of binnenkomen, alsmede vervoeren, van de in die jachtakte omschreven jachtgeweren, die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend, alsmede voor ten hoogste 1000 patronen voor die geweren tezamen.

2. De vrijstelling ingevolge het eerste lid geldt voor de houder van een jachtakte als bedoeld in artikel 16a van de Jachtwet vanaf de zevende dag vóór tot en met de zevende dag ná het tijdvak waarvoor die jachtakte geldig is.

3. Voor ingezetenen van één van de bij de Europese Unie aangesloten lidstaten geldt de vrijstelling slechts indien zij beschikken over een door de autoriteiten in die lidstaat afgegeven Europese vuurwapenpas waarop de wapens zijn vermeld.

Artikel 40

1. Van het verbod van artikel 14, eerste lid en artikel 22, eerste lid, van de wet wordt vrijstelling verleend ten behoeve van doorvoer, anders dan per vliegtuig, van jachtgeweren en daarbij behorende munitie, die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend.

2. Voor ingezetenen van één van de bij de Europese Unie aangesloten lidstaten geldt de vrijstelling ingevolge het eerste en tweede lid slechts indien zij beschikken over een door de autoriteiten in die lidstaat afgegeven Europese vuurwapenpas waarop de wapens zijn vermeld.

Artikel 41

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend aan in het buitenland wonende sportschutters, voor het doen binnenkomen of uitgaan van vuurwapens van categorie III, die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend, alsmede van ten hoogste 1000 patronen voor die vuurwapens tezamen.

2. Van het verbod van artikel 22, eerste lid en artikel 26 eerste lid, van de wet wordt vrijstelling verleend aan in het buitenland wonende sportschutters voor het vervoer en het voorhanden hebben van vuurwapens en munitie van categorie III.

3. De vrijstelling ingevolge het eerste en tweede lid geldt slechts

a. voor sportschutters die blijkens een schriftelijke uitnodiging of verklaring van een Nederlandse schietvereniging gedurende een daarin vermeld tijdvak in Nederland de schietsport gaan beoefenen of hebben beoefend en die in het land van herkomst bevoegd zijn de meegebrachte vuurwapens of munitie voorhanden te hebben;

b. vanaf de tweede dag voor tot en met de tweede dag na de in het tweede lid bedoelde uitnodiging of verklaring vermelde tijdvak.

4. Voor ingezetenen van één van de bij de Europese Unie aangesloten lidstaten geldt de vrijstelling ingevolge het eerste en tweede lid slechts indien zij beschikken over een door de autoriteiten in die lidstaat afgegeven Europese vuurwapenpas waarop de wapens zijn vermeld.

Artikel 42

1. Van het verbod van artikel 14, eerste lid, van de wet, wordt vrijstelling verleend aan in Nederland wonende sportschutters voor het doen binnenkomen of uitgaan van vuurwapens van categorie III die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend, alsmede van ten hoogste 1000 patronen voor die vuurwapens tezamen.
2. De vrijstelling ingevolge het eerste lid geldt slechts voor de sportschutters die:
 - a. blijktens een schriftelijke uitnodiging of verklaring van een schietvereniging in het buitenland de schietsport gaan beoefenen dan wel hebben beoefend, en
 - b. de meegevoerde vuurwapens en munitie in Nederland krachtens een verlof voorhanden mogen hebben.

16. Maximum aantal wapens op verlof of jachtakte

Artikel 43

1. Houders van een verlof tot het voorhanden hebben, zoals bedoeld in artikel 28, eerste lid, van de wet, mogen ten hoogste vijf wapens voorhanden hebben.
2. Houders van een jachtakte, mogen ten hoogste zes wapens voorhanden hebben.
3. Het eerste lid en tweede lid is niet van toepassing op houders van een verlof tot het voorhanden hebben onderscheidenlijk een jachtakte die aantonen dat zes, respectievelijk zeven, of meer wapens voor hen onontbeerlijk zijn voor de beoefening van de schietsport, onderscheidenlijk de jacht.

17. Vrijstellingen voor vervoer

Artikel 44

1. Van het verbod van artikel 22, eerste lid, van de wet wordt vrijstelling verleend aan sportschutters en jagers voor het vervoeren van wapens en munitie die zij gerechtigd zijn voorhanden te hebben.
2. De vrijstelling in het eerste lid geldt uitsluitend:
 - a. voor het vervoeren tussen de woning en de schietbaan, de erkende wapenhandelaar en, na daaraan voorafgaande toestemming van de politie, het bureau van politie, alsmede, voorzover het jagers betreft, het jachtveld; en
 - b. langs de weg en binnen het tijdsbestek welke redelijkerwijs voor het vervoer geboden zijn.

Artikel 45

1. Van het verbod van artikel 22, eerste lid van de wet wordt voor het vervoeren van wapens en munitie vrijstelling verleend aan personen die in de uitoefening van een beroep of bedrijf zaken vervoeren.
2. De vrijstelling in het eerste lid geldt slechts:
 - a. indien en voorzover het vervoer plaats vindt in opdracht van degene die bevoegd is de wapens en de munitie voorhanden te hebben en te vervoeren;
 - b. indien de ontvanger bevoegd is de wapens en de munitie voorhanden te hebben; en
 - c. voorzover uit tijdens het vervoer aanwezige documenten blijkt dat aan de in het eerste lid, alsmede aan de in dit lid onder a en b genoemde voorwaarden is voldaan.

Artikel 46

1. Van het verbod van artikel 22, eerste lid van de wet wordt voor het vervoeren van wapens en munitie vrijstelling verleend aan personen in dienst van houders van een erkenning, zoals bedoeld in artikel 9 van de wet.
2. De vrijstelling in het eerste lid geldt slechts indien:
 - a. het wapens of munitie betreft waarop de erkenning betrekking heeft;
 - b. het vervoer plaatsvindt in opdracht van de erkenninghouder, dan wel de beheerder in het bedrijf waaraan de erkenning is verleend;
 - c. het vervoer noodzakelijk is voor de goede uitvoering van de handelingen waarop de erkenning betrekking heeft;
 - d. de erkenninghouder, onderscheidenlijk de beheerder bevoegd is de wapens en de munitie te vervoeren; en
 - e. uit tijdens het vervoer aanwezige documenten blijkt dat aan de in het eerste lid, alsmede aan de in dit lid onder a tot en met d genoemde voorwaarden is voldaan.

18. Administratie door de korpschef

Artikel 47

1. De korpschef bewaart in afzonderlijke door hem te voeren administraties kopieën van:
 - a. de door hem uitgereikte verlopen tot het voorhanden hebben van wapens en munitie van categorie III, jachtakten, erkenning en consenten; en
 - b. alle documenten betreffende de door andere autoriteiten verleende bevoegdheid tot het

voorhanden hebben van wapens of munitie aan in zijn ambtsgebied wonende personen.

2. De korpschef registreert de naam, het adres en de woonplaats van de in zijn ambtsgebied wonende personen die bevoegd zijn een vuurwapen voorhanden te hebben in een bestand.

3. De korpschef zendt, in geval van verhuizing binnen Nederland van in zijn ambtsgebied wonende personen die bevoegd zijn wapens of munitie voorhanden te hebben, de op hen betrekking hebbende kopieën, bedoeld in het eerste lid, onverwijld aan de korpschef in de politieregio waarbinnen de nieuwe woonplaats is gelegen.

4. De korpschef zendt van iedere erkenning die hij verleent, verlengt, wijzigt of intrekt gelijktijdig een kopie naar de minister.

5. Van de wapens of de munitie die overeenkomstig artikel 8 van de wet in bewaring worden gegeven houdt de korpschef een register bij, waarin wordt vermeld:

- a. de naam en het adres van degene die de voorwerpen in bewaring geeft;
- b. de datum van bewaargeving;
- c. een omschrijving van de in bewaring gegeven voorwerpen, waarbij zoveel mogelijk wordt aangegeven het aantal, de soort, het merk, het type, het kaliber, het nummer, de toebehoren, alsmede andere bijzonderheden, daaronder mede verstaan beschadigingen;
- d. het nummer van het eventueel afgegeven document waaruit blijkt dat de voorwerpen bevoegd voorhanden werden gehouden;
- e. de plaats waar de voorwerpen worden opgeborgen;
- f. de datum waarop de bewaring is geëindigd;
- g. de naam en het adres van degene aan wie na afloop van de bewaring de voorwerpen ter hand zijn gesteld.

6. De bewaargever is de korpschef bewaarloon verschuldigd van f 5,- per wapen per kalendermaand, daaronder begrepen een gedeelte van de kalendermaand, te rekenen vanaf de eerste dag van de derde kalendermaand nadat het wapen in bewaring is gegeven.

7. Aan de bewaargever wordt door de korpschef een ontvangstbewijs verstrekt waarop de gegevens, genoemd in het vijfde lid, onder a tot en met d, worden vermeld. Op het ontvangstbewijs wordt tevens vermeld hetgeen in het zesde lid, alsmede hetgeen in artikel 8, zesde en zevende lid, van de wet is bepaald.

19. Aanvraag- en bevoegdheidsdocumenten

Artikel 48

Voor het indienen van een verzoek om een erkenning, een consent, een vergunning of een verlof wordt gebruik gemaakt van een formulier overeenkomstig het daarvoor in bijlage III bij deze beschikking vastgestelde model.

Artikel 49

1. Bij inwilliging van een verzoek om een erkenning, een consent, een vergunning, een Europese vuurwapenpas of een verlof wordt aan de verzoeker een document uitgereikt overeenkomstig het daarvoor in bijlage III bij deze regeling vastgestelde model.

2. Bij inwilliging van een verzoek om verlenging van de geldigheidsduur van een erkenning wordt daarvan aantekening gemaakt in het aan de verzoeker overeenkomstig het eerste lid uitgereikte document of wordt hem tegen afgifte van het oude document een nieuw document uitgereikt.

20. Onkostenvergoeding

Artikel 50

1. De onkostenvergoeding, bedoeld in artikel 41 van de wet, bedraagt voor:
 - a. een ontheffing of de wijziging of verlenging daarvan: f 100,-
 - b. een erkenning of verlenging daarvan:
 - 1° indien het betreft erkenningen, bedoeld in artikel 10 van deze regeling, dan wel erkenningen waarop artikel 52, eerste lid, van deze regeling van toepassing is: f 100,- voor ieder jaar waarvoor de erkenning geldt;
 - 2° indien het overige erkenning betreft: f 1000,- voor ieder jaar waarvoor de erkenning geldt;
 - c. een consent:
 - 1° voor erkenninghouders f 50,-;
 - 2° voor particulieren f 35,-;
 - d. een vergunning tot vervoer f 5,-;
 - e. een verlof tot vervoer f 2,50,-;
 - f. een verlof tot het voorhanden hebben of het verlengen van de geldigheidsduur daarvan
 - 1° van vuurwapens f 15,- vermeerderd met f 5,- per vuurwapen waarvoor het verlof geldt, met een maximum van f 50,- totaal;
 - 2° van overige wapens of van uitsluitend munitie f 15,-;
 - g. een verlof tot dragen f 20,-;
 - h. een verlof tot verkrijging f 5,-;
 - i. een Europese vuurwapenpas:
 - 1° voor de afgifte daarvan, daarbij inbegrepen de aantekening van ten hoogste drie

vuurwapens, f 60,- vermeerderd met f 5,- per volgend vuurwapen dat op de pas wordt aangetekend, met een maximum van f 95,- totaal;

2° voor de verlenging van de geldigheidsduur daarvan ongeacht het aantal daarop aangetekende vuurwapens f 10,-;

j. het afgeven van een nieuw document, met uitzondering van een document, bedoeld in het eerste lid, onder a, uitsluitend ten gevolge van een redactionele wijziging daarin: f 5,-.

2. Voorzover ter uitvoering van artikel 40 van de wet regels zijn gegeven over combinatie van de daarin genoemde bescheiden bedraagt de onkostenvergoeding voor een dergelijke combinatie niet meer dan het bedrag dat verschuldigd zou zijn voor dat deel van de combinatie waarvoor de hoogste vergoeding geldt.

21. Toezicht.

Artikel 51

Ingevolge artikel 45, eerste lid, onder 2°, van de wet worden als ambtenaren belast met het toezicht op de naleving van het bij en krachtens de wet bepaalde, aangewezen de ambtenaren van de Rijksverkeersinspectie.

22. Overgangs- en slotbepalingen

Artikel 52

1. Artikel 9, eerste lid, van deze regeling is niet van toepassing indien het betreft erkenningen die betrekking hebben op lucht-, gas- of veerdrukwapens met een kinetische mondingsenergie van ten hoogste 7,5 joule en die zijn verleend vóór 26 september 1996.

2. Dit artikel vervalt op 1 januari 2002.

Artikel 53

1. Artikel 11, vijfde lid, van deze regeling is niet van toepassing indien de erkenning voor wapens van categorie II vóór 1 januari 1994 is verleend.

2. Dit artikel vervalt op 1 januari 2000.

Artikel 54

1. In afwijking van het bepaalde in artikel 18, onder c, sub 1^o, wordt in die bepaling in plaats van 'voor 1 januari 1870' gelezen: voor omstreeks 1888.
2. Dit artikel vervalt op 1 januari 2000.

Artikel 55

Artikel 20, tweede lid, alsmede de aanduiding 1. voor het eerste lid, vervalt op 1 januari 1998.

Artikel 56

1. Artikel 43, eerste lid, van deze regeling is niet van toepassing op personen die op 31 december 1996 in het bezit waren van een jachtakte waarop zeven of meer wapens waren vermeld.
2. Dit artikel vervalt op 1 januari 2000.

Artikel 57

Artikel 47, vierde lid, van deze regeling vervalt op 1 januari 1999.

Artikel 58

De regeling van de Minister van Justitie van 27 juni 1989 nr. 1036/589 Directie Politie Stcrt. 1989, 128) wordt ingetrokken.

Artikel 59

Deze regeling treedt in werking op 1 januari 1997, met uitzondering van artikel 13 dat in werking treedt op 1 juli 1997.

Artikel 60

Deze regeling kan worden aangehaald als Regeling wapens en munitie. Deze regeling zal met de toelichting in de Staatscourant worden geplaatst met uitzondering van de in bijlage 2 opgenomen tekeningen en van bijlage 3 die ter inzage worden gelegd in de bibliotheek van het ministerie van Justitie, Schedeldoekshaven 100 te Den Haag.

Bijlage I

De op de lijsten a en b vermelde wapens zijn verboden in (een combinatie van) de voor wapens gebruikelijke kleuren en in (een combinatie van) de voor de krijgsmacht gebruikelijke kleuren.

Indien op lijst a of b een andere dan de voor wapens gebruikelijke of voor de krijgsmacht gebruikelijke kleur wordt vermeld, is het desbetreffende voorwerp tevens in die kleur verboden.

Betekenis letters in laatste kolom:

| | | |
|-------|---|------------------------------------|
| g | = | geweer |
| p | = | pistool |
| r | = | revolver |
| i... | = | imitatie... |
| a... | = | aansteker... |
| al... | = | alarm |
| s... | = | speelgoed... |
| m... | = | machine... |
| e... | = | electro... |
| pw | = | paintballwapen (lucht- of gasdruk) |
| is | = | imitatie seinpistool |
| kb | = | kruisboog |
| rg | = | revolvergeweer |
| ep | = | electropistool |
| hg | = | handgranaat |
| mr | = | minituurrevolver |

Lijst A Nabootsingen van vuurwapens

| | | |
|----------------------|--------------------------|-----|
| 2237 | speelgoed-machinepistool | smp |
| 45 | AUTOMATIC made in China | sp |
| 456 (2 uitvoeringen) | speelgoed-machinepistool | smp |
| 647 | .44 Magnum | sr |
| 913 | NN | sr |
| 7888 | 8 schots | sp |

A

AA colt combat commander mk-IV ap
 ANSAN METAL leopar sp
 ARCO 45'er sp
 ARCO m-24 (rambo no. 625) sp
 ARCO p-38 (rambo no. 612) sp
 ARCO shotgun (rambo no. 615) sg
 ARCO uzi (rambo no. 630) smp
 ARCO uzi/beretta smp
 ARS made in China smp
 ASGK smith & wesson sr
 A.V.C. NN sr
 A.V.C. no. 38 sp
 A.V.C. colt 7.65 sp
 Automatic speelgoed-waterpistool sp

B

BLEU BOX colt M. 16AI sg
 Britisch buldog imitatie-revolver ir
 Bulldog imitatie-revolver ir

C

THE CLOWN electron Ignitioncolts ap
 C.M.C. luger P-08 ip
 C.M.C. beretta m-1934 ip
 C.M.C. browning 380 ip
 C.M.C. browning hp ip
 C.M.C. colt army ir
 C.M.C. colt cavalry ir
 C.M.C. colt civilian ir
 C.M.C. colt commander ip
 C.M.C. colt frontier ir
 C.M.C. colt government ip
 C.M.C. colt m.1911AI ip
 C.M.C. colt peacemaker ir
 C.M.C. colt pocket ip
 C.M.C. enfield ir
 C.M.C. mauser Hsc ip
 C.M.C. mauser military (C-96) ip

C.M.C. nambu type 14 ip
 C.M.C. smith & wesson centennial ir
 C.M.C. smith & wesson chief special ir
 C.M.C. smith & wesson hand injector ir
 C.M.C. tokarev ip
 C.M.C. walther P-38 ip
 G.M.C. walther PPK ip
 Cap Pistol pat.8012 speelgoed-revolver sr
 CAPTAIN onbekend ap
 CHAMPION splinter.8 sr
 COIBEL comando sr
 COIBEL fn hp sp
 COIBEL magnum sp
 COIBEL agente-007 sr
 COIBEL buitre sr
 COIBEL Pantera (open loop) ip
 COIBEL Tatuur sr
 COIBEL Santana sr
 Colt imitatie-revolver ir
 COLT AR-15 Grenade Launcher ir
 Colt 45 (BKA 98) ir
 Colt 45 sp
 Colt army 1873 ir
 Colt cobra sr
 Colt single action army ir
 Colt M-1911AI (chinees) sp
 COMBAT .44 ap
 Cover-Up kruisboogpistool kbp

D

DAISY 04 ir
 DENIX colt peacemaker ir
 DENIX m-11 img
 DENIX winchester sur.23 ig
 DONG SAN walther ppk/s ip
 DONG SAN colt python 357 magnum ir
 DSA 16382 (BKA 187) sr
 DSM s & w .357 magnum ar

E

ECHO TOYS commando smp

EDISON GIOCATTOLI mat. 00252-1 sp
 EDISON GIOCATTOLI eaglematic (P-38) (mat. 00218-1)sp
 EDISON GIOCATTOLI jaguarmatic (mat. 1909) sp
 EDISON GIOCATTOLI leopard (mat. 00219-1) sp
 EDISON GIOCATTOLI lynx matic (mat. 80182) sp
 EDISON GIOCATTOLI mat. 00165-1 sr
 EDISON GIOCATTOLI mat. 00132-1 sr
 EDISON GIOCATTOLI mat. 00181-1 sr
 EDISON GIOCATTOLI mat. 00185-2 sr
 EDISON GIOCATTOLI mat. 00192-1 sr
 EDISON GIOCATTOLI mat. 00218-1 (eaglematic)(P-38) sp
 EDISON GIOCATTOLI mat. 00219-1 (leopard) sp
 EDISON GIOCATTOLI mat. 0022-1 sp
 EDISON GIOCATTOLI mat. 00235-1 sp
 EDISON GIOCATTOLI mat. 00250-1 sp
 EDISON GIOCATTOLI mat. 00266-1 smp
 EDISON GIOCATTOLI mat. 00270-1 sp
 EDISON GIOCATTOLI mat. 272 sp
 EDISON GIOCATTOLI mat. 460 sr
 EDISON GIOCATTOLI mat. 462 sr
 EDISON GIOCATTOLI mat SB 10079 ir
 EDISON GIOCATTOLI oregon sr
 EDISON GIOCATTOLI phantom sp
 EDISON GIOCATTOLI 1883 west sr
 EDISON GIOCATTOLI champion sr
 EDISON GIOCATTOLI mat. 00237-1 sp
 EDISON GIOCATTOLI mat. 0263 sp
 EM-SA smith & wesson mod. 59 sp
 EM-SA smith & wesson 59 sp
 EM-SA fn met verlengde loop sp
 EM-SA colt 7.65 sp
 ENTERTECH beretta (water-machinepistool) smp

F

FAJ knalkurkpistool sp
 FALCON smith & wesson 44 ir
 FVM Panther ip
 F.N. imitatie-pistool ip
 F.N. Browning imitatie-pistool ip
 F.N. h.p. 1974 imitatie-pistool ip
 FS s & w m-66 (fs 9021) sr

G

GERMAN POLIZEI ppk ip
 GIANT python 357 gt sr
 GONHER gs-8 sr
 GONHER colt 7.65 sp
 GONHER uzi smp
 GONHER 125 sp
 GONHER no. 125 sp
 GONHER Python 123 sr
 GONHER Smith-126 sr
 GIBIE kansas sr
 GIBIE Garret sr
 GIBIE Jeff sr
 GONHER astra sp
 GONHER luger (no. 124) sp
 GONHER magnum (no. 127) sr
 GONHER 74 sr
 GONHER Magnum sp
 GONHER made in spain sp
 GONZALEZ Gonker 74 sr
 GONZALEZ made in spain sp
 GOVERNMENT automatic pistol sp
 Grazy gun speelgoed-machinepistool smp
 GUN TOY (GT) speelgoed-revolver sr
 Gun Toy made in Italy sr

H

HONKONG TOY CENTRE mauser 7.63mm sound pistol sp
 HONKONG TOY CENTRE beretta m-92-f sp
 HONKONG TOY CENTRE mini-uzi (waterpistool) smp
 HONKONG TOYS .44 magnum sp
 HY onbekend (opschrift 'patent') sr

I

IDEAL 08/50 sp
 IDEAL B 38 ir
 IDEAL Europol ip
 IDEAL ruby sr
 IDEAL commander sp

IDEAL G-man sp
IDEAL government sp
IDEAL jackson (P-38) sp
IDEAL magnum sr
IDEAL mustang sr
IDEAL pk/90 sp
IDEAL samuel colt sr
IDEAL sheriff sr
IDEAL ruby sr
IDEAL fbi chief sr
IDEAL interpol special sr
IDEAL peacemaker sr
IDEAL super 88 sr
IDEAL Super 8 sr
IDEAL Officer 8 sp
IDEAL Python-matic sr
IDEAL p-08/90 luger sp
IDEAL black panther sg
IMPERIAL beretta mod. 92 sp
ITEM Nr. 9953 Made in china sp

J

JINGUNG colt mk-IV serie 90 ap
JOAL alex sg
JOAL made in spain ip
JOAL A-11 made in spain sp
J.S. combat commander mk-IV ap
J.S. MK.2 ahg
JS colt mk IV ap
JS colt's mk IV/series 90 ap

K

KINGSWAY aanstekerpistool Semi
Automatic M459 ap
KK detective special sr
KK nn sr
KK 8648 smp
KOKUSAI smith & wesson 44 (smg 9.78) ir
KOKUSAI python 357 ir

L

L.S. .44 auto mag sp
 L.S. 357 python sr
 L.S. buntline special sr
 L.S. cavalry sr
 L.S. colt 25 pocket model sp
 L.S. colt 45, m-191A1 sp
 L.S. colt 357 python sr
 L.S. colt cobra sr
 L.S. colt detective special sr
 L.S. colt m-16 (ar-15) sg
 L.S. colt m.16A1 sg
 L.S. colt m.177 command sg
 L.S. colt peacemaker frontier sr
 L.S. double derringer sp
 L.S. mauser military C-96 sp
 L.S. nambu type 14 sp
 L.S. remington new army sr
 L.S. remington new navy sr
 L.S. ruger super blackhawk sr
 L.S. single action army sr
 L.S. smith & wesson mod. 29 sr
 L.S. smith & wesson mod. 36 sr
 L.S. walter P-38, kurz sp
 LA PRECISA speelgoed-revolver (groot) sr
 LA PRECISA speelgoed-revolver (klein) sr
 LARAMI mini-uzi smp
 LARAMI uzi smp
 LNJ-TOYS Entertech mod. beretta smp
 LONE STAR smith & wesson 45 sr
 LONE STAR texas 32 sr
 Luger P-08. aansteker in pistoolvorm ap
 Luger P-08. parabellum sp
 LUGER made in england sp

M

M.A.M. volcanic 22 sr
 MATCH WINNER Padimaster ap
 Merkloos replia Colt 1853 ir
 M.F.G. colt match target ip
 M.F.G. Marushin browning ip

M.G.C. nn ir
 M.G.C. beretta m-1934 ip
 M.G.C. browning 1910 auto ip
 M.G.C. browning hp ip
 M.G.C. colt.44 ir
 M.G.C. colt combat commander ip
 M.G.C. colt detective ir
 M.G.C. colt government ip
 M.G.C. colt m-16 ig
 M.G.C. colt official police ir
 M.G.C. colt peacemaker ir
 M.G.C. luger P-08 ip
 M.G.C. luger P-08 artillery ip
 M.G.C. Manufactory ir
 M.G.C. mauser Hsc ip
 M.G.C. mauser military c-96 ip
 M.G.C. navy colt 1851 ir
 M.G.C. remington 1851 mod. navy ir
 M.G.C. remington 1860 army ir
 M.G.C. remington new army ir
 M.G.C. remington new navy ir
 M.G.C. schmeisser mp-40 imp
 M.G.C. smith & wesson chief special ir
 M.G.C. smith & wesson combat ir
 M.G.C. smith & wesson combat magnum ir
 M.G.C. smith & wesson mod. 44 ip
 M.G.C. smith & wesson snub ir
 M.G.C. thompson machine gun imp
 M.G.C. tokarev ip
 M.G.C. uzi imp
 M.G.C. walther P-38 ip
 M.G.C. walther PPK ip
 M.G.C. winchester carbine ig
 M.G.C. yellow boy carbine ig
 M-459 semi-automatic (chrom) ap
 M-459 semi-automatic (brons) ap
 M-655 (T-856 china) speelgoed-machinepistol smp
 44 MAGNUM HI.911213 ar
 MARUSHIN beretta 9mm kort ip
 MARUSHIN smith & wesson .357 ir
 MARUSHIN uzi imp
 MARUSHIN walther ppk/s ip
 MARUZEN Colt government sp

MARUZEN mini-uzi smp
 MARUZEN P.08 sp
 MARUZEN smith & wesson, mod. 59 sp
 MARUZEN M92 SB (aansteker) ap
 MARUI Smith & Wesson ir
 MARX nn sr
 Mauser C-96 speelgoed-pistool sp
 Mauser military C-96 onbekend ip
 MONDIAL commander sp
 MONDIAL giubbe rosse 1961 sr
 MONDIAL Baby sp
 MUPI automatic matr. 12345 sp
 MARUI colt combat commander sp
 MARUZEM m-92-sp (aansteker) ap
 MS made in china sp
 MS onbekend sp

N

NINTENDO televisie-lichtrevolver sr
 NISIN SANGYO CO. colt, woodsman match target ip
 NISIN SANGYO CO. heckler und koch mp-5 imp
 NISIN SANGYO CO. highway patrolman mod. 29 S&W r
 NISIN SANGYO CO. smith & wesson 44 mod. 29 ir
 NN handgranaat merkloos,
 metaalkleurig hg
 NN Super magnum (aansteker) ar
 NN no. 12808 T.S. Co sr
 NN no. 8003 sr
 No. 913 NN sr

O

Original smithe gun imitatie revolver ir
 (Onbekend) BKA 98 ir
 (Onbekend) Detective Special ir
 (Onbekend) M-16 Grenade Launcher g
 (Onbekend) 92-F ip
 (Onbekend) made in China sp

P

PHASER FORCE Buddy smp
 PYRO fn 1910 ip
 PIETRO BERETTA the Kimp Gun sp
 PIEZO (aansteker) colt 45 (Tiger-I) ap
 PIEZO (aansteker) colt mk-IV ap
 PIEZO (aansteker) colt python 357 (Tiger-II) ar
 PIEZO (aansteker) js-38 ar
 PIEZO aanstekerpistool type Blow
 Back automatic 25 ap
 P38 onbekend Zwart/bordeaux ir
 PULSAR pursuit sg

R

RANGER no. 6067 sr
 R.M.I. baby beretta ip
 R.M.I. beretta m-1934-67 ip
 R.M.I. browning hp ip
 R.M.I. colt ir
 R.M.I. colt 44 long blank ir
 R.M.I. colt cobra ir
 R.M.I. colt detective ir
 R.M.I. colt detective snub ir
 R.M.I. colt m-16 ig
 R.M.I. colt m-191a1-67 ip
 R.M.I. colt new chief ir
 R.M.I. colt new police ir
 R.M.I. colt official police ir
 R.M.I. enfield nr. 2 mk-I ir
 R.M.I. fn mod. M-1910-63 ip
 R.M.I. frontier ip
 R.M.I. frontier, derringer ip
 R.M.I. luger P-08 ip
 R.M.I. m-I ig
 R.M.I. mas mod. 1935-A ip
 R.M.I. military c-96 ip
 R.M.I. police 12 ir
 R.M.I. schmeisser mp-40 imp
 R.M.I. smith & wesson .357 python ir
 R.M.I. smith & wesson combat ir
 R.M.I. smith & wesson snub ir
 R.M.I. thompson machine gun imp
 R.M.I. tokarev ip

R.M.I. Walther ppk ip
R.T.S. speelgoed-revolver sr
R.T.S. vanguard alr
REMCO uzi smp
RECK PK 6000 alp
ROHM RG-300 alp
ROBERT ADAMS made in germany sr
Ruger 22 speelgoed pistool sp

S

S.AGENT no. 978114 sr
SJ colts commander model ap
SM 1976 Colt Single ir
Action Army
S.M.G. colt single action sr
S.M.G. Uzi smp
SANSEI f.n. browning, canadian no.3 ip
SKORPIO speelgoed-pistool sp
SPARKLING uzi smp
STAR 10 ap
Stun pistol NN ep
Super pistol 672
new shap speelgoed-pistool sp
SANEI beretta mod. 92-F sp
Smith & Wesson type beretta 92 sp
Smith & Wesson .44 NN sr
Smith & Wesson
(american) onbekend r
SWORDFISH made in S.L.F. ar
SWORDFISH Beretta M 84 ap

T

T-856 china M-655 smp
Terminator NN hg
TIGER T.M.G. 500-S sp
TOMY colt 45 tiger-1 combat ap
TOY ARMORY sb 10079 sr
TSUKUDA uzi smp
THUNDERBOY M-35 SP sp

U

UMAREX ESG-30 ip
 UNITED Lawman (revolvermes) rm
 UNIX kg-9 smp
 Uzi imitatie-machinepistool imp

W

W.F. Ingram M-10 smp
 W.F. colt M-16 sg
 Walter P.38 imitatie-pistool ip
 WESTERN p-38 ap
 WESTERN ARMS National Match series 70
 (aansteker) ap
 WESTERN ARMS National Match no. 1992 ap
 WESTERN COMPACT LINE r-8 sr
 WESTERN COMPACT LINE r-88 sr
 WESTERN COMPACT LINE super 8 sr
 WESTERN COMPACT LINE super 88 sr
 WICKE billy sr
 WICKE buddy sr
 WICKE Cannon MX2 sp
 WICKE jerry sr
 WICKE 007 sp
 WICKE olly sr
 WICKE percy sp
 WICKE rocky sr
 WICKE cannon mx-2 sp
 WICKE GSG-9 sr
 WICKE power man sp
 WICKE Bonny sr
 Winchester imitatie-geweer ig
 W.F. M-60 smg
 W.F. colt government sp
 W.F. M-92 sp
 W.F. P-38 sp
 W.F. Beretta m-92 sp
 W.F. walther p-38 sp
 WORE ARMS natiol matni no. 1993 ap

X

XINGYE national match ap

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| YONEZAWA | fn hp | ip |
| YONEZAWA | remington shotgun | sg |
| YONEZAWA | smith & wesson type 559 | ip |
| YONEZAWA | walther pp, 7.65 | |

Bijlage II

Eisen ten aanzien van het voor gebruik ongeschikt maken van vuurwapens (zie artikel 18, onder a, RWM).

Vuurwapens vallen onder de vrijstelling van artikel 18, onder a, van de RWM, indien ze voor gebruik ongeschikt zijn gemaakt op de navolgende wijze:

- a. basculerende hagelgeweren (enkel- of meerloops) met uitwendige hanen: zie beschrijving 1, alsmede tekening 1a en 1b;
- b. basculerende hagelgeweren (enkel- of meerloops) met inwendige hanen: zie beschrijving 2, alsmede tekening 2a en 2b);
- c. enkelschots grendelgeweren: zie beschrijving 3, alsmede tekening 3.
- d. meerschots grendelgeweren (repeterende vuurwapens): zie beschrijving 4, alsmede tekening 4;
- e. overige vuurwapens dienen overlangs te zijn doorgezaagd of afgeslepen.

Aanwijzingen met betrekking tot het voor gebruik ongeschikt maken van de onder a tot en met d genoemde wapens:

- de daarvoor in aanmerking komende onderdelen dienen eerst onbruikbaar te worden gemaakt en vervolgens gemonteerd en elektrisch vastgelast te worden; een en ander is afhankelijk van type wapen en toegepast afvuursysteem;
- de elektrische lassen diene op schone en vetvrije oppervlakken te worden gelegd en van deugdelijke kwaliteit te zijn;
- de bewerkingen dienen cumulatief te worden uitgevoerd.

Beschrijving 1

Basculerende hagelgeweren met uitwendige hanen

1. Twee gaten boren in elke loop met een diameter van ten minste 8 mm, waarvan één gat uitmondt in de kamer van de loop en één gat op maximaal 150 mm van de achterkant van de loop.

2. De kamer van elke loop ten dele versperren met een elektrische las.
3. De onderdelen van de sloten vastlassen op de slotplaten.
4. Zowel de slagpinnen als de schroeven die de slagpinnen borgen in de bascule, elektrisch vastlassen.
5. De voorste of achterste loophaak en de grendelstift inkorten.
6. Na het grendelen het restant loophaak en het restant grendelstift elektrisch vastlassen aan de bascule.
7. In de loopmondningen nauw passende stalen pennen (cilinders) ter lengte van minste 30 mm elektrisch vastlassen.

Beschrijving 2

Basculerende hagelgeweren met inwendige hanen

1. Twee gaten boren in elke loop met een diameter van ten minste 8 mm, waarvan één gat uitmondt in de kamer van de loop en één gat op maximaal 150 mm van de achterkant van de loop.
2. De kamer van elke loop ten dele versperren met een elektrische las.
3. De slagpingaten in de bascule vergroten tot een diameter van ten minste 10 mm.
4. De slagpinpunt verwijderen.
5. De spanhefboom, de loophaak en de grendelstift inkorten.
6. De lopen en de diverse onderdelen van het grendel-, span- en afvuurmechanisme elektrisch vastlassen aan de bascule.
7. In de loopmondningen nauw passende stalen pennen (cilinders) ter lengte van minste 30 mm elektrisch vastlassen.

Beschrijving 3

Enkelschots grendelgeweren

1. Een nagenoeg kamervullende stalen pen elektrisch vastlassen in de kamer van de loop. Eventueel de voorkant van de grendel inkorten om deze te sluiten.
2. Een nauw passende stalen pen, ter lengte van tenminste 30 mm, elektrisch vastlassen in de loopmondning.
3. Twee gaten met een diameter van ten minste 10 mm boren in de onderkant van de loop, waarvan één omstreeks 50 mm voor de kamer en één halverwege de loop.
4. Een gat van ten minste 10 mm boren in de onderkant van het huis en de loop ter hoogte van de schroefdraadverbinding huis/loop.
5. Twee gaten met een diameter van ten minste 10 mm boren in de onderkant van het huis, doorlopend tot in de grendel.
6. De trekkerspannok verwijderen.
7. De opening in het huis voor het doorlaten van de trekker-spannok, de twee geboorde gaten in het huis/grendel en het geboorde gat in het huis/loop met elektrische lassen geheel opvullen.

Beschrijving 4

Meerschots grendelgeweren (repeterende vuurwapens)

1. Een nagenoeg kamervullende, stalen pen elektrisch vastlassen in de kamer van de loop.
 2. Een nauw passende stalen pen, ter lengte van tenminste 30 mm, elektrisch vastlassen in de loopmond.
 3. Twee gaten met een diameter van ten minste 10 mm boren in de onderkant van de loop, waarvan één omstreeks 50 mm voor de kamer en één halverwege de loop.
 4. de loop elektrisch vastlassen aan het huis, hetzij ter plaatse van de achterkant van de loop en het inwendige van het huis, hetzij door middel van een te boren gat met een diameter van minimaal 10 mm in het huis en de loop ter plaatse van de schroefdraad. In het eerstgenoemde geval de voorkant van de grendel inkorten om deze te kunnen sluiten.
 5. De grendel/afsluiter elektrisch vastlassen aan het huis over de gehele lengte, aan beide langszijden van de magazijnopening.
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Wet wapens en munitie

Paragraaf 1 Algemene bepalingen

Artikel 1

In deze wet wordt verstaan onder:

1° Onze Minister:

Onze Minister van Justitie;

2° de korpschef:

de korpschef, bedoeld in artikel 24 van de Politiewet 1993;

3° vuurwapen:

een voorwerp bestemd of geschikt om projectielen of stoffen door een loop af te schieten, waarvan de werking berust op het teweegbrengen van een scheikundige ontploffing of een andere scheikundige reactie;

4° munitie:

patronen en andere voorwerpen, bestemd of geschikt om een projectiel of een giftige, verstikkende, weerloosmakende, traanverwekkende of soortgelijke stof door middel van een vuurwapen af te schieten of te verspreiden, alsmede projectielen, bestemd om afgeschoten te worden door middel van een vuurwapen;

5° beheerder:

degene die onmiddellijk leiding geeft aan de uitoefening van een bedrijf, waarin wapens en munitie worden vervaardigd, getransformeerd, uitgewisseld, verhuurd of anderszins ter beschikking

gesteld, hersteld, beproefd of verhandeld;

6° bestemming:

de onmiddellijke bestemming van de in een consentaanvraag omschreven wapens en munitie, aangevuld met de eindbestemming daarvan indien ten tijde van de consentaanvraag bekend is dat de wapens en munitie vanuit de onmiddellijke bestemming zullen worden doorgevoerd;

7° binnenkomen en uitgaan:

het binnen het grondgebied van Nederland komen, respectievelijk het verlaten van het grondgebied van Nederland;

8° doorvoer:

binnenkomen gevolgd door uitgaan;

9° vervoer van een wapen:

het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van een wapen dat zodanig is verpakt, dat het niet voor onmiddellijk gebruik kan worden aangewend;

vervoer van munitie:

het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van munitie;

10° dragen van een wapen:

het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van een wapen anders dan voor vervoer in de onder 9° bedoelde zin;

11° overdragen:

het aan een ander doen overgaan van de feitelijke macht.

12° Europese vuurwapenpas:

het document dat wordt afgegeven door de autoriteiten van de lid-staten van de Europese Gemeenschappen aan de wettige houder en gebruiker van een vuurwapen.

Artikel 2

1. Wapens in de zin van deze wet zijn de hieronder vermelde of overeenkomstig dit artikellid aangewezen voorwerpen, onderverdeeld in de volgende categorieën.

Categorie I

1°. stiletto's, valmessen en vlindermessen, een en ander indien het lemmet:

a. meer dan een snijkant heeft;

b. 7 cm of langer en 14 mm of smaller is;

c. 9 cm of langer is; of

d. van een stootplaat is voorzien;

2°. andere opvouwbare messen, indien:

a. het lemmet meer dan een snijkant heeft; of

b. de lengte in opgevouwen toestand langer dan 28 cm is;

3°. boksbeugels, ploertendoders, wurgstokken, werpsterren, villessen, ballistische messen en geluiddempers voor vuurwapens;

4°. blanke wapens die uiterlijk gelijken op een ander voorwerp dan een wapen;

- 5°. pijlen en pijlpunten bestemd om door middel van een boog te worden afgeschoten, die zijn voorzien van snijdende delen met de kennelijke bedoeling daarmee ernstig letsel te kunnen veroorzaken;
- 6°. katapulten;
- 7°. andere door Onze Minister aangewezen voorwerpen die een ernstige bedreiging van personen kunnen vormen of die zodanig op een wapen gelijken, dat zij voor bedreiging of afdreiging geschikt zijn.

Categorie II

- 1°. vuurwapens die niet onder een van de andere categorieën vallen;
- 2°. vuurwapens, geschikt om automatisch te vuren;
- 3°. vuurwapens die zodanig zijn vervaardigd of gewijzigd dat het dragen niet of minder zichtbaar is dan wel dat de aanvalskracht wordt verhoogd;
- 4°. vuurwapens die uiterlijk gelijken op een ander voorwerp dan een wapen;
- 5°. voorwerpen waarmee door een elektrische stroomstoot personen weerloos kunnen worden gemaakt of pijn kan worden toegebracht, met uitzondering van medische hulpmiddelen;
- 6°. voorwerpen, bestemd voor het treffen van personen met giftige, verstikkende, weerloosmakende, traanverwekkende en soortgelijke stoffen, met uitzondering van medische hulpmiddelen en van vuurwapens in de vorm van geweren, revolvers en pistolen, bestemd voor het afschieten van munitie met weerloosmakende of traanverwekkende stof;
- 7°. voorwerpen bestemd voor het treffen van personen of zaken door vuur of door middel van ontploffing, met uitzondering van explosieven voor civiel gebruik indien met betrekking tot deze explosieven erkenning is verleend overeenkomstig de Wet explosieven voor civiel gebruik.

Categorie III

- 1°. vuurwapens in de vorm van geweren, revolvers en pistolen voor zover zij niet vallen onder categorie II sub 2°, 3° of 6°;
- 2°. toestellen voor beroepsdoeleinden die geschikt zijn om projectielen af te schieten;
- 3°. werpmessen;
- 4°. alarm- en startpistolen en -revolvers, met uitzondering van alarm- en startpistolen die:
 - a. geen loop of een kennelijk verkorte, geheel gevulde loop hebben;
 - b. zodanig zijn ingericht dat zij uitsluitend knalpatronen van een kaliber niet groter dan 6 mm kunnen bevatten; en
 - c. waarvan de ligplaats van de patronen en de gasuitlaat loodrecht staan op de loop of op de lengterichting van het wapen.

Categorie IV

- 1°. blanke wapens waarvan het lemmet meer dan een snijkant heeft, voor zover zij niet vallen onder categorie I;
- 2°. degens, zwaarden, sabels en bajonetten;
- 3°. wapenstokken;
- 4°. lucht-, gas- en veerdrukwapens, behoudens zulke door Onze Minister overeenkomstig categorie I, sub 7°, aangewezen die zodanig gelijken op een vuurwapen dat zij voor bedreiging of afdreiging geschikt zijn;

5°. kruisbogen en harpoenen;

6°. bij regeling van Onze Minister aangewezen voorwerpen die geschikt zijn om daarmee personen ernstig lichamelijk letsel toe te brengen;

7°. Voorwerpen waarvan, gelet op hun aard of de omstandigheden waaronder zij worden aangetroffen, redelijkerwijs kan worden aangenomen dat zij voor geen ander doel zijn bestemd dan om letsel aan personen toe te brengen of te dreigen en die niet onder een van de andere categorieën vallen.

2. Munitie in de zin van deze wet is, onderverdeeld in de volgende categorieën:

Categorie I

vervallen

Categorie II

1°. munitie die uitsluitend geschikt voor vuurwapens van categorie II is;

2°. munitie die een giftige, verstikkende, weerloosmakende, traanverwekkende of soortgelijke stof verspreidt, met uitzondering van munitie met weerloosmakende of traanverwekkende stof, bestemd voor vuurwapens in de vorm van geweren, revolvers en pistolen;

3°. munitie voorzien van een projectiel waarmee een pantserplaat kan worden doorboord, munitie voorzien van een projectiel met brandsas of met een explosieve lading, alsmede de voor deze munitie bestemde projectielen;

4°. munitie voor geweren, revolvers en pistolen voorzien van expanderende projectielen, alsmede de voor deze munitie bestemde projectielen, behalve wanneer het voor de jacht of de schietsport bestemde munitie of projectielen betreft.

Categorie III

Alle overige munitie.

3. Aanwijzingen door Onze Minister, als bedoeld in het eerste lid, geschieden bij regeling.

4. Onverminderd het bepaalde in het eerste lid, onder categorie I, sub 7°, zijn geen wapens in de zin van deze wet voorwerpen die klaarblijkelijk zijn bestemd om als speelgoed te worden gebruikt en die redelijkerwijze niet geschikt kunnen worden geacht om daarmee personen ernstig lichamelijk letsel toe te brengen.

Artikel 3

1. De bepalingen betreffende wapens zijn mede van toepassing op onderdelen en hulpstukken die specifiek bestemd zijn voor die wapens en van wezenlijke aard zijn.

2. De bepalingen betreffende munitie zijn mede van toepassing op onderdelen van die munitie, voorzover geschikt om munitie van te maken.

Artikel 3a

1. De artikelen 9, eerste lid, 13, eerste lid, 14, eerste lid, 22, eerste lid, 26, eerste lid, en 27, eerste lid, zijn niet van toepassing op de krijgsmacht. Zij zijn evenmin van toepassing op personen die daarvan deel uitmaken of daarvoor werkzaam zijn, voor zover Onze Minister van Defensie dit bij regeling heeft bepaald.
2. De artikelen 9, eerste lid, 14 eerste lid, 22, eerste lid, 26, eerste lid, en 27, eerste lid, zijn niet van toepassing op de politie. Zij zijn evenmin van toepassing op personen die daarvan deel uitmaken of daarvoor werkzaam zijn, voor zover Onze Minister en Onze Minister van Binnenlandse Zaken dit bij regeling hebben bepaald.
3. De artikelen 14, eerste lid, 22, eerste lid, 26, eerste lid, en 27, eerste lid, zijn niet van toepassing op de overige openbare dienst en op personen die daarvan deel uitmaken of daarvoor werkzaam zijn, daaronder begrepen buitengewone opsporingsambtenaren, voor zover Onze Minister dit bij regeling heeft bepaald.
4. Voor de toepassing van dit artikel wordt onder krijgsmacht, politie en overige openbare dienst mede verstaan niet-Nederlandse krijgsmacht, politie of openbare dienst.

Artikel 4

Onze Minister kan van bij of krachtens deze wet vastgestelde voorschriften of verboden vrijstelling of, op daartoe strekkend verzoek, ontheffing verlenen voor daarbij te omschrijven wapens of munitie, behorend tot een van de volgende groepen:

- a. wapens die niet voor gebruik als zodanig geschikt te maken zijn;
- b. wapens die het karakter dragen van oudheden;
- c. andere wapens, voor zover deze bestemd zijn voor dan wel deel uitmaken van een verzameling of een wandversiering;
- d. munitie, voor zover deze bestemd is voor dan wel deel uitmaakt van een verzameling;
- e. toestellen en voorwerpen voor beroepsdoeleinden;
- f. monster-, demonstratie- of testmateriaal en rekwisieten;
- g. noodsignaalmiddelen en de daarvoor bestemde munitie.

Artikel 5

Onze Minister kan bij regeling nadere omschrijvingen geven van de in artikel 2, eerste lid, vermelde en de overeenkomstig dat artikel aangewezen wapens, alsmede van de in artikel 4 bedoelde wapens.

Artikel 6

De in deze wet genoemde erkenningen, consenten, vergunningen, verloven, vrijstellingen en ontheffingen kunnen onder beperkingen worden verleend. Voorts kunnen er voorschriften aan worden verbonden.

Artikel 7

1. De in deze wet genoemde consenten, vergunningen, verloven en ontheffingen kunnen, onverminderd de bijzondere gronden tot weigering daarvan, geweigerd indien:
 - a. de aanvrager niet de door Onze Minister bij regeling vastgestelde gegevens en bescheiden heeft overgelegd;
 - b. er reden is om te vrezen dat aan de aanvrager het onder zich hebben van wapens of munitie niet kan worden toevertrouwd;
 - c. er reden is om te vrezen dat daarvan dan wel van wapens of munitie misbruik zal worden gemaakt; of
 - d. wanneer daartoe dringende, aan het algemeen belang ontleende, redenen bestaan.
2. De in deze wet genoemde erkenningen, consenten, vergunningen, verloven en ontheffingen kunnen, onverminderd de bijzondere gronden tot wijziging of intrekking daarvan, door het bestuursorgaan dat deze heeft verleend of door Onze Minister worden gewijzigd of ingetrokken:
 - a. indien onjuiste gegevens zijn verstrekt die hebben geleid tot de verlening daarvan;
 - b. indien er aanwijzingen zijn dat aan de houder daarvan het onder zich hebben van wapens of munitie niet langer kan worden toevertrouwd;
 - c. in geval van misbruik daarvan dan wel van wapens of munitie;
 - d. indien niet meer wordt voldaan aan de vereisten voor de verlening daarvan;
 - e. bij niet inachtneming van een daaraan verbonden beperking of voorschrift; of
 - f. wanneer daartoe dringende, aan het algemeen belang ontleende, redenen bestaan.

Artikel 8

1. Hij die een wapen of munitie voorhanden heeft, zonder daartoe gerechtigd te zijn, is verplicht deze terstond bij de korpschef in bewaring te geven.
2. Indien dringende, aan het algemeen belang ontleende, gronden daartoe aanleiding geven is de korpschef bevoegd bij schriftelijk bevel, gericht tot degene die een wapen of munitie voorhanden heeft, te gelasten deze binnen een in dat bevel gestelde termijn bij hem in bewaring te geven.
3. Indien dringende, aan het algemeen belang ontleende, gronden daartoe aanleiding geven, kan Onze Minister bij algemene bekendmaking gelasten dat personen die een wapen of munitie voorhanden hebben, deze binnen een bepaalde termijn bij de korpschef in bewaring geven.

4. Bij toepassing van het tweede of derde lid wordt aangegeven welke gronden daartoe aanleiding hebben gegeven, tenzij zwaarwegende belangen zich daartegen verzetten.
5. Het in bewaring gegeven wapen en de munitie worden, voor zover de korpschef dat nodig acht, voor onmiddellijk gebruik ongeschikt gemaakt.
6. Over het in bewaring gegeven wapen en de munitie kan de rechthebbende beschikken met goedvinden van de korpschef.
7. De eigendom van het in bewaring gegeven wapen en de munitie gaat nadat de bewaring vijf jaren heeft geduurd over op de Staat, tenzij de rechthebbende binnen drie maanden voor het verstrijken van die termijn heeft verklaard daartegen bezwaar te hebben. Door een verklaring als hiervoor bedoeld vangt een nieuwe termijn van vijf jaren aan.
8. Voor in bewaring gegeven wapens of munitie is een bewaarloon verschuldigd aan de korpschef, overeenkomstig bij regeling van Onze Minister gestelde regels.
9. Bij regeling van Onze Minister worden regels gegeven over een door de korpschef te verstrekken ontvangstbewijs en een door hem bij te houden register met betrekking tot in bewaring gegeven wapens of munitie.

Paragraaf 2 Erkenning

Artikel 9

1. Het is verboden zonder erkenning een wapen of munitie te vervaardigen, te transformeren of in de uitoefening van een bedrijf uit te wisselen, te verhuren of anderszins ter beschikking te stellen, te herstellen, te beproeven of te verhandelen.
2. Bevoegd tot het verlenen en intrekken van een erkenning, alsmede het verlengen van de geldigheidsduur daarvan, is de korpschef in de plaats waar de aanvrager is gevestigd. Een erkenning heeft een geldigheidsduur van ten hoogste vijf jaren en kan telkens met ten hoogste vijf jaren worden verlengd.
3. Een erkenning heeft uitsluitend betrekking op de daarin genoemde handelingen, soorten wapens en munitie en bedrijfseenheden. Indien de handelingen worden verricht in de uitoefening van een bedrijf, strekt de werking van de erkenning zich mede uit tot de beheerder.
4. Indien een redelijk belang dit vordert, kan de korpschef die de erkenning verleent of heeft verleend bepalen dat de erkenning tevens inhoudt vergunning tot vervoer van wapens en munitie van de

categorieën II en III.

5. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid verlenen met betrekking tot:
- a. wapens van categorie IV;
 - b. het vervaardigen of transformeren van munitie door personen die bevoegd zijn een wapen of munitie voorhanden te hebben.

Artikel 10

1. Een erkenning wordt geweigerd indien:
 - a. de aanvrager of, indien deze een bedrijf uitoefent, de beheerder, niet voldoet aan de door Onze Minister vastgestelde eisen met betrekking tot leeftijd, zedelijk gedrag en vakbekwaamheid;
 - b. de ruimte waarin de handelingen worden verricht niet voldoet aan de door Onze Minister vastgestelde eisen van beveiliging; of
 - c. er reden is om te vrezen dat aan de beheerder het onder zich hebben van wapens of munitie niet kan worden toevertrouwd.
2. Voor de bij regeling van Onze Minister te onderscheiden categorieën van erkenningen kunnen verschillende eisen worden vastgesteld.

Artikel 11

Vervallen.

Artikel 12

Een erkenning kan worden ingetrokken:

- a. bij niet inachtneming van de op grond van artikel 42 vastgestelde regels;
- b. indien er aanwijzingen zijn dat aan de beheerder het onder zich hebben van wapens of munitie niet langer kan worden toevertrouwd; of
- c. indien de houder van de erkenning gedurende ten minste een jaar de handelingen waarop de erkenning betrekking heeft, niet heeft verricht.

Paragraaf 3 Bepalingen voor wapens van categorie I

Artikel 13

1. Het is verboden een wapen of munitie van categorie I te vervaardigen, te transformeren, voor derden te herstellen, over te dragen, voorhanden te hebben, te dragen, te vervoeren, te doen binnenkomen of te doen uitgaan.
2. Onze Minister kan, onverminderd artikel 9, ontheffing verlenen van een of meer verboden genoemd in het eerste lid, met het oog op:
 - a. gebruik door de krijgsmacht;
 - b. ondewijs ten behoeve van de politie en de overige openbare dienst;
 - c. doorvoer van wapens of munitie;
3. Op een ontheffing met het oog op doorvoer is artikel 20, tweede en derde lid, van overeenkomstige toepassing.

Paragraaf 4 Binnenkomen en uitgaan van wapens en munitie van de categorieën II en III

Artikel 14

1. Het is verboden zonder consent een wapen of munitie van de categorieën II en III te doen binnenkomen of te doen uitgaan, alsmede om de bij binnenkomst aangegeven bestemming van zulke wapens of munitie zonder consent te wijzigen.
2. Een consent tot wijziging van de bij binnenkomst aangegeven bestemming staat gelijk aan een consent tot binnenkomen voor de gewijzigde bestemming.
3. Een consent is uitsluitend geldig voor wapens en munitie die zodanig zijn verpakt dat zij niet voor onmiddellijk gebruik kunnen worden aangewend.
4. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid verlenen met betrekking tot:
 - a. sportschutters en jagers;
 - b. doorvoer van wapens of munitie;
 - c. de uitrusting van vaartuigen en luchtvaartuigen, alsmede van de bemanning daarvan.Geen vrijstelling kan worden verleend ten aanzien van het, anders dan tijdelijk, doen uitgaan van wapens en munitie naar een lid-staat van de Europese Gemeenschappen.
5. De houder van een in Nederland afgegeven consent of van een in een andere lid-staat van de Europese Gemeenschappen afgegeven vergunning voor het doen binnenkomen, doorvoeren of doen uitgaan van wapens of munitie, is verplicht de wapens en munitie tot aan de bestemming, respectievelijk het verlaten van het grondgebied van Nederland, te doen vergezellen van het consent of de vergunning.

Artikel 15

Onze Minister kan, na overleg met Onze Minister van Economische Zaken, bepalen dat op grond van de In- en uitvoerwet afgegeven vergunningen tevens gelden als consent in de zin van artikel 14.

Artikel 16

1. Voor zover het krachtens artikel 15 bepaalde niet van toepassing is, verleent Onze Minister van Defensie het consent tot binnen-komen ten behoeve van de krijgsmacht en Onze Minister dat ten behoeve van de overige openbare dienst.
2. In alle overige gevallen wordt een consent verleend door de korpschef in de vestigingsplaats van de aanvrager dan wel, wanneer de aanvrager geen vestigingsplaats in Nederland heeft, door de korpschef van het regionaal politiekorps Utrecht.

Artikel 17 - 19

Vervallen.

Artikel 20

1. Een consent tot binnenkomen wordt geweigerd indien de aanvrager niet gerechtigd is de wapens of de munitie in Nederland voorhanden te hebben, tenzij deze zijn bestemd voor overbrenging en opslag onder douaneverband.
2. Een consent tot doorvoer of tot uitgaan wordt geweigerd indien:
 - a. de wapens of de munitie geen door Onze Minister van Buitenlandse Zaken goedgekeurde bestemming hebben; of
 - b. niet uit een door de aanvrager over te leggen bewijsstuk blijkt of niet uit anderen hoofde bekend is dat de bevoegde autoriteiten van het land van bestemming geen bezwaar hebben tegen de aanwezigheid van de wapens of munitie op hun grondgebied.
3. Wanneer een lidstaat van de Europese Gemeenschappen het land van bestemming of van doorvoer is van de wapens of munitie waarop de aanvraag betrekking heeft, wordt door Onze Minister van het verlenen van het consent mededeling gedaan aan die lidstaat.

Artikel 21

Vervallen.

Paragraaf 5 Vervoer van wapens en munitie van de categorieën II en III

Artikel 22

1. Het is verboden een wapen of munitie van de categorieën II en III te vervoeren zonder vergunning tot vervoer, als bedoeld in artikel 9, vierde lid, dan wel verlof tot vervoer, als bedoeld in artikel 24.
2. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid verlenen met betrekking tot sportschutters en jagers, die gerechtigd zijn tot het voorhanden hebben van wapens of munitie.

Artikel 23

Vervallen.

Artikel 24

- Een verlof tot vervoer wordt, uitsluitend voor wapens en munitie van categorie III, verleend door de korpschef in de plaats waar het vervoer een aanvang neemt of waar de aanvrager is gevestigd indien:
- a. de aanvrager gerechtigd is het wapen of de munitie voorhanden te hebben;
 - b. een redelijk belang de verlening van het verlof vordert.

Artikel 25

Vervallen.

Paragraaf 6 Voorhanden hebben en dragen van wapens en munitie van de categorieën II, III en IV

Artikel 26

1. Het is verboden een wapen of munitie van de categorieën II en III voorhanden te hebben.
2. Het eerste lid is niet van toepassing op personen die houder zijn van:
 - a. een verlof als bedoeld in artikel 28, eerste lid, van de wet, voor zover dit verlof reikt; of
 - b. een jachtakte als bedoeld in de Jachtwet, voor wat betreft voor de jacht bestemde wapens en munitie van categorie III, die in de jachtakte zijn omschreven.
3. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid voor wapens of munitie van categorie III verlenen met betrekking tot jagers en sportschutters, die hun vaste woon- of verblijf- plaats buiten Nederland hebben.
4. Onze Minister kan ten aanzien van de personen bedoeld in het tweede lid regels vaststellen met betrekking tot:
 - a. de medische geschiktheid en vaardigheid in het omgaan met wapens;
 - b. de vereiste kennis op het terrein van wapens; en
 - c. het aantal wapens dat zij ten hoogste voorhanden mogen hebben.
5. Het is personen die de leeftijd van achttien jaren nog niet hebben bereikt verboden een wapen van categorie IV voorhanden te hebben.
6. Onze Minister kan bij regeling vrijstelling van het verbod van het vijfde lid verlenen in het kader van in verenigings-ver-band beoefende sporten.

Artikel 27

1. Het is verboden een wapen van de categorieën II, III en IV te dragen.
2. Het eerste lid is niet van toepassing op personen die:
 - a. houder zijn van een verlof als bedoeld in artikel 29, voor zover dit verlof reikt; of
 - b. op grond van artikel 26, tweede lid, voor de jacht bestemde wapens voorhanden mogen hebben, voor wat betreft het terrein waar zij tot de jacht gerechtigd zijn.
3. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid voor wapens van de categorieën III en IV verlenen met betrekking tot:
 - a. optochten; en
 - b. studenten-weerbaarheidsverenigingen.
4. Onze Minister kan bij regeling vrijstelling van het verbod van het eerste lid voor wapens van categorie IV verlenen met betrekking tot:
 - a. ceremoniële wapens;
 - b. kermissen; en

- c. sportbeoefening.

Artikel 28

1. Verlof tot het voorhanden hebben van een wapen en munitie wordt, uitsluitend voor wapens en munitie behorend tot categorie III, verleend door de korpschef in de woon- of verblijfplaats van de aanvrager.
2. Een verlof wordt verleend indien:
 - a. een redelijk belang de verlening van het verlof vordert;
 - b. de aanvrager geen gevaar voor zichzelf, de openbare orde of veiligheid kan vormen;
 - c. de aanvrager tenminste de leeftijd van achttien jaren heeft bereikt, behoudens afwijking voor leden van een schietvereniging.
3. Het belang met het oog waarop het verlof is verleend, wordt in het verlof omschreven.
4. Een verlof heeft een geldigheid van ten hoogste een jaar en kan worden verlengd, indien aan de vereisten voor de verlening daarvan nog wordt voldaan.
5. Indien de aanvrager die geen vaste woon- of verblijfplaats in Nederland heeft, ingezetene is van een van de andere lid--st-at-en van de Europese Gemeenschappen, doet Onze Minister mededeling aan die lid-staat van de verlening van een verlof als bedoeld in het eerste lid, wanneer het verlof betrekking heeft op wapens of munitie ten aanzien waarvan het voorhanden hebben in die lid-staat aan een vergunning is onderworpen.

Artikel 28a

1. Aan personen die gerechtigd zijn tot het voorhanden hebben van een vuurwapen wordt desverzocht een Europese vuurwapen-pas uitge-reikt.
2. Op de Europese vuurwapenpas worden aangetekend de vuurwa-pens die de houder gerechtigd is voorhanden te hebben, alsmede andere bij regeling van Onze Minister vast te stel-len gegevens.
3. De Europese vuurwapenpas wordt afgegeven door de korpschef in de woon- of verblijfplaats van de aanvrager en heeft een geldigheidsduur van ten hoogste een jaar.

Artikel 29

1. Indien een redelijk belang dit vordert, kan de instantie die een verlof tot het voorhanden hebben

van een wapen van categorie III verleent of heeft verleend, bepalen dat dit verlov ook betrekking heeft op het dragen van dit wapen.

2. Wanneer aan het eerste lid toepassing is gegeven, wordt dit in het verlov vermeld.
3. Indien een redelijk belang dit vordert, kan de in artikel 28, eerste lid, bedoelde instantie verlov verlenen tot het dragen van een wapen van categorie IV.

Artikel 30

Vervallen.

Paragraaf 7 Overdracht en verkrijging van wapens en munitie van de categorieën II, III en IV

Artikel 31

1. Het is verboden een wapen of munitie van de categorieën II en III over te dragen.
2. Het eerste lid is niet van toepassing op het overdragen aan personen die gerechtigd zijn het wapen of de munitie voorhanden te hebben.
3. Onverminderd het bepaalde in het eerste lid is het verboden een wapen van categorie III over te dragen zonder inontvangstneming van het in artikel 32 bedoelde verlov tot verkrijging.
4. Het is verboden een wapen van categorie IV over te dragen aan een persoon die de leeftijd van achttien jaren nog niet heeft bereikt.
5. Bij regeling van Onze Minister kan vrijstelling van het verbod van het vierde lid worden verleend in het kader van in verenigingsverband beoefende sporten.

Artikel 32

1. Verlov tot verkrijging van wapens van categorie III wordt verleend aan personen die een verlov tot voorhanden hebben als bedoeld in artikel 28 bezitten, dan wel op grond van artikel 26, tweede lid, voor de jacht bestemde wapens voorhanden mogen hebben, door de korpschef van hun woon- of verblijfplaats.

2. Indien de aanvrager die geen vaste woon- of verblijfplaats in Nederland heeft, ingezetene is van een van de andere lid-staten van de Europese Gemeenschappen, wordt:
 - a. geen verlof als bedoeld in het eerste lid verleend zonder voorafgaande toestemming van die lid-staat, wanneer het verlof betrekking heeft op wapens ten aanzien waarvan het voorhanden hebben in die lid-staat aan een vergunning is onderworpen;
 - b. door Onze Minister mededeling gedaan aan die lid-staat van een verlof als bedoeld in het eerste lid, wanneer het verlof betrekking heeft op wapens ten aanzien waarvan het voorhanden hebben in die lid-staat aan een aangifte is onderworpen.

Paragraaf 8 Veiligheidseisen

Artikel 33

1. Onverminderd artikel 10, eerste lid, aanhef en onder b, kan Onze Minister, ten behoeve van de beveiliging, eisen vaststellen, waaraan ruimten en vervoermiddelen, waarin wapens of munitie van de categorieën II en III worden bewaard of vervoerd, moeten voldoen. Worden zulke eisen vastgesteld voor ruimten en vervoermiddelen, in gebruik bij de krijgsmacht, dan geschiedt dit door Onze Minister van Defensie.
2. Onze Minister kan, ten behoeve van de veiligheid, technische eisen vaststellen, waaraan wapens en munitie van categorie III bij overdracht aan personen die een verlof tot verkrijging als bedoeld in artikel 32 hebben, moeten voldoen.

Paragraaf 9 Beroep

Artikel 34

1. Tegen beschikkingen van de korpschef genomen krachtens deze wet staat administratief beroep open bij Onze Minister.
2. Het beroep kan worden ingesteld:
 - a. tegen beschikkingen op grond van artikel 8: door de bewaargever en door de rechthebbende;
 - b. in de overige gevallen door de aanvrager, dan wel de houder van de erkenning, het consent, de vergunning of het verlof.

Artikel 35 - 37

Vervallen.

Paragraaf 10 Bepalingen over de uitvoering van de wet

Artikel 38

1. Onze Minister kan regels vaststellen over de door de korpschefs bij de uitvoering van deze wet te voeren administratie.
2. Bij de uitvoering van deze wet volgen de korpschefs de aanwijzingen van Onze Minister. Algemene aanwijzingen aan de korpschefs worden verstrekt door tussenkomst van de korpsbeheerder.

Artikel 39

Onze Minister kan modellen vaststellen van het bewijs van erkenning, de consenten, de vergunningen, de verloven, alsmede van andere ter uitvoering van de wet te gebruiken bescheiden. Deze modellen worden bekendgemaakt in de Nederlandse Staatscourant.

Artikel 40

Onze Minister kan regels geven over combinatie van verschillende krachtens deze wet vereiste consenten, vergunningen en verloven, alsmede van andere ter uitvoering van de wet te gebruiken bescheiden.

Artikel 41

Onze Minister geeft regels met betrekking tot het bedrag dat is verschuldigd bij de aanvraag op grond van deze wet van een erkenning, een ontheffing, een consent, een vergunning, een verlof en een Europese vuurwapenpas. Het bedrag is verschuldigd aan het Rijk indien de aanvraag wordt ingediend bij Onze Minister of Onze Minister van Defensie, of aan de betrokken politieregio indien de aanvraag bij de korpschef wordt ingediend.

Artikel 42

1. Onze Minister geeft regels betreffende een door de erkende te houden register waarin alle door deze onder enige titel verkregen of overgedragen wapens en munitie worden aangetekend.

2. Onze Minister geeft regels betreffende een door de erkende te verstrekken ontvangstbewijs bij verkrijging van wapens van categorie III van personen die een verlof tot het voorhanden hebben als bedoeld in artikel 28 bezitten, dan wel op grond van artikel 26, tweede lid, voor de jacht bestemde wapens voorhanden mogen hebben.

Artikel 43 - 44

Vervallen

Paragraaf 11 Toezicht en opsporing

Artikel 45

1. Met het toezicht op de naleving van het bij en krachtens deze wet bepaalde zijn belast:
 - 1°. de bij of krachtens artikel 141 van het Wetboek van Strafvordering aangewezen ambtenaren;
 - 2°. de door Onze Minister, in overeenstemming met Onze Minister van Verkeer en Waterstaat, aangewezen ambtenaren van de Rijksverkeersinspectie;
 - 3°. de ambtenaren van de rijksbelastingdienst, bevoegd inzake douane.
2. Van een aanwijzing als bedoeld in het eerste lid, onderdeel 2, wordt mededeling gedaan door plaatsing in de Staatscourant.

Artikel 46

De in artikel 45 bedoelde ambtenaren zijn bevoegd ladingen waarvan zij redelijkerwijs kunnen vermoeden dat wapens of munitie daarvan deel uitmaken, aan onderzoeken te onderwerpen voor zover dit redelijkerwijs voor de vervulling van hun taak met betrekking tot deze wet nodig is. Daartoe kunnen zij vorderen dat de verpakking van goederen wordt geopend en dat ook overigens de medewerking wordt verleend die voor die onderzoeken is vereist.

Artikel 47

1. De in artikel 45 bedoelde ambtenaren zijn bevoegd van personen die gerechtigd zijn wapens of munitie voorhanden te hebben, alle inlichtingen te verlangen die redelijkerwijs voor de vervulling van hun taak met betrekking tot deze wet nodig zijn.

2. Zij zijn bevoegd van de in het eerste lid bedoelde personen inzage te verlangen van boeken en andere zakelijke bescheiden en daarvan afschrift te nemen, een en ander voor zover dit redelijkerwijs voor de vervulling van hun taak met betrekking tot deze wet nodig is.
3. De personen van wie inlichtingen of inzage van bescheiden worden verlangd zijn verplicht die onverwijld te verstrekken.
4. Zij die uit hoofde van hun stand, beroep of ambt tot geheimhouding verplicht zijn, kunnen zich verschonen van het verschaffen van inlichtingen, doch uitsluitend voor zover het betreft hetgeen hun in hun hoedanigheid is toevertrouwd. Zij kunnen voorts het verlenen van medewerking weigeren, voor zover hun plicht tot geheimhouding zich daartoe uitstrekt.

Artikel 48

De in artikel 45 bedoelde ambtenaren zijn bevoegd elke plaats met uitzondering van een woning zonder toestemming van de bewoner, waar, naar zij redelijkerwijs kunnen vermoeden, in verband met de uitoefening van een bedrijf, wapens of munitie aanwezig zijn, te betreden, voor zover dit redelijkerwijs voor de vervulling van hun taak met betrekking tot deze wet nodig is. Zonodig verschaffen zij zich toegang met behulp van de sterke arm.

Artikel 49

De in artikel 45, onder 1^o, bedoelde ambtenaren kunnen te allen tijde op plaatsen waar zij redelijkerwijs kunnen vermoeden dat wapens of munitie aanwezig zijn, ter inbeslagneming huiszoeking doen.

Artikel 50

1. De in artikel 45, onder 1^o, bedoelde ambtenaren zijn bevoegd te vorderen dat de verpakking van goederen, met inbegrip van reisbagage, wordt geopend, indien daartoe redelijkerwijs aanleiding bestaat op grond van een gepleegd strafbaar feit waarbij wapens zijn gebruikt of op grond van aanwijzingen dat een dergelijk strafbaar feit zal worden gepleegd.
2. De in het eerste lid bedoelde bevoegdheid kan slechts worden uitgeoefend tegen bepaalde personen, indien daartoe jegens hen aanleiding bestaat. De officier van justitie kan gelasten dat deze bevoegdheid tegenover een ieder kan worden uitgeoefend.
3. Indien geen medewerking wordt verleend, kunnen de in het eerste lid bedoelde ambtenaren, op kosten en risico van de houder van de goederen, in het nodige voorzien.

Artikel 51

1. De in artikel 45, onder 1^o, bedoelde ambtenaren zijn bevoegd vervoermiddelen te onderzoeken, indien daartoe redelijkerwijs aanleiding bestaat op grond van een gepleegd strafbaar feit waarbij wapens zijn gebruikt of op grond van aanwijzingen dat een dergelijk strafbaar feit zal worden gepleegd.
2. De in het eerste lid bedoelde bevoegdheid kan slechts worden uitgeoefend ten aanzien van bepaalde vervoermiddelen, indien daartoe jegens deze aanleiding bestaat. De officier van justitie kan gelasten dat deze bevoegdheid tegenover elk vervoermiddel kan worden uitgeoefend.
3. De in het eerste lid bedoelde ambtenaren kunnen van de bestuurders van voertuigen en van de schippers van vaartuigen daartoe vorderen dat deze de vervoermiddelen tot stilstand brengen, deze vervoermiddelen naar een door hen aangewezen plaats overbrengen en overeenkomstig hun aanwijzingen terzake medewerking verlenen.

Artikel 52

1. De in artikel 45, onder 1^o, bedoelde ambtenaren zijn te allen tijde bevoegd tot inbeslagneming van daarvoor vatbare voorwerpen. Zij kunnen daartoe hun uitlevering vorderen.
2. De in het vorige lid bedoelde ambtenaren zijn bevoegd een persoon verdacht van overtreding van de artikelen 13 of 26 door het voorhanden hebben van een wapen, indien tegen hem ernstige bezwaren bestaan, aan zijn kleding te onderzoeken.
3. De bedoelde ambtenaren alsmede andere daartoe door Onze Minister aangewezen personen zijn bevoegd een persoon die zich bevindt op een voor aankomst en vertrek van reizigers bestemd gedeelte van een luchtvaartterrein, als omschreven bij of krachtens de Luchtvaartwet (Stb. 1958, 471), te allen tijde aan zijn kleding en reisbagage te onderzoeken.

Artikel 53

Vervallen.

Paragraaf 12 Strafbepalingen

Artikel 54

Met geldboete van de derde categorie wordt gestraft hij die handelt in strijd met een krachtens de artikelen 6, 8, tweede of derde lid, 33 of 42 vastgesteld voorschrift, dan wel in strijd met de artikelen 8, eerste lid, 14, vijfde lid, 26, vijfde lid, 27, eerste lid, 31, derde of vierde lid, of 47, derde lid.

Artikel 55

1. Met gevangenisstraf van ten hoogste drie maanden of geldboete van de derde categorie wordt gestraft hij die handelt in strijd met de artikelen 9, eerste lid, 13, eerste lid, 22, eerste lid, 26, eerste lid of 31, eerste lid.
2. Met gevangenisstraf van ten hoogste negen maanden of geldboete van de vierde categorie wordt gestraft:
 - a. hij die handelt in strijd met de artikelen 9, eerste lid, 26, eerste lid, of 31, eerste lid, en het feit begaat met betrekking tot een vuurwapen van categorie III;
 - b. hij die handelt in strijd met artikel 14, eerste lid.
3. Met gevangenisstraf van ten hoogste vier jaar of geldboete van de vijfde categorie wordt gestraft:
 - a. hij die handelt in strijd met de artikelen 9, eerste lid, 14, eerste lid, 26, eerste lid, of 31, eerste lid, en het feit begaat met betrekking tot een wapen van categorie II, of met betrekking tot meer dan één vuurwapen van categorie III;
 - b. hij die handelt in strijd met 26, eerste lid, en het feit begaat door het dragen van een vuurwapen van categorie III;
 - c. hij die handelt in strijd met de artikelen 9, eerste lid, 13, eerste lid, 14, eerste lid, 26, eerste lid, of 31, eerste lid, en van het vervaardigen, transformeren, uitwisselen, verhuren of anderszins ter beschikking stellen, herstellen, beproeven of verhandelen van wapens of munitie een beroep of gewoonte maakt;
 - d. hij die handelt in strijd met de artikelen 13, eerste lid, of 26, eerste lid, aan boord van een luchtvaartuig of op een luchtvaartterrein, als omschreven in artikel 1 van de Luchtvaartwet.

Artikel 56

De in artikel 54 strafbaar gestelde feiten zijn overtredingen. De in artikel 55 strafbaar gestelde feiten zijn misdrijven.

Paragraaf 13 Slotbepaling

Artikel 57

Deze wet kan worden aangehaald als Wet wapens en munitie, afgekort WWM.

Artikel 58 - 65

Vervallen.

Begrippen Wet wapens en munitie

Ballistisch mes

Een mes waarvan het lemmet, al dan niet tezamen met het heft, door middel van lucht-, gas- of veerdruk rechtstandig uit een geleidingscilinder wordt gedreven.

Binnenkomen en uitgaan

Het binnen het grondgebied van Nederland komen, respectievelijk het verlaten van het grondgebied van Nederland van wapens of munities.

Consent

Een vergunning tot invoer, uitvoer of doorvoer. Een consent moet worden aangevraagd bij de politie en wordt afgegeven door de korpschef van politie.

Doorvoer

Binnenkomen gevolgd door uitgaan.

Dragen van een wapen

Het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van een wapen anders dan voor vervoer.

Erkenning

Een vergunning voor het bedrijfsmatig hanteren van wapens (verkoop, verhuur, aanpassing enz.). Een erkenning moet worden aangevraagd bij de politie en wordt afgegeven door de korpschef van politie.

Europese Vuurwapenpas

Het document dat wordt afgegeven door de autoriteiten van de lid-staten van de Europese Gemeenschappen (in Nederland: de korpschef in de politieregio) aan de wettige houder en gebruiker van een vuurwapen.

Geluiddemper

Een niet in het vuurwapen geïntegreerd, doorgaans aan de loopmond daarvan bevestigd voorwerp dat bestemd of geschikt is om te bewerkstelligen dat het geluid van het afgaan van het schot wordt gedempt.

Munitie

Patronen en andere voorwerpen, bestemd of geschikt om projectielen of stoffen door een loop af te schieten, waarvan de werking berust op het teweegbrengen van een scheikundige ontploffing of een andere scheikundige reactie.

Ontheffing

Individuele uitzondering op een wettelijk verbod. Ontheffing moet worden aangevraagd bij de minister van Justitie.

Overdragen

Het aan een ander doen overgaan van de feitelijke macht van wapens en munitie

Ploertendoder

Een verende of uitschuifbare staaf met verzwaard uiteinde.

Stiletto

Een opvouwbaar mes waarvan het lemmet door een druk-, of vergelijkbaar ontgrendelingsmechanisme zijdelings scharnierend uit het heft wordt gebracht.

Valmes

Een mes waarvan het lemmet door een druk- of vergelijkbaar ontgrendelingsmechanisme, dan wel door een zwaaibeweging rechtstandig uit het heft wordt gebracht.

Verlof

Vergunning voor een bepaalde handeling. Verlof moet worden aangevraagd bij de politie en wordt afgegeven door de korpschef.

Vervoer van een wapen

Het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van een wapen dat zodanig is verpakt, dat het niet voor onmiddellijk gebruik kan worden aangewend.

Vervoer van munitie

Het op de openbare weg of andere voor het publiek toegankelijke plaatsen bij zich hebben van munitie.

Vilmes

Een niet-opvouwbaar mes waarvan het heft zeer kort is, haaks op het lemmet staat, en dat is bestemd om bij gebruik in de palm van de hand te worden gehouden, terwijl het lemmet tussen de vingers door naar buiten steekt.

Vlindermes

Een mes waarvan het heft in de lengterichting in tweeën is gedeeld en waarvan het lemmet naar buiten wordt gebracht door elk van de delen van het heft in tegenovergestelde richting zijdelings open te vouwen.

Vuurwapen

Een voorwerp bestemd of geschikt om projectielen of stoffen door een loop af te schieten, waarvan de werking berust op het teweegbrengen

van een scheikundige ontploffing of een andere scheikundige reactie.

Binnenlandse Veiligheidsdienst

De Binnenlandse Veiligheidsdienst (BVD) heeft tot taak bij te dragen aan de verdediging en de versterking van de nationale en internationale veiligheid.

Onderwerpen die de aandacht van de BVD krijgen zijn onder andere:

- o inbreuken op de democratische rechtsorde door krachten in binnen- en buitenland die de integratie van minderheden doelbewust ontmoedigen;
- o ontregeling van de politieke besluitvorming, terrorisme en ander politiek geweld;
- o bedreigingen van zowel (onderdelen van) de Nederlandse samenleving als de internationale positie en reputatie van de Nederlandse staat door de georganiseerde misdaad;
- o ongewenste handel in conventionele wapens, proliferatie van massavernietigingswapens;
- o inlichtingenactiviteiten van vreemde mogendheden binnen Nederland.

Op nationaal vlak werkt de BVD bij de uitvoering van zijn taken in toenemende mate samen met de politie en bijzondere opsporingsdiensten. Daarnaast kenmerkt het werkkterrein van de BVD zich door een groeiende internationalisering. Immers, veel veiligheidsvraagstukken zoals terrorisme, vormen van politiek en religieus extremisme en spionage hebben internationale dimensies. Hierop wordt ingespeeld door uitbreiding en versterking van het bestaande internationale relatienetwerk en inzet van vaste en reizende liaisons in het buitenland. Betrekkelijk nieuw zijn de relaties met de inlichtingen- en veiligheidsdiensten van de landen in Midden- en Oost-Europa. Die hebben onder meer het doel te komen tot gesaneerde en democratisch ingebedde inlichtingen- en veiligheidsdiensten in deze landen. Ook met de voorgenomen vestiging van een nieuwe BVD-liaison in Moskou wordt ingespeeld op de groeiende internationalisering.

Bij de opheffing van de Inlichtingendienst Buitenland (IDB) per 1 januari 1994 hebben de BVD en de Militaire Inlichtingendienst (MID) een aantal activiteiten van deze dienst overgenomen of geïntensiveerd voor zover die vallen binnen hun bestaande wettelijke taakomschrijving. De activiteiten die hierin niet pasten, zijn gestopt. Inmiddels heeft het kabinet besloten dat alsnog in deze leemte moet worden voorzien. Bij de herziening van de Wet op de inlichtingen- en veiligheidsdiensten wordt hiertoe een voorziening getroffen.

De snelle ontwikkelingen op het gebied van Informatie- en communicatietechnologie vormen voor de BVD een belangrijk aandachtspunt. Zo is er in toenemende mate sprake van gebruik van cryptografie in het (data)communicatieverkeer. Om te kunnen blijven voorzien in de behoefte aan informatie over de aandachtsgebieden van de BVD, is het noodzakelijk dat de BVD rechtmatig en op operationeel verantwoorde wijze toegang blijft hebben tot het (data)communicatieverkeer en daarvan kan aftappen.

De Binnenlandse Veiligheidsdienst (BVD) bestaat sinds 1949 en valt onder verantwoordelijkheid van de minister van Binnenlandse Zaken en Koninkrijksrelaties. Tussen toen en nu is er in de wereld veel veranderd. Na het einde van de Koude Oorlog hebben het werk en de organisatie van de BVD dan ook de nodige wijzigingen ondergaan. Ook de openheid over het werk van de BVD is vergroot. De BVD heeft als doelstelling: 'Het leveren van een wezenlijke bijdrage aan de bescherming van vitale belangen van de Nederlandse samenleving. Dat zijn: de democratische rechtsorde, de veiligheid van de staat en de instandhouding van het maatschappelijk leven'.

- o Taken
- o Nieuwe Ontwikkelingen
- o Organisatie

Taken

De BVD heeft drie taken, namelijk het verzamelen van gegevens over organisaties en personen, het verrichten van veiligheidsonderzoeken en het bevorderen van beveiligingsmaatregelen. Artikel 8 van de Wet op inlichtingen- en veiligheidsdiensten houdt in:

1. Er is een Binnenlandse Veiligheidsdienst.
2. Deze heeft tot taak:
 - a. het verzamelen van gegevens over organisaties en personen die door de doelen die zij nastreven, dan wel door hun activiteiten aanleiding geven tot het ernstige vermoeden dat zij gevaar vormen voor het voortbestaan van de democratische rechtsorde, dan wel voor de veiligheid of voor andere gewichtige belangen van de Staat;
 - b. het verrichten van veiligheidsonderzoeken voor de vervulling van:
 - o vertrouwensfuncties
 - o functies in het bedrijfsleven, die naar het oordeel van de verantwoordelijke ministers de mogelijkheid bieden de veiligheid of andere gewichtige belangen van de Staat te schaden;
 - c. het bevorderen van maatregelen ter beveiliging van gegevens waarvan de geheimhouding door het belang van de Staat wordt geboden en van die onderdelen van de overheidsdienst en van het bedrijfsleven, welke naar het oordeel van de verantwoordelijke ministers van vitaal belang zijn voor de instandhouding van het maatschappelijk leven.

De huidige Wet op inlichtingen- en veiligheidsdiensten voldoet naar het oordeel van de rechter niet geheel aan het Europees verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden (EVRM). Daarom is een nieuwe Wet op inlichtingen- en veiligheidsdiensten in voorbereiding. In het wetsvoorstel is het toezicht op de BVD uitgebreid met een nieuw in te stellen onafhankelijke commissie.

Nieuwe ontwikkelingen

Binnen het kader van de wetgeving besteedt de BVD sinds 1996 steeds meer aandacht aan de georganiseerde criminaliteit. Hierbij gaat het niet om het proces van opsporing en vervolging, maar om onderzoek naar de mate waarin activiteiten van criminele organisaties een negatief effect hebben op het functioneren van het openbaar bestuur, de rechtsorde en de samenleving in brede zin.

Daarnaast wordt ook de BVD geconfronteerd met de snelle technologische ontwikkelingen op het gebied van telecommunicatie en de liberalisering en de globalisering van de telecommunicatiemarkt. Met behoud van de vrijheid van informatiestromen moeten op grond van veiligheidsbelangen de mogelijkheden tot interceptie ook voor de toekomst zijn gewaarborgd. In dit verband wordt de Wet op Telecommunicatievoorzieningen nu herzien. De nieuwe wet regelt onder meer dat telecommunicatiediensten en -netwerken, zodra zij op de markt worden gebracht, aftapbaar moeten zijn.

Organisatie

De minister van Binnenlandse Zaken en Koninkrijksrelaties is politiek verantwoordelijk voor het werk van de BVD. De BVD bestaat uit de volgende zes directies: de directie Strategie en Planning, de directie Democratische Rechtsorde, de directie Staatsveiligheid, de directie Maatschappelijke en Economische belangen, de directie Operationele Informatievergaring en de directie Managementadvies en Centrale Faciliteiten. In december 1996 waren er 552 mensen bij de BVD in dienst. Het hoofd van de BVD is de heer S.J. van Hulst.

Ministerie van Binnenlandse Zaken en Ressorterend onder:

Koninkrijksrelaties (BZK)
Ministerie van Binnenlandse Veiligheidsdienst (BVD)
Dokter Van der Stamstraat 1
2265 BC Leidschendam

Hieronder ressorteert:

Nederland Directie
Postbus 20010
2500 EA Den Haag
Nederland

telefoonnummer: (070) 317 86 10
telefoonnummer: (070) 320 44 00
telefaxnummer: (070) 320 07 33

site : <http://www.minbzk.nl>

Directie Strategie en Taak:

- Verzamelen van gegevens over organisaties en Project Inlichtingen personen die door de doelen die zij nastreven, of door hun activiteiten een gevaar kunnen vormen voor het voortbestaan van de democratische rechtsorde, de staatsveiligheid en het instandhouden van het maatschappelijk leven;
- verrichten van veiligheidsonderzoeken;
- geven van beveiligingsadviezen.

Toelichting: De taak van de BVD is geregeld in de Wet op de inlichtingen- en veiligheidsdiensten (Stb. 1987, nr. 635).

Hoofd: S.J. van Hulst

Plv hoofd: A. Koerten

(dd. 09-06-1999)

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WET OP WEERKORPSEN EN DE PARTICULIERE BEVEILIGINGSORGANISATIES

par. 2 Particuliere beveiligingsorganisaties

par. 3 Overige bepalingen

REGELING PARTICULIERE BEVEILIGINGSORGANISATIES

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par. 2 Bijzondere bepalingen voor particuliere alarm-centrales en geld- en waardetransportbedrijven

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par. 4 Overgangs- en slotbepalingen

Regeling particuliere beveiligingsorganisaties - BIJLAGE 1: Aanmeldingsformulier
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CIRCULAIRE PARTICULIERE BEVEILIGINGSORGANISATIES

1. Vergunningsprocedure

2. Toestemming leiding

3. Uniform

4. Legitimatiebewijzen

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Circulaire particuliere beveiligingsorganisaties - BIJLAGE 1: Aanvraag vergunning

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Wet op de weerkorpsen en de particuliere beveiligingsorganisaties

Paragraaf 2 Particuliere beveiligingsorganisaties

Artikel 5.

Het is verboden zonder vergunning van Onze Minister van Justitie een

particuliere beveiligingsorganisatie tot stand te brengen, te wijzigen, te steunen of daarvan deel uit te maken.

Artikel 6.

1. Onder een particuliere beveiligingsorganisatie wordt in deze wet verstaan, een door een of meer personen in het leven geroepen en in stand gehouden organisatie die is gericht of mede is gericht op feitelijke handhaving van de veiligheid van personen en goederen of van de openbare orde en rust, en die niet wordt aangemerkt als weerkorps.
2. Een particuliere beveiligingsorganisatie kan zijn:
 - a. een particulier beveiligingsbedrijf, zijnde een onderneming die in de uitoefening van beroep of bedrijf de in het eerste lid genoemde werkzaamheden, doch andere dan die genoemd onder d, verricht ten behoeve van derden en daarbij in hoofdzaak gebruik maakt van personen;
 - b. een particuliere bedrijfsbeveiligingsdienst, zijnde een door een onderneming in het leven geroepen organisatie die de in het eerste lid genoemde werkzaamheden ten behoeve van de eigen onderneming verricht;
 - c. een particuliere alarmcentrale, zijnde een onderneming die in de uitoefening van beroep of bedrijf ten behoeve van derden de in het eerste lid genoemde werkzaamheden verricht, met gebruikmaking van detectoren die signalen via telecommunicatie doorgeven aan en of meer centrale punten, waar die signalen worden geregistreerd en op hun waarde worden geschat en van waaruit assistentie wordt gevraagd aan de politie en eventueel andere overheidsinstanties of particulieren;
 - d. een particulier geld- en waardetransportbedrijf, zijnde een onderneming die in de uitoefening van beroep of bedrijf ten behoeve van derden geld en grote waarden van beperkte omvang vervoert;
 - e. een particulier recherchebureau, zijnde een onderneming die in de uitoefening van beroep en bedrijf de in het eerste lid genoemde werkzaamheden, doch andere dan die genoemd onder a en d, verricht ten behoeve van derden en daarbij in hoofdzaak gebruik maakt van personen en
 - f. een andere vorm van particuliere beveiligingsorganisaties.

Artikel 7.

1. Onze Minister van Justitie kan categorieën particuliere beveiligingsorganisaties aanwijzen waarvoor het verbod van artikel 5 niet

geldt.

2. Een particuliere beveiligingsorganisatie, behorend tot een categorie die krachtens het eerste lid is aangewezen, is verplicht zich aan te melden bij Onze Minister van Justitie.

Artikel 8.

1. Een vergunning als bedoeld in artikel 5 wordt verleend voor een termijn van ten hoogste vijf jaren.

2. Een vergunning bevat een omschrijving van het territoir waarbinnen de particuliere beveiligingsorganisatie haar werkzaamheden verricht.

3. Aan een vergunning kunnen voorschriften worden verbonden met betrekking tot:

- a. het waarborgen van een goed samenspel met overheidsinstellingen;
- b. de in artikel 9, eerste lid, genoemde onderwerpen;
- c. de controle op het personeel door de particuliere beveiligingsorganisatie.

4. Aan een vergunning kunnen voorts voorschriften worden verbonden met betrekking tot:

- a. de controle op het personeel door de particuliere beveiligingsorganisatie;
- b. de in artikel 9, derde lid, genoemde onderwerpen.

Artikel 9.

1. Onze Minister van Justitie kan ten aanzien van een particuliere beveiligingsorganisatie regels stellen met betrekking tot:

- a. de te verrichten werkzaamheden en de wijze waarop die werkzaamheden worden verricht;
- b. het gebouw en de inrichting van het gebouw waarin de particuliere beveiligingsorganisatie is gevestigd;
- c. het materieel waarvan bij de uitvoering van de werkzaamheden gebruik wordt gemaakt;
- d. de financiële grondslagen;
- e. de geschiktheid, bekwaamheid en betrouwbaarheid van de leiding en het personeel;
- f. het dragen van, zoveel mogelijk eenduidige, uniformen en het gebruik van legitimatiebewijzen.

2. Bij de uitvoering van de in het eerste lid, onder e en f, bedoelde regels kunnen aan het hoofd van de plaatselijke politie in de gemeente waar de particuliere beveiligingsorganisatie of een onderdeel van de organisatie is gevestigd ter zake bevoegdheden worden verleend en taken worden opgedragen.

3. Onze Minister van Justitie kan ten aanzien van een particuliere beveiligingsorganisatie voorts regels stellen met betrekking tot:

- a. de verslaglegging;

- b. het optreden naar buiten en de presentatie;
- c. andere onderwerpen die de kwaliteit en het functioneren raken.

Artikel 10.

Onze Minister van Justitie kan de vergunning intrekken indien:

- a. de aan de vergunning verbonden voorschriften niet in acht worden genomen;
- b. de voor de verkrijging van de vergunning verstrekte gegevens zodanig onjuist of onvolledig blijken, dat op de aanvraag een andere beslissing zou zijn genomen indien bij de beoordeling daarvan de juiste gegevens bekend waren geweest.

Paragraaf 3 Overige bepalingen

Artikel 11.

Indien de regels en voorschriften, gesteld krachtens de artikelen 8, vierde lid, en 9, derde lid, niet worden nageleefd, is Onze Minister van Justitie bevoegd de houder van de vergunning een administratieve boete van ten hoogste tienduizend gulden op te leggen.

Artikel 12.

Deze wet kan worden aangehaald als "Wet op de weerkorpsen en de particuliere beveiligingsorganisaties".

Artikel 13.

Zij treedt op een door Ons te bepalen tijdstip in werking.

Lasten en bevelen, dat deze in het Staatsblad zal worden geplaatst, en dat alle Ministeriële Departementen, Autoriteiten, Colleges en Ambtenaren, wie zulks aangaat, aan de nauwkeurige uitvoering de hand zullen houden.

Regeling particuliere beveiligingsorganisaties

Directie Politie

nr. 265120/592

De Minister van Justitie,

Gelet op de artikelen 7 en 9 van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties (Stb.1936, 206),

Besluit:

1. ALGEMENE BEPALINGEN

Art. 1

In deze regeling wordt verstaan onder de korpschef: de korpschef van een regionaal politiekorps.

Art. 2

De opzet en de inrichting van een particuliere beveiligingsorganisatie zijn zodanig dat regelmatige, continue en volledige uitoefening van de beveiligingswerkzaamheden waartoe de organisatie zich heeft verbonden, is gewaarborgd.

Art. 3

Artikel 2 is niet van toepassing op particuliere bedrijfsbeveiligingsdiensten en particuliere recherchebureaus.

Art. 4

De wijze van acquisitie en promotie door een particuliere beveiligingsorganisatie, alsmede het optreden naar buiten, de presentatie en de uitvoering van de werkzaamheden, zijn niet in strijd met de belangen van de veiligheidszorg of de goede naam van de bedrijfstak.

Art. 5

1. Een particuliere beveiligingsorganisatie stelt een ministeriële goedgekeurde instructie ten behoeve van personen die met beveiligingswerkzaamheden zijn belast vast.
2. De instructie, bedoeld in het eerste lid, wordt door de particuliere beveiligingsorganisatie ter kennis gebracht van de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd.

Art. 6

Een particuliere beveiligingsorganisatie oefent voldoende en regelmatige controle uit op de verrichtingen van het personeel en het bij de uitvoering van

de werkzaamheden te gebruiken materiaal.

Art. 7

Een particuliere beveiligingsorganisatie treft maatregelen om te voorkomen dat persoons- en andere vertrouwelijke gegevens in handen van onbevoegden komen.

Art. 8

1. Een particuliere beveiligingsorganisatie draagt zorg voor een goede afstemming van de beveiligingswerkzaamheden met de korpschef van de regio waar de werkzaamheden worden verricht.
2. Een particuliere beveiligingsorganisatie stelt voordat de beveiligingswerkzaamheden worden verricht de korpschef van de regio waar deze werkzaamheden zullen worden uitgevoerd, door middel van een aanmeldingsformulier, overeenkomstig het in bijlage 1 bij deze regeling vastgestelde model, op de hoogte van:
 - a. de aard, omvang en duur van de werkzaamheden en
 - b. de personalia van de personen die de werkzaamheden zullen uitvoeren.
3. Het tweede lid is niet van toepassing op particuliere recherchebureaus.

Art. 9

Een particuliere beveiligingsorganisatie verstrekt alle bescheiden en inlichtingen die naar het oordeel van de korpschef van de regio waar de werkzaamheden worden verricht of in de gemeente waar de organisatie of een onderdeel van de organisatie is gevestigd, noodzakelijk zijn voor de uitvoering van zijn taak.

Art. 10

1. Een particuliere beveiligingsorganisatie stelt jaarlijks een verslag vast van de in het afgelopen kalenderjaar verrichte beveiligingswerkzaamheden, overeenkomstig het in bijlage 2 bij deze regeling vastgestelde model en dient dit verslag in, uiterlijk op 1 april van het jaar volgend op het kalenderjaar waarin de beveiligingswerkzaamheden plaatsvonden.
2. Een particuliere beveiligingsorganisatie dient het verslag, bedoeld in het eerste lid, tevens in bij de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd.

Art. 11

1. Een particuliere beveiligingsorganisatie belast een persoon uitsluitend met de directe of indirecte leiding over de organisatie indien voor deze ministeriële toestemming is verkregen.
2. De toestemming, bedoeld in het eerste lid, wordt geweigerd of ingetrokken

indien de betrokkene niet, respectievelijk niet meer, voldoende geschikt, bekwaam of betrouwbaar is om leiding te geven aan een particuliere beveiligingsorganisatie.

Art. 12

1. Een particuliere beveiligingsorganisatie zorgt dat een persoon die met beveiligingswerkzaamheden is belast bij de uitvoering van die werkzaamheden een ministerieel goedgekeurd uniform draagt.
2. Het uniform is voorzien van een embleem, overeenkomstig het in bijlage 3 bij deze regeling vastgestelde model, op de wijze zoals in genoemde bijlage is omschreven.
3. Het bepaalde in het eerste lid is niet van toepassing op een persoon die beveiligingswerkzaamheden verricht voor een particuliere alarmcentrale, voorzover deze werkzaamheden binnen het gebouw van de alarmcentrale worden verricht, of voor een particulier recherchebureau.
4. In de vergunning, bedoeld in artikel 5 van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties kan, indien het met de werkzaamheden nagestreefde doel niet in redelijkheid op andere wijze is te bereiken en zwaarwegende belangen zich daartegen niet verzetten, worden bepaald dat voor het verrichten van die werkzaamheden het voorschrift, bedoeld in het eerste lid, niet geldt.
5. De korpschef van de regio waar de beveiligingswerkzaamheden worden verricht, kan, uitsluitend voor die gemeente, aan een particuliere beveiligingsorganisatie ontheffing verlenen van de verplichting tot het dragen van een uniform, indien het met de werkzaamheden nagestreefde doel niet in redelijkheid op andere wijze is te bereiken en zwaarwegende belangen zich daartegen niet verzetten.

Art. 13

Een particuliere beveiligingsorganisatie stelt een persoon uitsluitend te werk, indien voor het verrichten van de werkzaamheden, ten behoeve van de betrokkene, toestemming is verkregen van de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd.

Art. 14

1. De toestemming, bedoeld in artikel 13, wordt geweigerd indien:
 - a. de betrokkene binnen vier jaar voorafgaande aan het moment van toetsing is veroordeeld wegens het plegen van een misdrijf, waarbij een geldboete is opgelegd, of
 - b. de betrokkene binnen acht jaar voorafgaande aan het moment van toetsing is veroordeeld wegens het plegen van een misdrijf, waarbij een vrijheidsstraf is opgelegd, of
 - c. op grond van andere omtrent de betrokkene bekende en relevante feiten kan

worden aangenomen dat deze niet voldoende betrouwbaar of geschikt is om voor een particuliere beveiligingsorganisatie werkzaamheden te verrichten en de belangen van de veiligheidszorg of de goede naam van de bedrijfstak niet te schaden.

2. Toestemming, bedoeld in artikel 13, wordt ten behoeve van een persoon die belast zal worden met beveiligingswerkzaamheden, slechts verleend indien deze in het bezit is van een diploma als bedoeld in artikel 16, eerste lid.

3. In afwijking van het bepaalde in het tweede lid wordt de toestemming, bedoeld in artikel 13, tevens verleend indien zich het geval van artikel 16, tweede, vierde, vijfde, zesde of zevende lid, voordoet.

4. Van het bepaalde in het eerste lid, onder a en b, kan de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd afwijken indien, gelet op de aard van het strafbare feit, de omstandigheden waaronder het feit is gepleegd, de geringe kans op recidive en recente persoonlijke ontwikkelingen, toepassing daarvan een voor de betrokkene onevenredig nadeel zou meebrengen ten opzichte van het daarmee te dienen belang.

5. Het tweede lid is niet van toepassing op personen die werkzaam zijn voor een particulier recherchebureau.

Art. 15

De toestemming, bedoeld in artikel 13, wordt ingetrokken indien feiten of omstandigheden bekend worden die, wanneer zij voor de verlening van de toestemming bekend waren geweest of waren voorgevallen, tot weigering van de toestemming hadden geleid. Het bepaalde in artikel 14, vierde lid, is van overeenkomstige toepassing.

Art. 16

1. Een particuliere beveiligingsorganisatie belast uitsluitend een persoon met beveiligingswerkzaamheden, indien deze in het bezit is van een diploma waarvan de exameneisen en het examenreglement zijn goedgekeurd.

2. De verplichting, bedoeld in het eerste lid, geldt niet voor een periode van 12 maanden, te rekenen vanaf de dag dat de betrokkene voor het eerst in dienst van een particuliere beveiligingsorganisatie met beveiligingswerkzaamheden wordt belast mits hij in het bezit is van een door de Stichting Vakopleiding voor de Particuliere Beveiligingsorganisaties afgegeven Certificaat Introductie cursus Aspirant Beveiligingsbeambte.

3. De in het tweede lid genoemde periode wordt op geen enkele wijze geschorst of onderbroken.

4. De periode, bedoeld in het tweede lid, wordt door de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd, verlengd voor de duur van ten hoogste drie maanden, met het oog op het ontslag van de betrokkene.

5. Het bepaalde in het eerste lid, is niet van toepassing indien de betrokkene is geboren vóór 1 december 1937 en van 1 december 1980 tot en met 30 november 1982 onafgebroken werkzaam is geweest bij een op grond van de Wet op de weerkorpsen toegelaten particuliere beveiligingsorganisatie.

6. Gedurende de periode bedoeld in het vierde lid kan ministeriële ontheffing worden verleend van het bepaalde in het eerste lid, indien de particuliere beveiligingsorganisatie aantoont dat de betrokkene redelijkerwijs al het mogelijke heeft gedaan om het diploma, bedoeld in het eerste lid, te behalen en er gelet op de door de betrokkene opgedane kennis en ervaring en de aard van de te verrichten werkzaamheden geen bedenkingen tegen bestaan dat deze niet in het bezit is van het diploma.

7. Het eerste lid is niet van toepassing op particuliere recherchebureaus.

Art. 17

1. Onverminderd het bepaalde in artikel 16, eerste lid, belast een particuliere beveiligingsorganisatie uitsluitend een persoon ongeüniformeerd met beveiligingswerkzaamheden, indien deze in het bezit is van het Vakdiploma Beveiliging van de Stichting Vakopleiding voor de Particuliere Beveiligingsorganisaties.

2. In afwijking van het eerste lid belast een particuliere beveiligingsorganisatie, onverminderd het bepaalde in artikel 16, eerste lid, een persoon uitsluitend ongeüniformeerd met beveiligingswerkzaamheden ten behoeve van grootwinkel- of detailhandelbedrijven, indien deze in het bezit is van het diploma Certificaat Detailhandel van de Stichting Vakopleiding voor de Particuliere Beveiligingsorganisaties.

3. Ministeriële ontheffing van het bepaalde in het eerste lid kan worden verleend voor een periode van 12 maanden, te rekenen vanaf de eerste dag dat de betrokkene de persoonsbeveiligingswerkzaamheden verricht.

4. Het eerste lid is niet van toepassing op particuliere recherchebureaus.

Art. 18

1. Goedkeuring als bedoeld in artikel 16, eerste lid, wordt verleend aan de exameneisen en het examenreglement voor het Basisdiploma Beveiliging van de Stichting Vakexamens voor de Particuliere Beveiligingsorganisaties en voor het Dealexamen A van het Diploma Leerlingenstelsel van het Instituut Vorming en Opleiding Beveiliging.

2. Als gelijkwaardig aan de diploma's, bedoeld in het eerste lid, worden erkend:

a. het Vakdiploma Bedrijfsbeveiliging en Bewakingsdienst van de Unie van Beveiligings en Bewakingspersoneel (UBB);

b. het Vakdiploma Bedrijfsbeveiliging en Bewakingsdienst van de Nederlandse Bond van Onbezoldigd opsporingsambtenaren en Bewakingspersoneel (NBOB);

c. de diploma's Beveiligingsbeambte B,C en D, van de Leidse

onderwijsinstellingen, behaald vóór 1 februari 1986; d. het diploma Beveiliging en Bewaking van de Stichting Vakexamens voor de Particuliere Beveiligingsorganisaties, behaald voor 1 februari 1986; e. het Vakdiploma Basiscursus Marine Bewakingskorps tezamen met het diploma van het Marine Bewakingskorps voor onbezoldigd ambtenaar van het Korps Rijkspolitie, beide behaald voor 1 februari 1986; f. het Certificaat Begincursus voor de bedrijfsbewaking, afgegeven door de Stichting Vervoer en Havenopleidingen te Rotterdam, behaald voor 1 februari 1986.

Art. 19

1. Een particuliere beveiligingsorganisatie zorgt dat een persoon die met beveiligingswerkzaamheden is belast bij de uitvoering van die werkzaamheden een legitimatiebewijs draagt, overeenkomstig het in bijlage 4 bij deze regeling vastgestelde model en de in die bijlage aangeduide kleur.
2. Het legitimatiebewijs, bedoeld in het eerste lid, bevat een verklaring van de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd, waaruit de toestemming, bedoeld in artikel 13, blijkt.
3. Het legitimatiebewijs, bedoeld in het eerste lid, kan een aantekening bevatten van de korpschef van de regio waar de organisatie of een onderdeel van de organisatie is gevestigd, waaruit blijkt dat het de betrokkene slechts is toegestaan de op het legitimatiebewijs omschreven beveiligingswerkzaamheden te verrichten.
4. Een legitimatiebewijs, bedoeld in het eerste lid, wordt op elk redelijk verzoek getoond.

Art. 20

1. Een particuliere beveiligingsorganisatie maakt bij de uitvoering van beveiligingswerkzaamheden slechts gebruik van een hond, indien uit een verklaring, afgegeven door de Koninklijke Nederlandse Politiehond Vereniging of de Nederlandse Bond voor de Diensthond, blijkt dat deze hond geschikt is om als surveillance dan wel als objectbewakingshond te worden ingezet.
2. De bewakingshondgeleider is bij de uitoefening van de beveiligingswerkzaamheden in het bezit van een verklaring, afgegeven door de Koninklijke Nederlandse Politiehond Vereniging of door de Nederlandse Bond voor de Diensthond, waaruit blijkt dat de geleider en de bewakingshond een, voor het verrichten van de werkzaamheden, geschikte combinatie vormen.
3. De bewakingshond staat tijdens de uitvoering van beveiligingswerkzaamheden onder direct toezicht van de geleider.
4. De bewakingshondgeleider verleent desgevorderd inzage in de verklaringen, bedoeld in het eerste en tweede lid, aan de met het toezicht en de controle op de naleving van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties belaste personen, alsmede de korpschef van de regio

waar de werkzaamheden worden verricht.

5. Het gebruik van een bewakingshond gaat in geen geval de perken van redelijkheid en gematigdheid te buiten.

2. BIJZONDERE BEPALINGEN VOOR PARTICULIERE ALARM-CENTRALES EN GELD- EN WAARDETRANSPORTBEDRIJVEN

Art. 21

1. Het gebouw en de inrichting van het gebouw van een particuliere alarmcentrale, alsmede het door de particuliere alarmcentrale gebruikte materieel, voldoen aan de in bijlage 5 bij deze regeling gestelde eisen.

2. Van het bepaalde in het eerste lid kan ministeriële ontheffing worden verleend.

Art. 22

Een particuliere alarmcentrale licht de korpschef van de regio waar zich de objecten bevinden, die door de alarmcentrale worden beveiligd, aan het begin van ieder kwartaal in over:

- a. de aanvang en de beëindiging van een overeenkomst met een abonnee die strekt tot een aansluiting op de particuliere alarmcentrale van een op het object geplaatste installatie met betrekking tot inbraak- en overval-alarmering;
- b. de aard en situering van het object.

Art. 23

1. De wijze waarop de werkzaamheden door een particulier geld- en waardetransportbedrijf worden verricht, alsmede het door een particulier geld- en waardetransportbedrijf gebruikte materieel, voldoen aan de in bijlage 6 bij deze regeling gestelde eisen.

2. Van het bepaalde in het eerste lid kan ministeriële ontheffing worden verleend.

3. De bepalingen onder 4, 5, 8, 11 en 12 van de in het eerste lid bedoelde bijlage 6, zijn niet van toepassing op bulkvervoer van muntgeld.

3. BIJZONDERE BEPALING VOOR RECHERCHEBUREAUS

Art. 24

Het verbod in artikel 5 van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties en de artikelen 2 tot en met 20 van deze regeling gelden niet voor particuliere recherchebureaus die voor 1 december 1993 een vergunning, als bedoeld in artikel 5 van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties hebben aangevraagd voor het tot stand brengen van een particuliere beveiligingsorganisatie, tot het tijdstip waarop het

besluit op de aanvraag is bekend gemaakt.

4. OVERGANGS- EN SLOTBEPALINGEN

art.25

1. Artikel 12, tweede lid, treedt in werking op 1 februari 1993.
2. In afwijking van het bepaalde in het eerste lid, is het voorschrift van artikel 12, tweede lid, niet van toepassing tot 1 februari 1994, voorzover het betreft uniformen die vóór 1 februari 1993 bij een particuliere beveiligingsorganisatie in gebruik waren.
3. Artikel 5, eerste en tweede lid is tot en met 31 december 1994 niet van toepassing op particuliere recherchebureaus.

art.26

In afwijking van het bepaalde in artikel 16, tweede lid, geldt een periode van 22 maanden, voorzover het personen betreft die vóór 1 mei 1993 in dienst zijn getreden van enige particuliere beveiligingsorganisatie.

art. 27

De beschikking van 1 augustus 1988, Politie nr. 1056/588 (Stcrt 1988,161), vervalt.

art. 28

Deze regeling kan worden aangehaald als Regeling particuliere beveiligingsorganisaties en treedt in werking op 1 december 1992.

Deze regeling wordt, met uitzondering van de daarbij behorende bijlagen, in de Nederlandse Staatscourant en in het Algemeen Politieblad geplaatst.

`s Gravenhage, 25 november 1992

De Minister van Justitie,
namens de Minister,
het Hoofd van de Directie Politie

(mr H.P. Wooldrik)

Regeling particuliere beveiligingsorganisaties - Bijlage 1

Aanmeldingsformulier beveiligingswerkzaamheden (art. 8 RPB).

Naam + adres beveiligingsorganisatie:

Vergunning nummer:

Vergunning geldig tot :

Contactpersoon :

Telefoonnummer :

Betreft:

aanmelden (nieuwe) werkzaamheden

aanmelden wijziging werkzaamheden

afmelden werkzaamheden

Met ingang van d.d.verricht bovenstaande organisatie

geen beveiligingswerkzaamheden meer

vaste post

mobiele surveillance

winkelsurveillance

overige:

bij onderstaand bedrijf/object:

naam bedrijf/ object:

adres :

plaats :

* Omcirkelen wat van toepassing is.

De omvang van de werkzaamheden is:

.....
.....
.....
.....

Het aanmelden van de personen die de beveiligingswerkzaamheden gaan uitvoeren, dient op een aparte bijlage te geschieden. Met betrekking tot deze personen moeten de volgende

gegevens worden ingevuld:

naam + voornamen

adres

geboortedatum + geboorteplaats

kleur + nummer legitimatiebewijs

geldigheidsduur van legitimatiebewijs

de instantie die het legitimatiebewijs heeft afgestempeld

Regeling Particuliere beveiligingsorganisaties - Bijlage 6

Eisen omtrent de wijze waarop de werkzaamheden door een particuliere geld- en waardetransportbedrijf worden verricht en omtrent het door een particuliere geld- en waardetransportbedrijf gebruikte materieel (art.23 RPB).

- 1.Elk transport wordt door tenminste twee personen verricht.
- 2.Zendingen worden uitsluitend vervoerd wanneer deze verzekerd zijn door de vervoerder, de verzender of de ontvanger, waarbij ook het verhaalsrecht van assuradeuren op de vervoerder gedekt is
- 3.Het geld- en waardetransport is als zodanig herkenbaar. Op de beide zijkanten, de achterzijde en bij voorkeur de voorzijde van het voertuig is door middel van een duidelijk leesbare tekst, in een lettertype waarvan de hoogte tenminste 10 cm bedraagt, het geld-en waardetransport herkenbaar gemaakt. Het gebruik van spiegelschrift beantwoordt niet aan dit doel. Het wordt aanbevolen om op het dak een vanuit de lucht herkenbare nummering aan te brengen. Voor buitenlandse ondernemingen is het toegestaan de tekst ten behoeve van de herkenbaarheid in de eigen taal aan te brengen.
- 4.Alle ruimten van het voertuig die door het personeel tijdens de transporten worden gebruikt zijn rondom beveiligd met kogel- en slagwerend materiaal, dat voldoet aan de volgende eisen. De gebruikte materialen hebben een kogelwerendheid van ongeveer 1300 Nm, behoudens de materialen gebruikt voor het dak, de bodem en de in de wagen geplaatste tussenwanden, waarbij mag worden volstaan met een kogelwerendheid van respectievelijk 700 Nm, 500 Nm en 700 Nm. De transparante materialen voldoen bovendien aan een slagwerendheid van 20 x 150 Nm. Van de voor de bepantsering gebruikte materialen wordt bij de keuring een gespecificeerde originele verklaring -opgesteld door de carrosseriebouwer- overgelegd. Ter vaststelling van de mate van voldoening aan genoemde waarden van kogel- en

slagwerendheid, zijn monsters van de materialen beproefd op een wijze als door de verschillende normeringsinstanties is omschreven. Van deze proef moet op verzoek een rapport kunnen worden overgelegd. Dit rapport moet voldoen aan de eisen overeenkomstig het gestelde in bijlage 5A, waarin tevens staat beschreven op welke wijze de genoemde proeven moeten worden genomen.

Bij de verwerking van de materialen moet met het volgende rekening worden gehouden.

a. Metalen met kogelwerende eigenschappen verliezen deze eigenschappen in belangrijke mate bij sterke verhitting. Derhalve is het belangrijk er voor te waken dat bij het lassen en/of snijden van deze metalen, de kogelwerende eigenschappen behouden blijven. Daar waar de verwerking van enig kogelwerend materiaal niet wordt gecontinueerd, dient sprake te zijn van voldoende overlapping ten opzichte van het op andere plaatsen gebruikt kogelwerend materiaal, zodat bij een schot op het voertuig onder welke hoek dan ook, de kogel steeds kogelwerend materiaal treft.

b. Polycarbonaat is op eenvoudige manieren zodanig te beïnvloeden dat de kogelwerende eigenschappen verdwijnen. Derhalve zal bij verwerking van polycarbonaat steeds sprake moeten zijn van een combinatie met een ander materiaal, waarbij in ieder geval een laag van dat andere materiaal aan de buitenzijde moet zijn aangebracht.

c. Bij het gebruik van materialen welke geheel of gedeeltelijk zijn gemaakt uit aramidevezel, dient te worden gelet op de bevestiging van dit materiaal. Deze vezel heeft de kogelwerende eigenschappen te danken aan een ruime mate van elasticiteit. Wordt dit materiaal echter zo hecht bevestigd dat van elasticiteit geen sprake meer is, dan is het materiaal niet meer geschikt. Voorts dient aramidevezel uitsluitend op plaatsen te worden verwerkt waar het niet in aanmerking kan komen met vocht. Ook condensgevoelige plaatsen zijn ongeschikt voor de toepassing van aramidevezel. Door vocht verliest dit materiaal namelijk veel van de kogelwerende eigenschappen.

5.1. De scharnieren, sloten en eventuele schuifmechanismen van alle toegangsmogelijkheden zijn in voldoende mate verzwaard.

5.2 Scharnieren zijn niet aan de buitenzijde van het voertuig aangebracht, tenzij door middel van een "dievenklauw"; het openen van de deur door het beschadigen van de scharnieren wordt tegengegaan.

6. In het voertuig is voor iedere inzittende een universeel gasmasker aanwezig.

7. Indien het voertuig gebruik maakt van een andere brandstof dan diesel, dan moet de brandstoftank zelfdichtend en explosievrij zijn.
8. Om de ruimten van het voertuig die bestemd zijn voor het personeel en de zendingen ontoegankelijk te maken voor onbevoegden, zijn de volgende maatregelen getroffen.
 - a. De deur waardoor de geldloper het voertuig verlaat, dan wel betreedt, mag geen toegang verlenen tot het compartiment waarin zich het achterblijvende personeelslid bevindt.
 - b. De deuren en luiken zijn tijdens een vervoer uitsluitend vanuit het voertuig te bedienen.
 - c. De zijruiten mogen, tenzij voor gebruik als vluchtluik, niet door de bemanning worden geopend.
 - d. De voertuigen zijn tenminste in twee compartimenten onderverdeeld, waarvan alle toegangsdeuren (dus niet de vluchtluiken) zijn voorzien van een interlocksysteem. Indien één der portieren niet gesloten is, moet het rijden met het voertuig niet mogelijk zijn.
 - e. De zendingen zijn beschermd door plaatsing in afzonderlijke opbergeenheden. Deze opbergeenheden moeten bij gebruikmaking van handgebruikte breek- en snijwerktuigen in totaal een braak- en ontsluitingsweerstand hebben van minimaal 15 minuten. Het ontgrendelings-systeem van de opbergeenheden is zodanig uitgevoerd dat de totale lading niet vrijwillig of gedwongen binnen een gelijkelijk over de opbergeenheden te verdelen toestaat van 15 minuten vrijgegeven kan worden. Er zijn verschillende oplossingen denkbaar om deze vertragingstijd van 15 minuten te realiseren, bijvoorbeeld door middel van met elkaar doorverbonden tijdschakelingen in het voertuig. Ook vanuit het hierna onder punt 9 genoemde centrale punt, kan worden bepaald uit welke opbergeenheid de lading kan worden genomen. De voorgeschreven vertraging moet dan gevonden worden in de procedure vanuit de centrale. Vanzelfsprekend kan het verdelen van de zending over meerdere opbergeenheden slechts geschieden bij transport van een lading die in kleine volume-eenheden valt te verdelen, zoals in het geval van geld.

9.1. Via een gesloten telecommunicatienet wordt een verbinding onderhouden met een centraal punt. In geval van calamiteit wordt via het telefooncommunicatienet het centrale punt in kennis gesteld van de alarmsituatie, alsmede van alle op de calamiteit betrekking hebbende gegevens.

9.2. Het telefooncommunicatienet moet voldoen aan de volgende

voorwaarden.

- a. Het is goedgekeurd door de P.T.T.
- b. Het waarborgt een goede verbinding in het gehele werkgebied.
- c. De verbinding kan binnen enkele seconden tot stand gebracht worden.
- d. De voor de zend- en ontvangstapparatuur benodigde antenne is in voldoende mate beschermd tegen sabotage.
- e. Rijden met het voertuig in een alarmsituatie is niet mogelijk.
Teneinde te voorkomen dat het voertuig in geval van calamiteit onder bedreiging van het personeel weer mobiel kan worden gemaakt, mag de blokkering van het voertuig niet ter plaatse door de bemanning of overvallers ongedaan kunnen worden gemaakt. Het inschakelen van de alarm/blokkeringstoestand kan vanuit ieder compartiment van het voertuig geschieden.

10. Er wordt zo veel mogelijk een willekeurig wisselende bemanning op verschillende, variërende routes ingezet.

11. Er zijn voorzieningen getroffen voor een veilige overslag, opslag en overdracht van de lading. Teneinde bij de overdracht van de lading te kunnen constateren of er onregelmatigheden hebben plaatsgevonden, zijn de zendingen voor de verschillende verzenders en ontvangers zodanig geïdentificeerd, dat de door het personeel gepleegde onregelmatigheden op het moment van overdracht van de zendingen geconstateerd kunnen worden. Overslag en/of tijdelijke opslag van zendingen mag alleen in een beveiligde ruimte plaatsvinden. De voertuigen zijn zodanig uitgerust dat van eventuele gesloten overdrachtsfaciliteiten van de opdrachtgever gebruik kan worden gemaakt.

12. Het voertuig is tenminste met één vluchtluik uitgerust. Daarbij is het toegestaan de voor de overdracht aangebrachte gesloten luiken als vluchtweg voor het personeel te gebruiken.

13. Bulkvervoer van muntgeld vindt plaats met inachtneming van de volgende voorschriften:

- de cabine van de geldauto, waarin zich de beveiligingsbeambten bevinden, is gepantserd overeenkomstig het bepaalde in deze bijlage;
- het muntgeld wordt vervoerd in gesloten gaasboxen;
- op de vrachtauto's is het opschrift 'muntvervoer' aangebracht;
- de laadruimte is volledig afgesloten van de cabine.

Aan:

De Procureurs-Generaal
fgd. Directeuren van Politie;
de Korpschefs van de regionale politiekorpsen;
de leiding van particuliere beveiligingsorganisaties.

Datum: 7 februari 1994

Kenmerk: 421621/594/DR

Geldig tot 1 april 1998

Voorliggende circulaire, die kan worden aangehaald als Circulaire particuliere beveiligingsorganisaties (CPB), vervangt mijn circulaire van 1 december 1992 (nr. 268266/592/RT). Deze laatste circulaire is hierbij ingetrokken.

De circulaire bevat voornamelijk regels met betrekking tot de aanvraag voor (verlenging van) vergunningen voor particuliere beveiligingsorganisaties, de goedkeuring van de leiding van dergelijke organisaties, de goedkeuring van uniformen voor beveiligingsbeambten, het gebruik van legitimatiebewijzen en het inzenden van de jaarverslagen.

Wijzigingen in de Regeling particuliere beveiligingsorganisaties en de inwerkingtreding van de nieuwe Politiewet per 1 april 1994 vormden de aanleiding voor het verschijnen van onderliggende circulaire. Enkele van de meest opvallende wijzigingen zijn de vergunningplicht per 1 december 1993 voor particuliere recherchebureaus, de invoering van nieuwe legitimatiebewijzen, de wijze van aanvragen van een verlenging van een vergunning, de Introductiecursus Aspirant Beveiligingsbeambte en de wijziging van 'hoofd van plaatselijke politie' in 'Korpschef'.

N.B. Tekst die ten opzichte van de vorige circulaire (van 1 december 1992, nr.268266/592/RT) is gewijzigd, wordt vetgedrukt weergegeven.

1. Vergunningsprocedure

1.1. Aanvraag eerste vergunning

Verzoeken om een vergunning van particuliere beveiligingsorganisaties die niet in het bezit zijn van een geldige vergunning of van een onder de werking van de Wet op de weerkorpsen verleende toelating, worden rechtstreeks bij mij ingediend. Bij de aanvraag van de vergunning worden de in bijlage 1 bij deze circulaire gevoegde gegevens en bescheiden overgelegd.

Na ontvangst van de vergunningaanvraag worden door mij inlichtingen en

advies ingewonnen bij de procureur-generaal, fgd. Directeur van Politie in het ressort waar de beveiligingsorganisatie zijn hoofdvestiging heeft. Ik verzoek de procureurs-generaal, alsmede de hen adviserende Korpschefs, met name in te gaan op de mate waarin verwacht kan worden dat de betrokken beveiligingsorganisatie aan de in de Wet en in de RPB gestelde eisen kan voldoen.

Overigens zij in dit verband nog opgemerkt dat een aantal eisen die in de Beschikking particuliere beveiligingsorganisaties aan beveiligingsorganisaties waren gesteld, in de RPB niet zijn gehandhaafd. Het betreft hier onder andere het zogenaamde behoeftecriterium en de eis van financiële draagkracht. Voor een volledig overzicht van de vervallen eisen, alsmede een motivering daarvan, moge ik u verwijzen naar met name de eerste twee pagina's van de bij de RPB behorende toelichting. In dit verband wijs ik tevens op een verandering met betrekking tot de zogenaamde 22-maanden periode, waarbinnen een beveiligingsbeambte het vereiste diploma moet behalen. Deze periode is in de RPB (artikel 16, tweede lid) teruggebracht tot 12 maanden. Artikel 26 RPB bevat evenwel een ruime overgangsregeling.

Bij een positieve beslissing op het verzoek, zal een afschrift van de vergunning worden gezonden aan de desbetreffende Korpschef, alsmede aan de procureur(s)-generaal, fungerend Directeur(en) van Politie in het ressort waar de organisatie of een onderdeel van de organisatie is gevestigd. In de regel kan de vergunningsduur worden gesteld voor:

- particuliere beveiligingsbedrijven:

op 5 jaar

- particuliere bedrijfsbeveiligingsdiensten:

op 5 jaar

- particuliere alarmcentrales:

op 5 jaar

- particuliere geld- en waardetransportbedrijven:

op 5 jaar

- andere vormen van particuliere beveiligingsorganisaties:

op 5 jaar

- particuliere recherchebureaus:

op 5 jaar

1.2 Aanvraag verlenging vergunning

Voor aanvragen om verlenging van de vergunning (toelating) voor particuliere beveiligingsbedrijven, particuliere bedrijfsbeveiligingsdiensten, particuliere alarmcentrales, particuliere geld- en waardetransportbedrijven, particuliere recherchebureaus en andere vormen van particuliere beveiligingsorganisaties, geldt de hierna beschreven procedure. Bij het verzoek om verlenging van de vergunning kan gebruik worden gemaakt van het als bijlage 2 bij deze circulaire gevoegde formulier "Aanvraag verlenging vergunning".

- a. De betrokken organisatie dient een verzoek om verlenging van de vergunning bij mij in. Vervolgens vraag ik de Korpschef in de gemeente waar de organisatie, of een onderdeel van de organisatie, is gevestigd, om inlichtingen en advies. Bij de aanvraag voor verlenging wordt door de particuliere beveiligingsorganisatie een lijst overgelegd waarop de namen van de gemeenten zijn vermeld waar de beveiligingsorganisatie ten tijde van de aanvraag beveiligingswerkzaamheden verricht.
- b. Aan de hand van de bij het verzoek overgelegde lijst van gemeenten waar de organisatie ten tijde van de aanvraag werkzaamheden verricht, kan de Korpschef een onderzoek instellen naar de verrichtingen van de beveiligingsorganisatie in andere gemeenten. Het zal in sommige gevallen ondoenlijk zijn om in alle op de lijst vermelde gemeenten een onderzoek in te stellen. In die gevallen kan worden volstaan met een onderzoek waarbij in enkele op de lijst vermelde gemeenten wordt nagegaan of de onderhavige organisatie zich heeft gehouden aan de geldende voorschriften.
Indien blijkt, dat een particuliere beveiligingsorganisatie zich niet houdt aan de gestelde voorschriften, verzoek ik de betrokken Korpschef mij hiervan -ook tussentijds- schriftelijk in kennis te stellen.
- c. De Korpschef zendt zijn advies rechtstreeks, derhalve zonder tussenkomst van de procureur-generaal, fungerend Directeur van Politie, aan mij.
- d. Bij een positieve beslissing op het verzoek, zal een afschrift van de vergunning worden gezonden aan de desbetreffende Korpschef,

alsmede aan de procureur(s)-generaal, fungerend Directeur(en) van Politie in het ressort waar de organisatie of een onderdeel van de organisatie is gevestigd.

1.3 Particuliere Recherchebureaus (art. 24 RPB)

Vanaf 1 december 1993 geldt de vergunningplicht die reeds van toepassing was op andere particuliere beveiligingsorganisaties, ook voor particuliere recherchebureaus. Na die datum is het verboden zonder vergunning een particulier recherchebureau tot stand te brengen, te wijzigen, te steunen of daarvan deel uit te maken (artikel 5 van de Wet). Particuliere recherchebureaus maken deel uit van de categorie particuliere beveiligingsorganisaties en waren tot 1 december 1993 uitgezonderd van de vergunningplicht.

Ten aanzien van particuliere recherchebureaus die vóór 1 december 1993 een vergunning hebben aangevraagd, maar waarvan de procedure met betrekking tot de verlening daarvan, op 1 december 1993 nog niet is afgerond, geldt het verbod in artikel 5 van de Wet niet, tot het tijdstip dat het besluit op de aanvraag aan de betrokkene is bekendgemaakt (artikel 24 van de RPB). Indien op het verzoek negatief is beslist, geldt het verbod in artikel 5 van de Wet vanaf het moment van de beslissing. Voor particuliere recherchebureaus die na 1 december 1993 een aanvraag voor een vergunning indienen, geldt dat zij de beslissing op de aanvraag moeten afwachten voordat zij met de recherchewerkzaamheden kunnen aanvangen.

2. Toestemming leiding (art. 11, eerste lid, RPB)

Bij de aanvraag van een vergunning door een particuliere beveiligingsorganisatie die niet reeds over een geldige vergunning (toelating) beschikt, dienen tevens inlichtingen te worden verstrekt over diegenen die met de leiding van de organisatie worden belast. Ik verzoek de procureurs-generaal, fgd. Directeuren van Politie, mij hieromtrent te adviseren.

Bij inwilliging van het verzoek om een vergunning ex artikel 5 van de Wet kan tevens worden bepaald, dat overeenkomstig artikel 11, eerste lid, van de Regeling particuliere beveiligingsorganisaties, toestemming voor de leiding wordt verleend. Aangezien niet goed denkbaar is hoe een beveiligingsorganisatie ook zonder leiding zou kunnen functioneren, wordt in beginsel geen vergunning verleend, zolang niet bekend is wie met de leiding van de organisatie zal worden belast.

Overige verzoeken om toestemming om met de leiding van een particuliere beveiligingsorganisatie te worden belast, dienen eveneens bij mij te worden ingediend. Doorgaans zal het hier een (tussentijdse) wijziging van de leiding van de organisatie betreffen, nadat aan de organisatie een vergunning op grond van artikel 5 van de Wet is verleend. Ik vraag vervolgens de Korpschef in de regio waar de organisatie of een onderdeel van de organisatie is gevestigd, om inlichtingen en advies. Na inwinning van het advies beslis ik op het verzoek. Afschriften van de desbetreffende beschikking worden gezonden aan de betrokken Korpschef en aan de procureur-generaal, fgd. Directeur van Politie, in het ressort waar de organisatie of een onderdeel van de organisatie is gevestigd.

3. Uniform

3.1 Goedkeuring (art. 12, eerste lid, RPB)

Ingevolge artikel 12, eerste lid, van de Regeling particuliere beveiligingsorganisaties dragen personen, die belast zijn met het uitvoeren van beveiligingswerkzaamheden bij de uitoefening van hun dienst een uniform dat door mij is goedgekeurd. Deze goedkeuring kan worden verkregen door kleurenfoto's over te leggen, waarop de uitvoering van het uniform en de gebezigde herkenningstekens duidelijk zichtbaar zijn. Tevens dient een staal van de gebruikte stof te worden overgelegd.

Bij de uitvoering van het uniform dient er rekening mee te worden gehouden dat het uniform niet mag lijken op dat van de politie. Dit betekent dat een pantalon die is uitgevoerd in kleuren die een sterke gelijkens vertonen met de kleuren die de politie gebruikt, niet mag zijn voorzien van een bias. Zo mag ook een eventueel gebruikte blouson geen sterke gelijkens vertonen met de blouson die de politie gebruikt. Op het uniform mogen geen rangonderscheidingstekens zijn aangebracht. Ook de herkenningstekens (vignetten, emblemen of logo's) mogen geen gelijkens vertonen met de vignetten van de politie. Dit betekent dat uniformen die zijn voorzien van goudkleurige emblemen in beginsel niet zullen worden goedgekeurd. Het in het politie-embleem tot uitdrukking komende symbool van het wetboek en de vlam, is als embleem voor een particuliere beveiligingsorganisatie niet noodzakelijk en zal slechts -onnodige- verwarring bij het publiek veroorzaken. Aan uniformen die van een dergelijk embleem of van een daarop gelijkend embleem zijn voorzien, zal daarom in beginsel geen goedkeuring worden verleend.

Elk uniform dient te zijn voorzien van een herkenningsteken van de particuliere beveiligingsorganisatie, zodat het voor zowel het publiek

als voor de politie duidelijk is, met welke particuliere beveiligingsorganisatie zij te maken hebben. Alle uniformen moeten eveneens zijn voorzien van het door mij vastgestelde embleem.

3.2 Ontheffing (art. 12, vijfde lid, RPB)

De Korpschef van de gemeente waar de beveiligingswerkzaamheden worden verricht, kan op grond van artikel 12, vijfde lid, van de Regeling particuliere beveiligingsorganisaties (uitsluitend voor die gemeente) ontheffing verlenen van de uniformdraagplicht. De ontheffing kan slechts worden verleend indien de beveiligingsbeambte in het bezit is van de vereiste diploma's en het gestelde doel van de beveiliging niet in redelijkheid op andere wijze (derhalve geüniformeerd) kan worden bereikt. De ontheffing blijft achterwege indien zwaarwegende belangen zich tegen de verlening van de ontheffing verzetten. Onder zwaarwegende belangen wordt mede verstaan het ontbreken van het in artikel 17, eerste of tweede lid, RPB genoemde diploma.

In uitzonderlijke gevallen kan van de uniformdraagplicht tevens ontheffing worden verleend indien naar het oordeel van de Korpschef geüniformeerd optreden provocerend of anderszins minder zinvol zou werken. Te denken valt hierbij aan popconcerten, recepties, tentoonstellingen en dergelijke.

4 Legitimatiebewijzen (art. 19 RPB)

4.1 Uitvoering

Het legitimatiebewijs, bedoeld in artikel 19, eerste lid, van de Regeling particuliere beveiligingsorganisaties, waarvan het model is vastgelegd in bijlage 4 bij de RPB, is uitgevoerd in de kleuren grijs, groen, blauw en geel.

Het grijze legitimatiebewijs wordt verstrekt aan de beveiligingsbeambten die in het bezit zijn van het diploma, als bedoeld in artikel 16, eerste lid, van genoemde Regeling, of een daaraan gelijk gesteld diploma (art. 18, tweede lid, RPB). Dit legitimatiebewijs wordt tevens verstrekt aan beambten voor wie door mij voor onbepaalde tijd ontheffing van de opleidingseis is verleend (artikel 16, zevende lid, RPB) of voor wie een vrijstelling van de opleidingseis geldt (art. 16, vijfde lid, RPB).

Beveiligingsbeambten die nog niet in het bezit zijn van het vereiste diploma dienen uitsluitend in het bezit te worden gesteld van het groene legitimatiebewijs.

Het blauwe legitimatiebewijs is bestemd voor personen die deel uitmaken van een beveiligingsorganisatie, waarvan de werkzaamheden zijn beperkt tot de handhaving van de orde en rust en de veiligheid van personen op terreinen en

in de gebouwen waar (muziek)evenementen plaatsvinden en dan uitsluitend ten tijde van de openstelling voor publiek. Het gaat hier om beveiligingsorganisaties, bedoeld in artikel 6, tweede lid, onder f, van de Wet (andere vormen van particuliere beveiligingsorganisaties). Op het legitimatiebewijs wordt een aantekening, als bedoeld in artikel 19, derde lid, RPB gemaakt, waaruit blijkt dat het de betrokkene slechts is toegestaan om de op het legitimatiebewijs omschreven beveiligingswerkzaamheden te verrichten.

Het gele legitimatiebewijs is bestemd voor een ieder die werkzaam is bij een particulier recherchebureau en die zich bezig houdt met recherchewerkzaamheden.

4.2 Gegevens

Op het legitimatiebewijs moeten de volgende gegevens machinaal worden ingevuld:

- naam, adres en telefoonnummer van de particuliere beveiligingsorganisatie,
- naam, voornamen, geboortedatum en functie van de houder,
- de datum waarop de geldigheid van het bewijs verstrijkt,
- plaats en datum van afgifte aan de houder,
- handtekening van degene die met de leiding van de beveiligingsorganisatie is belast,
- eventuele beperkingen voor wat betreft de uit te voeren werkzaamheden (art. 19, derde lid, RPB).

Het legitimatiebewijs dient te allen tijde te zijn voorzien van een goed gelijkende foto van de houder. De foto moet op het bewijs zijn bevestigd, zodanig dat verwijdering niet kan plaatsvinden zonder beschadiging. Het legitimatiebewijs dient na bevestiging van de foto te worden voorzien van een stempel van de particuliere beveiligingsorganisatie, gedeeltelijk op de foto en gedeeltelijk op het bewijs.

4.3 Geldigheidsduur

Bij het invullen van de datum waarop de geldigheid van het bewijs verstrijkt dient met het volgende rekening te worden gehouden:

- a. Het grijze legitimatiebewijs is na datum van de eerste afgifte maximaal 5 jaar geldig. Na het verstrijken van de geldigheidsduur van het legitimatiebewijs kan aan de beveiligingsbeambte, mits hij werkzaam blijft bij dezelfde beveiligingsorganisatie, een legitimatiebewijs worden afgegeven met een geldigheidsduur van maximaal 10 jaar.

b. De geldigheidsduur van het groene legitimatiebewijs is gelijk aan de periode van 12 maanden, genoemd in artikel 16, tweede lid, van de Regeling particuliere beveiligingsorganisaties. Hiervan wordt afgeweken indien:

- de betrokkene reeds eerder in het bezit is geweest van een groen legitimatiebewijs,
- de betrokkene gebruik maakt van een ontheffing, bedoeld in artikel 16, vierde of zesde lid, RPB,
- de termijn van 12 maanden om bijzondere redenen wordt verlengd (art. 16, zevende lid, RPB).

In het eerste geval dient een nieuw groen legitimatiebewijs te worden verstrekt, waarbij de gebruikelijke geldigheidsduur van 12 maanden wordt verminderd met de periode die ligt tussen de datum van afgifte van het eerste groene legitimatiebewijs en de datum van afgifte van het nieuwe groene legitimatiebewijs.

In de andere gevallen dient een nieuw groen legitimatiebewijs te worden verstrekt, waarvan de geldigheidsduur gelijk is aan de periode waarvoor betrokkene op grond van meergenoemde Regeling in aanmerking komt.

c. Het blauwe legitimatiebewijs heeft een geldigheidsduur van maximaal 2 jaar.

d. Het gele legitimatiebewijs heeft een geldigheidsduur van maximaal twee jaar.

Het legitimatiebewijs zal vanaf januari 1994 geleidelijk worden vervangen door een nieuw model. De kleuren en de daarbij behorende functies van de huidige legitimatiebewijzen blijven bij het nieuwe model gehandhaafd. Er geldt een overgangperiode waarbinnen iedere beveiligingsbeambte en iedere beveiligingsbeambte in opleiding een nieuw model legitimatiebewijs kan aanvragen voordat de huidige legitimatiebewijzen hun geldigheid verliezen. De huidige groene legitimatiebewijzen behouden hun geldigheid tot uiterlijk 1 april 1995.

Na die datum dient iedere beveiligingsbeambte in opleiding te zijn voorzien van een nieuw groen legitimatiebewijs. De thans bestaande modellen kunnen vanaf die datum niet meer worden gebruikt.

De huidige grijze legitimatiebewijzen blijven geldig tot 1 januari 1997. Na die datum dient iedere beveiligingsbeambte in de categorie waarvoor deze bewijzen zijn bestemd, te zijn voorzien van het nieuwe model grijze legitimatiebewijs. De invoering van nieuwe legitimatiebewijzen brengt met zich, dat gedurende een periode twee soorten legitimatiebewijzen naast elkaar zullen worden gebruikt. Hiertegen bestaat geen doorslaggevend bezwaar indien deze periode tijdelijk en duidelijk afgebakend is. Zoals gezegd dienen alle oude

legitimatiebewijzen uiterlijk op 1 januari 1997 door nieuwe te zijn vervangen.

4.4 Witte kaarten

Bij de groene legitimatiebewijzen worden witte kaarten verstrekt, in aantal gelijk aan de afgeleverde bewijzen. Op deze witte kaarten moeten de volgende gegevens machinaal worden ingevuld:

- naam van de particuliere beveiligingsorganisatie,
- naam, voornamen en geboortedatum van diegene aan wie het bijbehorende groene legitimatiebewijs is verstrekt,
- datum van afgifte van het groene legitimatiebewijs,
- datum waarop de geldigheid van het groene legitimatie bewijs verstrijkt,
- datum waarop het certificaat van de Introductie cursus Adspirant Beveiligingsbeambte is behaald.

4.5 Toestemming Korpschef

De Introductie cursus Aspirant Beveiligingsbeambte van de Stichting voor de Vakopleiding Particuliere Beveiligingsorganisaties is vanaf 1 januari 1994 verplicht voor iedere beveiligingsbeambte die in aanmerking wil komen voor een groen legitimatiebewijs. Na afloop van deze cursus ontvangen de deelnemers een certificaat. Bij aanvraag voor een groen legitimatiebewijs dient het legitimatiebewijs met de bijbehorende witte kaart, tezamen met dit certificaat, ter hand te worden gesteld aan de Korpschef in de gemeente waar de particuliere beveiligingsorganisatie of een onderdeel van die organisatie is gevestigd. De Korpschef controleert of een eventuele beperking, overeenkomstig artikel 19, derde lid, RPB is vermeld. Vervolgens wordt de witte kaart ten behoeve van de centrale administratie van ongediplomeerde beveiligingsbeambten door de Korpschef gezonden aan het Ministerie van Justitie, Directie Politie, afdeling Bijzondere Wetten.

4.6 Inneming

Wanneer de houder de dienst bij de particuliere beveiligingsorganisatie heeft verlaten of wanneer de geldigheidsduur van het bewijs is verstreken, dient het verstrekte bewijs te worden ingenomen en ter vernietiging ter hand te worden gesteld aan de Korpschef.

Een groen legitimatiebewijs, dat wordt vervangen door een grijs legitimatiebewijs, dient evenwel door de Korpschef te worden gestuurd aan de

Directie Politie, afdeling Bijzondere Wetten van het Ministerie van Justitie, nadat hierop door de Korpschef is aangetekend dat betrokkene het vereiste diploma heeft behaald. Na ontvangst wordt de bijbehorende witte kaart uit de hierboven genoemde centrale administratie verwijderd en samen met het groene legitimatiebewijs vernietigd.

4.7 Register

De particuliere beveiligingsorganisatie houdt een voor de politie toegankelijk register of kaartsysteem bij, dat de volgende gegevens met betrekking tot de legitimatiebewijzen moet bevatten:

- nummers van de bewijzen,
- namen, voornamen, geboortedata en functies van de houders,
- data waarop de geldigheid van de bewijzen verstrijkt,
- data van inlevering van de bewijzen.

De particuliere beveiligingsorganisatie is er voor verantwoordelijk dat met de legitimatiebewijzen niet lichtvaardig wordt gehandeld. Daarom is het wenselijk dat voorzieningen worden getroffen om zulks te voorkomen. De bewijzen mogen in geen geval in handen van onbevoegden komen.

4.8 Bestelling

De legitimatiebewijzen kunnen met gebruikmaking van het daarvoor bestemde bestelformulier naar behoefte in redelijke hoeveelheid worden besteld bij de Directie Politie, Afdeling bijzondere wetten van het Ministerie van Justitie. De uiteindelijke levering wordt -tegen vergoeding- verzorgd door de SDU Uitgeverij.

5. Jaarverslagen (art. 10 RPB)

Het model jaarverslag voor de particuliere beveiligingsbedrijven, de particuliere bedrijfsbeveiligingsdiensten, de particuliere alarmcentrales, de particuliere geld- en waardetransportbedrijven, alsmede de andere vormen van particuliere beveiligingsorganisaties, zijn als bijlage bij de Regeling particuliere beveiligingsorganisaties gevoegd (bijlage 2A tot en met 2E). In verband met de statistische verwerking van de gegevens is het wenselijk dat strikt de hand wordt gehouden aan de puntsgewijze indeling. Uiteraard zullen de gegevens zoveel mogelijk vertrouwelijk worden behandeld.

Particuliere recherchebureaus zijn uitgezonderd van de verplichting tot het indienen van een jaarverslag (art. 10 RPB). Deze uitzondering geldt tot 1 januari 1996.

Ik verzoek u aan de uitvoering van de Wet op de weerkorpsen en de particuliere beveiligingsorganisaties, alsmede aan de Regeling particuliere beveiligingsorganisaties en de onderhavige circulaire de nodige medewerking te verlenen.

De Minister van Justitie,
namens de Minister,
het Hoofd van de Directie Politie,

mr. H.P. Wooldrik

Circulaire particuliere beveiligingsorganisaties

bijlage 1

AANVRAAG VERGUNNING

Dit betreft een eerste verzoek om vergunning voor een particuliere beveiligingsorganisatie. Het verzoek kan worden samengesteld aan de hand van de hieronder afgedrukte lijsten. Het verzoek dient daarna te worden gezonden aan:

Ministerie van Justitie
Directie Politie
afdeling Bijzondere Wetten
postbus 20301
2500 EH 's-Gravenhage

De artikelen waarnaar wordt verwezen, betreffen artikelen uit de Regeling particuliere beveiligingsorganisaties.

PARTICULIERE BEVEILIGINGSBEDRIJVEN.

Overleg een kopie van de inschrijving bij de Kamer van Koophandel en Fabrieken.

Geef een omschrijving van de activiteiten van de particuliere beveiligingsorganisatie.

Geef een overzicht van de opzet en inrichting van het op te richten beveiligingsbedrijf, waaruit blijkt dat regelmatige en volledige uitoefening der

werkzaamheden waartoe het bedrijf zich heeft verbonden voldoende is gewaarborgd (art. 2).

Overleg een instructie voor het personeel (art. 5). Deze instructie dient te zijn voorzien van een datum en een kenmerk.

Toon de maatregelen die zijn getroffen om te voorkomen dat vertrouwelijke informatie in handen komt van onbevoegden (art. 7).

Voeg een curriculum vitae bij van de personen die met de leiding van het beveiligingsbedrijf worden belast (art. 11)

Toon d.m.v. kleurenfoto('s), alsmede een staal van de gebruikte stof, de uitvoering van het uniform (art. 12).

Overleg bij gebruikmaking van honden het certificaat waaruit blijkt dat deze honden geschikt zijn om als surveillance- dan wel als objectbewakingshond op te treden, alsmede de verklaring waaruit blijkt dat de bewakingshondgeleider en de bewakingshond een geschikte combinatie vormen (art. 20).

Geef aan of u er bezwaar tegen hebt dat de naam en het adres van uw organisatie aan derden (zoals het Centraal Bureau voor de Statistiek en uitgevers van boeken etc. op het terrein van de particuliere beveiliging) worden verstrekt.

PARTICULIERE BEDRIJFSBEVEILIGINGSDIENSTEN:

Geef een overzicht van de opzet en de inrichting van de op te richten bedrijfsbeveiligingsdienst.

Geef een omschrijving van de activiteiten van de particuliere beveiligingsorganisatie.

Overleg een instructie voor het personeel (art. 5). Deze instructie dient te zijn voorzien van een datum en een kenmerk.

Toon de maatregelen die zijn getroffen om te voorkomen dat vertrouwelijke informatie in handen komt van onbevoegden (art. 7).

Voeg een curriculum vitae bij van de personen die met de leiding van het beveiligingsbedrijf worden belast (art. 11)

Toon d.m.v. kleurenfoto's, alsmede een staal van de gebruikte stof, de uitvoering van het uniform (art. 12).

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Geef aan of u er bezwaar tegen hebt dat de naam en het adres van uw organisatie aan derden (zoals het Centraal Bureau voor de Statistiek en uitgevers van boeken etc. op het terrein van de particuliere beveiliging) worden verstrekt.

PARTICULIERE ALARMCENTRALES:

Overleg een kopie van de inschrijving bij de Kamer van Koophandel en Fabrieken.

Geef een omschrijving van de activiteiten van de particuliere beveiligingsorganisatie.

Geef een overzicht van de opzet en inrichting van het op te richten beveiligingsbedrijf, waaruit blijkt dat regelmatige en volledige uitoefening der werkzaamheden waartoe de organisatie zich heeft verbonden voldoende is gewaarborgd (art. 2).

Overleg een instructie voor het personeel (art. 5). Deze instructie dient te zijn voorzien van een datum en een kenmerk.

Toon de maatregelen die zijn getroffen om te voorkomen dat vertrouwelijke informatie in handen komt van onbevoegden (art. 7).

Voeg een curriculum vitae bij van de personen die met de leiding van de particuliere beveiligingsorganisatie worden belast (art. 11)

Toon -indien van toepassing- d.m.v. kleurenfoto's, alsmede een staal van de gebruikte stof, de uitvoering van het uniform (art. 12).

Geef aan op welke wijze de volgende maatregelen zijn getroffen en licht deze maatregelen zonedig toe (art. 21):

voorzieningen ter voorkoming en het tijdig opheffen van technische storingen;

voorzieningen tegen het door onbevoegden betreden van de centrale;

voorzieningen voor het signaleren van sabotage van zowel de centrale als haar gehele communicatienet tot aan de abonnee; instructies aan de abonnee om juist gebruik te bevorderen en instructies aan het alarmcentralepersoneel om volgens vaste procedures te werk te gaan;

beschikbaarheid van informatie (op ieder willekeurig tijdstip) over de toestand van de installatie van iedere abonnee evenals over de feitelijke toestand gedurende de alarmsituatie, ten behoeve van politie en brandweer;

beschikbaarheid van informatie over de feitelijke toestand van het beveiligde object ten behoeve van politie en brandweer bij alarmsituaties;

tenminste één betrouwbare verbinding van de alarmcentrale met politie en brandweer;

het onbeïnvloedbaar en niet uitwisbaar vastleggen van alle abonneemeldingen en uitgaande alarmen of acties, onder vermelding van abonnee, aard, datum en tijd;

permanente bezetting van de centrale door minimaal twee personen.

Geef aan of u er bezwaar tegen hebt dat de naam en het adres van uw organisatie aan derden (zoals het Centraal Bureau voor de Statistiek en uitgevers van boeken etc. op het terrein van de particuliere beveiliging) worden verstrekt.

PARTICULIERE GELD- EN WAARDETRANSPORTBEDRIJVEN:

Overleg een kopie van de inschrijving bij de Kamer van Koophandel en Fabrieken.

Geef een omschrijving van de activiteiten van de beveiligingsorganisatie.

Geef een overzicht van de opzet en inrichting van de op te richten beveiligingsorganisatie, waaruit blijkt dat regelmatige en volledige uitoefening der werkzaamheden waartoe het bedrijf zich heeft verbonden voldoende is gewaarborgd (art. 2).

Overleg een instructie voor het personeel (art. 5). Deze instructie dient te zijn voorzien van een datum en een kenmerk.

Toon de maatregelen die zijn getroffen om te voorkomen dat vertrouwelijke informatie in handen komt van onbevoegden (art. 7).

Voeg een curriculum vitae bij van de personen die met de leiding van de beveiligingsorganisatie worden belast (art. 11)

Toon d.m.v. kleurenfoto's, alsmede een staal van de gebruikte stof, de uitvoering van het uniform (art. 12).

Geef aan of de zendingen zijn verzekerd door uw organisatie, de opdrachtgever of de ontvanger en op welke wijze ten aanzien van de voertuigen waarmee de transporten plaats vinden de volgende voorzieningen zijn getroffen en licht deze voorzieningen zonodig toe (art. 23):

voorzieningen om het geld- en waardetransport als zodanig kenbaar te maken;

voorzieningen ter beveiliging van het personeel (kogelwerend materiaal) en ter bescherming van dat personeel tegen schadelijke stoffen en gassen;

voorzieningen waardoor de ruimten voor het personeel en de zendingen ontoegankelijk voor onbevoegden zijn gemaakt;

voorzieningen om de mogelijkheid te scheppen in geval van en calamiteit het voertuig te blokkeren en vanuit het voertuig alarm te geven;

voorzieningen om zendingen voor verschillende ontvangers en voor verschillende verzenders te separeren;

voorzieningen voor een gesloten communicatienet om verbinding te onderhouden met een centraal punt;

voorzieningen om via bovengenoemd net alarm te kunnen geven.

Geef aan of u er bezwaar tegen hebt dat de naam en het adres van uw organisatie aan derden (zoals het Centraal Bureau voor de Statistiek en uitgevers van boeken etc. op het terrein van de particuliere beveiliging) worden verstrekt.

PARTICULIERE RECHERCHEBUREAUS

Overleg een kopie van de inschrijving van de Kamer van Koophandel en Fabrieken.

Geef een omschrijving van de activiteiten van het recherchebureau.

Toon de maatregelen die zijn getroffen om te voorkomen dat vertrouwelijke informatie in handen komt van onbevoegden (art. 7).

Voeg een curriculum vitae bij van de personen die met de leiding van het recherchebureau worden belast (art. 11).

Overleg een afschrift van de ontvangstbevestiging van de Registratiekamer van het formulier, bedoeld in artikel 24, tweede lid van de Wet persoonsregistraties.

Geef aan hoeveel personen binnen uw organisatie met rekerchewerkzaamheden zijn (of zullen worden) belast.

Geef aan of u er bezwaar tegen hebt dat de naam en het adres van uw organisatie aan derden (zoals het Centraal Bureau voor de Statistiek en uitgevers van boeken en etc. op het terrein van de particuliere beveiliging) worden verstrekt.

ANDERE VORMEN VAN PARTICULIERE BEVEILIGINGSORGANISATIES:

Zie onder Particuliere beveiligingsbedrijven

Circulaire particuliere beveiligingsorganisaties

Bijlage 2

AANVRAAG VERLENGING VERGUNNING

Het betreft hier een aanvraag voor verlenging van de vergunning van een:

(aankruisen wat van toepassing is)

Beveiligingsbedrijf

Bedrijfsbeveiligingsdienst
Alarmcentrale
Geld- en waardetransportbedrijf
Recherchebureau
Andere vorm van particuliere beveiligingsorganisatie

1. Naam organisatie:

Vergunningnummer:

Adres:

Postcode en plaatsnaam:

Contactpersoon:

Telefoonnummer:

2. Gegevens omtrent de huidige vergunning: (toelating)

Beschikking d.d. :.....

Vergunningnummer :.....

Geldig tot :.....

3. In welke gemeenten in Nederland is uw beveiligingsorganisatie werkzaam?
(Voeg -indien nodig- een lijst bij waarop deze gemeenten staan vermeld.)

1.

2.

3.

.....

4. Worden:

a. de beveiligingswerkzaamheden in uniform verricht?

ja/nee

b. bij de beveiligingswerkzaamheden bewakingshonden ingezet?

ja/nee

Indien de vragen onder a en b met ja zijn beantwoord, hieronder aangeven op welke gemeente(n) dit betrekking heeft.

a.

b.

c.

5. Is de uitvoering van het uniform gewijzigd sinds de laatste verlening van een vergunning aan uw organisatie?

ja/nee

Zo ja:

wat is de aard van deze wijziging?

Ministeriële goedkeuring d.d.:

6. Is sinds de laatste verlening van een vergunning een wijziging in de leiding van de particuliere beveiligingsorganisatie opgetreden?

ja/nee

Zo ja: Ministeriële goedkeuring d.d.:

Naam leidinggevende:

Geboortedatum:

Woonplaats:

7. Ruimte voor opmerkingen:

.....(plaats).....(datum)

Bijlage(n)

.....
(naam en handtekening aanvrager)

Standaardinstructie voor beveiligingsbeambten

Toelichting met betrekking tot de lay-out van de bijgevoegde voorbeeldinstructie.

Voor zover u achter het kopje een *vet- en cursiefgedrukte tekst* aantreft, zullen deze regelingen of procedures door u moeten worden ingevuld aangezien hiervoor geen standaardinstructie te geven is. De normale tekst achter het kopje is een voorstel voor de instructie, die, eventueel nog wat aangepast aan de door u of door de opdrachtgever gewenste toestand, in uw instructie kan worden opgenomen

Aanvullingen op de instructie.

Naast de in de voorbeeld-instructie opgenomen bepalingen kunnen nog bepalingen worden opgenomen die betrekking hebben op onderwerpen als:

- Controlemeldingen
- Toegangscontrole's
- Controleronden/-klokken/-bonnen
- Toegevoegde taken en hand- en spandiensten
- Bedrijfsvoorschriften
- Einde diensttijd
- Dienstauto
- Roken en alcohol

Gelet op de functie die een beveiligingsbeambte vervult, is het raadzaam om het gebruik van alcohol tijdens diensttijd te verbieden. Daarnaast kan gelet op het algemene overheidsbeleid om uit gezondheidsoverwegingen het roken terug te dringen een verbod op het roken tijdens diensttijd in openbare ruimten worden overwogen.

Voor alle duidelijkheid wil ik u er op wijzen dat de instructie slechts als

voorbeeld is bedoeld. Uw instructie kan hiervan op details verschillen of aanvullingen bevatten; de instructie dient echter wel helder en overzichtelijk te zijn en vrij van taalfouten.

Voorbeeld van een Standaardinstructie voor beveiligingsbeambten

Instructiedoel

De instructies hebben tot doel voor de beveiligingsbeambte een taakomschrijving te verschaffen waarin verantwoordelijkheden en bevoegdheden duidelijk tot uitdrukking komen. *Deze instructies zijn dwingend voorgeschreven. De instructies dienen overzichtelijk te zijn en in goed Nederlands geschreven.*

Kennis van instructies

De beveiligingsbeambte dient op de hoogte te zijn van deze instructies. Bij de instructies kunnen bijlagen en/of aanvullende instructies worden gevoegd, die betrekking hebben op de op een werkplek geldende regels of toegespitst zijn op de specifieke werksituatie. Ook hiervan zal de beambte kennis moeten kunnen nemen.

Geen instructie

Ontplooiën van eigen initiatief, dat niet in strijd mag zijn met wettelijke bepalingen, binnen het kader van de doelstelling.

Doel van de beveiliging

Doelstelling van de functie van beveiligingsbeambte.

Wapens

Het is de beveiligingsbeambte verboden, tijdens diensturen, enig wapen of munitie voorhanden te hebben en/of te vervoeren zoals genoemd in de Wet wapens en munitie. *Ook het gebruik van handboeien en/of knevelkettingen is ongewenst.*

Interne en externe gezagsverhoudingen

***Binnen het kader van het beveiligingsbedrijf:
van wie krijgt de beambte zijn/haar opdrachten;
aan wie kan de beambte opdrachten geven. Al dan niet
accepteren van opdrachten door derden of het geven van
opdrachten aan derden.***

Wijze van het verstrekken van opdrachten

Agenda, routeschema, publicatiebord etc.

Afwijking van instructies

Regeling voor afwijking van de instructies. Aanwijzingen gegeven door of vanwege een (algemeen) opsporingsambtenaar dienen door de beveiligingsbeambte stipt te worden opgevolgd.

Rapportage

Alle tijdens de dienst gesignaleerde feiten en omstandigheden dienen in een dienstrapport te worden vermeld met hun wijze van afhandeling. Ook van bijzondere gebeurtenissen of voorvallen dient rapport te worden opgemaakt.

Geheimhouding

Zowel tijdens, als ook na beëindiging van het dienstverband, verplicht de werknemer, in welke functie dan ook aangesteld, zich tot geheimhouding omtrent alle, op welke wijze dan ook, te zijner kennis gekomen bijzonderheden en aangelegenheden van de opdrachtgever en/of werkgever. Het is verboden inlichtingen of gegevens over bedrijven te verstrekken aan derden. Het is de beveiligingsbeambte verboden mondeling (hieronder wordt ook verstaan: telefonisch en/of schriftelijk) inlichtingen over privé gegevens of functies van medewerk(st)ers te verstrekken.

Vaste plaats

Aangegeven dient te worden wat de vaste plaats is waar de beambte zich doorgaans tijdens dienstdienst moet bevinden, alsmede eventuele regels daaromtrent.

Uniform

Tenzij de beambte een individuele ontheffing van de Minister van Justitie of van het hoofd van plaatselijke politie heeft tot het dragen van een uniform inzake de Wet op de weerkorpsen, worden alle uitvoerende diensten verplicht in uniform verricht.
Eventueel beschrijving van zomer/winter uniform etc.

Legitimatiebewijs

De beveiligingsbeambten zijn, in de uitoefening van hun dienst, verplicht het door de Minister van Justitie voorgeschreven legitimatiebewijs bij zich te dragen en op verzoek te tonen dan wel aan de daartoe bevoegde instanties (politie), ter inzage af te geven.

Communicatieapparatuur

De beambte mag alleen (zakelijk) gebruik maken van goedgekeurde door de werkgever of de opdrachtgever verstrekte apparatuur.

Bevoegdheden

Bevoegdheden tijdens de dienstuitvoering zijn nader omschreven in volgende hoofdstukken. *De bevoegdheden zullen afhankelijk zijn van het soort dienst die de beambte vervult en de eisen/wensen van de opdrachtgever. In een standaardinstructie kunnen deze bevoegdheden daarom niet worden opgenomen. De beambte zal echter wel op de hoogte moeten worden gesteld van de bevoegdheden die hem/haar op een bepaalde werkplek toekomen.*

Fouilleren

Onderzoek aan kleding of lichaam is ten strengste verboden. Deze bevoegdheid hebben uitsluitend opsporingsambtenaren genoemd in de artikelen 141 en 142 Wetboek van Strafvordering.

Visiteren

Op verzoek van de bedrijfsleiding kan de beveiligingsbeambte

behulpzaam zijn bij de controle op personeel van dat bedrijf; het bedrijfsreglement dient daarbij in acht te worden genomen.

Aanhouden

Bij ontdekking van een strafbaar feit op heterdaad is een ieder bevoegd tot aanhouding van de verdachte. Indien men tot aanhouding is overgegaan is men verplicht de aangehoudene onverwijld over te dragen aan een opsporingsambtenaar.

Beslag

Indien men een verdachte heeft aangehouden mag men de goederen die niet aan de verdachte toebehoren en die hij/zij bij zich draagt, in beslag nemen. Deze goederen dienen tezamen met de verdachte aan de opsporingsambtenaar overgedragen te worden, omdat deze goederen als bewijsmiddel dienen.

Aangifte

In alle gevallen waarbij is overgegaan tot aanhouding van een verdachte en deze is overgedragen aan een opsporingsambtenaar dient aangifte te worden gedaan bij de betrokken politie-instantie.

Alarmering/calamiteiten

Deze procedures dienen te worden vastgesteld en bijgevoegd opdat de beveiligingsbeambte daarvan kennis kan nemen.

Sleutelbeheer

Regeling m.b.t. zorgvuldige omgang met sleutels.

Dienstrooster

Dient te worden vastgesteld en aan de individuele beambte ter kennis te worden gebracht. Gelet op de frequente wisselingen van de dienstroosters is het niet noodzakelijk deze roosters bij te voegen bij de instructies die ter goedkeuring worden gezonden aan de Minister van Justitie.

The Dutch model

How the government, trade unions and employers are organising the redistribution of wealth in the Netherlands

By Dietmar Henning and Wolfgang Weber

1 May 1998

Politicians in Europe, like the Social Democratic (SPD) candidate for German Chancellor, Gerhard Schröder, have praised it highly, as has US President Bill Clinton. Trade union magazines dedicate enthusiastic articles to it because it has managed "to halve the number of unemployed within the last 15 years." The president of the Bundesbank, Hans Tietmeyer, calls it "an example for the whole of Europe."

What is the object of this fulsome praise? The "Dutch model."

Dietmar Henning and Wolfgang Weber travelled to the Netherlands for the World Socialist Web Site to obtain a clearer picture of the supposed success story of the Dutch economy, to survey its leading figures, examine how it works, and find out who are its winners and who are its losers. They interviewed politicians, sociologists and members of an unemployed organisation in Amsterdam. They spoke with members of the Betriebsrat (works council) and employees at the Netherlands' biggest hospital, and visited striking dockers in Rotterdam.

The results presented here provide an insight into the social and political background of the upcoming Dutch parliamentary elections, to be held May 6.

What Europe's bankers and politicians are selling as the "Dutch model" for overcoming mass unemployment is called the "Polder-Model" in the Netherlands itself. "Polder--a piece of low-lying reclaimed land: the first stage in its reclamation." That is what the dictionary says.

"As in the building of a polder, everyone must co-operate and make sacrifices to repel the flood of unemployment and transform Dutch society into a flourishing, tranquil landscape." This and the like was repeated in the statements of government ministers, union officials and company directors when the unions and management in 1982 signed the Wassenaar agreement, the political birthright of the Polder-model.

At first glance--the official unemployment rate is presently at 6 percent and the economic growth rate at 3 percent--the model seems to have worked. Fifteen years ago the number of unemployed was rising by 10,000 a month. In 1984 it stood at 14 percent and 800,000 were officially registered as looking for work. According to the Organisation for Economic Co-operation and Development (OECD), the real jobless rate, including the unemployed in training schemes, early retirement or other social programs, was 27 percent.

In the Wassenaar agreement the trade unions committed themselves to modest pay demands for years ahead. The employers promised to try harder to create more jobs.

It soon became clear, however, what the agreement really meant--a corporatist policy for effecting the greatest redistribution of income in Holland since World War II!

Income and corporate taxes for employers were sharply lowered, according to the principle: "the higher the profit, the lower the taxes." Companies with more than 225,000 German marks in annual profit are required to pay a 35 percent corporation tax. Those that report lower profits must pay a 40 percent tax.

The disposable real income of employee households, on the other hand, had already dropped by 10 percent in 1982 and 1983 as a result of recession, while that of unemployed workers and social security recipients had dropped even more sharply.

In 1984 and 1985, real income dropped a further 9 percent each year after the trade unions annulled previous pay agreements that included an automatic increase in wages in line with the rate of inflation. The legal minimum wage was reduced and, with it, the level of social security, which is set at 100 percent of the minimum wage for a family of four and 70 percent for a single person. In 1981 the income from social security for a single person still stood at 64.4 percent of the average employee's real income. By 1990 it was down to 54.4 percent, and it presently stands at about 50 percent.

What has happened to the unemployed? The working population has increased since 1983 from 5.5 million people to 6.8 million today. But 75 percent of this impressive increase in jobs is attributable to the expansion of part-time and temporary work at the expense of full-time jobs. The net result has been a growth of poverty among wage earners.

This restructuring of the jobs market has benefited only the private and public employers. Jobs which they considered too expensive and "unproductive" were replaced by part-time jobs demanding greater productivity and higher qualifications, while providing lower pay. The Netherlands' statistics for labour productivity rose to the top of world surveys. From the mid-1980s on, production, trade and profit began to boom.

A further sharp change of course came at the end of the 1980s in reaction to the increasing globalisation of production and the demands of transnational corporations like Unilever, Akzo, Philips and Shell. The Wassenaar agreement had itself been shaped by the economic demands of a national commission headed by Gerrit Wagner, the chairman of Royal Dutch Shell.

But by 1989-90 the employers' associations were demanding not only cuts in social benefits, but a fundamental "restructuring of the welfare state." Those on social security had to be made available as cheap labour. The ability of workers to claim Work Incapacity Insurance Benefit (WAO) until retirement age on the strength of a doctor's certificate had to be ended. Similar to early retirement schemes in Germany, WAO, with some 900,000 beneficiaries, had become a cheap way for companies

to cut back on jobs.

Although it had won the elections of 1989, the ruling coalition of Christian Democrats (CDA) and Liberals proved incapable of pushing this through. The social democratic Partij van de Arbeid (PvdA) took the Liberals' place in the government to tackle this task, working together with the trade unions.

The PvdA's chairman was Wim Kok who, as head of the trade union umbrella organisation FNV, had signed the Wassenaar agreement in 1982. Now he took over the Treasury, the key ministry for shaping economic and social policy. The businessman Ruud Lubbers (CDA) remained Prime Minister.

The CDA/PvdA coalition dealt the first big blow in the summer of 1991 by sharply limiting WAO. All those receiving this benefit were now required to have a new medical examination each year. New criteria were imposed, according to which thousands of recipients were reclassified as completely or partly able to work. Once again they found themselves at the Unemployment Office, and soon after were forced to apply for social security.

The trade unions took over the task of containing and dissipating the growing anger in the working class. They organised a 250,000-strong protest demonstration in Den Haag, the biggest demonstration against the government since World War II. This, they declared, was all they could do. The issues would have to be resolved in the parliament, i.e., by their social democratic friends in the government.

Faced with continuing widespread resistance, the PvdA resorted to a political gimmick. Together with the Liberals, they pushed a measure through the parliament, over the opposition of their Christian Democratic coalition partners, establishing an all-party commission under the chairmanship of the social democratic politician Flip Buurmeijer.

In televised hearings the commission stage-managed a smear campaign against the welfare state. Those claiming benefits were derided as parasites, the administrators of various institutions were labelled charlatans and reformist politicians of the past dubbed "irresponsible." The Buurmeijer commission concluded that radical and immediate cutbacks in social spending were necessary.

One year later, entitlement to social security for youth up to 23 years of age, after the end of their formal education, was reduced to six months. Those not finding a job within these six months are assigned a job by the local council. Such jobs would pay no more than the rate of social security plus 20 percent, and the rate was to decline as the age of the recipient rose.

A series of training and job schemes for older long-term unemployed were introduced or expanded, including a wage subsidy scheme to hire jobless people. Employers can make use of this program to hire workers nearly free of charge for a time and, once the subsidies have ended, send them back to the Unemployment Office.

The number of unemployed removed from the official jobless count by means of such programs

increased from 75,000 in 1983 to 120,000 a decade later. Today it stands at around 170,000. For public institutions and local councils, so-called "job pools" have been created in which 25,000 long-term unemployed do the work of public sector employees at a fraction of their wage rate. The job pool workers receive the legal minimum wage.

The next major step came in the beginning of 1994, with the "restructuring" of health insurance to make it a voluntary system based purely on employees' contributions. Employers' contributions to health insurance were virtually abolished.

According to calculations by the Amsterdam-based political scientist Ruud Vlek, who has just received a doctorate for a study of social policy in the Netherlands from 1974 to 1994: "Since these reforms, employees have to contribute 80 percent of all social insurance contributions and employers just 20 percent."

This barrage of social attacks shook the government parties. A third of the PvdA's 90,000 members turned their back on the party during the next three years, and in the parliamentary elections of 1994 its vote declined by 25 percent. Its share of the total vote sank from 32 percent to 24 percent. The PvdA's coalition partner, the CDA, fared even worse. It lost a third of its votes, sinking from over 35 percent to 22 percent of the total ballots cast. Together, the two "people's parties" lost 32 of their former 103 seats, and gave up their absolute majority in the 150-member parliament.

The elections registered popular opposition to the previous government's pro-business austerity policies. Nevertheless, a new government came to power under Prime Minister Wim Kok which carried out exactly the same policies, only even more vigorously and ruthlessly.

The liberal parties, Volkspartij voor Vrijheid en Democratie (VVD)--Peoples Party for Freedom and Democracy--and Democraten 66 (D66)--Democrats 66--were able to increase their vote from 22 to 35 percent. They joined the government with four and five ministers respectively. The PvdA has a total of five ministers in addition to the prime minister. Its cabinet officials include Ad Melkert, who is responsible for employment and social policy.

Under the new coalition, implementation of the Polder-Model has been accelerated, and the trade unions have remained an important lever for carrying out the process. As early as December 1993, they had concluded another pact with the employers' associations, bearing the designation "new course." This encompassed further steps for reducing wages, making pay scales more flexible and expanding temporary and part-time work.

The agreement also stipulated that future negotiations on wages, jobs, part-time work, privatisations and other matters would not be conducted centrally. Rather, to the greatest extent possible, they would be conducted on a branch and company level. Accordingly, members of the works councils were granted extensive "co-determination rights," following the German example of Mitbestimmung, to facilitate the drawing up and pushing through of "concrete solutions on the ground."

In discussion with the government, new agreements were introduced in all wage contracts for a "starter-wage" for first-time employees, as well as "target group standard rates" for the long-term unemployed. The wage level of the latter hardly differs from the legal minimum wage or social security provisions.

The employers quickly realised the benefits of this "new course." According to the most recent surveys, between 8 and 10 percent of all employees are paid in accordance with these low-wage standards. Overall, nominal wage levels have stagnated and real incomes have declined.

Flexible working hours have provided the biggest boon to the employers. Of the 300,000 new jobs created between 1994 and 1996, half were based on flexible contracts with temporary work firms, 40 percent were part-time jobs and only 10 percent were full-time positions. Some 3 percent of total work capacity (the figure for Germany is 0.6 percent) is on the basis of temporary contracts.

Nearly 37 percent of jobs are part-time--2.5 million out of 6.8 million--the highest rate of part-time employment in Europe. And of these, 300,000 are only "mini-jobs" (less than 12 hours a week) with "mini-wages."

The unions concluded a further agreement in 1996 for "flexibility and security." They agreed, among other things, to relax the protection against unlawful dismissal and extend the trial period for full-time employees. They also agreed to the abolition of fixed opening hours in retail outlets and an end to bonus pay for work on weekends and national holidays.

These agreements have not only been passed into law in parliament, they have become the basis for carrying out mass layoffs. The so-called "Keks-Pakt" ("Biscuit Agreement") is a prime example. When several biscuit and cake factories announced the dismissal of 11,000 employees last year, the unions signed an agreement which directly transferred the sacked workers to the largest temporary work corporation, Ranstad (annual turnover--4.5 billion marks), which offered temporary contracts for a period of up to two years.

Over the past several years, temporary work companies have been springing up like mushrooms throughout Holland. With their countless branches in Amsterdam, Rotterdam, Utrecht and other towns, they are now part of the townscape--like the newspaper kiosk and the bakery. They not only provide temps for work that traditionally relies on casual employment--secretaries, switchboard operators, fitters, building workers--but they also farm out nurses, dental assistants, computer specialists, technicians and even business managers.

State-funded cheap wage schemes have been expanded. Various types of "job creation" schemes have been established, targeted at the long-term unemployed, including many immigrants from countries like Surinam, Turkey and Morocco, as well as high school dropouts and other youth. Recipients must work hard for near poverty wages, and their labour, subsidised by the government, costs the employers very little.

According to Ruud Vleeks' calculations, some 220,000 people are employed through such public schemes. Other sources put the figure at 300,000. A mere 10 percent of these workers obtain a steady job at the end of the program.

Adding together the 400,000 jobless who are officially registered for work, the 100,000 unemployed who are not recorded statistically and approximately 800,000 people still on WAO benefits, the army of unemployed in the Netherlands comprises in reality about 1.5 million. The OECD's latest calculations put the figure at 1.7 million.

This figure does not square with the much-lauded official unemployment rate of 6 percent. Rather it represents 27 percent of those capable of work, the same figure that was recorded 15 years ago.

The mass of new jobs paying a pittance has not only helped improve the official unemployment statistics; they have been a boon to the employers' business accounts and balance sheets. While the profits, share values and dividends of the big corporations have climbed to record highs, and the number of millionaires has increased to over 150,000, one million of the 6.6 million households in Holland must manage with an income at or below the poverty level.

Thus the Dutch model turns out to be a "model" for the systematic enrichment of the privileged few at the expense of workers and poor people. It has created a social powder keg that threatens to explode at any time. In this respect, it is not so much a Dutch model as a European model.

Over the past several years strikes and protest movements have broken out time and again--the 1991 mass demonstration against the government in Den Haag, protests against the closure of the Fokker works, a building workers' strike in 1995 and the recent strikes among Rotterdam dockers.

As in many other countries of Europe, the swing to the right of social democracy in the Netherlands has led to a growth of the neo-fascist party, the so-called Centrumsdemokraten (Centre Democrats). They have obtained increased votes in social democratic strongholds like Rotterdam. In 1994 they returned not one, as previously, but three deputies to the national parliament.

On the left wing of the parliamentary spectrum opposition to the Polder-Model expresses itself in support for the GroenLinks (Green Left) and the Socialist Party (SP). GroenLinks emerged from the extinct Stalinist Communist Party and layers of the petty-bourgeois radical movement left over from the seventies. It is comparable to the Greens in Germany. It has five seats in parliament, but plays its main role on a municipal level, where it endeavours to "take responsibility" and keep areas of high social tension under control.

The SP, founded as a Maoist organisation in 1972, opposes the government, mass unemployment and social cuts with radical words and demagogic slogans. Opinion polls predict it could double or triple its two seats in parliament in the parliamentary elections in May. Already in the local elections earlier this year, the SP increased its share of votes nation-wide to 6 percent, and its representation in local

parliaments from 145 to 190. In four towns it has become the strongest party. In the old industrial town of Oss (65,000 inhabitants) in Nordbrabant, it has formed the city government in coalition with the Social Democrats.

Asked what was the biggest difference between the SP and the PvdA or GroenLinks, the SP's chairman in Amsterdam, Wim Paquay, answered: "In our policy towards foreigners. We are for a strict application of the existing laws against illegal immigration. On the other hand, left-wing PvdA and GroenLinks politicians often want a sort of amnesty or exemption for problem cases. But such a procedure would attract even more foreigners, many more than could be naturally integrated into Dutch society."

Just as they call upon the police to keep domestic problems under control, the SP supports trade war measures abroad such as a punitive customs duty "if competitors threaten to undermine the social and ecological standards of the Netherlands and Europe." Like GroenLinks, the SP wants to strengthen the nation-state in response to globalisation and its social consequences.

| COUNTRY | ELECTION TYPE | DATE |
|----------------------------|---------------|-------------|
| Kingdom of the Netherlands | Parliamentary | May 6, 1998 |

At stake in this election:

Seats in the Second Chamber of the States-General: 150

Description of government structure:

The Netherlands' parliament, the States-General, is made up of the First Chamber and the Second Chamber.
The First Chamber, the Eerste Kamer, consists of 75 members indirectly elected by the country's provisional councils for four-year terms.
The Second Chamber, the Tweede Kamer, consists of 150 directly elected members serving four-year terms.
Members to the Second Chamber are elected according to a party-list system with proportional representation.

Results of the electoral race:

Party: Labour Party (PvdA)

Leader: Wim KOK

Seats won in last election to the Second Chamber: 37

Seats won in this election to the Second Chamber: 45

Party: People's Party for Freedom and Democracy (VVD)

Leader: Frits BOLKESTEIN

Seats won in last election to the Second Chamber: 31

Seats won in this election to the Second Chamber: 39

Party: Christian Democratic Appeal (CDA)

Leader: Jaap de HOOP SCHEFFER

Seats won in last election to the Second Chamber: 34

Seats won in this election to the Second Chamber: 28

Party: Democrats '66 (D66)

Leader: Els BORST

Seats won in last election to the Second Chamber: 24

Seats won in this election to the Second Chamber: 14

Party: Green Left Alliance

Leader: Paul ROSENMÖLLER

Seats won in last election to the Second Chamber: 5

Seats won in this election to the Second Chamber: 11

When was the last election? Number of seats in last election?

Elections to the Second Chamber of the States General last held: May 3, 1994

Seats decided in the last election to the Second Chamber of the States General: 150

Population and number of registered voters:

Population: 15,649,729

Number of registered voters: 11,462,085

HIGHLIGHTS OF DUTCH FOREIGN POLICY 1999

During this parliamentary year the spotlight will be on a number of foreign policy issues, including the enlargement of the EU, Agenda 2000, the euro, preparations for the expansion of NATO and the Netherlands' tasks as member of the Security Council in the period 1999-2000. The Netherlands is unlikely to remain unaffected by the economic problems that have beset several parts of the world. Asia, Latin America and Russia will continue to demand our attention, and the political problems in the Great Lakes Region of Africa are far from over. The public will be making ever greater demands of the Ministry of Foreign Affairs over the coming year.

The status of poor people all over the world has improved, but not always in equal measure. This has taught us much about the conditions needed for development, and the lessons learned will have a growing influence on development cooperation policy, through both bilateral and multilateral channels. The review of foreign policy has created opportunities for measures that will enhance the effectiveness of development cooperation. Now that the organisation of bilateral relations, in particular, has been improved, it will be possible to focus more attention on multilateral aid efforts. The Netherlands has a major role to play in these efforts, both financially and otherwise.

In Europe, negotiations with candidate member states are already under way. Given the developments in Russia, it is now even more important for the peace and security of Europe to maintain the momentum of the accession process, based on the criteria agreed in Copenhagen. The Treaty of Amsterdam must be ratified as soon as possible by the various EU member states. On the other hand, the internal reforms of the Union must also continue. Without new agreements on budget policy, the common agricultural policy, the structural funds and the institutions, the accession of new members will be doomed to failure.

The Netherlands has successfully campaigned for a seat on the Security Council from 1999 to 2000. The last time it held a seat on the Security Council was in 1983-1984. The Security Council plays a key role in finding solutions to the world's conflicts. Maintaining and strengthening the international rule of law is both a key feature of Dutch policy and a major responsibility of the UN.

The Dutch are travelling more and further afield than ever before, and this has not gone unnoticed at the Ministry of Foreign Affairs. The public are calling upon the services of the ministry and its diplomatic missions more and more often for things like travel advice, help with evacuation or assistance when someone dies abroad. As growing numbers of people travel to and from the Netherlands the missions are becoming busier and busier: issuing passports and visas, authenticating documents and checking people's identity. They also look after the 1600 Dutch people in foreign prisons.

There are still huge numbers of refugees throughout the world searching for a safe place to live. Most of them are cared for in their own region, and the Netherlands will continue to make major contributions to these efforts. But the Netherlands itself must also remain a safe haven for those truly in need of asylum. In assessing individual applications, the Ministry will do its best to improve the quality of its reports on individual cases, mindful of the ombudsman's recommendations. The Wijnholt Commission is due to

produce recommendations on how country reports can be further improved, and the Ministry of Foreign Affairs will work hand in hand with the Ministry of Justice to ensure that they are.

Many of the conflicts taking place in the world today are not between states, but within the borders of individual countries. Examples include Congo, Kosovo and Algeria. These conflicts are often caused by poorly functioning state structures, and can have a devastating effect on the civilian population. The Netherlands government will continue to help in the search for solutions, in both diplomatic and military terms.

The major international institutions, such as NATO and the OSCE, will remain the most important vehicles for Dutch policy on peace and security. The Netherlands will continue to call for NATO's Strategic Concept to be adapted so that it caters better for the changed international security situation, and in preparation for the accession of three new members.

Universal human rights are the cornerstone of the international rule of law. In this connection, the Netherlands will continue its dialogue with many countries, in both a bilateral and multilateral framework. One major human rights issue is the use of the death penalty. The advisory committee on human rights has issued a report, as announced during the last parliamentary budget debate, which the government will use as a basis for its official position on this issue.

In the world economy, growth in the United States and Europe stands in sharp contrast with the crises in Asia, Latin America and Russia. The international community will be sorely tested to find ways of dealing with these problems. The International Monetary Fund will have to take the lead, with the focus on sound economic and financial policies and debt relief. First and foremost, however, it will be up to the countries themselves to find and implement long-term solutions. Russia will need strong and decisive government to survive the present crisis.

The world's population has doubled in the last 25 years, and now stands at around six billion. Nevertheless, on average people are now better fed, healthier and more educated than they were 25 years ago. In recent years, the world's food production has increased faster than its population. The proportion of malnourished people in the world has fallen from 35% in the late sixties to 20%. Life expectancy rose from 55 in 1970 to 64 in 1995. Infant mortality has fallen from 107 per 1000 live births to 60. Major advances have been made in providing people in the developing world with access to clean water, and people's overall level of education is now higher.

Global figures like this tell us little about the situation in individual countries or regions, however. And of course not all the people within a particular country will benefit from the improvements. Experience and research have shown that good and effective governance in the recipient country are an important precondition for the success of development cooperation. This experience is reflected in the current policy. We focus our efforts mainly on countries with sound macroeconomic policies, and in future this condition will be enforced even more strictly than it has been in the past. We are also focusing more on democratisation, good governance and human rights, and will be highlighting projects in these areas in

the future. The way recipient countries distribute the funds they receive has a major impact on poverty, and these governments must make poverty alleviation part of their policies, too. The Netherlands is prepared to assist in this by engaging in dialogue with governments and helping to strengthen their institutions. All this will have implications for how the money reserved for development cooperation is spent. The development cooperation budget will again be 0.8% of GNP this coming year, or some 6.8 billion guilders.

The Dutch contribution to multilateral institutions will have to be looked at over the next few years. The Netherlands is a major donor to many of these bodies, including the World Bank, the Regional Development Banks and UN agencies. The Netherlands will make good use of the influence that comes from the size of its contributions in an attempt to maximise the effectiveness of multilateral channels. Other matters requiring our full attention include developing countries' potential input to the policies of multilateral institutions and the openness of these institutions towards different groups in society.

Now that the organisational aspects of the foreign policy review are in order, we shall have more opportunity to look at the effectiveness of aid. This is partly a question of management. The existing instruments must be improved and new ones introduced to guarantee that lessons learned at all levels are incorporated into new policies. Another way of enhancing the effectiveness of development cooperation is to ensure that the policy is coherent. Better coordination with other ministries at home, and with other countries, should ensure that any advances we achieve are not undone by, for example, trade measures in the Netherlands or in Europe.

The foreign policy review has produced a revitalised organisation in which the old barriers between different policy areas no longer exist. The process of change which this exercise initiated will continue with renewed vigour in 1999. The integration of the various aspects of policy, from politics to trade to development cooperation, will be even further improved. One important aspect of this operation, the biggest reorganisation since the Second World War, is the reform of personnel policy, which should begin to take shape in 1999. The recommendations in KPMG's report have been incorporated in a letter drawn up by the senior civil servants at the Ministry setting out their intentions as regards personnel policy. The Ministry will, as always, continue to invest in improving its computer systems and its communications with the diplomatic missions abroad.

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COUNTRIES RECEIVING STRUCTURAL BILATERAL AID FROM THE NETHERLANDS

Minister for Development Cooperation Eveline Herfkens wishes to apply new criteria in selecting countries to receive structural bilateral aid. An Appendix with the 78 countries to be reviewed and the bilateral aid they received in 1997 follows below.

APPENDIX

* 1) Source: DAS (Data Analysis System)

* 2) Source: The World Bank Annual Report 1998 Appendix 6, upper limit USD 925 GNP per capita (IDA operational cut-off threshold for the 1999 financial year)

* 3) n.a. = precise figures not available

| RECIPIENT COUNTRY *1) | per capita GNP
USD 1997 *2) | RECIPIENT COUNTRY *1) | per capita GNP
USD 1997 *2) |
|--------------------------------|--|-------------------------------------|--|
| Afghanistan | n.a. *3) | Kenya | 330 |
| Albania | 750 | Korea, Democratic People's Republic | n.a. |
| Algeria | 1490 | Laos | 400 |
| Angola | 340 | Liberia | n.a. |
| Armenia | 530 | Macedonia-FYROM | 1090 |
| Bangladesh | 270 | Madagascar | 250 |
| Benin | 380 | Malawi | 220 |
| Bhutan | 400 | Mali | 260 |
| Bolivia | 950 | Moldova | 540 |
| Bosnia & Herzegovina | n.a. | Mongolia | 390 |
| Brasil | 4720 | Morocco | 1250 |
| Burkina Faso | 240 | Mozambique | 90 |
| Burundi | 180 | Myanmar | n.a. |
| Cambodia | 300 | Namibia | 2220 |
| Cameroon | 650 | Nepal | 210 |
| Cape Verde | 1090 | Nicaragua | 410 |
| Chile | 5020 | Niger | 200 |
| China | 860 | Pakistan | 490 |
| Colombia | 2280 | Palestinian Authorities | n.a. |
| Congo, DR (ex-Zaire) | 110 | Papua New Guinea | 940 |
| Costa Rica | 2640 | Peru | 2460 |
| Cote d'Ivoire | 690 | Philippines | 1220 |
| Ecuador | 1590 | Rwanda | 210 |
| Egypt | 1180 | Senegal | 550 |
| El Salvador | 1810 | Sierra Leone | n.a. |
| Eritrea | 210 | Somalia | n.a. |
| Ethiopia | 110 | South Africa | 3400 |
| Federal Republic of Yugoslavia | n.a. | Sri Lanka | 800 |
| Gambia | 350 | Sudan | 280 |

| | | | |
|---------------|------|---------------------------|------|
| Georgia | 840 | Suriname | 1240 |
| Ghana | 370 | Tajikistan | 330 |
| Guatemala | 1500 | Tanzania, United Republic | 210 |
| Guinea-Bissau | 240 | Thailand | 2800 |
| Haiti | 330 | Tunisia | 2090 |
| Honduras | 700 | Uganda | 330 |
| India | 390 | Vietnam | 320 |
| Iraq | n.a. | Yemen | 270 |
| Jamaica | 1560 | Zambia | 380 |
| Jordan | 1570 | Zimbabwe | 750 |

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Human Rights Practices for 1998 Report

*Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State*

THE NETHERLANDS COUNTRY REPORT

February 1999

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The police, the royal constabulary, and investigative organizations concerned with internal and external security are effectively under civilian authority.

The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high. Unemployment is 4 percent; however, long-term unemployment, in particular among ethnic minorities, was still a problem.

The Government generally respects the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address violence and discrimination against women. The Government has also taken steps to address societal discrimination against minorities.

Aruba and the Netherlands Antilles, which are two autonomous regions of the kingdom, also feature parliamentary systems and full constitutional protection of human rights. In practice government respect for human rights in these islands generally is little different from that in the European Netherlands. The two Caribbean Governments have taken measures to address past reports of police brutality, but the islands' prison conditions remain substandard.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom From:****a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Following a visit to the Netherlands, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report in August which noted that it did not find any torture and few incidents in which officials did not treat arrested or detained persons correctly. The CPT made a positive assessment of the facilities at most police stations and at detention, secure psychiatric, and asylum centers. However, it recommended that detainees be allowed better access to medical and recreational facilities.

A government-funded police professionalization program, as well as the establishment of a grievance committee, have contributed significantly to countering incidents of police brutality in both the Netherlands Antilles and Aruba. No new incidents were reported, nor have there been any allegations of torture.

Prison conditions in the Netherlands meet minimum international standards, and the Government permits visits by human rights monitors.

In other reports, the CPT has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. The CPT's most recent report criticized the absence of any major improvement in conditions at the Koraal Specht prison.

The Dutch Government repeatedly offered financial assistance to the government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and training of guards. While acknowledging that more work needs to be done, Koraal Specht prison officials point to recent progress in improving conditions (all prisoners now have mattresses, hygiene and food have improved, and construction has begun on a small new wing to relieve overcrowding). They add that the CPT was invited to visit again to witness the improvement.

The Governments of the Netherlands Antilles and Aruba allow access by nongovernmental

organizations to prisons.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low income persons), and to appeal. The law provides for the right to a fair trial, and the independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government respects this right in practice. State subsidies are provided to religious organizations that maintain educational facilities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status. The Government does not provide first asylum as such, but most asylum seekers (89 percent in 1997), except those who obviously came from a "safe country of origin" or stayed for some time in a "safe third country," are permitted to apply for resident status. Some of those (about 15 percent in 1997) whose applications eventually are denied nonetheless are permitted to stay temporarily on humanitarian grounds or as long as their country of origin is considered unsafe.

In recent years, new legislation has aimed to protect genuine refugees while excluding economic refugees and illegal immigrants. More stringent criteria for granting asylum resulted in a significant decrease in the number of new asylum seekers, from 52,576 in 1994 to 29,258 in 1995, and 22,857 in 1996. However, the number rose again to 34,400 in 1997 and to over 40,000 in 1998 due in large part to even stricter laws in other European countries. The focus has recently shifted to advancing the return of rejected asylum seekers through financial incentives, job training programs, and assistance with reintegration projects in their countries of origin. To this end, the Government concluded bilateral agreements with countries such as Ethiopia and Somalia.

The Government has an active policy against alien smuggling. The maximum sentence for trafficking in aliens is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There are no restrictions in law or in practice on the participation of women and minorities in government and politics. A total of 54 of the 150 members of the second chamber of Parliament are women, as are 4 of the 15 cabinet ministers. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although a minority, women also hold positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operate without government restriction, investigating and publishing their findings. Government officials are very cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law bans discrimination on the basis of any of these factors or on sexual orientation or political preference. The Government generally is effective in enforcing these provisions. Under a new Equal Treatment Act, complainants may take offenders to court under civil law.

Women

A recent study reported that about 211,000 women are victims of violence by their former and present partners each year; about 50,000 of these are subjected to severe violence. In addition to the personal suffering, this form of violence against women cost society about \$175 million (f. 332 million) per year in hospitalization and absence from work.

The Government supports programs to reduce and prevent violence against women. Battered women find refuge in a network of 48 government-subsidized women's shelters offering the services of social workers and psychologists. In addition, battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic subsidy as well as an allowance for dependent children. Nongovernmental organizations also advise and assist women who are victims of sexual assault. Since 1991 marital rape has been a crime and carries the same penalty as nonmarital rape. Spousal abuse carries a one-third higher penalty than ordinary battery.

In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. A recent evaluation of the results of the first 5 years of this campaign demonstrated greater awareness of the problem, particularly among the target group of men between the ages of 15 and 35, but little change in their attitudes.

Prostitution is legal, and an estimated 30,000 women work as prostitutes. Some 3,000 of these are believed to work under compulsion or in degrading circumstances. High-priority government measures to combat trafficking in women for prostitution include a more aggressive prosecution policy as well as more effective international cooperation. Several police forces have established special units to deal with the problem. A number of arrests were made in October of suspected traffickers who smuggled young girls into the country.

The Dutch Foundation Against Trafficking in Women estimates that each year between 1,500 and 2,000 women and girls are brought into the Netherlands for the purpose of prostitution, not only from Central and Eastern Europe, but also from the Far East and West Africa. Women victims of trafficking who are forced to work as prostitutes and who are apprehended are offered temporary residence permits by the Government so that they can avail themselves of social, medical, legal, and financial assistance.

Women are increasingly entering the job market, but traditional cultural factors and inadequate child care facilities can discourage women--especially those with young children--from working. The number of women in the labor market is rising steadily. In 1983 only 38 percent of women between the ages of 15 and 64 held paid jobs, compared with almost 50 percent at present. Unemployment among women dropped considerably, from 6.8 percent in July 1997 to 4.6 percent in July 1998. Male unemployment was 3.5 percent. About 67 percent of working women work part time, compared with 17 percent of the male working population. The Government established favorable conditions for part-time employment by adopting a law that prohibits employers from treating part-time workers differently from those in full-time jobs.

According to the Education Ministry, women have made up fully the arrears they had experienced in education. At present girls form the majority in higher secondary education where they also score better, and in 1996, for the first time, as many women as men entered college and university.

Women often are underemployed and have less chance of promotion than their male colleagues. They often hold lower level positions than men, mostly because of their part-time jobs. According to the Ministry of Social Affairs and Employment, the difference in earnings between men and women remains at 24 percent. Despite this, some women are making steady progress by moving into professional and high-visibility jobs.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more schemes to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay differences.

The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law that requires employers to allow new mothers and fathers to work 20 hours a week for up to 6 months was made more flexible in 1997. The new law allows parents to take (unpaid) full-time leave during 3 months and to extend the leave over a period longer than 6 months. People working fewer than 20 hours per week will also be entitled to parental leave.

Women have full legal and judicial rights and enter marriage with the option of choosing community property or separate regimes for their assets.

Women's groups dedicated to such problems as equal rights in social security, the legal position of women, sexual abuse, taxation, education, work, and prostitution operate freely. The law requires employers to take measures to protect workers against sexual harassment; research showed that one in three working women has experienced sexual harassment in the workplace. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, it has taken

measures to counter harassment among civil servants, for example, in the police force.

Children

The Government works to ensure the well-being of children through numerous well-funded health, education, and public information programs. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. In addition, the Government has set up a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis. There is no societal pattern of abuse of children.

International sex tourism involving the abuse of minor children is prosecutable. Since 1996 several Dutch citizens have been tried and convicted for the abuse of minors in other countries. The age of consent is 16. The prosecution of adults for sex with minors between the ages of 12 and 16 only occurs when a complaint is filed by an interested party.

The maximum penalty for child pornography was raised from 3 months' to 4 years' imprisonment, 6 years in the event of financial gain, and the maximum fine was more than tripled. New legislation allows for provisional arrest, house searches, and criminal financial investigations. Moreover, the authorities no longer must prove that a person possesses child pornography for the purpose of distribution or public display. The Supreme Court has ruled that the mere possession of child pornography is sufficient cause for prosecution. For the first time, in September a Dutch citizen was convicted and sentenced solely on this ground. The discovery of a major child pornography case in July resulted in stricter enforcement of antichild abuse legislation and the allocation of additional resources to enforcement efforts. It also underscored the absence of appropriate legislation to fight the dissemination of child pornography over the Internet. The Government believes that international cooperation is required to deal effectively with the latter problem.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Local governments are increasingly mandating access to public buildings for the disabled.

National/Racial/Ethnic Minorities

The integration of racial and ethnic minorities into the social and cultural mainstream remains a difficult problem.

The Government pursues an active campaign aimed at increasing public awareness of racism and discrimination. The Constitution prohibits discrimination on the basis of race and nationality and allows those who claim that they have been discriminated against to take alleged offenders to court under civil

law. In 1997 the prosecution norms for discrimination were tightened: Penalties were raised for discrimination by political parties, companies, and institutions, because it was considered more dangerous when this is done by such organizations than by individuals. The police were required to report any complaint of discrimination meticulously. Any policeman guilty of discrimination now risks disciplinary measures as well as criminal legal proceedings. According to the latest statistics, in 1997, 112 persons or organizations were brought to trial on discrimination charges. These included 37 labor disputes, 20 cases of defamation, and 11 consumer disputes.

Racially motivated incidents ranged from racist pamphlets and painted slogans to bomb threats, harassment, physical abuse, and destruction of property. However, no officially recorded incidents of a life-threatening nature were directed against ethnic minorities. As last year, local antidiscrimination bureaus reported over a thousand complaints during 1998. The Discrimination on the Internet Registration Center recorded 155 complaints in 1997 about discriminatory statements, racial discrimination, or anti-Semitism on the Internet. Most statements were removed voluntarily by the authors at the Center's request. In nine cases, the Center requested that a prosecutor initiate criminal proceedings.

Immigrant groups face some discrimination in housing and employment. These groups, concentrated in the larger cities, suffer from a high rate of unemployment. The Government has been working for several years with employers' groups and unions to reduce minority unemployment levels to the national average. As a result of these efforts, in recent years the rate of job creation among ethnic minorities was higher than among the general population. Despite this, unemployment among ethnic minorities is still about three times as high as within the native population.

On January 1, the Act on the Stimulation of Labor Participation by Ethnic Minorities (SAMEN) became effective. The law, which replaces a similar 1994 act, is intended to increase job opportunities for ethnic minorities. It requires employers with a work force of over 35 people to register their non-Dutch employees. Employers are to strive for a composition of their workforce that reflects the regional working population. They are required to submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law.

Section 6 Worker Rights

a. The Right of Association

Membership in labor unions is open to all workers including military, police, and civil service employees. Workers are entitled to form or join unions of their own choosing without prior government authorization, and unions are free to affiliate with national trade union federations. This right is freely exercised.

Unions are entirely free of control by the Government and political parties. Union members may and do participate in political activities.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 1997 some 15 labor days per 1,000 workers were lost, mostly over union demands for a 36-hour workweek. There is no retribution against striking workers.

About 28 percent of the work force is unionized, but union-negotiated collective bargaining agreements are usually extended to cover about three-quarters of the work force. The white-collar unions' membership is the fastest growing.

The four union federations are active internationally, without restriction.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized and well established. Discrimination against workers because of union membership is illegal and does not occur.

Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the government meet each autumn to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the government usually extends to all companies in the respective sector.

Antiunion discrimination is prohibited. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The Council is the major advisory board for the government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, including that performed by children, is prohibited by the Constitution and does not occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children, and this prohibition is enforced effectively (see Section 6.c.). The minimum age for employment is 16 years, and for full-time work it is conditioned on completion of the mandatory 10 years of schooling. Those still in school at the age of 16 may not work

more than 8 hours per week. People under the age of 18 are prohibited by law from working at night, overtime, or in areas dangerous to their physical or mental well-being. The laws are effectively enforced by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

The Government takes a leading role in an international campaign against child labor in developing countries. The main Dutch labor federation, together with the United Nations Children's Fund and several nongovernmental organizations, also started a campaign against the sale of products suspected of being made through child labor, and for a "trademark" for clothing made without child labor.

In March the Minister of Social Affairs and Employment announced measures to tighten the ban on working during school vacations by children under 13 years of age. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by Labor Inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 1997 some 20 employers were cited for employing children under age 13 to do holiday work.

e. Acceptable Conditions of Work

The minimum wage for adults is established by law and can be adjusted every 6 months to changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is about \$1,138 (f. 2,276) per month. For workers earning the minimum wage, employers currently pay \$3,750 a year (f. 6,000) in premiums for social security benefits, which includes medical insurance. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which are normally extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young people under the age of 23--one of the demographic groups with the highest rate of unemployment--intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age. The legislated minimum wage and social benefits available to all minimum wage earners provide an adequate standard of living for workers and their families.

Although the law establishes a 40-hour workweek, the average workweek for those with full-time jobs is 37.5 hours. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry. Collective bargaining negotiations generally were heading toward a 36-hour week for full-time employees.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively by the tripartite Labor Commission. Enforcement is effective. Workers may refuse to continue working at a hazardous work site. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate.

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Jaarverslag van de Militaire Inlichtingendienst (MID) - 1997

Voorwoord

Voor u ligt het eerste jaarverslag van de Militaire Inlichtingendienst (MID). De huidige tijd vraagt meer openheid van de inlichtingendiensten dan voorheen het geval was. In december 1997 heb ik de Tweede Kamer der Staten Generaal dan ook toegezegd over 1997 een jaarverslag aan te zullen bieden.

Vanaf de oprichting in 1987 heeft de MID te maken gehad met een ingewikkeld integratieproces, waarbij de Marine Inlichtingendienst, de Landmacht Inlichtingendienst en de Luchtmacht Inlichtingendienst werden opgeheven en samengevoegd tot één Militaire Inlichtingendienst. Daarnaast werden in 1997 de verbindingsinlichtingen-elementen van de krijgsmachtdelen opgenomen in de MID.

In 1998 wordt de organisatie van de MID na een complex integratie- en reorganisatieproces geëvalueerd. Hierbij wordt ook aandacht besteed aan de kwaliteit van de ondersteuning door de MID van de krijgsmacht bij crisisbeheersings- en vredesoperaties.

Hoofdstuk 7 van dit jaarverslag is, conform mijn toezegging aan de Tweede Kamer, gewijd aan het archiefbeheer. Het beheer van de archieven heeft de afgelopen jaren te wensen overgelaten. Om hierin verbetering aan te brengen, is een aantal maatregelen genomen waarbij ook externe deskundigen zijn betrokken.

De MID levert een belangrijke bijdrage aan de voorbereiding van de politieke besluitvorming, onder andere inzake de opbouw en de inzet van de krijgsmacht. De deelnames aan crisisbeheersingsoperaties, bijvoorbeeld in het voormalige Joegoslavië, vragen om een kwalitatief hoogwaardige inbreng door de MID. Gezien de professionaliteit en toewijding van de medewerkers van de MID ben ik ervan overtuigd dat zij in de toekomst een belangrijke bijdrage aan het functioneren van de krijgsmacht zullen blijven leveren.

DE MINISTER VAN DEFENSIE

dr. ir. J.J.C. Voorhoeve

INHOUDSOPGAVE

[1. De Militaire Inlichtingendienst \(MID\)](#)

1.1. Algemeen

1.2. Wettelijk kader

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7.2. Inspectie Algemene Rijksarchivaris

7.3. Plan van aanpak

7.4. Verbod vernietiging

7.5. Onderzoek vernietiging

7.6. Institutioneel onderzoek

7.7. Inventarisatie archieven

7.8. Werkgroepen

7.9. Slot

8. Organisatie, personeel en faciliteiten

8.1. Organisatie

8.2. Personeel

8.3. Financiën

8.4. Informatisering en Automatisering

8.5. Huisvesting

1. De Militaire Inlichtingendienst (MID)

1.1. Algemeen

Het ministerie van Defensie heeft door de jaren heen verschillende diensten, bureaus en afdelingen gehad voor het inlichtingen- en veiligheidswerk. Al in 1912 werd het "Studiebureau Vreemde Legers" opgericht. Eén van de belangrijkste taken was het verzamelen van inlichtingen over de krijgsmacht en het potentieel van andere mogendheden.

Sinds 1949 wordt samengewerkt met de inlichtingendiensten van de andere NAVO-landen. Het was voor de betrokken lidstaten van essentieel belang om voortdurend betrouwbare informatie te krijgen over de samenstelling, de sterkte, de slagkracht, de wapensystemen en de bewegingen van de troepen van het Warschau-Pact, alsmede over de politieke intenties en het potentieel van die landen. Daarover informatie verwerven was één van de kerntaken van de militaire inlichtingendiensten.

De politieke omwentelingen in Midden- en Oost-Europa en de uitvoering van het verdrag inzake Conventionele Strijdkrachten in Europa (CSE-verdrag, 1990) maakten een einde aan de dreiging van een grootschalige militaire aanval gericht tegen het NAVO-grondgebied. Het gewijzigde wereldbeeld heeft

er toe geleid dat Defensie zich, meer dan in het verleden richt op crisisbeheersings- en humanitaire operaties.

De inlichtingentaak blijft, ondanks de gewijzigde internationale omstandigheden, hetzelfde. De informatie van de MID dient nog steeds ter ondersteuning van de voorbereiding van de krijgsmacht op haar algemene verdedigingstaak, maar speelt ook een belangrijke rol bij de besluitvorming inzake de inzet van Nederlandse militairen bij crisisbeheersings- en humanitaire operaties. De analyses geven een nauwkeurig beeld van de risico's waarmee Nederlandse militairen te maken krijgen. Uitgezonden militairen moeten zoveel mogelijk duidelijkheid hebben over wat hen in het operatiegebied te wachten staat. Dat geldt niet alleen voor de zuiver militaire aspecten. Ook gegevens van politieke, culturele en maatschappelijke aard zijn van belang voor een goede uitvoering van de taken.

1.2. Wettelijk kader

1.2.1. Wet op de inlichtingen- en veiligheidsdiensten

De Wet op de inlichtingen- en veiligheidsdiensten (Wiv) vormt het wettelijk kader voor de taken en de bevoegdheden van de MID. De Afdeling bestuursrechtspraak van de Raad van State oordeelde in een tweetal uitspraken (van Baggum en Valkenier) dat de uit 1987 daterende Wiv op een aantal onderdelen niet in overeenstemming was met het Europees Verdrag tot bescherming van de Rechten van de Mens en de Fundamentele Vrijheden (EVRM). Het kabinet heeft daarom besloten een nieuw wetsvoorstel op de inlichtingen- en veiligheidsdiensten in te dienen bij het Parlement. Dit wetsvoorstel voorziet onder andere in een aantal nieuwe bevoegdheden voor de MID, waarvan onder bepaalde voorwaarden gebruik kan worden gemaakt: volgen en observeren, het inzetten van natuurlijke personen, het oprichten en inzetten van rechtspersonen, het doorzoeken van besloten plaatsen en gesloten voorwerpen, het openen van brieven en andere geadresseerde zendingen, het binnendringen in en het manipuleren van geautomatiseerde werken, het (gericht) aftappen en het ongedaan maken van versluiering, het ongericht aftappen van niet-kabelgebonden telecommunicatie (interceptie) en het opvragen van verkeersgegevens. Voorts voorziet het wetsvoorstel in de instelling van een Commissie van Toezicht die onder meer toeziet op het rechtmatig handelen van de inlichtingen- en veiligheidsdiensten. Daarnaast wordt voorzien in een openbaarheidsregime bij de diensten.

1.2.2. Wet veiligheidsonderzoeken (Wvo)

De Wet veiligheidsonderzoeken, welke sedert 1 februari 1997 van kracht is, bevat het wettelijk kader voor het uitvoeren van veiligheidsonderzoeken in de overheids- en de particuliere sector. De MID stelt veiligheidsonderzoeken in naar personen die een vertrouwensfunctie bij Defensie (gaan) vervullen en naar degenen die toegang tot militaire installaties moeten krijgen of daar werkzaamheden moeten uitvoeren.

1.3. Politieke en ambtelijke sturing

De minister van Defensie is verantwoordelijk voor het functioneren van de MID. De minister kan krachtens de Wiv ten aanzien van de organisatie, de werkwijze en het beheer van de MID nadere regels

stellen. De minister en het hoofd MID hebben regelmatig overleg over de activiteiten van de MID.

In 1997 is de Ministeriële Commissie voor de Inlichtingen- en Veiligheidsdiensten (MICIV) éénmaal bijeen geweest voor overleg over operationele activiteiten. Het MICIV bestaat uit de minister-president, de ministers van Binnenlandse Zaken, Defensie, Buitenlandse Zaken, Justitie, Economische Zaken en Financiën. Tevens nemen deel de coördinator Inlichtingen- en Veiligheidsdiensten van het ministerie van Algemene Zaken, het hoofd BVD en het hoofd MID.

Het hoofd MID geeft leiding aan de MID en draagt zorg voor een doeltreffende en doelmatige uitvoering van de wettelijke taken. Het hoofd MID ressorteert onder de secretaris-generaal (SG). De MID is onderworpen aan de reguliere besturingsinstrumenten binnen Defensie, zoals het Integraal Defensie Plannings Proces (IDPP), het begrotingsproces en het Defensie Materieelkeuze Proces (DMP). De SG en het hoofd MID hebben regelmatig overleg over het functioneren en de activiteiten van de MID. In 1997 is opdracht gegeven tot het evalueren van de integratie en reorganisatie van de MID.

In 1997 is het Comité Verenigde Inlichtingendiensten Nederland (CVIN) twaalfmaal bijeen geweest. Gesproken is onder andere over internationale politieke ontwikkelingen, bepaalde activiteiten van de diensten, het nieuwe wetsvoorstel Wiv, de samenwerking op het gebied van non-proliferatie, cryptografie en de beveiliging van informatietechnologie. Het CVIN bestaat uit de coördinator Inlichtingen- en Veiligheidsdiensten, de hoofden van de BVD en de MID en vertegenwoordigers van de bewindslieden die deel uitmaken van de MICIV. In 1997 is tweemaal vergaderd in de zogenaamde CVIN-plus samenstelling, dat wil zeggen inclusief de secretarissen -generaal van de betrokken departementen.

1.4. Parlementaire en publieke controle

De ministers verstrekken aan de Staten-Generaal alle informatie voorzover deze, overeenkomstig artikel 98 van de Grondwet, niet strijdig is met de belangen van de Staat. De Commissie voor de Inlichtingen- en Veiligheidsdiensten speelt een centrale rol bij de controle van de MID. Deze Commissie bestaat uit de fractievoorzitters van de PvdA, het CDA, de VVD en D66.

In 1997 is ook door de Vaste Commissie voor Defensie aandacht besteed aan de MID. Daarbij is gesproken over de staat van de archieven van de MID. In hoofdstuk 7 wordt hier nader op ingegaan.

De minister is in het kader van de Wet openbaarheid van bestuur verplicht informatie te verstrekken aan de recht- en bewijszoekende burgers. Het is van belang dat burgers zeker kunnen zijn van de bescherming van hun persoonlijke levenssfeer en dat zij zekerheid hebben over de juiste vernietiging van gegevens betreffende hun persoonlijke levenssfeer door de MID. In hoofdstuk 4 wordt daarop ingegaan.

In het kader van de grotere openbaarheid van de MID is in 1997, vooruitlopend op de wettelijke verplichting, besloten tot het opstellen van een jaarverslag.

2. De Inlichtingentaak van de MID

2.1. Algemeen

Dit hoofdstuk geeft een overzicht van de inlichtingentaak van de MID in het algemeen alsmede van de thema's waarop de MID zich in 1997 vooral heeft gericht en zich in 1998 zal richten. De inlichtingentaak van de MID is in de Wiv als volgt vastgesteld:

- het verzamelen van gegevens omtrent het potentieel en de strijdkrachten van andere mogendheden, welke nodig zijn voor een juiste opbouw en een doeltreffend gebruik van de krijgsmacht.

2.2. De Inlichtingentaak van de MID

De inlichtingenbehoefte van de krijgsmacht en de daaruit voortvloeiende inlichtingentaak van de MID was voorheen hoofdzakelijk gericht op de klassieke algemene verdedigingstaken van de krijgsmacht in nationaal, Koninkrijks- en bondgenootschappelijk verband. De taakstelling van de krijgsmacht is de afgelopen jaren sterk gewijzigd. De inlichtingenbehoefte is nu vooral gericht op de taken die betrekking hebben op de bevordering van de internationale rechtsorde. Het gaat hier met name om het uitvoeren van crisisbeheersings- en vredesoperaties. De MID moet ten behoeve van een adequate uitvoering van deze operaties inlichtingen inwinnen over de veiligheidssituatie in die landen waar Nederland dergelijke operaties uitvoert. Ten behoeve van een evenwichtige besluitvorming over deelname aan deze operaties en een doeltreffende inzet van de krijgsmacht moet de MID ook reeds inlichtingen kunnen verzamelen, indien de verwachting bestaat dat Nederland wordt gevraagd te gaan deelnemen aan zulke operaties. De primaire belangstellingsgebieden van de MID zijn daarmee vastgesteld.

2.3. Uitvoering van de inlichtingentaak

Het "verzamelen van gegevens", betreft onder andere het evalueren, bewerken en documenteren van (basis-) gegevens, en het produceren en distribueren van, op de behoeftestellers toegesneden, inlichtingen. Ter ondersteuning van het inlichtingenproductieproces is in 1997 gewerkt aan de intensivering van de relaties met buitenlandse zusterdiensten, alsmede aan de verbetering van de informatievoorziening uit open bronnen.

In 1997 is een toenemend deel van de inlichtingenproductiecapaciteit ingezet voor de ondersteuning van crisisbeheersings- en vredesoperaties. De inlichtingenproductie was erop gericht een tijdige en doelgerichte bijdrage te leveren aan zowel de politieke als de militaire en de ambtelijke besluitvorming en planning met betrekking tot de crisisbeheersings- en vredesoperaties waarmee de krijgsmacht in 1997 was of kon worden belast. De MID heeft in dat kader onder meer risico-analyses opgesteld over Nagorno-Karabach, Moldova, voormalig-Joegoslavië, Albanië, Cyprus, de Golan Hoogte, Hebron, de Westelijke Sahara, de Golf-regio, Algerije, Ruanda, Burundi, Zaïre, Congo-Brazzaville, Angola, Sierra Leone en Cambodja.

Gezien het belang van de ontwikkelingen in de Russische Federatie voor de stabiliteit en veiligheid in Europa worden deze nauwgezet gevolgd. In 1997 heeft de MID in zowel nationaal als NAVO-kader een aanzienlijk aantal inlichtingenrapportages terzake opgesteld. Hierin is aandacht besteed aan de actuele politieke en economische ontwikkelingen en hun gevolgen voor de politieke stabiliteit in Rusland en de situatie binnen de Russische krijgsmacht. In dat kader zijn ook analyses opgesteld over het defensie- en veiligheidsbeleid, de defensie-inspanning, de Russische opstelling ten aanzien van de uitbreiding van de NAVO, en de relaties tussen Rusland en de overige staten van het Gemenebest van Onafhankelijke Staten (GOS). De voortgang en de kans van slagen van het militaire hervormingsproces in Rusland is het afgelopen jaar een constant thema in de rapportages geweest. Daarbij is voortdurend bezien in hoeverre de militaire onvrede tot politieke onrust en instabiliteit kan leiden.

In 1997 werden de militaire en veiligheidspolitieke ontwikkelingen in Latijns Amerika en het Caribisch gebied nauwgezet gevolgd in verband met de veiligheidssituatie van de overzeese Koninkrijksdelen en de daar aanwezige onderdelen van de Nederlandse krijgsmacht alsmede de persoonlijke veiligheid van Nederlandse onderdanen in het gebied. Ook steun aan de Nederlandse rol bij de bestrijding van de drugshandel in deze regio heeft de nodige aandacht gekregen.

In 1997 rapporteerde de MID over de verspreiding (proliferatie) van nucleaire, biologische en chemische wapens, alsmede van de kennis, grondstoffen en apparatuur om deze wapens te produceren en hun overbrengingsmiddelen. De MID blijft deze ontwikkelingen nauwgezet volgen voor zover deze relevant zijn voor het Nederlandse defensie- en veiligheidsbeleid.

Voorts heeft de MID aandacht besteed aan de analyse van de ontwikkelingen op politiek, economisch, militair en technologisch gebied in verschillende regio's die van invloed kunnen zijn op de taakuitvoering van de krijgsmacht in de nabije en verre toekomst.

2.4. Organisatie Ressorst Inlichtingen

De inlichtingentaken worden uitgevoerd door de afdeling Inlichtingen van de MID en de bureaus Inlichtingen van de afdelingen van de MID bij de krijgsmachtdelen, tezamen aangeduid als het ressort Inlichtingen. De afdelingen Verbindingsinlichtingen en Operaties ondersteunen deze activiteit. De inlichtingentaken op politiek, militair-strategisch, economisch, wetenschappelijk en technologisch gebied zijn de verantwoordelijkheid van de afdeling Inlichtingen van de MID. De inlichtingentaken van tactische, operationele en technische aard worden bij de bureaus Inlichtingen van de afdelingen van de MID bij de krijgsmachtdelen uitgevoerd.

De minister van Defensie heeft de chef Defensiestaf (CDS) belast met de planning, de beleidsadvisering over de militaire aspecten en (het toezicht op) de uitvoering van crisisbeheersings- en vredesoperaties. Hij beschikt daartoe over het Defensie Crisis Beheersings-Centrum (DCBC). Om op een goede wijze aan de inlichtingenbehoefte te voldoen is bij het DCBC een permanent MID-element geplaatst. Dit is een liaison-cel van de MID. Het hoofd van de MID is verantwoordelijk voor de ondersteuning door de MID van crisisbeheersings- en vredesoperaties met een geplande of daadwerkelijke Nederlandse

betrokkenheid. Het zwaartepunt van deze activiteiten lag in 1997 bij ondersteuning van de vredesoperatie in het voormalige Joegoslavië.

De MID heeft een groot aantal briefings en inlichtingenrapporten over de crisis in het voormalige Joegoslavië verzorgd. Over de voortgang van het Dayton-vredesproces is regelmatig gerapporteerd.

3. De Contra-Inlichtingen- en Veiligheidstaak van de MID

3.1. Algemeen

Dit hoofdstuk geeft een overzicht van de contra-inlichtingen- en veiligheidstaak van de MID. Deze taak die betrekking heeft op de handhaving, de bevordering en de bescherming van de veiligheid en de integriteit van de defensie-organisatie, is in de Wiv als volgt vastgesteld:

- a. het verrichten van veiligheidsonderzoeken bij vertrouwensfuncties;
- b. het verzamelen van gegevens die nodig zijn om maatregelen te treffen ter:

- * voorkoming van activiteiten die de veiligheid en de paraatheid van de krijgsmacht kunnen schaden,
- * beveiliging van gegevens over de krijgsmacht die geheim moeten blijven,
- * bevordering van een juist verloop van mobilisatie en concentratie der strijdkrachten.

3.2. De Contra-Inlichtingen- en Veiligheidstaak van de MID

Bij de contra-inlichtingen- en veiligheidstaak gaat het om activiteiten op drie terreinen. Allereerst is dat het veiligheidsonderzoek naar de integriteit van het defensiepersoneel dat is of wordt geplaatst op een vertrouwensfunctie. Dit onderzoek leidt tot een veiligheidsadvies over de aanstelling van personeel of over te nemen maatregelen. Ten tweede worden gegevens verzameld over personen en organisaties die een risico kunnen vormen voor de veiligheid en de paraatheid van de krijgsmacht. Het gaat dan om de identificatie van potentiële risicofactoren, het vaststellen van het dreigingsniveau en het formuleren van adviezen over passende maatregelen. In dit kader wordt gelet op de activiteiten van buitenlandse inlichtingendiensten en terroristische of extremistische politieke groeperingen, die zich richten tegen de defensiebelangen. In de derde plaats wordt aandacht besteed aan de geheimhouding van gerubriceerde gegevens en de bescherming van vitale onderdelen van de defensie-organisatie. De secretaris-generaal stelt het integrale beleid op dit terrein vast, waaraan de MID een bijdrage levert. De MID assisteert bij de uitvoering ervan en voert inspectie- en controlewerkzaamheden uit.

Daarnaast ontwikkelt de MID regelgeving, initieert onderzoek en oefent controle uit bij bedrijven en organisaties die, al dan niet in internationaal verband, gerubriceerde defensie-opdrachten uitvoeren.

De MID verricht tevens werkzaamheden, op het gebied van de (militaire) veiligheid ten behoeve van de bevelhebbers van de krijgsmachtdelen. De praktische uitvoering van de beveiligingsmaatregelen is

overigens geen MID-taak; iedere zelfstandige commandant is verantwoordelijk voor de veiligheid binnen zijn organisatie.

In interdepartementaal verband draagt de MID, onder andere in de Technische Evaluatie-Commissie (TEC) van het Nationaal CoördinatieCentrum (NCC) van het ministerie van Binnenlandse Zaken, bij aan de formulering van bewakings- en beveiligingsadviezen voor objecten en personen, waarvoor de overheid een bijzondere verantwoordelijkheid draagt. De bijdrage van de MID is daarbij vooral gericht op defensie-gerelateerde objecten, personen en activiteiten.

3.3. Uitvoering van de contra-inlichtingen- en veiligheidstaak

3.3.1. Ondersteuning bij crisisbeheersings- en vredesoperaties

Bij de inzet van Nederlands defensiepersoneel in internationale crisisbeheersings- en vredesoperaties heeft de MID onder meer een veiligheidsbevorderende taak. In dit kader ging de aandacht in 1997 vooral uit naar de inzet van Nederlandse militairen in het voormalige Joegoslavië. In het crisisgebied worden door buitenlandse inlichtingendiensten activiteiten uitgevoerd. Deze inlichtingenactiviteiten kunnen worden toegeschreven aan de diensten van de drie etnische groeperingen, alswel aan de diensten van andere landen. Deze diensten maken gebruik van lokaal geworven personeel. Ook werden beïnvloedingsactiviteiten vastgesteld.

Een ander punt van zorg zijn de activiteiten van gewapende, paramilitaire groeperingen in deze regio. Zij kunnen een bedreiging vormen voor de veiligheid van de Nederlandse militairen.

Nieuw uit te zenden personeel werd op de hoogte gebracht van de gevaren en de veiligheidsrisico's in het operatiegebied. Daar ging een preventieve werking vanuit. Rekening houdend met reacties in Nederland op het militaire optreden in het voormalige Joegoslavië werd, mede op basis van gegevens van zusterdiensten, voortdurend een inschatting gemaakt van de veiligheidssituatie van defensieonderdelen in Nederland. Hierover werd regelmatig overleg gepleegd tussen de BVD, de Centrale Recherche Informatiedienst (CRI) en de MID.

Andere landen waaraan aandacht werd besteed in het kader van uit te voeren VN-vredes-missies of vanwege mogelijke uitzending van Nederlands defensiepersoneel, waren Angola, Ruanda, Burundi, Zaïre, Algerije, de Westelijke Sahara en Cyprus.

Het Defensiepersoneel dat in 1997 werd uitgezonden in het kader van vredesondersteunende operaties, kreeg voorafgaande aan die uitzending een briefing waarin de specifieke risico's in het beoogde operatiegebied aan de orde kwamen. Speciale aandacht werd hierbij besteed aan de personele en materiële veiligheid en het gedrag en de houding ten opzichte van de lokale bevolking.

In 1997 is al het terugkerende personeel zo spoedig mogelijk na thuiskomst gedebriefed. Het doel van deze debriefing was gegevens te verzamelen over de veiligheidssituatie ter plaatse, zodat kon worden

vastgesteld in hoeverre aanvullende maatregelen getroffen moesten worden. Tijdens debriefings kunnen voorvallen worden gemeld, die leiden tot een nader onderzoek. Zo werd in opdracht van de minister een onderzoek uitgevoerd naar vermeende wangedragingen door enkele Nederlandse militairen tijdens de missie in Angola. In 1998 zal ervaring worden opgedaan met debriefinggesprekken in de inzetgebieden.

3.3.2. Aandachtspunten op Contra-Inlichtingengebied

3.3.2.1. Buitenlandse inlichtingen- en veiligheidsdiensten

Buitenlandse inlichtingen- en veiligheidsdiensten vormen nog steeds een risico voor Nederland en haar defensiebelangen. In 1997 heeft de MID opnieuw vastgesteld, dat de Russische inlichtingendiensten in Nederland het inlichtingenwerk hebben hervat. In incidentele gevallen werd bij het verzamelen van informatie gebruik gemaakt van heimelijke methodieken. De Russische diensten richten zich, naast het verzamelen van economische, militaire en technologische informatie, vooral op het verwerven van politieke gegevens. Voorzover deze activiteiten zich richten op de krijgsmacht, zullen zij een punt van aandacht blijven voor de MID. Op dit terrein is sprake van een nauwe samenwerking met de BVD.

3.3.2.2. Terrorisme

In beginsel valt terrorismebestrijding in Nederland buiten het takenpakket van de MID. In die gevallen dat een bedreiging van de defensiebelangen in Nederland of het buitenland aan de orde komt, is samengewerkt met de BVD of de buitenlandse zusterdiensten. In 1997 deden zich enkele bedreigingen voor. Ten behoeve van de BVD voerde de MID in 1997 enige ondersteunende activiteiten uit.

3.3.2.3. Anti-militarisme

In 1997 bleven anti-militaristische acties de aandacht van de MID opeisen. In totaal werden 80 acties geregistreerd (in 1996 waren dat er 97 en in 1995 nog 350). Er was geen sprake van opvallende of nieuwe actievormen. Als vanouds moesten bij knip-, klad- en vernielingsacties vooral hekwerken en banden van militaire voertuigen het ontgelden. Ook waren er enkele lokale bezettingsacties. Een kleine groep anti-militaristen, die al jarenlang betrokken is bij tegen defensie gerichte vernielingsacties, wordt hiervoor verantwoordelijk gehouden. In 1997 bedroeg de totale schade f 50.000,- . Om de daders te ontmoedigen, wordt getracht de veroorzaakte schade op hen te verhalen. Uit het beperkte aantal demonstraties en de geringe deelname daaraan kan worden afgeleid dat het anti-militarisme een beperkt draagvlak heeft in de samenleving.

3.3.2.4. Rechts-extremisme

In 1997 kwam het tot enkele rechts-extremistische uitingen binnen Defensie. Het ging in de meeste gevallen niet om politiek geïnspireerd optreden, maar om 'macho'-gedrag. Er zijn passende maatregelen getroffen. Op het terrein van rechts-extremisme heeft de MID in 1997 enige activiteiten ontwikkeld voor de BVD.

3.3.3. Informatiebeveiliging

In verband met het sterk toegenomen gebruik van geautomatiseerde hulpmiddelen bij Defensie is een

sectie Technische Analyse opgericht. In 1997 zijn de risico's van de toepassing van hoogwaardige informatie- en communicatietechnologie geïnventariseerd. Ook is 'de elektronische snelweg' in beschouwing genomen. Aandachtspunten hierbij zijn, onder andere, de mogelijkheden op het gebied van uitwisseling, vergaring, verspreiding, onthouding of manipulatie van informatie. De informatiebeveiliging zal ook in de toekomst de aandacht blijven vragen.

3.3.4. Veiligheidsonderzoeken

De Wet veiligheidsonderzoeken (Wvo) voorziet in een procedure voor zowel de aanwijzing van een vertrouwensfunctie als het verrichten van een veiligheidsonderzoek eindigend met het afgeven, het weigeren of het intrekken van een verklaring van geen bezwaar. In 1997 werd aan 43 sollicitanten naar een militaire functie op grond van justitiële antecedenten de verklaring van geen bezwaar geweigerd. Bij sollicitaties naar burgerfuncties is dit geen enkele keer gebeurd. Eén sollicitant diende een bezwaar in tegen de weigering van de verklaring van geen bezwaar. Deze procedure is nog niet afgerond.

Overzicht veiligheidsonderzoeken:

| | |
|------|-------|
| 1994 | 63749 |
| 1995 | 39011 |
| 1996 | 18922 |

De minister van Defensie stelt de vertrouwensfuncties bij het ministerie van Defensie door middel van een aanwijzingsbesluit vast. Elke militaire functie is een vertrouwensfunctie. Ten aanzien van de burgerfuncties geldt dat per functie (of cluster van functies) wordt vastgesteld of het om vertrouwensfuncties gaat. In totaal is bij Defensie circa 80% van het aantal burgerfuncties aangewezen als vertrouwensfunctie.

De Wvo, de aandacht voor de ambtelijke integriteit en de herstructurering en de verkleining van de krijgsmacht noodzaken tot een herwaardering van de vertrouwensfuncties bij Defensie. Bij de herwaardering van vertrouwensfuncties wordt nadrukkelijk aandacht besteed aan integriteitsbewaking. Voor de herwaardering van vertrouwensfuncties is een projectgroep ingesteld. De eerste prioriteit van de herwaardering ligt bij de Centrale Organisatie van het ministerie van Defensie en de Koninklijke Marechaussee (KMar). Ook bij de krijgsmachtdelen worden dergelijke onderzoeken gedaan. Naar verwachting zijn deze onderzoeken in 1999 afgerond. Als onderdeel van het veiligheidsonderzoek worden de justitiële antecedenten onderzocht die een reden kunnen zijn om de verklaring van geen bezwaar te weigeren of in te trekken. In 1997 heeft de minister twee beleidsregelingen over de beoordeling van justitiële antecedenten vastgesteld. Het betreft een algemene beleidsregeling voor de krijgsmachtdelen, inclusief de Centrale Organisatie, en een aangescherpte versie voor de Koninklijke Marechaussee. Deze aanscherping werd nodig geacht, omdat de Koninklijke Marechaussee werkzaamheden uitvoert in het kader van de Politiewet, de Wiv en een aantal speciale beveiligingstaken. Het is evident dat in dit kader hogere eisen worden gesteld aan de integriteit. Beide regelingen vormen

het toetsingskader voor de beantwoording van de vraag in hoeverre bepaalde justitiële antecedenten toelaatbaar zijn voor de vervulling van een vertrouwensfunctie bij Defensie.

Overzicht vertrouwensfuncties:

| Jaar | 1994 | 1995 | 1996 | 1997 |
|------------|-------|-------|-------|-------|
| Militairen | 73340 | 67930 | 56987 | 56166 |
| Burgers | 17664 | 17468 | 14550 | 14164 |

3.3.5. Industrieveiligheid

De MID ontwikkelt regelgeving, initieert onderzoek en oefent controle uit bij Nederlandse bedrijven en organisaties die, al dan niet in internationaal verband, gerubriceerde defensieopdrachten uitvoeren. De BVD en MID zijn in 1997 overgegaan tot het gezamenlijk bezoeken van zowel defensiebedrijven als van bedrijven die in het kader van compensatie-orders door toedoen van het Ministerie van Economische Zaken (EZ/CMP) een goedkeuring behoeven en van de bedrijven die opdrachten uitvoeren voor de NAVO of de WEU.

De internationale ontwikkeling van de defensie-industrie (globalisering, privatisering en rationalisering) maken het noodzakelijk dat de internationale beveiligingsregimes meer dan tot dusverre het geval is geweest, worden geharmoniseerd. De Multinational Industrial Security Working Group (MISWG) heeft hier het afgelopen jaar aandacht aan besteed. De MID is vertegenwoordigd in het MISWG).

De General Working Group van het Wassenaar Arrangement, waaraan door de MID in de hoedanigheid van adviseur van de ministerie van Buitenlandse Zaken en Economische Zaken wordt deelgenomen, besteedt aandacht aan export-controle en non-proliferatie. De werkgroep kwam in 1997 tweemaal bijeen, waarbij aandacht is besteed aan de ontwikkelingen in de "Grote Meren regio" in Afrika, in Afghanistan en in het voormalig Joegoslavië. Daarnaast is door Nederland gewezen op het probleem van de illegale handel in kleine wapens.

3.4. Organisatie ressort Contra-Inlichtingen en Veiligheid

De contra-inlichtingen- en veiligheidstaken worden uitgevoerd door de afdeling Contra-Inlichtingen en Veiligheid van de MID en de bureaus Veiligheid van de afdelingen van de MID bij de krijgsmacht delen, te zamen aangeduid als het ressort Contra-Inlichtingen. De bureaus veiligheid bij de afdelingen van de MID bij de krijgsmacht delen ondersteunen hun krijgsmachtdeel op het gebied van militaire veiligheid. Er wordt op toegezien dat commandanten tijdig de noodzakelijke informatie ter beschikking wordt gesteld om beveiligingsmaatregelen te kunnen treffen. De door de MID in dit kader aan de bevelhebbers geleverde informatie bestaat uit: =risico-analyses, toegesneden op het operationele optreden van eenheden bij vredesondersteunende missies, humanitaire taken, oefeningen en militaire evenementen; =adviezen, assistentie, voorlichting en lessen over (militaire) veiligheid. Daarnaast werd geparticipeerd

in projecten en overlegfora over contra-inlichtingen en veiligheid. Binnen het ressort Contra-Inlichtingen en Veiligheid worden de contra-inlichtingen- en veiligheidsactiviteiten gecoördineerd.

4. Verzoeken in het kader van de Wet openbaarheid van bestuur

4.1. Algemeen

Op basis van de Wet openbaarheid van bestuur (Wob) zijn in 1997 15 verzoeken afgehandeld. Het ging niet alleen om verzoeken tot inzage in het eigen dossier, maar ook om dossiers van derden en over bepaalde thema 's. Daarnaast was de MID betrokken bij de interdepartementale afstemming van diverse verzoeken die bij andere ministeries waren ingediend en die raakvlakken hadden met de MID. Ook werd begonnen met de verwerking en afhandeling van de al bij de MID ingediende verzoeken tot inzage in het eigen dossier. Het ging hierbij vooral om verzoeken die tussen 1991 en 1993 werden ingediend door personen, die waren gealarmeerd door berichten over de vermeende vernietiging van MID-persoonsdossiers. De verzoeken werden ingediend door tussenkomst van de Vereniging Voorkom Vernietiging (VJV). In nauw overleg met de VJV zal in 1998 de afhandeling van deze verzoeken worden voortgezet.

4.2. Verruiming inzagerecht

Tot 14 juni 1994 werden verzoeken tot inzage in een MID-dossier in beginsel geweigerd; alleen persoonsgegevens ouder dan dertig jaar kwamen voor inzage in aanmerking. Dit vloeide voort uit de Wiv en de daarop gebaseerde Privacyregeling MID. Op 14 juni 1994 verklaarde de Afdeling bestuursrechtspraak van de Raad van State in de zaak Van Baggum, deze inzageregeling gebaseerd op de Wiv en de Privacyregeling, niet van toepassing omdat deze strijdig was met het EVRM. Het directe gevolg van deze rechterlijke uitspraak was, dat de nog lopende verzoeken tot inzage alsnog van geval tot geval moesten worden beoordeeld aan de hand van de criteria die de Wob stelt. Op verzoeken tot inzage van gegevens van derden blijft de Wiv en de daarop gebaseerde Privacyregeling echter onverkort van toepassing. Dit blijkt uit de uitspraak van de Afdeling bestuursrechtspraak op 12 december 1995 in de zaak Reydon/De Jager.

Bij een beslissing over een verzoek om inzage in het eigen dossier staat voorop, dat iedere informatieverstrekking achterwege dient te blijven als daardoor het goed functioneren van de MID, en daarmee de veiligheid van de Staat, zou kunnen worden geschaad. De bronnen en werkwijzen, en vooral ook het actuele kennisniveau van de MID, dienen geheim te blijven.

4.3. Afhandeling inzageverzoeken

Als een verzoek om informatie betrekking heeft op een bepaalde maatschappelijke ontwikkeling die met het oog op de taakuitvoering van de MID niet langer als actueel kan worden beschouwd, wordt deze doorgaans ter inzage gegeven. Het vaststellen van de actualiteit van de opgegeven (of in het dossier aangetroffen) onderwerpen vormt dan ook een essentiële stap in de beslissing over een inzageverzoek.

De volgende stap is dat de documenten waarin niet-actuele gegevens over de verzoeker zijn aangetroffen, worden gescreend op de mogelijkheid dat door openbaarmaking daarvan bronnen of werkwijzen bekend zouden kunnen worden. Vervolgens worden die documenten beoordeeld op de toepasbaarheid van andere Wob-weigeringsgronden en worden, geheel conform de vaste jurisprudentie, de gegevens over andere personen uit het materiaal verwijderd. Al met al gaat het hier om een arbeidsintensief proces. Om te voorkomen dat er in het geheel geen gegevens zouden mogen worden vrijgegeven, is het in vele gevallen noodzakelijk om parafrases of samenvattingen van omvangrijke dossierdelen te vervaardigen. Deze afhandeling van inzageverzoeken en de screening van dossiers is gelijk aan die van de BVD. De hierboven beschreven procedure heeft tot dusverre in alle gevallen de toets van de bestuursrechter doorstaan.

5. Verzamelen van gegevens

5.1. Algemeen

Het verzamelen van gegevens behoort tot de kernactiviteiten van de Militaire Inlichtingendienst. In dit verband wordt gesproken over "open en gesloten bronnen". Open bronnen zijn daarbij per definitie voor iedereen vrij toegankelijk. Gesloten bronnen zijn dat niet. Omdat informatie-aanbieders er steeds meer toe overgaan niet alleen in gedrukte maar ook in digitale vorm informatie te verstrekken, wordt door de MID meer gebruik gemaakt van open bronnen waar onder Internet.

5.2 Operationele informatieverwerving

Verwerving van hoogwaardige, niet vrij toegankelijke, informatie door middel van menselijke bronnen gebeurt door operationele activiteiten alsmede door de inzet van technische observatie-middelen. Alle operationele activiteiten, vastgelegd in jaarplannen en operatievoorstellen, zijn gebaseerd op de aandachtsgebieden en onderwerpen zoals vastgesteld door de minister van Defensie. Daarbij worden informatiebehoefte en veiligheidsrisico voortdurend tegen elkaar afgewogen. Met de operationele informatieverwerving worden de betreffende MID-afdelingen ondersteund.

5.3. Verbindingsinlichtingen

Onder verbindingsinlichtingen wordt verstaan: de informatie die wordt verkregen uit het met een technisch hulpmiddel ongericht ontvangen en opnemen van niet-kabelgebonden telecommunicatie. Verbindingsinlichtingen vormen een halfproduct, dat tezamen met informatie uit andere bronnen moet leiden tot een gewogen eindproduct. Bij verbindingsinlichtingen wordt onderscheid gemaakt tussen Operationele en Strategische verbindingsinlichtingen. Operationele verbindingsinlichtingen richten zich op militaire informatie op operationeel en tactisch niveau. Strategische verbindingsinlichtingen richten zich op militaire en algemene informatie.

Tot 1997 werden de verbindingsinlichtingesactiviteiten uitgevoerd door de verbindingsinlichtingenelementen bij de krijgsmachtdelen. Bij de uiteindelijke integratie van de MID werden de aparte

verbindingsinlichtingen-elementen samengebracht in één afdeling Verbindingsinlichtingen. De operationele taakuitvoering, de bedrijfsvoering en de contacten met partners vinden nu eenmaal plaats onder de verantwoordelijkheid van het hoofd van de MID. Door de verandering van de aandachtsgebieden dient de huidige capaciteit en de inrichting van de afdeling verbindingsinlichtingen te worden aangepast. De samenwerking met zusterdiensten wordt geïntensiveerd. Voorts heeft de MID met betrekking tot encryptie en signaalanalyse een vergaande samenwerking met de Binnenlandse Veiligheidsdienst, het Gerechtelijk Laboratorium (GL) en het Nationaal Bureau voor Verbindingbeveiliging (NBV).

6. Nationale en internationale samenwerking

6.1. Algemeen

Om met de beschikbare mensen en middelen de taken doelmatig uit te voeren, wordt intensief samengewerkt met nationale en internationale organisaties.

6.2. Samenwerking in nationaal verband

6.2.1. Ministerie van Buitenlandse Zaken .De samenwerking met het ministerie van Buitenlandse Zaken had betrekking op het verrichten van landenstudies in het kader van het nationale veiligheidsbeleid. Ook in 1998 zal deze samenwerking worden voortgezet.

6.2.2. Ministerie van Financiën. De MID werkt samen met de Centrale Dienst In- en Uitvoer (CDUI) van het ministerie van Financiën op het terrein van proliferatie van strategisch militair materieel welke onder de exportregelgeving vallen.

6.2.3. Economische Controledienst (ECD) . De MID werkt samen met de ECD voor wat betreft de controle op export van strategische goederen in relatie tot defensie-orderbedrijven. Daarnaast wordt de MID betrokken bij risico-analyses van militair strategisch materieel.

6.2.4. Binnenlandse Veiligheidsdienst . De Militaire Inlichtingendienst werkt nauw samen met de Binnenlandse Veiligheidsdienst. De belangrijkste vormen van samenwerking zijn: . Wet- en regelgeving zowel nationaal als international (Wiv, Wvo, archiefbeheer, NAVO-voorschriften), en de afstemming van Wobverzoeken; . het verrichten van landenstudies: . onderzoek naar de proliferatie van conventionele en massavernietigingswapens; . gezamenlijke operationele activiteiten; . het exportbeleid van strategische goederen; . technische ondersteuning; . vaststelling van Contra-Inlichtingenrisico's; . industrieveiligheid.

6.3 Samenwerking in Koninkrijksverband

In 1997 hebben de hoofden van de Veiligheidsdienst Nederlandse Antillen en de Veiligheidsdienst Aruba met het hoofd van de Militaire Inlichtingendienst

zowel op Curaçao als in Den Haag overleg gevoerd over mogelijke samenwerking tussen de diensten. Dit overleg heeft geresulteerd in de totstandkoming van samenwerkingsovereenkomsten.

6.4. Internationale samenwerking

6.4.1. Algemeen Internationale verdragen en bondgenootschappelijke samenwerking geven aan de activiteiten van Defensie en daarmee van de MID een grensoverschrijdend karakter. In het kader van NAVO-, VN-, en WEU-operaties of anderszins zet Defensie Nederlandse militairen wereldwijd in. Om die inzet zo effectief maar ook zo veilig mogelijk te maken, groeit de noodzaak van internationale informatie-uitwisseling. Daartoe wordt door de MID geparticipeerd in meerdere overlegfora. Door de MID wordt met andere dan NAVO-lidstaten contacten onderhouden op het gebied van inlichtingen en veiligheid.

6.4.2. Bondgenootschappelijke samenwerking . De MID leverde in 1997 verschillende inlichtingenbijdragen aan NAVO- en WEU-organen. Door de militaire inlichtingendienst van de NAVO wordt jaarlijks onder auspiciën van de International Military Staff een rapport opgesteld over de veiligheidsrisico's waarmee de NAVO naar verwachting de komende vijf tot tien jaar zal worden geconfronteerd. Dit rapport vormt de grondslag voor de politieke en militaire besluitvorming in NAVO-verband over de door de lidstaten te leveren defensie-inspanning en de daaruit voortvloeiende "force-planning". De MID is de afgelopen jaren nauw betrokken geweest bij de NAVO-beoordeling van de militaire en veiligheidspolitieke gevolgen van de omwentelingen in het voormalig Oostblok. De MID leverde een bijdrage aan de herwaardering van de dreiging die van de voormalige Sovjet-Unie uitging. Ook op het gebied van contra-inlichtingen en veiligheid werd in NAVO-verband samengewerkt met de zusterdiensten. Voorts wordt door de MID binnen NAV-organen en -eenheden op het gebied van inlichtingen en veiligheid personele ondersteuning geleverd.

6.4.3. Partnership for Peace (PFP) . De NAVO-lidstaten hebben met het PFP-programma een multilateraal kader geschapen om de samenwerking met de Midden- en Oost-Europese landen te intensiveren. In het kader van het PFP-programma worden ondermeer gezamenlijke militaire oefeningen gehouden en opleidingsprogramma's uitgewisseld. De MID heeft in 1997 met een aantal Midden- en Oost-Europese militaire inlichtingen- en veiligheidsdiensten samenwerkingsverbanden gesloten of reeds bestaande relaties geïntensiveerd. Het gaat hierbij om informatie-uitwisseling over gemeenschappelijke interessegebieden.

Op de topconferentie van de NAVO, begin juli 1997 in Madrid, zijn Polen, Tsjechië en Hongarije uitgenodigd onderhandelingen te beginnen over het lidmaatschap van de NAVO. De MID heeft de al bestaande contacten met de militaire zusterdiensten in die landen geïntensiveerd en overeenkomsten gesloten om samen te werken.

7. MID-archieven

7.1. Algemeen

De zorg voor een goed archiefbeheer is een wettelijke plicht die is gebaseerd op de bij of krachtens de Archiefwet 1995 vastgestelde regels. Het archief is de neerslag van het handelen van de overheid en speelt een belangrijke rol in het kader van de verantwoording in de richting van de volksvertegenwoordiging en de individuele recht- en bewijszoekende burger. Maar ook uit cultureel oogpunt en het belang van historisch onderzoek is een goed archiefbeheer noodzakelijk.

7.2. Inspectie Algemene Rijksarchivaris (ARA)

De ARA heeft in 1997, ter uitvoering van het in artikel 25 van de Archiefwet 1995 aan hem opgedragen toezicht op het beheer van de archiefbescheiden van de rijksorganen, een inspectie uitgevoerd bij de MID. Eind juli 1997 heeft de ARA het inspectieverslag aan minister Voorhoeve aangeboden. De minister heeft het inspectieverslag aangeboden aan de voorzitters van de Eerste en Tweede Kamer alsmede aan de voorzitter van de commissie voor de Inlichtingen- en Veiligheidsdiensten van de Tweede Kamer.

Het inspectieverslag bevat een aantal conclusies en aanbevelingen. In de conclusie schrijft de ARA dat de belangen van een goed geordend archiefbeheer in het verleden voor wat betreft de taken op het gebied van inlichtingen en veiligheid bij het ministerie van Defensie onvoldoende aandacht hebben gekregen. Dit geldt met name voor het archiefbeheer van de taakvoorgangers van de MID waarover de ARA in zijn inspectieverslag opmerkt dat vernietiging van archiefbescheiden uitgangspunt van het archiefbeheer is geweest. Een gevolg hiervan is dat de nog aanwezige archieven niet in de door de Archiefwet 1995 vereiste goede, geordende en toegankelijke staat zijn. Er bestaat geen goed overzicht van de bestaande archiefbestanden.

7.3. Plan van aanpak

Tijdens het mondelinge overleg van de vaste commissies voor Binnenlandse zaken, Defensie, Onderwijs, Cultuur en Wetenschappen van de Tweede Kamer heeft de minister een plan van aanpak gepresenteerd voor de verbetering van het archiefbeheer van de MID. De minister heeft het verbod op het vernietigen van archiefbescheiden bevestigd en opdracht gegeven tot een onderzoek naar de oorzaken van de vernietiging en alsmede tot het instellen van een institutioneel onderzoek. Daarnaast heeft de minister opdracht gegeven tot een inventarisatie van de archieven bij de MID waarna vervolgens de bewerking van de archieven zal plaatsvinden. Tenslotte werd bij de uitvoering van het plan van aanpak aangesloten bij de door de MID ingestelde werkgroepen die reeds bezig waren met het opzetten van procedures en het verbeteren van de werkwijze ten aanzien van het archiefbeheer binnen de MID en werd toegezegd dat de concept-selectielijst op korte termijn aan de staatssecretaris van OC&W zou worden aangeboden.

7.4. Verbod vernietiging

Na overleg tussen de minister, de secretaris-generaal en het hoofd MID is op 12 december 1997 door het hoofd van de MID, het personeel van de MID opgedragen dat geen enkel document tot nader order zou mogen worden vernietigd. Dit in afwachting van de goedkeuring van de Staatssecretaris van OCenW van de categorieën documenten, die wel vernietigd zouden mogen worden. Het niet nakomen van het verbod op vernietiging zou leiden tot de meest vergaande administratiefrechtelijke dan wel strafrechtelijke sancties. Alle medewerkers van de MID hebben een verklaring van bekendheid met deze opdracht getekend. Het hoofd van de MID heeft tevens de coördinator documentaire informatievoorziening belast met het houden van inspecties om de naleving van de opdracht te controleren.

7.5. Onderzoek vernietiging

Onduidelijk is welke en hoeveel archiefbescheiden zijn vernietigd. De historicus, dr. D. Engelen, werkzaam bij het ministerie van Binnenlandse Zaken, is door de minister belast met het uitvoeren van een onderzoek naar de aard en omvang van vernietiging van documenten alsmede het onderzoek naar de vraag hoe deze vernietiging heeft kunnen plaatsvinden. Het rapport van de dr. Engelen zal in 1998 aan de Tweede Kamer worden aangeboden.

7.6. Institutioneel onderzoek

Zonder institutioneel onderzoek van de MID kunnen uitspraken over de aard van het in de loop der jaren vernietigde materiaal niet worden gedaan. Een dergelijk onderzoek geeft immers aan wat gegeven de handelingen van de MID en de historische context bewaard had moeten blijven. De heer Engelen, die ook de institutionele onderzoeken heeft verricht bij de BVD en de voormalige IDB, is hier eveneens mee belast. Dit onderzoek zal eind 1998 worden afgerond en aan de Tweede Kamer worden aangeboden.

7.7. Inventarisatie archieven

De inventarisatie van de MID-archieven is opgedragen aan de Centrale Archief Selectiedienst (CAS), onderdeel van het ministerie van Binnenlandse Zaken. Hiertoe is een projectconvenant afgesloten. Het onderzoek van de CAS richt zich op de omvang, de aard, de materiële toestand en de toegankelijkheid van de archieven van de MID. Bij de inventarisatie zullen de aan de MID-gerelateerde archieven worden betrokken, dat wil zeggen de archieven van de organen, afdelingen en instellingen, die historisch of organisatorisch een relatie hebben met de MID. Over de resultaten van de inventarisatie zal de Tweede Kamer in 1998 worden geïnformeerd. Na de inventarisatie zal de CAS in 1998 beginnen met de bewerking van de archieven. Deze bewerking zal tenminste een aantal jaren vergen.

7.8. Werkgroepen

In 1997 zijn drie MID-werkgroepen bezig geweest om plannen op te stellen ter verbetering van het archiefbeheer te weten, de werkgroepen Post, Automatisering Archieven en Ontsluiting Archieven. De werkgroep Post richt zich op het standaardiseren van het postregistratiesysteem. Daarmee wordt een

einde gemaakt aan het gebruik van verschillende niet goed op elkaar afgestemde postregistratiesystemen binnen de MID. Het gaat daarbij met name om het effectiever en doelmatiger ondersteunen van het personeel dat is belast met de regulering van de interne en externe poststroom en de daarbij behorende archivering. In 1998 zal begonnen worden met de invoering van het postregistratiesysteem. De werkgroep Automatisering Archieven richt zich op de technische implementatie van het nieuwe postregistratiesysteem. Dewerkgroep Ontsluiting Archieven tenslotte richt zich op de verbetering van de toegankelijkheid van de archieven op de verschillende locaties. Daarnaast wordt aandacht besteed aan een vermindering van het aantal locaties waar zich archieven bevinden en wordt de mogelijkheid onderzocht om zoveel mogelijk te komen tot één centraal beheerd archief dat decentraal geraadpleegd kan worden.

7.9. Slot

In 1997 is verder de nodige aandacht besteed aan het opleiden van het archiefpersoneel. Eind 1997 is besloten tot het regelmatig uitbrengen van een informatiebulletin, aan de hand waarvan al het MID-personeel op de hoogte wordt gehouden van de ontwikkelingen van het archiefbeheer binnen de MID. Tenslotte is in december een aantal keren vergaderd door vertegenwoordigers van de interne archiefdienst, de ARA, de CAS, de heer Engelen en de MID. In 1998 zal het hoofd van de MID zich maandelijks door deze interne en externe deskundigen laten adviseren over de voortgang van de verbetering van het archiefbeheer en over onderwerpen, die in dat kader de aandacht vragen. In ieder geval zal advies worden gevraagd worden over de ordening en het beheer van foto- en digitale archieven. Het onderwerp digitale duurzaamheid is in dit kader van belang.

8. Organisatie, personeel en faciliteiten

8.1. Organisatie

Ten behoeve van de uitvoering van de in de vorige hoofdstukken beschreven taken en activiteiten omvat de MID uit de volgende organisatie-delen.

| | |
|----------|---|
| HMID | Hoofd Militaire Inlichtingendienst |
| CS | Chef Staf, tevens plaatsvervangend HMID |
| AI | Afdeling Inlichtingen |
| ACIV | Afdeling Contra-Inlichtingen en Veiligheid |
| AMID/KM | Afdeling Militaire Inlichtingendienst bij de Koninklijke Marine |
| AMID/KL | Afdeling Militaire Inlichtingendienst bij de Koninklijke Landmacht |
| AMID/KLu | Afdeling Militaire Inlichtingendienst bij de Koninklijke Luchtmacht |
| AVI | Afdeling Verbindingsinlichtingen |
| AO | Afdeling Operaties |

8.2. Personeel

8.2.1. *Algemeen*. Op 31 december 1997 telde de MID 807 medewerkers, waarvan 44 medewerkers een tijdelijk arbeidscontract hadden. Het aantal formatieplaatsen (functies) bedroeg 763.

8.2.2. *Opleiding en vorming*. Door MID-medewerkers zijn in 1997 cursussen gevolgd die betrekking hebben op het operationele werk. Daarnaast zijn ook cursussen gevolgd op het terrein van management en organisatie, financieel beheer, personeelsmanagement, documentaire informatievoorziening, archivering (zie hoofdstuk 7) en automatisering.

De School Militaire Inlichtingendienst (SMID) te Ede, een dienstonderdeel van de Koninklijke Landmacht, vervult een centrale rol bij de operationele opleiding van MID personeel. Een aantal medewerkers heeft ook een opleiding gevolgd op buitenlandse instituten.

8.2.3. *Medezeggenschap*. Op 15 februari 1996 ondertekende de secretaris-generaal de instellingsbeschikking voor een Buitengewone Medezeggenschapscommissie (BMC). De BMC heeft in 1997 zeven keer vergaderd. De commissie benadrukt het behoud van werk en het streven naar voorkoming van overtolligheid. In 1998 zullen verkiezingen worden gehouden voor een nieuw overlegorgaan en een dienstcommissie "MID-nieuwe stijl".

8.2.4. *Arbeidsomstandigheden*. In 1997 zijn op verschillende locaties bouwkundige maatregelen getroffen om de arbeidsomstandigheden te verbeteren. Ook zijn werkplekken anders ingericht en is in bepaalde gevallen aandacht besteed aan de werkbelasting. Begonnen is met het opstellen van een ARBO-jaarplan waardoor een meer beleidsmatige aanpak kan worden gegarandeerd.

8.2.5. *Interne veiligheid*. De MID let niet alleen op de veiligheid binnen Defensie maar ook op de veiligheid binnen de MID. Op elke locatie van de MID is een veiligheidsfunctionaris aangesteld die toezicht houdt op de juiste naleving van de veiligheidsprocedures.

8.3. Financiën

De overdracht van budgetten van de krijgsmachtdelen naar de MID is begin 1997 voltooid.

Overzicht van bestedingscijfers van de MID voor 1997 (in mln guldens)

| | |
|----------------------------|------|
| BEZOLDIGING BURGERS MID | 33,2 |
| BEZOLDIGING MILITAIREN MID | 31,3 |
| OVERIGE PERSONELE KOSTEN | 6,2 |

| | |
|------------------------------------|-------|
| MATERIEEL MID (W.O. INVESTERINGEN) | 44,7 |
| TOTAAL | 115,4 |

8.4. Informatisering en automatisering

Door de MID worden grote hoeveelheden informatie verzameld en binnen de MID geselecteerd, uitgewisseld en bewerkt. De computer is daarbij onmisbaar. Er zijn voorbereidingen getroffen voor de verwerving c.q. de bouw van een aantal geautomatiseerde systemen ten behoeve van de ondersteuning op operationeel en beheersmatig terrein. Daarnaast werd geparticipeerd in diverse projecten binnen de NAVO. De geautomatiseerde beveiliging van informatiesystemen heeft in 1997 de nodige aandacht gekregen. In 1997 is tenslotte een begin gemaakt met de inventarisatie van de millenniumproblematiek.

8.5. Huisvesting

In 1997 was de MID op 20 locaties binnen en buiten Nederland gehuisvest. Het Marineradiostation Terschelling en de locatie Alphen-Riel zijn in 1997 opgeheven. Er is begonnen met het verlaten van het complex Kalvermarkt in Den Haag. Op de Frederikkazerne zal een aantal van de afdelingen gezamenlijk worden gehuisvest. De komende jaren zal het aantal locaties afnemen.

[*Return to Home*](#)

THE NETHERLANDS AND THE EUROPEAN UNION

The first milestone on the road to the European Union (EU) was the launch of the European Coal and Steel Community (ECSC) in 1952. This was followed in 1958 by the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). Today, the European Union plays a crucial part in many areas of our everyday lives. This factsheet outlines the EU's historical background, its structure, its aims, and the Netherlands' part in shaping it.

EU Member States

| Since 1952: | Joined in |
|-------------|----------------|
| Belgium | 1973: |
| France | Denmark |
| Germany | United Kingdom |
| Italy | Ireland |
| Luxembourg | |
| Netherlands | 1981: |
| | Greece |
| | 1986: |
| | Portugal |
| | Spain |
| | 1995: |
| | Finland |
| | Austria |
| | Sweden |

Origins

Europe's postwar drive towards integration was inspired by the desire of its peoples to banish war from their continent. The seeds of integration were sown at the Congress of Europe, held in the *Ridderzaal* (Knights' Hall), The Hague, in May 1948. The Congress was hosted by Princess Juliana and Prince Bernhard of the Netherlands, and its participants included Winston Churchill, Charles de Gaulle, and Konrad Adenauer - the victors and the vanquished of the Second World War. They set in motion the process of ever-closer

cooperation that has given us the European Union as we know it.

From ECSC to EU

The Frenchman Jean Monnet, who was later made a "Citizen of Europe", was convinced that economic integration would lead to political union. The European Coal and Steel Community (ECSC) was launched on 1 January 1952. Control of the coal and steel industries had long been a prerequisite for any country intent on waging war. The ECSC brought these ingredients of Industrial Age warfare under common European control.

In 1958, two more European institutions were created: the European Atomic Energy Community (EAEC or Euratom) and the European Economic Community (EEC). The Dutch Minister of Foreign Affairs, J.W. Beyen, played a crucial role in setting up the EEC. In July 1967, the institutions of these three Communities merged to form the European Communities (EC). When the Maastricht Treaty came into force on 1 November 1993, the EC became the European Union (EU).

The three pillars of the EU

The European Union is an umbrella term covering three areas of integration, which are also known as the three pillars:

- the economy;
- foreign policy and security;
- justice and home affairs. >

Influence in many areas

The EU has a direct influence on many aspects of our everyday lives. It has brought us the single market and common policies in many areas including agriculture, fisheries, coal and steel production, the environment, external trade, development, and emergency relief in natural disasters.

As close to the people as possible

The basic principle for further cooperation and integration is subsidiarity, as set out in the Treaty of Maastricht. Subsidiarity means governing and taking decisions as close to the people as possible, that is, at the lowest possible level - be it local, regional, or national.

The four freedoms

In 1986 the EU Member States agreed that four freedoms must be established by 1 January 1993:

- the free movement of goods;
- the free movement of services;
- the free movement of capital, and
- the free movement of persons.

This objective was laid down in the Single European Act, and almost 300 regulations and directives (the two forms of European legislation) have been adopted to achieve them. This huge legislative programme is now almost complete, although the free movement of persons is not yet a reality throughout the EU.

The removal of trade restrictions within the EU has brought us the single market, and many regulatory measures have been taken to level the economic playing field, including measures to enforce the mutual recognition of national product requirements and prevent the formation of monopolies. There are also moves afoot to further harmonise VAT.

The EU has long pursued strong social policies to protect workers: equal pay for men and women doing the same work, for instance, was introduced as early as 1958. It also assists member states and regions with lagging economies, and it acts to safeguard public health and create employment.

The third and final phase of European Monetary Union was launched on 1 January 1999. Exchange rates were fixed, the European Central Bank opened for business, and the euro came into use for all banking transactions. Euro coins and banknotes will be introduced in January 2002. Monetary union is another incentive for effectively regulating the single market and ensuring that we all benefit from it fully.

The main institutions

The European Parliament:

represents the citizens of the EU member states.

The European Commission:

is responsible for the day-to-day administration of the EU. It is answerable to the Parliament. The Commission is the only institution with the power to initiate legislative proposals, which must be based on the EC treaties.

The Council of the European Union:

(also known as the "Council of Ministers" or "Council") has the ultimate power to adopt, amend, or reject proposals from the Commission, which it does in cooperation with the European Parliament. The Council consists of representatives of the fifteen member states (generally ministers or their deputies) and is assisted by representatives of the European Commission.

The EU member states and their votes in the Council of the European Union

| | |
|------------------|--------------|
| France 10 | Portugal 5 |
| Germany 10 | Austria 4 |
| Great Britain 10 | Sweden 4 |
| Italy 10 | Denmark 3 |
| Spain 8 | Finland 3 |
| Belgium 5 | Ireland 3 |
| Greece 5 | Luxembourg 3 |
| Netherlands 5 | |

EU Commissioners

| | |
|--|---|
| Viviane Reding
(Luxembourg) | Poul Nielson (Denmark) |
| Marín (Spain) | Michaele Schreyer, Günter
Verheugen (Germany) |
| Brittan (United
Kingdom) | Neil Kinnock (Vice-
President), Chris Patten
(United Kingdom) |
| Bangemann (Germany) | Mario Monti, Romano Prodi
(President) (Italy) |
| Philippe Busquin
(Belgium) | Michel Barnier, Pascal
Lamy (France) |
| Frits Bolkestein
(Netherlands) | Anna Diamantopoulou
(Greece) |
| António Vitorino
(Portugal) | Margot Wallström
(Sweden) |
| David Byrne (Ireland) | Franz Fischler (Austria) |
| Loyola de Palacio,
Pedro Solbes-Mira
(Spain) | Erkki Liikanen (Finland) |
| Cresson (France) | |

Administration and democratic controls

The EU is not a state or confederation but a cooperative framework with its own distinctive character. This gives a unique structure to its legislative process, administration, and democratic controls.

The European Parliament

The European Parliament represents the citizens of the EU member states. Since 1979, it

has been directly elected. There are 626 members (MEPs), 31 representing the Netherlands. Of the Dutch MEPs, nine are from the CDA (Christian Democrats), six from the PvdA (social democrats), six from the VVD (right-leaning liberals), four from GroenLinks (former communists, pacifists, and greens), three from SGP/GPV/RPF (orthodox Protestants), two from D66 (left-leaning liberals), and one from the SP (Socialist Party). Most MEPs are affiliated to one pan-EU political party or another. Those belonging to the CDA, for instance, sit with Christian Democrats from other member states in the European People's Party (EPP). The current President of the European Parliament is the Frenchwoman Nicole Fontaine of the EPP.

The European Parliament and the Council of the European Union have joint control of the budget. The Parliament may amend spending proposals not required by the EC treaties, and the entire budget needs its approval to be adopted. The Parliament also has the casting vote in the conclusion of trade agreements and decisions about enlarging the EU.

European Parliament - 626 members

Pan-EU parties and their seats, 10 June 1999

- Party of European Socialists: 180
- European People's Party (Christian Democrats): 225
- Union for Europe: 55
- European Liberal and Democratic Party: 43
- European United Left: 35
- Greens: 37
- European Radical Alliance: 14
- Group of Independents for a Europe of Nations: 21
- Non-affiliated: 18
- Others: 36

The European Commission

The European Commission is the EU's civil service, the source of its legislation, and the source of many of its policies. It is currently headed by 20 Commissioners, appointed for five years by common agreement of the member states. The larger member states - Germany, France, the United Kingdom, Italy, and Spain - each provide two Commissioners, and the smaller ones each provide one. The Treaty of Amsterdam says that Commissioners must be nominated by the President of the Commission and their nomination approved by the European Parliament. The Commissioners are collectively responsible for all the Commission's actions and operate independently of their home governments. The Parliament has the power to dismiss the whole Commission.

The Commission is the only institution with the power to initiate legislative proposals, which must be based on the EC treaties. It also has the power to propose new policies in areas falling under the second pillar (foreign and security policy) and third pillar (justice and home affairs). It submits its proposals to the Parliament, which has to give its opinion on almost all of them before the Council of the European Union can take a decision. In many cases, if the Parliament objects to a proposal, the Council has to vote unanimously to override the objection. Once the Council and Parliament have agreed on a decision, the Commission is responsible for implementing it. The Parliament and the member states are both responsible for ensuring that decisions are carried out properly.

The Council of the European Union

The Council of the European Union consists of representatives of the fifteen member states (generally ministers or their deputies) and is assisted by representatives of the European Commission. Although it is generally referred to as "the Council", its composition varies according to the policy areas under discussion. The foreign ministers, for instance, meet at least once a month in the "General Affairs Council". Agriculture ministers meet in the "Agriculture Council", transport ministers in the "Transport Council", and so on. Council meetings in their various manifestations are held frequently and sometimes simultaneously.

The Council has the final say on whether proposals from the Commission are to be adopted, amended, or rejected - although almost all its decisions require the approval of the Parliament. Many decisions to do with economic integration can be taken by a qualified majority. There are 87 votes in all, divided among the 15 member states. Voting power is weighted, which means that the larger countries have more votes than the smaller ones. A decision by a qualified majority needs at least 62 votes from at least ten different countries; in other words, it can be blocked by 26 votes. Unanimity is required for decisions in second-pillar (foreign and security policy) and third-pillar (justice and home affairs) areas; each Member State thus has the power to veto them.

Legal and advisory bodies

The EU has several other institutions as well as the Parliament, the Commission, and the Council.

The European Court of Justice

The European Court of Justice monitors member states' compliance with the EC treaties and acts as a tribunal for EU employees.

The European Court of Auditors

The European Court of Auditors checks the regularity of EU spending and determines whether subsidies granted by the EU have been put to their intended use.

The Community Ombudsman

The Community Ombudsman deals with complaints from individuals who believe that they have been treated unfairly by an EU institution.

The Economic and Social Committee (ECOSOC)

The Economic and Social Committee consists of representatives of employer organisations, trade unions, and other interested groups. It advises the Council on social and economic legislation.

The Committee of the Regions

The Committee of the Regions consists of representatives of regions and big cities. It gives advice, on request or on its own initiative, in areas of regional interest.

The Presidency

The "President" of the European Union is not a person but the member state currently holding the Presidency of the Council of the European Union. The Presidency rotates among the member states, each holding it for six months. The presiding member state draws up the agenda for the Council, and its representatives chair Council meetings and many other meetings of officials. It also maintains close ties with all the other member states to enable it to pinpoint potential problems early and suggest compromises where possible. In addition, it represents the EU at international gatherings, often accompanied by the President of the European Commission.

The Presidency rotates

| | |
|---------------|----------|
| 1996: | 2000: |
| Italy | Portugal |
| Ireland | France |
| 1997: | 2001: |
| Netherlands | Sweden |
| Luxembourg | Belgium |
| 1998: | 2002: |
| Great Britain | Spain |
| Austria | Denmark |
| 1999: | 2003: |
| Germany | Greece |
| Finland | |

The EU summit

Every Presidency ends with a summit meeting, or "European Council", of the heads of government of 13 member states and the heads of state of two (France and Finland). The summit takes major political decisions, resolves controversial issues, and sets out the main policy items for the next six months.

Languages

There are thirteen official languages in the European Union: Danish, Dutch, English, Finnish, French, German, Greek, Irish (Gaelic), Italian, Luxemburgish, Portuguese, Spanish, and Swedish. Irish and Luxemburgish are not working languages. Only EU legislation is translated into Irish.

Locations

The EU institutions and bodies are located in three cities:

Brussels:

the Commission, the Council, the Economic and Social Committee, the Committee of the Regions, and the Parliament (committee and parliamentary party meetings and short plenary sessions).

Luxembourg

the Court of Justice, the Court of Auditors, some departments of the Commission, and the administrative seat of the European Parliament. The Council meets in Luxembourg in April, June, and October.

Strasbourg:

the Community Ombudsman and the Parliament (during its monthly five-day session).

The Netherlands and the EU

As one of the six "founding fathers" of the ECSC and the EEC, the Netherlands has been active in European integration since the very start. The removal of trade barriers and the creation of the single market are of obvious benefit to a country that relies so heavily on exports and its role as a hub of international distribution. On the eve of the Dutch Presidency of the Council in the first half of 1997, the Dutch government described the single market as one of the EU's greatest achievements.

As a small country, the Netherlands has always advocated supranational decision-making in many areas. It believes that countries must sometimes leave decision-making to organisations standing above them, guided by common rather than national interests. This makes it less likely that the in

Treaty of Amsterdam

Crucial EU decisions have been taken at two summit meetings held in the Netherlands. The Maastricht Summit in December 1991 approved the Treaty on European Union, which laid the foundations for economic and monetary union (EMU). And on 17 June 1997, the Amsterdam Summit approved the Treaty of Amsterdam, containing important reforms:

- The public now has the right to see documents originating in the Commission and the Parliament, and the Council must allow access to the minutes of its meetings on legislative proposals.
- The Parliament now has the final say in more policy areas and greater influence on appointments to the Commission.
- It is now easier to combat the fraudulent use of Community funds, since the Court of Auditors has been given greater powers to audit their management. In addition, the member states' customs services now have more scope for cooperation in combating

Dutch members of the ECSC High Authority and European Commission

ECSC High Authority:

| | |
|----------------------|-----------|
| Dirk Spierenburg | 1958-1962 |
| Hans Linthorst Homan | 1962-1967 |

European Commission:

| | | |
|-------|--------------------|--------------|
| EEC: | Sicco Mansholt | 1958-1967 |
| EAEA: | Maan Sassen | 1958-1967 |
| EC: | Sicco Mansholt | 1967-1973 |
| | Maan Sassen | 1967-1969 |
| | Pierre Lardinois | 1973-1977 |
| | Henk Vredeling | 1977-1981 |
| | Frans Andriessen | 1981-1993 |
| EU: | Hans van den Broek | 1993-1999 |
| | Frits Bolkestein | (since 1999) |

Useful addresses

[Office of the European Commission in the Netherlands](#)

Korte Vijverberg 5
2513 AB The Hague
Tel: 070 3469326
Fax: 070 3646619
Internet: <http://www.dds.nl/plein/europa>
E-mail: burhay@nederland.dg10-bur.cec.be

European Parliament Information Office
Korte Vijverberg 6
2513 AB The Hague
Tel: 070 3624941
Fax: 070 3647001
Internet: <http://www.europarl.eu.int/denhaag>

Council of the European Union

Wetstraat 175, B-1048 Brussels
Tel.: +32-2-285 6111
Fax: +32-2-285 7397 or 285 7381
Internet: <http://ue.eu.int>
E-mail: publicrelations@consolium.eu.int

European Court of Justice
Boulevard Konrad Adenauer, Kirchberg, L-2925 Luxembourg
Tel.: +352-43031
Fax: +352-430 326 00
Internet: <http://www.curia.eu.int>

European Court of Auditors
12, Rue Alcide de Gasperi, L-1615 Luxembourg
Tel.: +352-43981
Fax: +352-439342
Internet: <http://www.eca.eu.int>
E-mail: daniel.minic@eca.eu.int

Community Ombudsman
1, Avenue du Président Robert Schuman
BP 403, F-67001 Strasbourg Cedex
Tel.: +33-388-172 313 or 172 383
Fax: +33-388-179 062

Economic and Social Committee (ECOSOC)
Ravensteinstraat 2, B-1000 Brussels
Tel.: +32-2-546 9011
Fax: +32-2-513 4893
Internet: <http://www.esc.eu.int>

Committee of the Regions
Belliardstraat 79, B-1040 Brussels
Tel.: +32-2-282 2211
Fax: +32-2-282 2325
Internet: <http://www.cor.eu.int>

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DE OUDE EN DE NIEUWE Wet op de Inlichtingen- en Veiligheidsdiensten

De nu bij de Tweede Kamer ingediende 'Regels met betrekking tot de inlichtingen- en veiligheidsdiensten alsmede wijziging van enkele wetten (Wet op de inlichtingen- en veiligheidsdiensten 1987) oftewel de 'nieuwe WIV' vindt zijn ontstaan in enkele schandalen. In 1984 bracht een inbraak van de actiegroep Onkruit aan het licht dat de Militaire Inlichtingendienst op grote schaal burgers bespiedde. Een door enkele van deze burgers vervolgens aanhangig gemaakte procedure leidde tot een veroordeling van de Nederlandse staat bij het Europees Hof voor de Rechten van de Mens. Geconstateerd werd dat de Nederlandse wetgeving over de diensten onvoldoende garantie bood voor de privacy van de Nederlanders. Tien jaar later werd de Inlichtingendienst Buitenland (IDB) opgeheven nadat medewerkers van de dienst via het Financieel Dagblad een complete mestvaalt van schandalen op straat hadden gekieperd. Tenslotte constateerde de parlementaire Enquêtecommissie over de opsporingsmethoden dat informatie van de inlichtingendiensten regelmatig op ongecontroleerde wijze in het opsporingsproces van justitie terecht kwam. Deze ontwikkelingen maakten een nieuwe wet onvermijdelijk. Het lijkt er nu echter op dat men van de nood een deugd maakt door de diensten een gigantische uitbreiding van bevoegdheden te geven en de bestaande bescheiden openbaarheid rond hun reilen en zeilen nog verder te beperken. Een overwegend geheim werkende controlecommissie zal daar weinig tegenin kunnen brengen. In het onderstaande overzicht wordt per wetsartikel vastgesteld wat er gaat veranderen als de voorstellen van de regering worden aangenomen. De tekst van de wetsartikelen zelf is cursief gedrukt.

1. De diensten en hun taken

Artikel 6

1. Er is een Algemene Inlichtingen- en Veiligheidsdienst.
2. Deze heeft tot taak:
 - a. het verrichten van onderzoek met betrekking tot organisaties en personen die door de doelen die zij nastreven, dan wel door hun activiteiten aanleiding geven tot het ernstige vermoeden dat zij een gevaar vormen voor het voortbestaan van de democratische rechtsorde, dan wel voor de veiligheid of andere gewichtige belangen van de staat;
 - b. het verrichten van veiligheidsonderzoeken als bedoeld in de Wet veiligheidsonderzoeken;
 - c. het bevorderen van maatregelen ter bescherming van de onder a genoemde belangen, waaronder begrepen maatregelen ter beveiliging van gegevens waarvan de geheimhouding door het belang van de

staat wordt geboden en van die onderdelen van de overheidsdienst en van het bedrijfsleven die naar het oordeel van Onze ter zake verantwoordelijke Ministers van vitaal belang zijn voor de instandhouding van het maatschappelijk leven;

d. het verrichten van onderzoek betreffende andere landen, ten aanzien van onderwerpen met een overwegend niet-militaire relevantie die door Onze Minister-President, Minister van Algemene Zaken, in overeenstemming met Onze betrokken Ministers, met het oog op het belang van de staat zijn aangewezen.

** De BVD verandert van naam en gaat Algemene Inlichtingen- en Veiligheidsdienst heten. De naamsverandering is van meer dan symbolische betekenis. Vanouds was de BVD (Binnenlandse Veiligheidsdienst) een veiligheidsdienst, een organisatie die de overheid en een aantal strategische bedrijven moest beschermen tegen infiltratie door 'staatsvijandige' groeperingen en moest voorkomen dat staatsgeheimen in verkeerde handen vielen. Natuurlijk moest de BVD om zijn werk te kunnen doen ook inlichtingen verzamelen over de groeperingen en individuen die men op het oog had. De naamsverandering suggereert ten eerste dat het verzamelen van inlichtingen over de tegenstanders van de staat meer een doel op zichzelf is geworden. Ten tweede is het de uitdrukking van de overname door de BVD van een aantal taken van de opgeheven Inlichtingendienst Buitenland (IDB), de Nederlandse versie van de CIA. Tot nu toe was het aan de BVD niet met zoveel woorden toegestaan om buitenlandse activiteiten te ontplooiën. Met de nieuwe taak onder Art. 6.2.d verandert dat. Bij de buitenlandse contacten van de BVD (de Duitse BND, de Britse MI6, de CIA) is het voor de dienst van groot belang dat zij zich als 'buitenlandse inlichtingendienst' kan afficheren om als gelijke te worden erkend.*

** Hiermee hangt samen de vervanging van de zinsnede 'verzamelen van gegevens' in de taakstelling van de BVD door de bredere term 'verrichten van onderzoek'. In de Memorie van toelichting (MvT) bij de wet (p.9) wordt deze wijziging in eerste instantie verkocht als een juistere term voor hetgeen in feite bij de dienst gebeurt. Immers de gegevens worden niet alleen verzameld, maar ook verwerkt. Men had dan ook de term 'verzamelen en verwerken van gegevens' kunnen gebruiken. De aap komt echter snel uit de mouw. Het begrip 'onderzoek' moet namelijk volgens de MvT breed worden uitgelegd, het gaat ook om het 'exploiteren van bevindingen uit het onderzoek betreffende geconstateerde bedreigingen' (p. 10). De term 'exploitatie' is binnen de studie van de inlichtingendiensten een bekend begrip. Het staat voor het overgaan tot geheime actie (covert action) door de diensten op basis van de verzamelde gegevens. In de tekst van de MvT is (bewust?) wat onduidelijk of de exploitatie nu plaatsvindt door de BVD of door de zogenaamde 'belangendragers', de organen wier belangen de BVD behartigt.*

Artikel 7

1. Er is een Militaire Inlichtingen- en Veiligheidsdienst.

2. Deze heeft tot taak:

a. het verrichten van onderzoek:

1e. omtrent het potentieel en de strijdkrachten van andere mogendheden, ten behoeve van een juiste opbouw en een doeltreffend gebruik van de krijgsmacht;

- 2e. naar factoren die van invloed zijn of kunnen zijn op de handhaving en bevordering van de internationale rechtsorde voor zover de krijgsmacht daarbij is betrokken of naar verwachting betrokken kan worden;
- b. het verrichten van veiligheidsonderzoeken als bedoeld in de Wet veiligheidsonderzoeken;
- c. het verrichten van onderzoek dat nodig is voor het treffen van maatregelen:
- 1e. ter voorkoming van activiteiten die ten doel hebben de veiligheid of paraatheid van de krijgsmacht te schaden;
- 2e. ter bevordering van een juist verloop van mobilisatie en concentratie der strijdkrachten;
- 3e. ten behoeve van een ongestoorde voorbereiding en inzet van de krijgsmacht als bedoeld in onderdeel a, onder 2e.
- d. het bevorderen van maatregelen ter bescherming van de onder c genoemde belangen, waaronder begrepen maatregelen ter beveiliging van gegevens betreffende de krijgsmacht waarvan de geheimhouding is geboden;
- e. het verrichten van onderzoek betreffende andere landen, ten aanzien van onderwerpen met een overwegend militaire relevantie die door Onze Minister-President, Minister van Algemene Zaken, in overeenstemming met Onze betrokken Ministers, met het oog op het belang van de staat zijn aangewezen.

** Ook de MID verandert van naam en zal nu Militaire Inlichtingen en Veiligheidsdienst gaan heten. In dit geval geldt dat de oude naam van de MID (Militaire Inlichtingendienst) inderdaad misleidend was omdat de dienst naast een inlichtingentaak een omvangrijke militaire veiligheidstaak had.*

** Een nieuwe taak voor de MID is het verrichten van onderzoek (ook hier de bredere term die we al bij de BVD tegenkwamen) naar factoren op het gebied van de internationale rechtsorde. Dit is een vertaling van de nieuwe activiteiten van de MID in verband met de VN-taken van het Nederlandse leger.*

** Ook de MID neemt een deel van de spionagetaken van de IDB over. Vroeger had de MID geen echte eigen buitenlandse activiteiten. Volstaan werd met het semi-legale verzamelen van inlichtingen door de militaire attachés en in het buitenland verblijvende marineschepen. Nu kan de MID beginnen met actieve spionage in het buitenland ten aanzien van doelen 'met een militaire relevantie'. Gezien de al genoemde brede betekenis van de term onderzoek kunnen de Nederlandse militairen nu zelfs legaal overgaan tot covert action in het buitenland.*

Artikel 8.1 en 2

1. Onze betrokken Minister brengt jaarlijks voor 1 mei aan beide kamers der Staten-Generaal een openbaar verslag uit van de wijze waarop de dienst zijn taken in het afgelopen jaar heeft verricht.

2. In het verslag wordt in ieder geval inzicht gegeven in:

- a. de aandachtsgebieden waarop de dienst zijn activiteiten in het afgelopen jaar heeft gericht;
- b. de aandachtsgebieden waarop de dienst zijn activiteiten in het lopende jaar in iedere geval zal richten.

Het jaarverslag van de BVD en (sinds dit jaar) van de MID krijgen hiermee een wettelijke basis. Het bekend zijn van de aandachtsgebieden van de diensten in samenhang met art. 13 dat regelt over welke personen gegevens mogen worden verwerkt moet de Nederlandse wetgeving in overeenstemming brengen met het Europees Verdrag voor de Rechten van de Mens.

Artikel 12.4

De gegevens die in het kader van de taakuitvoering van de diensten worden verwerkt, zijn voorzien van een aanduiding omtrent de mate van betrouwbaarheid dan wel een verwijzing naar het document of de bron waaraan de gegevens zijn ontleend.

In het verleden was de kwaliteit van de door de diensten verwerkte gegevens op zijn zachtst gezegd niet onomstreden. Giliam de Valk constateerde in zijn boek over de inlichtingenrapportages van de BVD dat er bij de chef operaties van die dienst bijvoorbeeld geen interesse bestond voor de herkomst van de gegevens van de PID's (politie-inlichtingendiensten) (1). Dat aanduidingen over de betrouwbaarheid, die internationaal behoren tot de standaardwerkwijze van inlichtingendiensten nu wettelijk moeten worden vastgelegd, zegt veel over de kwaliteit van de rapportage tot nu toe.

Artikel 13.1-4

1. De verwerking van persoonsgegevens door de Algemene Inlichtingen- en Veiligheidsdienst kan slechts betrekking hebben op personen:

- a. die aanleiding geven tot het ernstige vermoeden dat zij een gevaar vormen voor de democratische rechtsorde, dan wel voor de veiligheid of voor andere gewichtige belangen van de staat;
- b. die toestemming hebben verleend voor een veiligheidsonderzoek;
- c. omtrent wie dat noodzakelijk is in het kader van onderzoek betreffende andere landen;
- d. over wie door een andere inlichtingen- of veiligheidsdienst gegevens zijn ingewonnen;
- e. wier gegevens noodzakelijk zijn ter ondersteuning van een goede taakuitvoering door de dienst;

f. die werkzaam zijn of zijn geweest voor een dienst.

2. Het eerste lid is van overeenkomstige toepassing op de Militaire Inlichtingen- en Veiligheidsdienst met dien verstande dat voor onderdeel a wordt gelezen: die aanleiding geven tot het ernstige vermoeden dat zijn een gevaar vormen voor de veiligheid of de paraatheid van de krijgsmacht.

3. De verwerking van persoonsgegevens wegens iemands godsdienst of levensovertuiging, ras, gezondheid en seksuele leven vindt niet plaats.

4. De verwerking van persoonsgegevens die betrekking hebben op de in het derde lid bedoelde kenmerken vindt slechts plaats in aanvulling op de verwerking van andere gegevens en slechts voor zover dat voor het doel van de gegevensverwerking onvermijdelijk is.

Op papier moet dit een beperking opleveren van het aantal mensen dat voorwerp van onderzoek van de diensten kan zijn. De bepaling onder lid 1.e. ontkracht dit streven onmiddellijk door zijn zeer algemene formulering. In de MvT (p. 20) wordt duidelijk gemaakt dat (net zoals tot nu toe) de enkele politieke gezindheid voldoende is voor registratie. Politieke gezindheid is dan ook niet opgenomen in de reeks uitzonderingen van lid 3. Besmuikt wordt opgemerkt dat het enkele lidmaatschap van een politieke groepering 'in overwegende mate [dus niet uitsluitend! KK] voor intern gebruik' wordt vastgelegd. Overigens wordt lid 3 zelf onmiddellijk ongedaan gemaakt door het lid 4. Want 'onvermijdelijk' is natuurlijk in de ogen van de dienst alles wat ze doen.

Uit het verslag van de vaste Kamercommissie voor Binnenlandse Zaken blijkt dat ook de fractie van D'66 grote twijfels heeft bij het huidige wetsvoorstel: 'Tot de minimale voorwaarden voor een wettelijke regeling behoort dat zij toegankelijk is voor betrokkenen en een adequate aanduiding geeft van de omstandigheden en voorwaarden waaronder inlichtingen- en veiligheidsdiensten bevoegd zijn over te gaan tot inmenging in de persoonlijke levenssfeer. De vraag moet worden gesteld of het nu voorliggende voorstel daaraan voldoet.'

2. Bevoegdheden, methoden en technieken

Als dit wetsvoorstel wordt aangenomen zullen de mogelijkheden van de diensten enorm worden uitgebreid. In het al genoemde verslag verbazen de kamerleden van GroenLinks zich over 'de presentatie van de nieuwe bevoegdhedencatalogus, alsof het hier om een eenvoudig herformuleren van bestaande of vanzelfsprekende bevoegdheden gaat. (..) De omschrijving van de bevoegdheden in dit voorstel oogt als een tamelijk complete vertaling van de wensenlijstjes die de diensten ongetwijfeld zullen hebben.' In het kader van de regeling van nieuwe bevoegdheden constateert zelfs de VVD-fractie dat 'vooralsnog alles mag, ook als het niet mag.'

Artikel 17.1

De diensten zijn bevoegd zich bij de uitvoering van hun taak voor het verzamelen van gegevens te wenden tot:

a. bestuursorganen, ambtenaren en voorts een ieder die geacht wordt de benodigde gegevens te kunnen

verstrekken.

b. de houder van een verzameling van persoonsgegevens.

In dit artikel wordt de bevoegdheid van de diensten geregeld om gegevens op te vragen bij overheidsorganen, ambtenaren en houders van persoonsregisters. In de oude wet was deze bevoegdheid beperkt tot twee gevallen. Ofwel er moest sprake zijn van een veiligheidsonderzoek, ofwel de betrokken minister en de minister van justitie moesten van tevoren vastgelegd hebben in welke gevallen de bevoegdheid mocht worden toegepast. Deze waarborg in de oude wet is in de nieuwe effectief gedemonteerd. Weliswaar hoeft, zoals in de MvT opgemerkt de houder van persoonsgegevens niet in te gaan op het verzoek (de ambtenaar dus wel! - KK), maar hij of zij moet wel sterk in de schoenen staan om een verzoek te weigeren, nu de wet zelf in deze geen enkele beperking meer stelt. In hun commentaar op het wetsontwerp vraagt ook de kamerfractie van D'66 zich af of 'nu niet een te grote verantwoordelijkheid bij de houders gelegd wordt om te beslissen of zij overgaan tot verstrekken.' In de praktijk kan het gemakkelijk leiden tot een onbegrensde snuffelarij van de diensten in allerlei bestanden. Opvallend is hier dat in tegenstelling tot enkele andere artikelen, waar de MID de instemming van het ministerie van binnenlandse zaken moet hebben om zich in de burgermaatschappij te begeven, hier ook aan de militaire snuffelarij geen enkele beperking is gesteld.

Artikel 20.1

De diensten zijn bevoegd tot:

- a. het observeren en in het kader daarvan vastleggen van gegevens betreffende gedragingen van natuurlijke personen of gegevens betreffende zaken, al dan niet met behulp van observatie- en registratiemiddelen;
- b. het volgen en in het kader daarvan vastleggen van gegevens betreffende natuurlijke personen of zaken, al dan niet met behulp van volgmiddelen, plaatsbepalingapparatuur en registratiemiddelen.

Observeren en volgen zijn natuurlijk traditionele activiteiten van de diensten. In de oude wet was niet geregeld welke methoden de diensten mochten toepassen. Als een woning moet worden betreden om observatie- en registratiemiddelen te plaatsen is toestemming van de minister nodig.

Artikel 21.1-3

1. De diensten zijn bevoegd tot;

- a. de inzet van natuurlijke personen, al dan niet onder dekmantel van een aangenomen identiteit of hoedanigheid, die onder verantwoordelijkheid en onder instructie van een dienst zijn belast met:

1e. het gericht gegevens verzamelen omtrent personen en organisaties die voor de taakuitvoering van een dienst van belang kunnen zijn;

2e. het bevorderen of het treffen van maatregelen ter bescherming van door een dienst te behartigen belangen.

b. het oprichten en de inzet van rechtspersonen ter ondersteuning van operationele activiteiten.

2. Onze betrokken Minister kan daarvoor in aanmerking komende bestuursorganen schriftelijk opdragen die medewerking te verlenen die noodzakelijk is om een natuurlijke persoon als bedoeld in het eerste lid, onderdeel a, van een aan te nemen identiteit te voorzien (..).

3. De natuurlijke persoon, bedoeld in het eerste lid, onder a, kan bij instructie van de dienst tevens worden belast met het verrichten van handelingen die tot gevolg kunnen hebben dat medewerking wordt verleend aan het plegen van een strafbaar feit, dan wel een strafbaar feit wordt gepleegd. Een instructie als bedoeld in de eerste volzin wordt slechts gegeven, indien een goede taakuitvoering van de dienst dan wel de veiligheid van de betrokken natuurlijke persoon daartoe noodzaakt.

Dit artikel regelt de inzet van informanten, agenten en nepfirma's. Het verschil tussen de twee soorten 'medewerkers' is dat de informant beschikt over informatie die voor de dienst interessant is en dat een agent door de dienst wordt ingezet en gestuurd om in een positie te komen waarin hij dit soort informatie krijgt. Uiterst belangrijk is dat met name de agent ook kan worden ingezet voor het 'bevorderen of treffen van maatregelen ter bescherming van door een dienst te behartigen belangen'. Dit is een bevoegdheid tot geheime actie (covert action) die de diensten tot nu toe niet hadden, maar waarschijnlijk in de praktijk wel toepasten. Het kan variëren van 'zwarte propaganda' (die niet aan de dienst kan worden toegeschreven), via het storen van de acties van de tegenstander en contra-terreur tot en met het plegen van een staatsgreep. In dat verband is van belang dat de agenten volgens dit artikel ook strafbare feiten mogen plegen. Hieraan is in de wet geen enkele beperking gesteld. In de MvT (p. 34) wordt slechts geteld dat het plegen van moord 'evident' niet tot de mogelijkheden behoort. De tekst van nieuwe wet en MvT wijken behoorlijk af van de geldende praktijk, zoals die door de minister van binnenlandse zaken in de Kamer is verwoord. Deze is er eerder op gericht het plegen van strafbare feiten te voorkomen. Ook het toentertijd door de minister genoemde noodzakelijke overleg per geval met de bevoegde justitiële autoriteiten is niet in de wettekst opgenomen. Daar wordt nu alleen nog maar de mogelijkheid van algemene regelgeving genoemd. opmerkelijk is tenslotte dat dit een van de bevoegdheden is die kan worden uitgeoefend bij 'submandaat'. Dat betekent dat de bevoegdheid om over te gaan tot vrij ernstige strafbare feiten in opdracht van de diensten kan worden gedelegeerd aan functionarissen van lage rang.

Alles bij elkaar is dit een grote uitbreiding van de bevoegdheid van de diensten tot het voeren van geheime, illegale acties. Het lijkt erop dat hetgeen na de commissie Van Traa voor de politie minder gewenst werd geacht nu ondergebracht wordt bij de geheime diensten. Zelfs de over het algemeen over dit ontwerp tevreden Kamerfractie van de PvdA begint hier te steigeren. Ze constateren dat 'nu in beginsel alle strafbare feiten worden toegelaten' en vragen om nadere informatie. (2)

Artikel 22.1 en 3

1. De diensten zijn bevoegd tot het, al dan niet met behulp van een technisch hulpmiddel:

a. doorzoeken van besloten plaatsen;

b. doorzoeken van gesloten voorwerpen;

c. verrichten van onderzoek aan voorwerpen gericht op het vaststellen van de identiteit van een persoon.

(..)

3. Indien dit noodzakelijk is voor het onderzoek van een dienst, kan een bij de toepassing van de bevoegdheid, bedoeld in het eerste lid, aangetroffen voorwerp voor een beperkte tijd door de desbetreffende dienst worden meegenomen, voorzover onderzoek van het desbetreffende voorwerp ter plaatse van de doorzoeking onmogelijk is en de daarmee beoogde verzameling van gegevens niet op een andere, minder ingrijpende wijze kan worden bewerkstelligd. De desbetreffende voorwerpen worden zo spoedig mogelijk teruggeplaatst, tenzij het belang van een goede taakuitoefening van de dienst zich daartegen verzet of met terugplaatsing geen redelijk belang wordt gediend.

Hier wordt inbreken ('inkijkoperaties' volgens de terminologie van de commissie Van Traa) en stelen door de diensten gelegitimeerd. Dit is een bevoegdheid die de diensten tot nu toe niet hadden. Bij het betreden van een woning om in te breken dient ook hier toestemming van de minister te worden gevraagd. Tot nu toe was binnendringen in een woning door de overheid alleen legitiem met een schriftelijke last door de justitiële autoriteiten. In het wetsvoorstel kan het ook met een last van de minister of namens deze van het hoofd van de dienst gebeuren.

Artikel 23.1

De diensten zijn bevoegd tot het openen van brieven en andere geadresseerde zendingen, zonder goedvinden van de afzender of de geadresseerde, indien de rechtbank te Den Haag daartoe, op verzoek van het hoofd van de dienst, een last heeft afgegeven.

Schending van het briefgeheim, opnieuw een bevoegdheid die de diensten tot nu toe niet hadden. Als enig argument om dit voortaan wel te mogen wordt in de MvT aangegeven (p. 37) dat men E-mail wel mag lezen. Terecht vragen de kamerleden van de kleine christelijke fracties in de Tweede Kamer zich hierbij af of het ontbreken van deze bevoegdheid dan nooit als een gemis is ervaren. Of gebeurt het misschien allang en illegaal? De rol die de rechtbank in Den Haag (als tamelijk gezagsgetrouw bekend; ze behandelen de meeste rechtszaken tegen de staat) als controlerende instantie hier mag spelen is alleen opgenomen, omdat dat op dit moment nog in de Grondwet staat. Men is bezig dit laatste restje rechterlijke controle op de diensten uit de Grondwet te verwijderen en te vervangen door ministerieel toezicht.

Artikel 24.1

De diensten zijn bevoegd tot het al dan niet met gebruikmaking van technische hulpmiddelen, valse signalen, valse sleutels of valse hoedanigheid, binnendringen in een geautomatiseerd werk. (..)

Hacken, sinds enkele jaren strafbaar volgens het Wetboek van Strafrecht, maar nu niet meer voor de diensten.

Artikel 25.1

De diensten zijn bevoegd tot het met een technisch hulpmiddel gericht aftappen, opnemen en af luisteren van elke vorm van gesprek, telecommunicatie of gegevensoverdracht door middel van een geautomatiseerd werk, ongeacht waar een en ander plaatsvindt. Tot de bevoegdheid, bedoeld in de eerste volzin, behoort tevens de bevoegdheid tot het aanwenden van technische voorzieningen om versleuteling van de gesprekken, telecommunicatie of gegevensoverdracht ongedaan te maken.

Tappen, de huidige zogenaamde M-acties (microfoonacties) en T-acties (af luisteren van telefoon, fax en telex) van de BVD. Hiervoor is tot nu toe een last nodig van drie of vier ministers waaronder de premier en de minister van justitie. In de nieuwe situatie zal alleen de minister, waaronder de dienst valt, hoeven in te stemmen, een belangrijke vermindering van de controle. Een tweede belangrijke wijziging is dat, waar de MID dit tot nu toe helemaal niet mag, zij in het wetsvoorstel op gelijke voet wordt gesteld met de BVD. Alleen hebben de militairen voor af luisteren in de burgermaatschappij de instemming van de BVD nodig.

Artikel 26.1, 3 en 7

1. De diensten zijn bevoegd tot het met een technisch hulpmiddel ongericht ontvangen van niet kabelgebonden telecommunicatie. Tot de bevoegdheid, bedoeld in de eerste volzin, behoort tevens de bevoegdheid tot het aanwenden van technische hulpmiddelen om versleuteling van de telecommunicatie ongedaan te maken.

(..)

3. De gegevens die (..) zijn verzameld kunnen door de diensten worden geselecteerd aan de hand van:

- a. gegevens betreffende de identiteit van een persoon dan wel de hoedanigheid van een organisatie;
- b. een nummer als bedoeld in artikel 1, onder cc, van de Wet op de telecommunicatievoorzieningen, dan wel enig technisch kenmerk;
- c. aan een nader omschreven onderwerp gerelateerde trefwoorden.

(..)

7. Voor zover de selectie, bedoeld in het derde lid, geschiedt door de Militaire Inlichtingen- en Veiligheidsdienst ten aanzien van telecommunicatie die haar oorsprong en bestemming in Nederland

vindt, wordt de toestemming daarvoor verleend in overeenstemming met Onze Minister van Binnenlandse Zaken.

Ongericht afluisteren, met name van satellietgegevens over telefoon, telex en faxverbindingen - dit gebeurt momenteel alleen door de MID, gezien de speciale apparatuur die vereist is. De BVD krijgt deze gegevens dus via de MID binnen. Op zich hebben de diensten voor ongericht 'stofzuigen' geen enkele toestemming nodig. Voor een selectie uit dit ruwe materiaal op trefwoorden, namen, telefoonnummers etc. is toestemming van de betrokken minister vereist. Dat het hier allang niet meer alleen gaat om internationaal berichtenverkeer blijkt uit een beperking die wordt gesteld in lid 7 van dit artikel: Als de MID gegevens selecteert waarvan zowel oorsprong als bestemming zich in Nederland bevindt, moet ze toestemming vragen bij binnenlandse zaken.

Artikel 27

Regelt het opvragen van printgegevens bij de PTT en andere verzorgers van telecommunicatie. Het gaat om het opvragen van gegevens betreffende uitgaand verkeer (N-acties oftewel numerator- of notabene-acties) en binnenkomend verkeer (call-trace-acties). Hiervoor is ook nu al geen toestemming vereist en dat blijft zo. De telecommunicatiebedrijven zijn verplicht de gevraagde gegevens te verstrekken.

Artikel 28

Regelt het opvragen van abonnee-gegevens bij de verzorgers van telecommunicatiediensten. Er is geen toestemming vereist en de bedrijven zijn verplicht te verstrekken.

3. Inzage

Artikel 45.1 en 2

1. Onze betrokken Minister deelt een ieder op diens aanvraag zo spoedig mogelijk, doch uiterlijk binnen drie maanden mede of en, zo ja, welke hem betreffende persoonsgegevens door of ten behoeve van een dienst zijn verwerkt (..).

2. Voor zover een aanvraag als bedoeld in het eerste lid wordt ingewilligd, stelt Onze betrokken Minister de aanvrager zo spoedig mogelijk, doch uiterlijk binnen vier weken na bekendmaking van zijn besluit in de gelegenheid van zijn gegevens kennis te nemen. De gegevens worden door de aanvrager bij gelegenheid van de kennisneming op generlei wijze vastgelegd.

Een vorm van inzage van het eigen dossier die ver achterblijft bij hetgeen momenteel geboden wordt. Zelfs het kopierecht waarin de Raad van State momenteel geen enkel probleem ziet wordt aan de inziener onthouden.

Artikel 48.1

Onze betrokken Minister deelt een ieder op diens aanvraag zo spoedig mogelijk, doch uiterlijk binnen

drie maanden mede of kennis kan worden genomen van andere dan persoonsgegevens betreffende de in de aanvraag vermelde bestuurlijke aangelegenheid. (..)

De derdeninzage (van groot belang voor historisch en biografisch onderzoek) in persoonsgegevens wordt in dit artikel geheel onmogelijk gemaakt. Bij de andere gegevens wordt in grote lijnen de regeling van de Wet openbaarheid bestuur (Wob) gevolgd, zij het dat de termijnen waarbinnen geantwoord moet worden aanzienlijk langer zijn gesteld dan in de Wob. De kamerleden van D'66 hebben de indruk dat 'de koudwatervrees groot is en dat geheimhouding van gegevens in Nederland een aanzienlijk grotere prioriteit krijgt dan in vele andere landen.' (2)

Artikel 49.2

2. Bij het kiezen tussen de vormen van inkennisstelling houdt onze betrokken Minister rekening met de voorkeur van de aanvrager en het belang van de dienst.

Een belangrijke afwijking van de regeling over de vorm van de verstrekking in de Wob. De Wob gaat in deze uit van de voorkeur van de aanvrager. De WIV noemt als extra criterium 'het belang van de dienst'. In de praktijk zal dit gaan betekenen dat aanvragers veelal tevreden zullen moeten zijn met vage parafrasen in plaats van (eventueel van gevoelige gegevens geschoonde) kopieën van documenten.

4. Controle

Artikel 59

1. Er is een commissie van toezicht betreffende de inlichtingen- en veiligheidsdiensten.

2. De Commissie is belast met:

- a. het toezicht op de rechtmatigheid van de uitvoering van hetgeen bij of krachtens deze wet en de Wet veiligheidsonderzoeken is gesteld.
- b. het adviseren van Onze betrokken Ministers terzake van het onderzoeken en beoordelen van klachten.

De commissie zal dus alleen de rechtmatigheid van het optreden van de diensten bekijken en niet ook de doelmatigheid. De taak van de commissie bij het onderzoek van klachten is in de wet in het geheel niet uitgewerkt. Daar blijft als vanouds de ombudsman in beeld.

Artikel 60.1 en 2

1. De commissie van toezicht bestaat uit drie leden, onder wie de voorzitter.

2. De leden worden benoemd bij koninklijk besluit op voordracht van Onze betrokken Ministers

gezamenlijk voor een tijdvak van zes jaar en kunnen slechts eenmaal worden herbenoemd. Voor de benoeming van de voorzitter wordt door de vice-president van de Raad van State, de president van de Hoge Raad der Nederlanden en de Nationale ombudsman gezamenlijk een aanbeveling gedaan van drie personen.

Artikel 67

De vergaderingen van de commissie van toezicht zijn niet openbaar.

Artikel 75.1

De commissie van toezicht stelt naar aanleiding van het door haar verrichte onderzoek een toezichtsrapport op. Het toezichtsrapport is niet openbaar.

Er is hier gekozen voor een commissie die benoemd wordt vanuit de uitvoerende macht en niet voor een commissie die bestaat uit volksvertegenwoordigers of althans benoemd wordt door het parlement. De commissie vergadert in het geheim en brengt in het geheim verslag uit. Daarmee is het ondanks de bevoegdheden van de commissie (kennisname van alle inlichtingen, horen van getuigen met uitzondering van de ministers zelf, betreden van alle plaatsen met uitzondering van woningen) maar de vraag wat hiervan waargemaakt zal worden. Zo hoeven de ambtenaren van de betrokken diensten alleen een verklaring af te leggen als hun door de betrokken minister en de minister van justitie een ontheffing van de plicht tot geheimhouding is verleend. Het belangrijkste is echter dat de commissie (evenmin als de ombudsman) niet corrigerend op kan treden. Ze kan slechts aanbevelingen doen aan de minister. De leden van de D'66-fractie in de Tweede Kamer vrezen dan ook dat 'ook de nu gekozen oplossing een Europese toets der kritiek niet zal kunnen doorstaan.'

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WETBOEK VAN STRAFRECHT --- ALGEMENE BEPALINGEN

Wet van 3 maart 1881, Stb. 35, zoals deze wet laatstelijk laatstelijk is gewijzigd bij de Wet van 25 februari 1999, Stb. 110

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TITEL I Omvang van de werking van de strafwet

Art. 1 . - 1. Geen feit is strafbaar dan uit kracht van een daaraan voorafgegane wettelijke strafbepaling.
- 2. Bij verandering in de wetgeving na het tijdstip waarop het feit begaan is, worden de voor de verdachte gunstigste bepalingen toegepast.

Art. 2 . De Nederlandse strafwet is toepasselijk op ieder die zich in Nederland aan enig strafbaar feit schuldig maakt.

Art. 3 . De Nederlandse strafwet is toepasselijk op ieder die zich buiten Nederland aan boord van een

Nederlands vaartuig of
luchtvaartuig aan enig strafbaar feit schuldig maakt.

Art. 4 . De Nederlandse strafwet is toepasselijk op ieder die zich buiten Nederland schuldig maakt:

- 1° aan een der misdrijven omschreven in de artikelen 92-96 , 97a , 98-98c , 105 en 108-110 ;
- 2° aan een der misdrijven omschreven in de artikelen 131 tot en met 134 en 189 , indien het strafbare feit of het misdrijf waarvan in die artikelen wordt gesproken, is een misdrijf als onder 1° bedoeld;
- 3° aan enig misdrijf ten opzichte van muntspeciën, munt- of bankbiljetten, van rijkswege uitgegeven zegels of rijksmerken;
- 4° aan valsheid in schuldbrieven of certificaten van schuld van de Nederlandse staat of van een Nederlandse provincie, gemeente of openbare instelling, de talons, dividend- en rentebewijzen tot deze stukken behorende, en de bewijzen, uitgegeven in plaats van deze stukken, inbegrepen, of aan het opzettelijk gebruik maken van zodanig vals of vervalst stuk als ware het echt en onvervalst;
- 5° aan een der misdrijven omschreven in de artikelen 216, tweede lid , 381-385 , 409 en 410 of aan de overtreding omschreven in artikel 446a ;
- 6° aan het misdrijf omschreven in artikel 207a ; 7°
 - a. aan het misdrijf omschreven in artikel 168 , begaan tegen een luchtvaartuig in bedrijf, indien dit een Nederlands luchtvaartuig is of wanneer de verdachte zich in Nederland bevindt;
 - b. aan het misdrijf omschreven in artikel 385a , begaan aan boord van een luchtvaartuig in vlucht, wanneer de plaats van opstijgen of die van de feitelijke landing gelegen is buiten het grondgebied van de staat waar het luchtvaartuig is ingeschreven en de verdachte zich in Nederland bevindt;
 - c. aan het misdrijf omschreven in artikel 385b , indien het daar bedoelde luchtvaartuig een Nederlands luchtvaartuig is of wanneer de verdachte zich in Nederland bevindt;
 - d. aan het misdrijf omschreven in artikel 385c , wanneer het is begaan, hetzij tegen een Nederlands luchtvaartuig, hetzij aan boord van een luchtvaartuig dat vervolgens in Nederland landt met de verdachte aan boord.
- 8° aan de misdrijven omschreven in de artikelen 166 , 168 , 350 , 352 , 354 , 385a, vierde lid , 385b, tweede lid , en 385c, indien het feit is begaan tegen een Nederlands zeegaand vaartuig, hetzij tegen of aan boord van enig ander zeegaand vaartuig en de verdachte zich in Nederland bevindt.
- 9° Aan een der misdrijven omschreven in de artikelen 117 , 117a , 117b en 285 , voor zover die feiten zijn gepleegd tegen een in Nederlandse dienst zijnde, of tot zijn gezin behorende, internationaal beschermd persoon of tegen diens

beschermde goederen en daarop
door de wet van het land, waar het begaan is, straf is gesteld.

Art. 4a . De Nederlandse strafwet is toepasselijk op ieder tegen wie de strafvervolgning door Nederland van een vreemde staat is overgenomen op grond van een verdrag waaruit de bevoegdheid tot strafvervolgning voor Nederland volgt.

Art. 5 . - 1. De Nederlandse strafwet is toepasselijk op de Nederlander die zich buiten Nederland schuldig maakt:

1° aan een der misdrijven omschreven in de Titels I en II van het Tweede Boek, en in de artikelen 197a , 197b , 197c , 206 , 237 , 272 , 273 , 388 en 389 ;

2° aan een feit hetwelk door de Nederlandse strafwet als misdrijf wordt beschouwd en waarop door de wet van het land waar het begaan is, straf is gesteld.

- 2. De vervolging kan ook plaatshebben, indien de verdachte eerst na het begaan van het feit Nederlander wordt.

Art. 6 . De Nederlandse strafwet is toepasselijk op de Nederlandse ambtenaar die zich buiten Nederland schuldig maakt aan een der misdrijven omschreven in Titel XXVIII van het Tweede Boek.

Art. 7 . De Nederlandse strafwet is toepasselijk op de schipper en de opvarenden van een Nederlands vaartuig die zich buiten Nederland, ook buiten boord, schuldig maken aan een der strafbare feiten omschreven in Titel XXIX van het Tweede Boek en Titel IX van het Derde Boek.

Art. 8 . De toepasselijkheid van de artikelen 2-7 wordt beperkt door de uitzonderingen in het volkenrecht erkend.

TITEL II Straffen

Art. 9 . - 1. De straffen zijn:

a. hoofdstraffen:

1° gevangenisstraf;

2° hechtenis;

3° het verrichten van onbetaalde arbeid ten algemenen nutte;

4° geldboete;

b. bijkomende straffen:

1° ontzetting van bepaalde rechten;

2° verbeurdverklaring;

3° openbaarmaking van de rechterlijke uitspraak.

- 2. In geval van veroordeling tot gevangenisstraf of tot hechtenis, vervangende hechtenis daaronder niet begrepen, kan de rechter tevens een geldboete opleggen.

- 3. Een bijkomende straf kan, in de gevallen waarin de wet haar oplegging toelaat, zowel afzonderlijk als te zamen met hoofdstraffen en met andere bijkomende straffen worden opgelegd.

Art. 9a . Indien de rechter dit raadzaam acht in verband met de geringe ernst van het feit, de persoonlijkheid van de dader of de omstandigheden waaronder het feit is begaan, dan wel die zich nadien hebben voorgedaan, kan hij in het vonnis bepalen dat geen straf of maatregel zal worden opgelegd.

Art. 10 . - 1. De gevangenisstraf is levenslang of tijdelijk.

- 2. De duur van de tijdelijke gevangenisstraf is ten minste een dag en ten hoogste vijftien achtereenvolgende jaren.

- 3. Zij kan voor ten hoogste twintig achtereenvolgende jaren worden opgelegd in de gevallen waarin op het misdrijf levenslange en tijdelijke gevangenisstraf ter keuze van de rechter zijn gesteld, en in die waarin wegens strafverhoging ter zake van samenloop van misdrijven, herhaling van misdrijf of het bepaalde bij artikel 44 , de tijd van vijftien jaren wordt overschreden.

- 4. Zij kan in geen geval de tijd van twintig jaren te boven gaan.

Art. 11 . Bij of krachtens wet worden regels gesteld ten aanzien van de tenuitvoerlegging van vrijheidsstraffen en vrijheidsbenemende maatregelen. Deze regels betreffen in elk geval:

a. de aanwijzing en de bestemming van inrichtingen bestemd voor deze tenuitvoerlegging;

b. de selectie van de personen ten aanzien van wie de tenuitvoerlegging van de voornoemde straffen en maatregelen plaatsvindt voor de inrichtingen;

c. het beheer van de inrichtingen en het toezicht daarop;

d. het regime in de inrichtingen;

e. gevallen waarin en de wijze waarop beperkingen op de grondrechten van de onder b omschreven personen plaats kan vinden;

f. de rechtsgang voor de onder b omschreven personen aangaande hun rakende beslissingen het regime van de inrichting betreffende alsmede aangaande hun betreffende beslissingen tot plaatsing en overplaatsing.

Art. 12 t/m 12a . Vervallen.

Art. 13 . - 1. Een veroordeelde tot gevangenisstraf die wegens de gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens daarvoor in aanmerking komt, kan worden geplaatst in een justitiële inrichting voor verpleging van ter beschikking gestelden; de artikelen 37c , 37d en 37e zijn in dat geval van overeenkomstige toepassing.

- 2. Indien een veroordeelde tot gevangenisstraf tevens de maatregel van terbeschikkingstelling met bevel tot verpleging van overheidswege is opgelegd, wordt op regelmatige tijdstippen beoordeeld of de veroordeelde dient te worden geplaatst in een justitiële inrichting voor verpleging van ter beschikking gestelden. De Minister geeft nadere regels voor de frequentie van de beoordelingen, alsmede de wijze waarop de beoordelingen dienen plaats te vinden.

- 3. De plaatsing en de beëindiging daarvan geschieden volgens regels, bij algemene maatregel van bestuur te stellen, op last van de Minister van Justitie, gegeven na een met redenen omkleed, gedagtekend en ondertekend advies van ten minste twee gedragsdeskundigen van verschillende disciplines - waaronder een psychiater - die de betrokkene hebben onderzocht. Zodanig advies dient door de gedragsdeskundigen gezamenlijk dan wel door ieder van hen afzonderlijk te zijn uitgebracht.

- 4. Tegen de beslissing tot plaatsing, de beslissing tot beëindiging daarvan en de beslissing tot niet plaatsing in afwijking van het advies van de rechter overeenkomstig het bepaalde in artikel 37b, tweede lid , kan de veroordeelde binnen vier weken nadat die beslissing aan hem is medegedeeld beroep instellen bij de sectie terbeschikkingstelling van de Centrale Raad voor Strafrechtstoepassing. Het bepaalde in Hoofdstuk XVI van de Beginselenwet verpleging ter beschikking gestelden is van overeenkomstige toepassing.

- 5. De overplaatsing en het beroep daartegen van de veroordeelden geschieden overeenkomstig de regels die van toepassing zijn op de overplaatsing en het beroep daartegen van ter beschikking gestelden ten aanzien van wie een bevel tot verpleging van overheidswege als bedoeld in artikel 37b of 38c is gegeven.

Art. 13a t/m 14 . Vervallen.

Art. 14a . - 1. In geval van veroordeling tot gevangenisstraf van ten hoogste een jaar, tot hechtenis, vervangende hechtenis daaronder niet begrepen, of tot geldboete, kan de rechter bepalen dat de straf of een gedeelte daarvan niet zal worden tenuitvoergelegd.

- 2. Ingeval van veroordeling tot gevangenisstraf van meer dan een jaar en ten hoogste drie jaren kan de rechter bepalen dat een gedeelte van de straf, tot ten hoogste een derde, niet zal worden tenuitvoergelegd.

- 3. De rechter kan voorts bepalen dat opgelegde bijkomende straffen geheel of gedeeltelijk niet zullen worden tenuitvoergelegd.

Art. 14b . - 1. De rechter die bepaalt dat een door hem opgelegde straf geheel of gedeeltelijk niet zal worden tenuitvoergelegd, stelt daarbij een proeftijd vast.

- 2. De proeftijd bedraagt in de gevallen bedoeld in artikel 14c, eerste lid , en tweede lid , onder 3° en 4°, ten hoogste twee jaren en in de overige gevallen ten hoogste drie jaren.

- 3. De proeftijd gaat in:

a. indien een kennisgeving als bedoeld in artikel 366a, eerste en tweede lid , van het Wetboek van Strafvordering is uitgereikt of toegezonden, op de vijftiende dag nadat de einduitspraak is gedaan, tenzij door de tijdige aanwending van een rechtsmiddel het vonnis of arrest niet onherroepelijk is geworden;

b. indien een kennisgeving als bedoeld in artikel 366a, derde lid , van het Wetboek van Strafvordering moet worden betekend, op de vijftiende dag na die betekening, tenzij door de tijdige aanwending van een rechtsmiddel het vonnis of arrest niet onherroepelijk is geworden.

- 4. De proeftijd loopt niet gedurende de tijd dat de veroordeelde rechtens zijn vrijheid is ontnomen.

Art. 14c . - 1. Toepassing van artikel 14a geschiedt onder de algemene voorwaarde dat de veroordeelde zich voor het einde van de proeftijd niet schuldig maakt aan een strafbaar feit.

- 2. Bij toepassing van artikel 14a kunnen voorts de volgende bijzondere voorwaarden worden gesteld:
1° gehele of gedeeltelijke vergoeding van de door het strafbare feit veroorzaakte schade binnen een door de rechter te bepalen termijn, korter dan de proeftijd;

2° opneming van de veroordeelde in een inrichting ter verpleging gedurende een door de rechter te bepalen termijn, ten hoogste gelijk aan de proeftijd;

3° storting van een door de rechter vast te stellen waarborgsom, ten hoogste gelijk aan het verschil tussen het maximum van de geldboete die voor het feit kan worden opgelegd en de opgelegde boete;

4° storting van een door de rechter vast te stellen som gelds in het schadefonds geweldsmisdrijven of ten gunste van een instelling die zich ten doel stelt belangen van slachtoffers van strafbare feiten te behartigen. Het bedrag kan niet hoger zijn dan de geldboete die ten hoogste voor het strafbare feit kan worden opgelegd.

5° andere bijzondere voorwaarden, het gedrag van de veroordeelde betreffende, waaraan deze gedurende de proeftijd, of een bij de veroordeling te bepalen gedeelte daarvan, heeft te voldoen.

- 3. De bijzondere voorwaarden mogen de vrijheid van de veroordeelde zijn godsdienst of levensovertuiging te belijden en de staatkundige vrijheid niet beperken.
- 4. Bij het stellen van één van de bijzondere voorwaarden genoemd in het tweede lid, onder 3° en 4°, vinden de artikelen 23, eerste en tweede lid, en 24 overeenkomstige toepassing.

Art. 14d . - 1. Met het toezicht op de naleving van de voorwaarden is het openbaar ministerie belast.
- 2. De rechter kan aan een krachtens algemene maatregel van bestuur aangewezen reclasseringsinstelling dan wel aan een bijzondere reclasseringsambtenaar opdracht geven de veroordeelde bij de naleving van de voorwaarden hulp en steun te verlenen.

Art. 14e . Vervallen.

Art. 14f . - 1. De rechter die de voorwaarde heeft gesteld kan hetzij na de ontvangst van een vordering van het openbaar ministerie, hetzij op verzoek van de veroordeelde de proeftijd verkorten of deze éénmaal verlengen. De verlenging geschiedt met ten hoogste één jaar.
- 2. Evenzo kan de in het eerste lid bedoelde rechter gedurende de proeftijd of gedurende de tijd dat deze is geschorst in de gestelde bijzondere voorwaarden of in de termijn waartoe deze voorwaarden in haar werking binnen de proeftijd zijn beperkt wijziging brengen, deze voorwaarden opheffen, alsnog bijzondere voorwaarden stellen en een opdracht als bedoeld in artikel 14d geven, wijzigen of opheffen.

Art. 14g . - 1. Indien enige gestelde voorwaarde niet wordt nageleefd kan de rechter, indien hij daartoe termen vindt, na ontvangst van een vordering van het openbaar ministerie en onverminderd het bepaalde in artikel 14f, 1° gelasten dat de niet ten uitvoergelegde straf alsnog zal worden tenuitvoergelegd;
2° al of niet onder instandhouding of wijziging van de voorwaarden gelasten dat een gedeelte van de niet tenuitvoergelegde straf alsnog zal worden tenuitvoergelegd.
- 2. In geval de rechter overweegt een last te geven tot tenuitvoerlegging van een vrijheidsstraf, of van een gedeelte daarvan, van niet meer dan zes maanden, kan hij in de plaats daarvan het verrichten van onbetaalde arbeid, bedoeld in artikel 9, eerste lid, sub a, onder 3, gelasten. De artikelen 22c tot en met 22j zijn van overeenkomstige toepassing, met dien verstande dat het totaal aantal uren te verrichten arbeid dat terzake van het strafbare feit kan worden opgelegd ten hoogste tweehonderdenveertig bedraagt.
- 3. Tot behandeling van de vordering is bevoegd de rechter die de straf heeft opgelegd. Indien de veroordeelde wordt vervolgd wegens

een strafbaar feit, begaan voor het einde van de proeftijd, is tot behandeling van de vordering bevoegd:

- de arrondissementsrechtbank, indien deze bevoegd is tot kennisneming in eerste aanleg van het feit,
- de kantonrechter, indien deze bevoegd is tot kennisneming van dat feit en van feiten, terzake waarvan de veroordeling, waarop de vordering betrekking heeft, is uitgesproken. De vordering wordt in dat geval ingediend door het openbaar ministerie belast met de vervolging van het feit en kan slechts bij gelegenheid van een veroordeling terzake worden toegewezen. Strekt de vordering tot de tenuitvoerlegging van gevangenisstraf van meer dan zes maanden, dan wordt zij niet door een enkelvoudige kamer van de rechtbank behandeld.

- 4. Wanneer overeenkomstig artikel 14c, tweede lid , onder 3^o, een waarborgsom is gestort kan de rechter voorts een beslissing nemen, krachtens welke die som geheel of ten dele aan de Staat vervalt.

- 5. De in het eerste en tweede lid bedoelde vordering wordt gedagtekend op de dag van ontvangst ter griffie. Het openbaar ministerie is in zijn vordering niet ontvankelijk wanneer zij later wordt ingediend dan drie maanden na het verstrijken der proeftijd.

Art. 14h . - 1. In de gevallen in de artikelen 14f en 14g bedoeld brengt het openbaar ministerie de zaak aan door de indiening van een met redenen omklede vordering. Is door de veroordeelde een verzoek tot toepassing van artikel 14f tot de rechter gericht, dan dient het openbaar ministerie ten spoedigste nadat het verzoekschrift in zijn handen is gesteld een met redenen omklede conclusie in.

- 2. Onmiddellijk na de indiening van de vordering of de conclusie bepaalt de rechter, tenzij de summiere kennisneming van de stukken hem aanleiding geeft om de vordering of het verzoek buiten behandeling te laten, een dag voor het onderzoek van de zaak. In het geval, bedoeld in artikel 14g, derde lid , tweede volzin, geschiedt de behandeling van de vordering gelijktijdig met de behandeling van het feit waarvoor de veroordeelde wordt vervolgd.

- 3. Het openbaar ministerie doet de veroordeelde en degene die met het verlenen van hulp en steun was belast tot bijwoning van het onderzoek oproepen, onder betekening van de vordering of de conclusie aan de veroordeelde.

- 4. Zowel het openbaar ministerie als de veroordeelde is bevoegd getuigen en deskundigen te doen dagvaarden of schriftelijk te doen oproepen om bij het onderzoek tegenwoordig te zijn. De artikelen 260 en 263 van het Wetboek van Strafvordering vinden overeenkomstige toepassing.

- 5. De veroordeelde en degene die met het verlenen van hulp en steun is belast kunnen vóór de aanvang van het onderzoek van de stukken kennis nemen. Hetzelfde geldt ten aanzien van de raadsman van de veroordeelde of, indien de

zaak bij de kantonrechter wordt behandeld, ten aanzien van een bijzonder daartoe door de veroordeelde gemachtigde. Het bepaalde bij en krachtens artikel 34 van het Wetboek van Strafvordering is van overeenkomstige toepassing.

Art. 14i . - 1. Het onderzoek vindt plaats ter openbare terechtzitting.

- 2. Het openbaar ministerie is bij het onderzoek tegenwoordig en wordt terzake gehoord.

- 3. De veroordeelde en degene die met het verlenen van hulp en steun is belast kunnen bij het onderzoek tegenwoordig zijn en worden

alsdan gehoord. De veroordeelde kan zich door een raadsman of, indien de zaak bij de kantonrechter wordt behandeld, door een bijzonder

daartoe door de veroordeelde gemachtigde, doen bijstaan.

- 4. In gevallen waarin de behandeling van de zaak niet gelijktijdig geschiedt met de behandeling van een feit waarvoor de veroordeelde

wordt vervolgd, vinden de artikelen 260, eerste lid , 268, tweede lid , 269 tot en met 277 , 278, tweede lid , 281 , 284, eerste lid , 286 , 287,

tweede en `BREAK="INLINE"` derde lid , 288 , 289, eerste , tweede en derde lid , 290 tot en met 297 , 299 , 300 , 301 , 309 , 310 , 311 , 315 ,

316 , 318 , 319 , 320, eerste en tweede lid , 321 , 322 , 324 , 326 tot en met 329 , 331 , 345, eerste en derde lid , en 346 van het Wetboek van

Strafvordering overeenkomstige toepassing.

- 5. De in het vierde lid genoemde artikelen vinden geen toepassing voor zover deze betrekking hebben op een getuige wiens identiteit niet of slechts ten dele blijkt.

- 6. Gedurende het onderzoek kan het openbaar ministerie zijn ingediende vordering of conclusie en de veroordeelde zijn verzoek wijzigen.

Art. 14j . - 1. Rechterlijke beslissingen omtrent vorderingen van het openbaar ministerie of verzoeken van de veroordeelde zijn met

redenen omkleed en worden in het openbaar uitgesproken. Zij zijn, voor zover zij geen deel uitmaken van uitspraken terzake van andere strafbare feiten, niet aan enig rechtsmiddel onderworpen.

- 2. De inhoud van de in het eerste lid bedoelde beslissingen wordt onverwijld vanwege het openbaar ministerie schriftelijk medegedeeld

aan de veroordeelde en aan degene die met het verlenen van hulp en steun is belast, zomede aan degene die bij de beslissing daarvan

wordt ontheven. Indien de beslissing een wijziging van de bijzondere voorwaarden bevat of daarbij alsnog bijzondere voorwaarden zijn

gesteld wordt de mededeling aan de veroordeelde in persoon betekend.

Art. 14k . - 1. Wanneer overeenkomstig artikel 14c, tweede lid , onder 3°, een waarborgsom is gestort, wordt deze aan de veroordeelde

teruggegeven, voor zover die som niet krachtens een rechterlijke beslissing, als bedoeld in artikel 14g, derde lid, aan de Staat is vervallen.

De teruggave geschiedt zodra vaststaat dat zodanige beslissing niet meer kan worden genomen, onverminderd de bevoegdheid van de rechter om, op vordering van het openbaar ministerie of op verzoek van de veroordeelde, te bevelen dat gehele of gedeeltelijke teruggave op een eerder tijdstip zal plaats hebben.

- 2. In geval van een vordering of verzoek als bedoeld in het vorige lid vinden de artikelen 14h-14j overeenkomstige toepassing.

- 3. De aanspraak op teruggave is niet overdraagbaar.

Art. 14l . Vervallen.

Art. 15 . - 1. De veroordeelde tot vrijheidsstraf waarvan het onvoorwaardelijk ten uitvoer te leggen gedeelte ten hoogste een jaar bedraagt wordt vervroegd in vrijheid gesteld wanneer de vrijheidsbeneming ten minste zes maanden heeft geduurd en van het alsdan nog ten uitvoer te leggen gedeelte van de straf een derde gedeelte is ondergaan.

- 2. De veroordeelde tot tijdelijke vrijheidsstraf waarvan het onvoorwaardelijk ten uitvoer te leggen gedeelte meer dan een jaar bedraagt

wordt vervroegd in vrijheid gesteld wanneer hij twee derde gedeelte daarvan heeft ondergaan.

- 3. Voor de toepassing van de vorige leden wordt de tijd die door de veroordeelde voor de tenuitvoerlegging van de uitspraak in verzekering, in voorlopige hechtenis of in detentie in het buitenland ingevolge een Nederlands verzoek om uitlevering is doorgebracht onder de termijn begrepen, tenzij die tijd, met toepassing van artikel 68, eerste lid, laatste volzin, van het Wetboek van Strafvordering reeds in mindering is gebracht op een andere straf die de veroordeelde heeft ondergaan.

- 4. Het eerste lid is van overeenkomstige toepassing indien op grond van artikel 14g, eerste lid, de tenuitvoerlegging van het geheel of een gedeelte van een vrijheidsstraf is gelast.

- 5. Indien de veroordeelde meer dan één vrijheidsstraf geheel of gedeeltelijk heeft te ondergaan, worden deze zo enigszins mogelijk

aaneensluitend ten uitvoergelegd. In dat geval worden de tenuitvoer te leggen gedeelten gezamenlijk, met uitzondering van vervangende

hechtenis, als één vrijheidsstraf aangemerkt, waarop dit artikel en artikel 15a toepasselijk zijn.

- 6. De artikelen 570 en 570a van het Wetboek van Strafvordering zijn toepasselijk.

Art. 15a . - 1. Vervroegde invrijheidstelling kan worden uitgesteld of achterwege blijven indien:

a. de veroordeelde op grond van de gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens is geplaatst in een inrichting

voor verpleging van ter beschikking gestelden en zijn verpleging voortzetting behoeft;

b. de veroordeelde onherroepelijk is veroordeeld terzake van een misdrijf waarvoor ingevolge artikel 67,

eerste lid , van het Wetboek van

Strafvordering voorlopige hechtenis is toegelaten en dat is begaan na de aanvang van de tenuitvoerlegging van zijn straf;

c. is gebleken dat de veroordeelde zich anderszins na de aanvang van de tenuitvoerlegging van zijn straf zeer ernstig heeft misdragen;

d. de veroordeelde na de aanvang van de tenuitvoerlegging van zijn straf zich hieraan onttrekt of hiertoe een poging doet.

- 2. Indien het openbaar ministerie, met de tenuitvoerlegging van de straf belast, van oordeel is dat er op een der gronden genoemd in het eerste lid reden is een vervroegde invrijheidstelling met een bepaalde termijn uit te stellen of achterwege te laten, richt het onverwijld een daartoe strekkende schriftelijke vordering tot het gerechtshof te Arnhem. De vordering bevat de grond waarop zij berust. Een afschrift van de vordering wordt toegezonden aan de veroordeelde.

- 3. In de gevallen als bedoeld in het vijfde lid van artikel 15 komt deze bevoegdheid toe aan het openbaar ministerie bij het gerecht waarvan de uitspraak het laatst in kracht van gewijsde is gegaan, dan wel aan het openbaar ministerie bij het gerecht, dat de langste ten uitvoer te leggen vrijheidsstraf heeft opgelegd.

- 4. De in het tweede lid bedoelde vordering dient uiterlijk dertig dagen vóór het tijdstip waarop vervroegde invrijheidstelling ingevolge het vorige artikel zou moeten plaats vinden te zijn ontvangen op de griffie van het gerechtshof. Het openbaar ministerie is in een later ingediende vordering ontvankelijk indien het aannemelijk maakt dat een omstandigheid als bedoeld in het eerste lid zich eerst nadien heeft voorgedaan.

- 5. Vervroegde invrijheidstelling kan tevens worden uitgesteld of achterwege blijven, indien de feiten of omstandigheden als genoemd in het eerste lid, onder b, c en d, zich hebben voorgedaan gedurende de periode die ingevolge artikel 27, eerste lid , op de gevangenisstraf in mindering wordt gebracht.

Art. 15b . - 1. Bij zijn vordering zendt het openbaar ministerie de daarop betrekking hebbende stukken aan het gerechtshof toe. De voorzitter van het gerechtshof bepaalt daarop onverwijld een dag voor het onderzoek van de zaak, tenzij hij vaststelt dat het openbaar ministerie in zijn vordering niet kan worden ontvangen. Indien zulks niet wordt vastgesteld, stelt de griffier een afschrift van de vordering

en van de daarop betrekking hebbende stukken de procureur-generaal bij het gerechtshof ter hand.

- 2. Hangende de beslissing van het gerechtshof op de vordering wordt de veroordeelde niet vervroegd in vrijheid gesteld.

- 3. Indien niet blijkt dat de veroordeelde een raadsman heeft, geeft de voorzitter op verzoek van de veroordeelde aan het bureau

rechtsbijstandvoorziening last tot toevoeging van een raadsman. De veroordeelde en zijn raadsman kunnen voor de aanvang van het onderzoek van de stukken kennis nemen. Het bepaalde bij en krachtens artikel 34 van het Wetboek van Strafvordering is van overeenkomstige toepassing.

- 4. Zowel de procureur-generaal als de veroordeelde is bevoegd getuigen en deskundigen te doen dagvaarden of schriftelijk te doen oproepen om bij het onderzoek tegenwoordig te zijn. De artikelen 260 en 263 van het Wetboek van Strafvordering vinden overeenkomstige toepassing. Het gerechtshof kan ambtshalve ook andere personen horen.
- 5. Het onderzoek vindt plaats ter openbare terechtzitting. De veroordeelde wordt in de gelegenheid gesteld bij de behandeling van zijn zaak tegenwoordig te zijn en zich door zijn raadsman te doen bijstaan. De procureur-generaal is bij het onderzoek aanwezig en wordt terzake gehoord.
- 6. De artikelen 268, tweede lid , 269 , 270 , 271, eerste lid , 272 , 273, eerste en tweede lid , 277 , 281 , 284, eerste lid , 287, tweede en derde lid , 288, eerste , tweede en vierde lid , 289, eerste , tweede en derde lid , 290 tot en met 297 , 315 , 319 , 320, eerste en tweede lid , 321 , 322 , 324 , 326 tot en met 331 , 345, eerste en derde lid , en 346 van het Wetboek van Strafvordering vinden overeenkomstige toepassing.
- 7. De in het zesde lid genoemde artikelen vinden geen toepassing voor zover deze betrekking hebben op een getuige wiens identiteit niet of slechts ten dele blijkt.

Art. 15c . - 1. Indien het gerechtshof de vordering van het openbaar ministerie toewijst, verleent het machtiging de veroordeelde op het in de vordering aangegeven tijdstip in vrijheid te stellen. Het openbaar ministerie is bevoegd te vorderen dat vervroegde invrijheidstelling, waarvan uitstel is gelast, wederom wordt uitgesteld of niet plaats vindt, indien zich na de aanvankelijke beslissing opnieuw een omstandigheid heeft voorgedaan als bedoeld in het eerste lid van artikel 15a.

- 2. Indien het gerechtshof de vordering geheel of gedeeltelijk afwijst, bepaalt het op welk tijdstip de veroordeelde vervroegd in vrijheid gesteld zal worden.
- 3. De beslissing van het gerechtshof omtrent een vordering is met redenen omkleed en wordt in het openbaar uitgesproken. Vanwege de procureur-generaal wordt zij onverwijld aan het openbaar ministerie dat de vordering instelde en aan de veroordeelde ter kennis gebracht.
- 4. Tegen de beslissing van het gerechtshof staat geen rechtsmiddel open.

Art. 15d . In gevallen waarin het gerechtshof een vordering geheel of gedeeltelijk afwijst kan het op verzoek van de veroordeelde hem een vergoeding ten laste van de Staat toekennen voor de schade die hij heeft geleden ten gevolge van vrijheidsbeneming, ondergaan uit hoofde van het tweede lid van artikel 15b . De artikelen 89, eerste lid , tweede volzin, derde , vierde en vijfde lid , 90 en 93 van het Wetboek van Strafvordering zijn van overeenkomstige toepassing.

Art. 15e t/m 15h . Vervallen.

Art. 16 . Voorschriften tot nadere regeling van het verlenen van hulp en steun aan veroordeelden worden vastgesteld bij of krachtens algemene maatregel van bestuur.

Art. 17 t/m 17a . Vervallen.

Art. 18 . - 1. De duur van de hechtenis is ten minste een dag en ten hoogste een jaar.
- 2. Zij kan voor ten hoogste een jaar en vier maanden worden opgelegd in de gevallen waarin wegens strafverhoging ter zake van samenloop, herhaling van misdrijf of het bepaalde bij artikel 44 , de tijd van een jaar wordt overschreden.
- 3. Zij kan in geen geval de tijd van een jaar en vier maanden te boven gaan.

Art. 19 . Artikel 13 is op de tot hechtenis of vervangende hechtenis veroordeelde van overeenkomstige toepassing.

Art. 20 . Vervallen.

Art. 21 . De duur van de tijdelijke gevangenisstraf en de hechtenis wordt in de rechterlijke uitspraak aangewezen in dagen, weken, maanden en jaren, niet in gedeelten daarvan.

Art. 22 . Vervallen.

Art. 22a . Het hoofd van het Departement van Justitie is bevoegd in bijzondere omstandigheden in het belang van de veiligheid van de staat te bepalen, dat vrijheidsstraffen buiten het Rijk in Europa ten uitvoer worden gelegd.

Art. 22b . - 1. In geval de rechter een onvoorwaardelijke vrijheidsstraf van niet meer dan zes maanden overweegt op te leggen dan wel een vrijheidsstraf, waarvan het onvoorwaardelijk ten uitvoer te leggen gedeelte niet meer dan zes maanden bedraagt, kan hij in plaats

daarvan het verrichten van onbetaalde arbeid ten algemenen nutte opleggen.

- 2. De straf van het verrichten van onbetaalde arbeid kan de rechter slechts opleggen indien hij zich ervan heeft vergewist dat op korte termijn een instelling of persoon bereid zal zijn de veroordeelde de arbeid te doen verrichten.

Art. 22c . - 1. De straf van het verrichten van onbetaalde arbeid kan de rechter slechts opleggen na een daartoe strekkend aanbod van de verdachte.

- 2. Het aanbod dient in ieder geval te vermelden de aard van de te verrichten werkzaamheden.

Art. 22d . - 1. Het vonnis vermeldt de vrijheidsstraf die de rechter overwoog op te leggen, en de straf van het verrichten van onbetaalde arbeid die hiervoor in de plaats komt.

- 2. Het vermeldt daarbij in ieder geval:

a. het aantal uren te verrichten arbeid;

b. de termijn binnen welke de arbeid, nadat het vonnis onherroepelijk is geworden, moet aanvangen en de termijn binnen welke de arbeid na aanvang dient te worden verricht;

c. de aard van de te verrichten werkzaamheden.

- 3. Het aantal uren te verrichten arbeid bedraagt ten hoogste tweehonderdenveertig. De termijn binnen welke de arbeid moet worden verricht is in geval de arbeid minder dan honderdentwintig uur bedraagt, ten hoogste zes maanden en in geval de arbeid meer dan honderdentwintig uur bedraagt, ten hoogste een jaar, tenzij het openbaar ministerie met toepassing van artikel 22f, eerste lid , de opgelegde straf heeft gewijzigd.

- 4. De straf wordt niet opgelegd dan met instemming van de verdachte.

Art. 22e . Over de wijze waarop de arbeid wordt of is verricht, kan het openbaar ministerie, naar regelen te stellen bij algemene maatregel van bestuur, inlichtingen inwinnen bij lichamen en personen die werkzaam zijn op het gebied van de reclassering. Artikel 147 van het Wetboek van Strafvordering is van overeenkomstige toepassing.

Art. 22f . - 1. Het openbaar ministerie kan de opgelegde straf wijzigen voor wat betreft de onderdelen bedoeld in artikel 22d, tweede lid , onder b en c, indien het van oordeel is dat de veroordeelde de arbeid niet geheel overeenkomstig de opgelegde straf, kan of heeft kunnen verrichten. Het benadert daarbij zo veel mogelijk de opgelegde straf.

- 2. Het openbaar ministerie zendt hiervan zo spoedig mogelijk een kennisgeving aan de veroordeelde. De kennisgeving behelst het aantal uren arbeid dat naar het oordeel van het openbaar ministerie is verricht, alsmede de straf zoals deze voor het overige nader is vastgesteld.

- 3. Tegen de kennisgeving bedoeld in het tweede lid kan de veroordeelde binnen acht dagen een bezwaarschrift indienen bij de rechter die de straf oplegde. De rechter kan dan de beslissing van het openbaar ministerie wijzigen. Het eerste lid is van overeenkomstige toepassing.

Art. 22g . De rechter die de straf oplegde kan op vordering van het openbaar ministerie, indien hij van oordeel is dat de veroordeelde de opgelegde straf niet naar behoren verricht of heeft verricht en indien hij daartoe termen vindt, alsnog de vrijheidsstraf in de plaats waarvan de opgelegde straf blijkens het vonnis werd opgelegd, opleggen en de gehele of gedeeltelijke tenuitvoerlegging daarvan gelasten. Hij houdt daarbij rekening met het deel van de te verrichten arbeid dat wel naar behoren is verricht.

Art. 22h . Op de behandeling van het bezwaarschrift van de veroordeelde ingevolge artikel 22f, derde lid , of op de behandeling van de vordering ingevolge artikel 22g , zijn de artikelen 14h tot en met 14j van overeenkomstige toepassing.

Art. 22i . Het openbaar ministerie kan een beslissing bedoeld in artikel 22f, eerste lid , slechts nemen, of een vordering bedoeld in artikel 22g , slechts instellen gedurende de termijn bedoeld in artikel 22d, tweede lid , onder b, waarbinnen de arbeid dient te zijn voltooid, of binnen drie maanden na afloop van deze termijn.

Art. 22j . - 1. Indien naar het oordeel van het openbaar ministerie de opgelegde arbeid naar behoren is verricht, stelt het zo spoedig mogelijk de veroordeelde hiervan in kennis.
- 2. Het openbaar ministerie kan daarna geen gebruik meer maken van zijn bevoegdheid genoemd in de artikelen 22f, eerste lid , en 22g .

Art. 23 . - 1. Hij die tot een geldboete is veroordeeld is verplicht tot betaling van het bij de rechterlijke uitspraak vastgestelde bedrag aan de staat binnen de termijn door het openbaar ministerie dat met de tenuitvoerlegging van het vonnis of arrest is belast, te stellen.

- 2. Het bedrag van de geldboete is ten minste vijf gulden.

- 3. De geldboete die voor een strafbaar feit ten hoogste kan worden opgelegd, is gelijk aan het bedrag van de categorie die voor dat feit is bepaald.

- 4. Er zijn zes categorieën: de eerste categorie, vijfhonderd gulden; de tweede categorie, vijfduizend gulden; de derde categorie, tienduizend gulden; de vierde categorie, vijftienduizend gulden; de vijfde categorie, honderdduizend gulden; de zesde categorie, één

miljoen gulden.

- 5. Voor een overtreding, onderscheidenlijk een misdrijf, waarop geen geldboete is gesteld, kan de rechter een geldboete opleggen tot ten hoogste het bedrag van de eerste, onderscheidenlijk de derde categorie.
- 6. Voor een overtreding, onderscheidenlijk een misdrijf, waarop een geldboete is gesteld, maar waarvoor geen boetecategorie is bepaald, kan de rechter een geldboete opleggen tot ten hoogste het bedrag van de eerste, onderscheidenlijk de derde categorie, indien dit bedrag hoger is dan het bedrag van de op het betrokken strafbare feit gestelde geldboete.
- 7. Bij veroordeling van een rechtspersoon kan, indien de voor het feit bepaalde boetecategorie geen passende bestraffing toelaat, een geldboete worden opgelegd tot ten hoogste het bedrag van de naast hogere categorie.
- 8. Het voorgaande lid is van overeenkomstige toepassing bij veroordeling van een vennootschap zonder rechtspersoonlijkheid, maatschap of doelvermogen.

Art. 24 . Bij de vaststelling van de geldboete houdt de rechter rekening met de draagkracht van de verdachte in de mate waarin hij dat nodig acht met het oog op een passende bestraffing van de verdachte zonder dat deze in zijn inkomen en vermogen onevenredig wordt getroffen.

Art. 24a . - 1. Indien bij het vonnis een of meer geldboeten zijn opgelegd tot een bedrag van ten minste vijfhonderd gulden, is de rechter bevoegd bij de uitspraak te bepalen, dat de veroordeelde het bedrag in gedeelten mag voldoen. Elk van die gedeelten wordt daarbij op ten minste honderd gulden bepaald.

- 2. In geval van toepassing van het eerste lid stelt de rechter bij de uitspraak tevens termijnen vast voor de betaling van het tweede en - zo de geldboete in meer gedeelten mag worden voldaan - de volgende gedeelten.

- 3. Deze termijnen worden op ten minste één en ten hoogste drie maanden gesteld. Zij mogen te zamen een tijdvak van twee jaar niet overschrijden.

Art. 24b . - 1. Wanneer een ingevolge een onherroepelijke veroordeling tot geldboete te betalen bedrag binnen de daarvoor gestelde termijn niet in zijn geheel is voldaan, wordt de veroordeelde door het openbaar ministerie schriftelijk tot betaling aangemaand. Het bedrag wordt dan van rechtswege verhoogd met vijftientig gulden. Het openbaar ministerie wijst de veroordeelde op het bepaalde in het tweede lid.

- 2. Is het overeenkomstig het eerste lid verhoogde bedrag na verloop van de bij de aanmaning gestelde termijn geheel of ten dele

onbetaald gebleven, dan wordt het bedrag, dan wel het nog verschuldigde gedeelte daarvan, van rechtswege verder verhoogd met een vijfde, doch ten minste met vijftig gulden.

- 3. Een geldboete die krachtens een rechterlijke beslissing overeenkomstig artikel 24a in gedeelten mag worden voldaan, of ten aanzien waarvan het openbaar ministerie betaling in termijnen heeft toegestaan, is onmiddellijk in haar geheel opeisbaar, zodra een verhoging krachtens het eerste lid is ingetreden.
- 4. In gevallen waarin het openbaar ministerie, nadat de veroordeelde reeds in verzuim was, alsnog uitstel van betaling heeft verleend, dan wel afbetaling heeft toegestaan, vinden de voorgaande leden van dit artikel geen toepassing, zolang de veroordeelde zijn verplichtingen volgens de getroffen nadere regeling nakomt.
- 5. Betalingen door de veroordeelde gedaan, worden geacht in de eerste plaats tot voldoening van de krachtens het eerste en tweede lid ingetreden verhogingen te strekken.

Art. 24c . - 1. Bij de uitspraak waarbij geldboete wordt opgelegd, beveelt de rechter voor het geval dat noch volledige betaling noch

volledig verhaal van het verschuldigde bedrag volgt, dat vervangende hechtenis zal worden toegepast.

Indien de veroordeelde een

rechtspersoon is, blijft dit bevel achterwege. Artikel 51 , laatste lid, is van overeenkomstige toepassing.

- 2. De duur van de vervangende hechtenis wordt in gehele dagen, weken of maanden vastgesteld.
- 3. De vervangende hechtenis belooft ten minste één dag en ten hoogste een jaar. Voor elke volle vijftig gulden van de geldboete wordt niet meer dan één dag opgelegd.
- 4. Wanneer een gedeelte van het verschuldigde bedrag is voldaan, vermindert de duur van de vervangende hechtenis naar evenredigheid. Heeft deze vermindering tot gevolg dat voor een gedeelte van een dag vervangende hechtenis zou moeten worden ondergaan, dan vindt afronding naar boven plaats tot het naaste aantal gehele dagen.
- 5. Het vorige lid is ook van toepassing in gevallen waarin de betaling geschiedt nadat reeds een deel van de vervangende hechtenis ten uitvoer is gelegd.

Art. 24d . - 1. Bij de uitspraak waarbij een natuurlijk persoon de verplichting is opgelegd tot betaling van een geldbedrag aan de staat ter

ontneming van wederrechtelijk verkregen voordeel, beveelt de rechter voor het geval dat noch volledige betaling noch volledig verhaal

van het verschuldigde bedrag volgt, dat vervangende hechtenis zal worden toegepast, met dien verstande dat vervangende hechtenis op

grond van dit artikel op te leggen op ten hoogste zes jaren kan worden bepaald.

- 2. De duur van deze vervangende hechtenis wordt niet verminderd door het voldoen van slechts een

gedeelte van het verschuldigde bedrag.

Art. 24e . Op de tenuitvoerlegging van vervangende hechtenis is het bepaalde in artikel 15 niet van toepassing.

Art. 25 . Vervallen.

Art. 26 . De gevangenisstraf en de hechtenis gaan, voor zover elk van deze straffen betreft, in:

- ten aanzien van veroordeelden die zich in voorlopige hechtenis bevinden ter zake van het feit waarvoor zij veroordeeld zijn, op de dag waarop de rechterlijke uitspraak in kracht van gewijsde is gegaan;
- ten aanzien van andere veroordeelden, op de dag van de tenuitvoerlegging van de rechterlijke uitspraak.

Art. 27 . - 1. Bij het opleggen van tijdelijke gevangenisstraf, hechtenis of de straf van het verrichten van onbetaalde arbeid ten algemenen nutte beveelt de rechter, dat de tijd die door de veroordeelde vóór de tenuitvoerlegging van de uitspraak in verzekering, in voorlopige hechtenis, in een psychiatrisch ziekenhuis of een inrichting voor klinische observatie bestemd ingevolge een bevel tot observatie of in detentie in het buitenland ingevolge een Nederlands verzoek om uitlevering is doorgebracht, bij de uitvoering van die straf geheel in mindering zal worden gebracht. Indien hij dit bevel geeft terzake van het verrichten van onbetaalde arbeid, bepaalt hij in zijn uitspraak volgens welke maatstaf de aftrek zal geschieden. Het vorenstaande blijft buiten toepassing voor zover die tijd reeds met toepassing van artikel 68, eerste lid , laatste volzin, van het Wetboek van Strafvordering in mindering is gebracht op een andere vrijheidsstraf die de veroordeelde heeft ondergaan.

- 2. Bij het berekenen van de in mindering te brengen tijd geldt de eerste dag van de verzekering als een volle dag en blijft de dag waarop zij is geëindigd buiten beschouwing.

- 3. De rechter kan een overeenkomstig bevel geven bij het opleggen van geldboete. Indien hij dit bevel geeft, bepaalt hij in zijn uitspraak volgens welke maatstaf de aftrek zal geschieden.

- 4. De voorgaande leden van dit artikel zijn ook van toepassing in gevallen waarin, bij gelijktijdige vervolging wegens twee of meer feiten, de veroordeling wordt uitgesproken ter zake van een ander feit dan dat waarvoor de verzekering of de voorlopige hechtenis is bevolen.

Art. 27a . De tijd die door de tot gevangenisstraf of hechtenis veroordeelde in het buitenland in detentie

is doorgebracht ingevolge een Nederlands verzoek om uitlevering ten behoeve van de tenuitvoerlegging of verdere tenuitvoerlegging van deze straf, komt daarop in mindering.

Art. 27bis t/m 27quater . Vervallen.

Art. 28 . - 1. De rechten waarvan de schuldige, in de bij de wet bepaalde gevallen, bij rechterlijke uitspraak kan worden ontzet, zijn:

1° het bekleden van ambten of van bepaalde ambten;

2° het dienen bij de gewapende macht;

3° het recht de leden van algemeen vertegenwoordigende organen te verkiezen en tot lid van deze organen te worden verkozen;

4° het zijn van raadsman of gerechtelijk bewindvoerder;

5° de uitoefening van bepaalde beroepen.

- 2. Ontzetting van leden van de rechterlijke macht die, hetzij voor hun leven, hetzij voor een bepaalde tijd, zijn aangesteld, of van andere

voor hun leven aangestelde ambtenaren, geschiedt, ten opzichte van het ambt waartoe zij aldus zijn aangesteld, alleen in de gevallen en op de wijze bij de wet bepaald.

- 3. Ontzetting van het recht bedoeld in het eerste lid, onder 3°, kan alleen worden uitgesproken bij veroordeling tot gevangenisstraf van ten minste een jaar.

Art. 29 . Ontzetting van het recht om ambten of bepaalde ambten te bekleden en bij de gewapende macht te dienen kan, behalve in de

gevallen in het Tweede Boek omschreven, worden uitgesproken bij veroordeling wegens enig ambtsmisdrijf of wegens enig misdrijf

waardoor de schuldige een bijzondere ambtsplicht schond of waarbij hij gebruik maakte van macht, gelegenheid of middel hem door zijn ambt geschonken.

Art. 30 . Vervallen.

Art. 31 . - 1. Wanneer ontzetting van rechten wordt uitgesproken, bepaalt de rechter de duur als volgt:

1° bij veroordeling tot levenslange gevangenisstraf, voor het leven;

2° bij veroordeling tot tijdelijke gevangenisstraf of tot hechtenis, voor een tijd de duur van de hoofdstraf ten minste twee en ten hoogste vijf

jaren te boven gaande;

3° bij veroordeling tot geldboete, voor een tijd van ten minste twee en ten hoogste vijf jaren;

4° bij afzonderlijke oplegging, voor een tijd van ten minste twee en ten hoogste vijf jaren.

- 2. De ontzetting van het recht vermeld in artikel 28, eerste lid , onder 3°, gaat in op de dag dat de

veroordeling daartoe onherroepelijk is geworden. De ontzetting van een van de andere in artikel 28, eerste lid, vermelde rechten gaat in op de dag waarop de rechterlijke uitspraak kan worden ten uitvoer gelegd.

Art. 32 . Vervallen.

Art. 33 . - 1. Verbeurdverklaring kan worden uitgesproken bij veroordeling wegens enig strafbaar feit.
- 2. Artikel 24 is van overeenkomstige toepassing.

Art. 33a . - 1. Vatbaar voor verbeurdverklaring zijn:

- a. voorwerpen die aan de veroordeelde toebehoren of die hij geheel of ten dele ten eigen bate kan aanwenden en die geheel of grotendeels door middel van het strafbare feit zijn verkregen;
- b. voorwerpen met betrekking tot welke het feit is begaan;
- c. voorwerpen met behulp van welke het feit is begaan of voorbereid;
- d. voorwerpen met behulp van welke de opsporing van het misdrijf is belemmerd;
- e. voorwerpen die tot het begaan van het misdrijf zijn vervaardigd of bestemd;
- f. zakelijke rechten op of persoonlijke rechten ten aanzien van de onder a tot en met e bedoelde voorwerpen.

- 2. Voorwerpen als bedoeld in het eerste lid onder a tot en met e die niet aan de veroordeelde toebehoren kunnen alleen verbeurd worden verklaard indien:

- a. degene aan wie zij toebehoren bekend was met hun verkrijging door middel van het strafbare feit of met het gebruik of de bestemming in verband daarmee, dan wel die verkrijging, dat gebruik of die bestemming redelijkerwijs had kunnen vermoeden, of
- b. niet is kunnen worden vastgesteld aan wie zij toebehoren.

- 3. Rechten als bedoeld in het eerste lid, onder f, die niet aan de veroordeelde toebehoren kunnen alleen verbeurd worden verklaard indien degene aan wie zij toebehoren bekend was met de verkrijging van de voorwerpen waarop of ten aanzien waarvan deze rechten bestaan, door middel van het strafbare feit of met het gebruik of de bestemming in verband daarmee, danwel die verkrijging, dat gebruik of die bestemming redelijkerwijs had kunnen vermoeden.

- 4. Onder voorwerpen worden verstaan alle zaken en alle vermogensrechten.

Art. 33b . In de verbeurdverklaring van een voorwerp is begrepen die van de verpakking waarin het zich bevindt, tenzij de rechter het tegendeel bepaalt.

Art. 33c . - 1. Bij de verbeurdverklaring van voorwerpen kan de rechter voor het geval waarin de

verbeurd verklaarde voorwerpen meer

zouden opbrengen dan een in de uitspraak vastgesteld bedrag, bevelen dat het verschil wordt vergoed.

- 2. De rechter kent een vergoeding, als bedoeld in het eerste lid, of een geldelijke tegemoetkoming toe wanneer dit nodig is om te

voorkomen dat de verdachte, of een ander aan wie de verbeurd verklaarde voorwerpen toebehoren, onevenredig zou worden getroffen.

- 3. De rechter bepaalt aan wie het bedrag van de vergoeding of tegemoetkoming wordt uitbetaald; zulks laat ieders recht op dit bedrag onverlet.

Art. 34 . - 1. Niet in beslag genomen voorwerpen worden, bij verbeurdverklaring, in de uitspraak op een bepaald geldelijk bedrag

geschat.

- 2. De voorwerpen moeten in dit geval worden uitgeleverd of de geschatte waarde moet worden betaald.

- 3. De artikelen 24b, 24c en 25 vinden overeenkomstige toepassing.

Art. 35 . - 1. De kosten van gevangenisstraf en hechtenis komen, voor zover niet bij of krachtens enige wet anders is bepaald, ten laste

van de Staat.

- 2. Al hetgeen wordt verkregen uit geldboeten en verbeurdverklaringen komt ten bate van de Staat.

Art. 36 . - 1. In de gevallen waarin de rechter krachtens de wet de openbaarmaking van zijn uitspraak gelast, bepaalt hij tevens de wijze

waarop aan die last uitvoering wordt gegeven.

- 2. De kosten van openbaarmaking worden in de uitspraak op een bepaald bedrag geschat.

- 3. De artikelen 24b, 24c en 25 vinden overeenkomstige toepassing.

TITEL II A Maatregelen

EERSTE AFDELING Onttrekking aan het verkeer, ontneming van het wederrechtelijk verkregen voordeel en schadevergoeding

Art. 36a . Alle kosten van tenuitvoerlegging van de in deze afdeling bedoelde maatregelen - met uitzondering van de kosten van het

verhaal, de invorderingskosten daaronder begrepen, - komen ten laste, al hetgeen door die tenuitvoerlegging wordt verkregen, komt ten

bate van de staat, met uitzondering van hetgeen door de tenuitvoerlegging van de maatregel, genoemd in artikel 36f , wordt verkregen.

Art. 36b . - 1. Onttrekking aan het verkeer van in beslag genomen voorwerpen kan worden uitgesproken:

1° bij de rechterlijke uitspraak waarbij iemand wegens een strafbaar feit wordt veroordeeld;

- 2° bij de rechterlijke uitspraak waarbij overeenkomstig artikel 9a wordt bepaald dat geen straf zal worden opgelegd;
 - 3° bij de rechterlijke uitspraak waarbij, niettegenstaande vrijspraak of ontslag van alle rechtsvervolging, wordt vastgesteld dat een strafbaar feit is begaan;
 - 4° bij een afzonderlijke rechterlijke beschikking op vordering van het openbaar ministerie.
- 2. De artikelen 33b en 33c, tweede en derde lid , alsmede artikel 446 van het Wetboek van Strafvordering, zijn van overeenkomstige toepassing.
- 3. De maatregel kan te zamen met straffen en met andere maatregelen worden opgelegd.

Art. 36c . Vatbaar voor onttrekking aan het verkeer zijn alle voorwerpen:

- 1° die geheel of grotendeels door middel van of uit de baten van het feit zijn verkregen;
- 2° met betrekking tot welke het feit is begaan;
- 3° met behulp van welke het feit is begaan of voorbereid;
- 4° met behulp van welke de opsporing van het feit is belemmerd;
- 5° die tot het begaan van het feit zijn vervaardigd of bestemd; een en ander voor zover zij van zodanige aard zijn, dat het ongecontroleerde bezit daarvan in strijd is met de wet of met het algemeen belang.

Art. 36d . Vatbaar voor onttrekking aan het verkeer zijn bovendien de aan de dader of verdachte toebehorende voorwerpen van zodanige aard dat het ongecontroleerde bezit daarvan in strijd is met de wet of met het algemeen belang, welke bij gelegenheid van het onderzoek naar het door hem begane feit, dan wel het feit waarvan hij wordt verdacht, zijn aangetroffen, doch alleen indien de voorwerpen kunnen dienen tot het begaan of de voorbereiding van soortgelijke feiten, dan wel tot de belemmering van de opsporing daarvan.

Art. 36e . - 1. Op vordering van het openbaar ministerie kan bij een afzonderlijke rechterlijke beslissing aan degene die is veroordeeld wegens een strafbaar feit de verplichting worden opgelegd tot betaling van een geldbedrag aan de staat ter ontneming van wederrechtelijk verkregen voordeel.

- 2. De verplichting kan worden opgelegd aan de in het eerste lid bedoelde persoon die voordeel heeft verkregen door middel van of uit de baten van het daar bedoelde strafbare feit of soortgelijke feiten of feiten waarvoor een geldboete van de vijfde categorie kan worden opgelegd, waaromtrent voldoende aanwijzingen bestaan dat zij door hem zijn begaan.

- 3. Op vordering van het openbaar ministerie kan bij een afzonderlijke rechterlijke beslissing aan degene die is veroordeeld wegens een misdrijf, waarvoor een geldboete van de vijfde categorie kan worden opgelegd, en tegen wie als verdachte van dat misdrijf een

- strafrechtelijk financieel onderzoek is ingesteld, de verplichting worden opgelegd tot betaling van een geldbedrag aan de staat ter ontneming van wederrechtelijk verkregen voordeel, indien gelet op dat onderzoek aannemelijk is dat ook andere strafbare feiten er op enigerlei wijze toe hebben geleid dat de veroordeelde wederrechtelijk voordeel heeft verkregen.
- 4. De rechter stelt het bedrag vast waarop het wederrechtelijk verkregen voordeel wordt geschat. Onder voordeel is de besparing van kosten begrepen. De waarde van voorwerpen die door de rechter tot het wederrechtelijk verkregen voordeel worden gerekend, kan worden geschat op de marktwaarde op het tijdstip van de beslissing of door verwijzing naar de bij openbare verkoop te behalen opbrengst, indien verhaal moet worden genomen. De rechter kan het te betalen bedrag lager vaststellen dan het geschatte voordeel.
 - 5. Onder voorwerpen worden verstaan alle zaken en alle vermogensrechten.
 - 6. Bij de bepaling van de omvang van het bedrag waarop het wederrechtelijk verkregen voordeel wordt geschat, worden aan benadeelde derden in rechte toegekende vorderingen in mindering gebracht.
 - 7. Bij de oplegging van de maatregel wordt rekening gehouden met uit hoofde van eerdere beslissingen opgelegde verplichtingen tot betaling van een geldbedrag ter ontneming van wederrechtelijk verkregen voordeel.

Art. 36f . - 1. Bij een rechterlijke uitspraak waarbij iemand wegens een strafbaar feit wordt veroordeeld, kan hem de verplichting worden opgelegd tot betaling aan de staat van een som geld ten behoeve van het slachtoffer. De staat keert een ontvangen bedrag onverwijld uit aan het slachtoffer.

- 2. De rechter kan de maatregel opleggen indien en voor zover de verdachte jegens het slachtoffer naar burgerlijk recht aansprakelijk is voor de schade die door het strafbare feit is toegebracht.
- 3. De maatregel kan te zamen met straffen en andere maatregelen worden opgelegd.
- 4. De artikelen 24a en 24b, eerste tot en met vierde lid , zijn van overeenkomstige toepassing, met dien verstande dat de verhoging van het ingevolge de maatregel verschuldigde bedrag vervalt aan de staat.
- 5. Betalingen door de veroordeelde aan de staat verricht, strekken in de eerste plaats tot voldoening van de maatregel en vervolgens tot voldoening van de krachtens het vierde lid ingetreden verhogingen.
- 6. De artikelen 24c en 771, tweede tot en met zesde lid , zijn van overeenkomstige toepassing, met dien verstande dat de toepassing van de vervangende hechtenis of vervangende jeugddetentie de verplichting ingevolge de maatregel tot schadevergoeding ten behoeve van het slachtoffer niet opheft.

TWEEDE AFDELING Plaatsing in een psychiatrisch ziekenhuis en terbeschikkingstelling

- Art. 37 . - 1.** De rechter kan gelasten dat degene aan wie een strafbaar feit wegens de gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens niet kan worden toegerekend, in een psychiatrisch ziekenhuis zal worden geplaatst voor een termijn van een jaar, doch alleen indien hij gevaarlijk is voor zichzelf, voor anderen, of voor de algemene veiligheid van personen of goederen.
- 2. De rechter geeft een last als bedoeld in het eerste lid slechts nadat hij zich een met redenen omkleed, gedagtekend en ondertekend advies heeft doen overleggen van ten minste twee gedragsdeskundigen van verschillende disciplines - waaronder een psychiater - die de betrokkene hebben onderzocht. Zodanig advies dient door de gedragsdeskundigen gezamenlijk dan wel door ieder van hen afzonderlijk te zijn uitgebracht. Indien dit advies eerder dan een jaar voor de aanvang van de terechtzitting is gedagtekend kan de rechter hiervan slechts gebruik maken met instemming van het openbaar ministerie en de verdachte.
- 3. Het tweede lid blijft buiten toepassing indien de betrokkene weigert medewerking te verlenen aan het onderzoek dat ten behoeve van het advies moet worden verricht. Voor zover mogelijk maken de gedragsdeskundigen gezamenlijk dan wel ieder van hen afzonderlijk over de reden van de weigering rapport op. De rechter doet zich zoveel mogelijk een ander advies of rapport, dat hem over de wenselijkheid of noodzakelijkheid van een last als bedoeld in het eerste lid kan voorlichten en aan de totstandkoming waarvan de betrokkene wel bereid is om medewerking te verlenen, overleggen.

- Art. 37a . - 1.** De verdachte bij wie tijdens het begaan van het feit gebrekkige ontwikkeling of ziekelijke stoornis van de geestvermogens bestond, kan op last van de rechter ter beschikking worden gesteld indien:
- 1° het door hem begane feit een misdrijf is waarop naar de wettelijke omschrijving een gevangenisstraf van vier jaren of meer is gesteld dan wel behoort tot een der misdrijven omschreven in de artikelen 132 , 285, eerste lid , 318 , 326a en 395 van het Wetboek van Strafrecht, 175, tweede lid , van de Wegenverkeerswet 1994, 11, tweede lid van de Opiumwet, of de overtreding is omschreven in artikel 432 onder 3° van het Wetboek van Strafrecht, en
- 2° de veiligheid van anderen, dan wel de algemene veiligheid van personen of goederen het opleggen van die maatregel eist.
- 2. Bij toepassing van het vorige lid kan de rechter afzien van het opleggen van straf, ook indien hij bevindt dat het feit wel aan de verdachte kan worden toegerekend.
- 3. Het tweede en derde lid van artikel 37 zijn van overeenkomstige toepassing.
- 4. Bij het geven van een last als bedoeld in het eerste lid neemt de rechter de inhoud van de overige

adviezen en rapporten die over de persoonlijkheid van de verdachte zijn uitgebracht, alsmede de ernst van het begane feit of de veelvuldigheid van voorafgegane veroordelingen wegens misdrijf in aanmerking.

Art. 37b . - 1. De rechter kan bevelen dat de ter beschikking gestelde van overheidswege wordt verpleegd, indien de veiligheid van anderen dan wel de algemene veiligheid van personen of goederen de verpleging eist.

- 2. Indien de rechter naast de maatregel van terbeschikkingstelling met bevel tot verpleging van overheidswege een gevangenisstraf heeft opgelegd kan de rechter in zijn uitspraak een advies opnemen omtrent het tijdstip waarop de terbeschikkingstelling met verpleging van overheidswege dient aan te vangen.

Art. 37c . - 1. Bij of krachtens de wet worden regels gesteld ten aanzien van de verpleging van overheidswege en de rechtspositie van de ter beschikking gestelden.

- 2. De Minister van Justitie ziet erop toe, dat de ter beschikking gestelde die van overheidswege wordt verpleegd de nodige behandeling krijgt. Hij kan met betrekking tot bepaalde verpleegden aan het hoofd van de inrichting bijzondere aanwijzingen geven in het belang van de veiligheid van anderen of de algemene veiligheid van personen of goederen.

Art. 37d . - 1. Ter beschikking gestelden kunnen worden verpleegd in door de Minister van Justitie aangewezen:

- a. particuliere inrichtingen, in beheer bij een in Nederland gevestigde rechtspersoon;
- b. rijksinrichtingen.

- 2. De verpleging geschiedt bij voorkeur in een particuliere inrichting.

Art. 37e . De kosten van de verpleging en behandeling van ter beschikking gestelden komen, voor zover niet bij of krachtens enige wet anders is bepaald, ten laste van de Staat.

Art. 37f t/m 37j . Vervallen.

Art. 38 . - 1. Indien de rechter niet een bevel als bedoeld in artikel 37b geeft, stelt hij ter bescherming van de veiligheid van anderen dan wel de algemene veiligheid van personen of goederen voorwaarden betreffende het gedrag van de ter beschikking gestelde. De rechter

kan tevens een in de uitspraak aangewezen instelling, die aan bepaalde, bij of krachtens algemene maatregel van bestuur te stellen, eisen voldoet opdracht geven de ter beschikking gestelde bij de naleving van de voorwaarden hulp en steun te

verlenen.

- 2. Indien bij de uitspraak tevens een vrijheidsstraf wordt opgelegd, kan deze in het in het eerste lid van dit artikel bedoelde geval ten hoogste op drie jaar worden bepaald.
- 3. Een voorwaarde als bedoeld in het eerste lid kan de rechter slechts stellen, indien de ter beschikking gestelde zich bereid heeft verklaard tot naleving van de voorwaarde.

Art. 38a . - 1. De voorwaarden bedoeld in het eerste lid van artikel 38 kunnen inhouden dat de ter beschikking gestelde zich in een door de rechter aangewezen inrichting laat opnemen, zich onder behandeling stelt van een in de uitspraak aangewezen deskundige, of door de behandelend arts voorgeschreven geneesmiddelen inneemt dan wel gedooft dat deze door de behandelend arts aan hem worden toegediend.

- 2. Bij of krachtens algemene maatregel van bestuur kunnen regels worden gesteld omtrent de eisen waaraan een door de rechter aan te wijzen inrichting moet voldoen.
- 3. Het openbaar ministerie houdt toezicht op de naleving van de gestelde voorwaarden.
- 4. De in artikel 38, eerste lid , bedoelde voorwaarden mogen de vrijheid de godsdienst of levensovertuiging te belijden en de staatkundige vrijheid niet beperken.

Art. 38b . De rechter kan, op vordering van het openbaar ministerie of op verzoek van de ter beschikking gestelde of diens raadsman, met inachtneming van het bepaalde in de voorgaande artikelen van deze afdeling:

- 1° de voorwaarden aanvullen, wijzigen of opheffen;
- 2° aan een andere instelling dan die welke daarmede tevoren was belast het verlenen van hulp en steun bij de naleving van de voorwaarden opdragen.

Art. 38c . De rechter kan, op vordering van het openbaar ministerie, indien een gestelde voorwaarde niet wordt nageleefd of anderszins het belang van de veiligheid van anderen dan wel de algemene veiligheid van personen of goederen zulks eist bevelen dat de ter beschikking gestelde alsnog van overheidswege zal worden verpleegd.

Art. 38d . - 1. De terbeschikkingstelling geldt voor de tijd van twee jaar, te rekenen van de dag waarop de rechterlijke uitspraak waarbij zij is opgelegd onherroepelijk is geworden.

- 2. De termijn van de terbeschikkingstelling kan, behoudens het bepaalde in artikel 38e of artikel 38j , door de rechter, op vordering van het openbaar ministerie, telkens hetzij met een jaar hetzij met twee jaar worden verlengd, indien de

veiligheid van anderen, dan wel de algemene veiligheid van personen of goederen die verlenging eist. Een tweede verlenging is slechts mogelijk wanneer een bevel als bedoeld in artikel 37b of artikel 38c is gegeven.

Art. 38e . - 1. De totale duur van de maatregel van terbeschikkingstelling gaat een periode van vier jaar niet te boven, tenzij de terbeschikkingstelling is opgelegd ter zake van een misdrijf dat gericht is tegen of gevaar veroorzaakt voor de onaantastbaarheid van het lichaam van een of meer personen.

- 2. Indien de totale duur van de terbeschikkingstelling niet in tijd is beperkt, kan de termijn van de terbeschikkingstelling telkens worden verlengd, wanneer de veiligheid van anderen, dan wel de algemene veiligheid van personen die verlenging eist.

Art. 38f . - 1. De termijn van de terbeschikkingstelling loopt niet:

a. gedurende de tijd dat aan de ter beschikking gestelde uit anderen hoofde rechtens zijn vrijheid is ontnomen en gedurende de tijd dat hij

zich aan zodanige vrijheidsontneming heeft onttrokken;

b. wanneer de ter beschikking gestelde zich langer dan een week achtereen ongeoorloofd ophoudt buiten de inrichting voor verpleging van ter beschikking gestelden waarin hij krachtens een bevel als bedoeld in artikel 37b of artikel 38c is opgenomen;

c. wanneer de ter beschikking gestelde zich langer dan een week achtereen ongeoorloofd ophoudt buiten een inrichting waarin hij krachtens een voorwaarde als bedoeld in artikel 38a, eerste lid , is opgenomen.

- 2. In afwijking van het bepaalde in het eerste lid, aanhef en onder a, loopt de termijn van de terbeschikkingstelling wel indien de ter beschikking gestelde:

a. krachtens een last als bedoeld in artikel 13 of ingevolge het bepaalde bij en krachtens de Penitentiaire beginselenwet in een inrichting voor verpleging van ter beschikking gestelden of in een ander psychiatrisch ziekenhuis is opgenomen, tenzij hij zich langer dan een week achtereen ongeoorloofd ophoudt buiten die inrichting of dat ziekenhuis;

b. nadat de termijn van de terbeschikkingstelling een aanvang heeft genomen, in een psychiatrisch ziekenhuis is opgenomen, tenzij hij zich langer dan een week achtereen ongeoorloofd ophoudt buiten dat ziekenhuis.

Art. 38g . - 1. De verpleging van overheidswege kan bij de beslissing tot verlenging van de terbeschikkingstelling voor de tijd van een jaar door de rechter ambtshalve, op vordering van het openbaar ministerie of op verzoek van de ter beschikking gestelde of zijn raadsman voorwaardelijk worden beëindigd.

- 2. De rechter kan ter bescherming van de veiligheid van anderen dan wel de algemene veiligheid van personen of goederen voorwaarden betreffende het gedrag van de ter beschikking gestelde stellen. De artikelen 38, eerste lid , tweede volzin en derde lid en 38a zijn van overeenkomstige toepassing.
- 3. De in het tweede lid, bedoelde voorwaarden mogen de vrijheid de godsdienst of levensovertuiging te belijden en de staatkundige vrijheid niet beperken.

Art. 38h . - 1. Onverminderd het bepaalde in artikel 38g, eerste lid , kan, indien het proefverlof van een ter beschikking gestelde ten minste twaalf maanden onafgebroken heeft voortgeduurd, zonder dat in deze periode de terbeschikkingstelling is verlengd, de rechter op vordering van het openbaar ministerie of op verzoek van de ter beschikking gestelde of diens raadsman de verpleging van overheidswege voorwaardelijk beëindigen.

- 2. In zodanig geval beëindigt de rechter de verpleging van overheidswege voorwaardelijk voor de duur van het gegeven bevel tot terbeschikkingstelling.

- 3. De artikelen 509p , 509r , 509s , 509t, eerste en vijfde lid , en 509u bis van het Wetboek van Strafvordering zijn van overeenkomstige toepassing.

Art. 38i . De rechter kan ambtshalve, op vordering van het openbaar ministerie of op verzoek van de ter beschikking gestelde of diens

raadsman, met inachtneming van het bepaalde in de voorgaande artikelen van deze afdeling:

1° de voorwaarden aanvullen, wijzigen of opheffen;

2° aan een andere instelling dan die welke daarmede tevoren was belast het verlenen van hulp en steun bij de naleving van voorwaarden opdragen.

Art. 38j . - 1. In geval van voorwaardelijke beëindiging van de verpleging van overheidswege kan de terbeschikkingstelling telkens met een jaar worden verlengd.

- 2. De totale duur van de voorwaardelijke beëindiging van de verpleging bedraagt ten hoogste drie jaren.

- 3. Indien de in het tweede lid bedoelde termijn is verstreken, zonder dat een last tot hervatting van de verpleging van overheidswege als bedoeld in artikel 38k is gegeven, eindigt de terbeschikkingstelling van rechtswege.

Art. 38k . De rechter kan, op vordering van het openbaar ministerie, een last tot hervatting van de verpleging van overheidswege geven, indien:

1° een gestelde voorwaarde niet wordt nageleefd of

2° het belang van de veiligheid van anderen dan wel van de algemene veiligheid van personen of goederen zulks eist, of

3° wanneer toepassing is gegeven aan artikel 38e , het belang van de veiligheid van anderen dan wel de algemene veiligheid van personen
zulks eist.

Art. 381 . - 1. Een terbeschikkingstelling vervalt bij het onherroepelijk worden van een rechterlijke uitspraak waarbij dezelfde persoon wederom ter beschikking wordt gesteld.

- 2. Een last tot plaatsing in een psychiatrisch ziekenhuis vervalt bij het onherroepelijk worden van een rechterlijke uitspraak waarbij ten aanzien van dezelfde persoon wederom een last tot plaatsing in een psychiatrisch ziekenhuis is gegeven.

- 3. Een last tot plaatsing in een psychiatrisch ziekenhuis eindigt van rechtswege bij het onherroepelijk worden van een rechterlijke uitspraak waarbij ten aanzien van dezelfde persoon een terbeschikkingstelling met bevel tot verpleging van overheidswege dan wel een last tot hervatting van zodanig bevel is gegeven.

TITEL III Uitsluiting en verhoging van strafbaarheid

Art. 39 . Niet strafbaar is hij die een feit begaat, dat hem wegens de gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens niet kan worden toegerekend.

Art. 39bis a t/m 39decies . Vervallen.

Art. 40 . Niet strafbaar is hij die een feit begaat waartoe hij door overmacht is gedrongen.

Art. 41 . - 1. Niet strafbaar is hij die een feit begaat, geboden door de noodzakelijke verdediging van eigen of eens anders lijf, eerbaarheid of goed tegen ogenblikkelijke, wederrechtelijke aanranding.

- 2. Niet strafbaar is de overschrijding van de grenzen van noodzakelijke verdediging, indien zij het onmiddellijk gevolg is geweest van een hevige gemoedsbeweging, door de aanranding veroorzaakt.

Art. 42 . Niet strafbaar is hij die een feit begaat ter uitvoering van een wettelijk voorschrift.

Art. 43 . - 1. Niet strafbaar is hij die een feit begaat ter uitvoering van een ambtelijk bevel, gegeven door het daartoe bevoegde gezag.

- 2. Een onbevoegd gegeven ambtelijk bevel heft de strafbaarheid niet op, tenzij het door de ondergeschikte te goeder trouw als bevoegd

gegeven werd beschouwd en de nakoming daarvan binnen de kring van zijn ondergeschiktheid was gelegen.

Art. 44 . Indien een ambtenaar door het begaan van een strafbaar feit een bijzondere ambtsplicht schendt of bij het begaan van een strafbaar feit gebruik maakt van macht, gelegenheid of middel hem door zijn ambt geschonken, kan de op het feit gestelde straf, met uitzondering van geldboete, met een derde worden verhoogd.

TITEL IV Poging en voorbereiding

Art. 45 . - 1. Poging tot misdrijf is strafbaar, wanneer het voornemen van de dader zich door een begin van uitvoering heeft geopenbaard.

- 2. Het maximum van de hoofdstraffen op het misdrijf gesteld wordt bij poging met een derde verminderd.

- 3. Geldt het een misdrijf waarop levenslange gevangenisstraf is gesteld, dan wordt gevangenisstraf opgelegd van ten hoogste vijftien jaren.

- 4. De bijkomende straffen zijn voor poging dezelfde als voor het voltooide misdrijf.

Art. 46 . - 1. Voorbereiding van een misdrijf waarop naar de wettelijke omschrijving een gevangenisstraf van acht jaren of meer is gesteld is strafbaar, wanneer de dader opzettelijk voorwerpen, stoffen, gelden of andere betaalmiddelen, informatiedragers, ruimten of vervoermiddelen kennelijk bestemd tot het in vereniging begaan van dat misdrijf verwerft, vervaardigt, invoert, doorvoert, uitvoert of voorhanden heeft.

- 2. Het maximum van de hoofdstraffen op het misdrijf gesteld wordt bij voorbereiding met de helft verminderd.

- 3. Geldt het een misdrijf waarop levenslange gevangenisstraf is gesteld, dan wordt gevangenisstraf opgelegd van ten hoogste tien jaren.

- 4. De bijkomende straffen zijn voor voorbereiding dezelfde als voor het voltooide misdrijf.

Art. 46a . Poging om een ander door een der in artikel 47, eerste lid onder 2e, vermelde middelen te bewegen om een misdrijf te begaan, is strafbaar, met dien verstande dat geen zwaardere straf wordt uitgesproken dan ter zake van poging tot het misdrijf of, indien zodanige poging niet strafbaar is, terzake van het misdrijf zelf kan worden opgelegd.

Art. 46b . Voorbereiding noch poging bestaat indien het misdrijf niet is voltooid tengevolge van omstandigheden van de wil van de dader afhankelijk.

TITEL V Deelneming aan strafbare feiten

Art. 47 . - 1. Als daders van een strafbaar feit worden gestraft:

1° zij die het feit plegen, doen plegen of medeplegen;

2° zij die door giften, beloften, misbruik van gezag, geweld, bedreiging, of misleiding of door het verschaffen van gelegenheid, middelen of inlichtingen het feit opzettelijk uitlokken.

- 2. Ten aanzien van de laatsten komen alleen die handelingen in aanmerking die zij opzettelijk hebben uitgelokt, benevens hun gevolgen.

Art. 48 . Als medeplichtigen van een misdrijf worden gestraft:

1° zij die opzettelijk behulpzaam zijn bij het plegen van het misdrijf;

2° zij die opzettelijk gelegenheid, middelen of inlichtingen verschaffen tot het plegen van het misdrijf.

Art. 49 . - 1. Het maximum van de hoofdstraffen op het misdrijf gesteld wordt bij medeplichtigheid met een derde verminderd.

- 2. Geldt het een misdrijf waarop levenslange gevangenisstraf is gesteld, dan wordt gevangenisstraf opgelegd van ten hoogste vijftien jaren.

- 3. De bijkomende straffen zijn voor medeplichtigheid dezelfde als voor het misdrijf zelf.

- 4. Bij het bepalen van de straf komen alleen die handelingen in aanmerking die de medeplichtige opzettelijk heeft gemakkelijk gemaakt of bevorderd, benevens hun gevolgen.

Art. 50 . De persoonlijke omstandigheden waardoor de strafbaarheid uitgesloten, verminderd of verhoogd wordt, komen bij de toepassing van de strafwet alleen in aanmerking ten aanzien van die dader of medeplichtige wie zij persoonlijk betreffen.

Art. 50a . Vervallen.

Art. 51 . - 1. Strafbare feiten kunnen worden begaan door natuurlijke personen en rechtspersonen.

- 2. Indien een strafbaar feit wordt begaan door een rechtspersoon, kan de strafvervolgning worden ingesteld en kunnen de in de wet

voorzienne straffen en maatregelen, indien zij daarvoor in aanmerking komen, worden uitgesproken:

1° tegen die rechtspersoon, dan wel

2° tegen hen die tot het feit opdracht hebben gegeven, alsmede tegen hen die feitelijke leiding hebben gegeven aan de verboden gedraging,

dan wel

3° tegen de onder 1° en 2° genoemden te zamen.

- 3. Voor de toepassing van de vorige leden wordt met de rechtspersoon gelijkgesteld: de vennootschap zonder rechtspersoonlijkheid, de

maatschap, de rederij en het doelvermogen.

Art. 52 . Medeplichtigheid aan overtreding is niet strafbaar.

Art. 53 . - 1. Bij misdrijven door middel van de drukpers gepleegd wordt de uitgever als zodanig niet vervolgd, indien het gedrukte stuk zijn naam en woonplaats vermeldt en de dader bekend is of op de eerste aanmaning nadat tot het instellen van een gerechtelijk vooronderzoek is overgegaan, door de uitgever is bekendgemaakt.
- 2. Deze bepaling is niet toepasselijk, indien de dader op het tijdstip van de uitgave strafrechtelijk niet vervolgbaar of buiten het Rijk in Europa gevestigd was.

Art. 54 . - 1. Bij misdrijven door middel van de drukpers gepleegd wordt de drukker als zodanig niet vervolgd, indien het gedrukte stuk zijn naam en woonplaats vermeldt en de persoon op wiens last het stuk is gedrukt, bekend is of op de eerste aanmaning nadat tot het instellen van een gerechtelijk vooronderzoek is overgegaan, door de drukker is bekendgemaakt.
- 2. Deze bepaling is niet toepasselijk, indien de persoon op wiens last het stuk is gedrukt, op het tijdstip van het drukken strafrechtelijk niet vervolgbaar of buiten het Rijk in Europa gevestigd was.

TITEL VI Samenloop van strafbare feiten

Art. 55 . - 1. Valt een feit in meer dan één strafbepaling, dan wordt slechts één van die bepalingen toegepast, bij verschil die waarbij de zwaarste hoofdstraf is gesteld.
- 2. Indien voor een feit dat in een algemene strafbepaling valt een bijzondere strafbepaling bestaat, komt deze alleen in aanmerking.

Art. 56 . - 1. Staan meerdere feiten, ofschoon elk op zichzelf misdrijf of overtreding opleverende, in zodanig verband dat zij moeten worden beschouwd als één voortgezette handeling, dan wordt slechts één strafbepaling toegepast, bij verschil die waarbij de zwaarste hoofdstraf is gesteld.
- 2. Insgelijks wordt slechts één strafbepaling toegepast bij schuldigverklaring aan valsheid of muntschennis en aan het gebruikmaken van het voorwerp ten opzichte waarvan de valsheid of muntschennis gepleegd is.

Art. 57 . - 1. Bij samenloop van feiten die als op zichzelf staande handelingen moeten worden beschouwd en meer dan één misdrijf opleveren waarop gelijksoortige hoofdstraffen zijn gesteld, wordt één straf uitgesproken.

- 2. Het maximum van deze straf is het totaal van de hoogste straffen op de feiten gesteld, doch - voor zover het gevangenisstraf of hechtenis betreft - niet meer dan een derde boven het hoogste maximum.

Art. 58 . Bij samenloop van feiten die als op zichzelf staande handelingen moeten worden beschouwd en meer dan één misdrijf opleveren waarop ongelijksoortige hoofdstraffen zijn gesteld, kan elk van die straffen worden uitgesproken, doch deze mogen - voor zover het gevangenisstraf en hechtenis betreft - te zamen in duur de langstdurende niet meer dan een derde overtreffen.

Art. 59 . Bij veroordeling tot levenslange gevangenisstraf kunnen daarnevens geen andere straffen worden opgelegd dan ontzetting van bepaalde rechten, verbeurdverklaring van reeds in beslag genomen voorwerpen en openbaarmaking van de rechterlijke uitspraak.

Art. 60 . In de gevallen van de artikelen 57 en 58 gelden ten aanzien van bijkomende straffen de volgende bepalingen:

1° de straffen van ontzetting van dezelfde rechten worden opgelost in één straf, in duur de opgelegde hoofdstraf of hoofdstraffen ten minste twee en ten hoogste vijf jaren te boven gaande, of ingeval geen andere hoofdstraf dan geldboete is opgelegd, in één straf van ten minste twee en ten hoogste vijf jaren;

2° de straffen van ontzetting van verschillende rechten worden voor elk misdrijf afzonderlijk en zonder vermindering opgelegd;

3° de straffen van verbeurdverklaring van bepaalde voorwerpen worden voor elk misdrijf afzonderlijk en zonder vermindering opgelegd;
de vervangende vrijheidsstraffen mogen gezamenlijk het maximum, bepaald in artikel 24c, derde lid , niet overschrijden.

Art. 60a . Bij samenloop op de wijze in de artikelen 57 en 58 bedoeld, geldt voor de maatregel genoemd in artikel 36f dat de vervangende vrijheidsstraffen gezamenlijk het maximum, bepaald in artikel 24c, derde lid , niet mogen overschrijden.

Art. 61 . - 1. De betrekkelijke zwaarte van ongelijksoortige hoofdstraffen wordt bepaald door de volgorde van artikel 9 .

- 2. Waar de rechter de keuze tussen twee hoofdstraffen is gelaten, komt bij de vergelijking alleen de zwaarste van die straffen in aanmerking.

- 3. De betrekkelijke zwaarte van gelijksoortige hoofdstraffen wordt bepaald door het maximum.

- 4. De betrekkelijke duur, zowel van ongelijksoortige als van gelijksoortige hoofdstraffen, wordt eveneens bepaald door het maximum.

Art. 62 . - 1. Bij samenloop op de wijze in de artikelen 57 en 58 bedoeld, hetzij van overtredingen met misdrijven, hetzij van overtredingen onderling, wordt voor elke overtreding zonder vermindering straf opgelegd.

- 2. De vervangende vrijheidsstraffen mogen voor de misdrijven en overtredingen of voor de overtredingen gezamenlijk het maximum, bepaald in artikel 24c, derde lid , niet overschrijden.

Art. 63 . Indien iemand, na veroordeling tot straf, opnieuw wordt schuldig verklaard aan misdrijf of overtreding vóór die veroordeling gepleegd, zijn de bepalingen van deze titel voor het geval van gelijktijdige berechting van toepassing.

Art. 63a . Voor de toepassing van de bepalingen van deze titel wordt met de straf van het verrichten van onbetaalde arbeid ten algemenen nutte rekening gehouden als ware die straf de vrijheidsstraf in de plaats waarvan zij is opgelegd.

TITEL VII Indiening en intrekking van de klacht bij misdrijven alleen op klacht vervolgbaar

Art. 64 . Inzake een misdrijf dat alleen op klacht wordt vervolgd, is degene tegen wie het feit is begaan, tot de klacht gerechtigd.

Art. 65 . - 1. Indien de in artikel 64 aangewezen persoon de leeftijd van zestien jaren nog niet heeft bereikt of anders dan wegens verkwisting onder curatele is gesteld, dan wel aan een zodanige gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens lijdt dat hij niet in staat is te beoordelen of zijn belang gediend is met de klacht, geschiedt de klacht door zijn wettige vertegenwoordiger in burgerlijke zaken.

- 2. Indien de in artikel 64 aangewezen persoon overleden is, zijn tot de klacht gerechtigd: zijn ouders, zijn kinderen en zijn overlevende echtgenoot, tenzij blijkt dat hij een vervolging niet heeft gewild.

- 3. Indien de klacht tegen de wettige vertegenwoordiger in burgerlijke zaken van de in artikel 64 aangewezen persoon moet geschieden, zijn tot de klacht gerechtigd: de echtgenoot, een bloedverwant in de rechte linie of, bij het ontbreken van al die personen, een broer en een zuster.

- 4. Indien een in het tweede of derde lid aangewezen persoon de leeftijd van zestien jaren nog niet heeft bereikt of anders dan wegens verkwisting onder curatele is gesteld, dan wel aan een zodanige gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens lijdt dat hij niet in staat is te beoordelen of zijn belang gediend is met de klacht, kan vervolging plaatsvinden op klacht van diens wettige vertegenwoordiger in burgerlijke zaken.

Art. 66 . - 1. De klacht kan worden ingediend gedurende drie maanden na de dag waarop de tot klacht gerechtigde kennis heeft genomen van het gepleegde feit.

- 2. Indien degene tegen wie het feit is begaan, nadat de termijn een aanvang heeft genomen, is overleden, dan wel het recht tot het indienen van de klacht heeft verloren, verkregen of herkreten, loopt deze termijn zonder verlenging door.

Art. 67 . Hij die de klacht indient, blijft gedurende acht dagen na de dag der indiening bevoegd deze in te trekken.

Art. 67a . Vervallen.

TITEL VIII Verval van het recht tot strafvordering en van de straf

Art. 68 . - 1. Behoudens de gevallen waarin rechterlijke uitspraken voor herziening vatbaar zijn, kan niemand andermaal worden vervolgd wegens een feit waarover te zijnen aanzien bij gewijsde van de rechter in Nederland, de Nederlandse Antillen of Aruba onherroepelijk is beslist.

- 2. Is het gewijsde afkomstig van een andere rechter, dan heeft tegen dezelfde persoon wegens hetzelfde feit geen vervolging plaats in geval van:

1° vrijspraak of ontslag van rechtsvervolging;

2° veroordeling, indien een straf is opgelegd, gevolgd door gehele uitvoering, gratie of verjaring der straf.

- 3. Niemand kan worden vervolgd wegens een feit dat te zijnen aanzien in een vreemde staat onherroepelijk is afgedaan door de voldoening aan een voorwaarde, door de bevoegde autoriteit gesteld ter voorkoming van strafvervolging.

Art. 69 . Het recht tot strafvordering vervalt door de dood van de verdachte.

Art. 70 . Het recht tot strafvordering vervalt door verjaring:

1° in twee jaren voor alle overtredingen;

2° in zes jaren voor de misdrijven waarop geldboete, hechtenis of gevangenisstraf van niet meer dan drie jaren is gesteld;

3° in twaalf jaren voor de misdrijven waarop tijdelijke gevangenisstraf van meer dan drie jaren is gesteld;

4° in vijftien jaren voor de misdrijven waarop gevangenisstraf van meer dan tien jaren is gesteld;

5° in achttien jaren voor de misdrijven waarop levenslange gevangenisstraf is gesteld.

Art. 71 . - 1. De termijn van verjaring vangt aan op de dag na die waarop het feit is gepleegd, behoudens in de volgende gevallen:

1° bij de misdrijven omschreven in de artikelen 172, eerste lid , 173, eerste lid , 173a en 173b , vangt de termijn aan op de dag na die waarop het misdrijf ter kennis is gekomen van een ambtenaar belast met de opsporing van strafbare feiten;

2° bij valsheid of muntschennis op de dag na die waarop gebruik is gemaakt van het voorwerp ten opzichte waarvan de valsheid of muntschennis gepleegd is;

3° bij de misdrijven omschreven in de artikelen 240b en 242 tot en met 250ter , en gepleegd ten aanzien van een minderjarige, op de dag na die waarop die persoon achttien jaren is geworden;

4° bij de misdrijven omschreven in de artikelen 278 , 279 , 282 en 282a op de dag na die van de bevrijding of de dood van hem tegen wie onmiddellijk het misdrijf gepleegd is;

5° bij de overtredingen omschreven in de artikelen 465 , 466 en 467 , op de dag na die waarop ingevolge de voorschriften gegeven in of ter uitvoering van artikel 18c van Boek 1 van het Burgerlijk Wetboek, de aldaar bedoelde registers waaruit zodanige overtreding blijkt, naar de centrale bewaarplaats, bedoeld in afdeling 8 van hoofdstuk 1 van het Besluit burgerlijke stand 1994 zijn overgebracht.

Art. 72 . - 1. Elke daad van vervolging stuit de verjaring, mits die daad de vervolgte bekend of hem betekend zij.

- 2. Na de stuiting vangt een nieuwe verjaringstermijn aan.

Art. 73 . De schorsing van de strafvervolging ter zake van een prejudicieel geschil schorst de verjaring.

Art. 74 . - 1. De officier van justitie kan voor de aanvang van de terechtzitting een of meer voorwaarden stellen ter voorkoming van de strafvervolging wegens misdrijven, met uitzondering van die waarop naar de wettelijke omschrijving gevangenisstraf is gesteld van meer dan zes jaar, en wegens overtreding. Door voldoening aan die voorwaarden vervalt het recht tot strafvordering.

- 2. De volgende voorwaarden kunnen worden gesteld:

a. betaling aan de staat van een geldsom, te bepalen op ten minste vijf gulden en ten hoogste het maximum van de geldboete die voor het feit kan worden opgelegd;

b. afstand van voorwerpen die in beslag zijn genomen en vatbaar zijn voor verbeurdverklaring of onttrekking aan het verkeer;

c. uitlevering, of voldoening aan de staat van de geschatte waarde, van voorwerpen die vatbaar zijn voor verbeurdverklaring;

d. voldoening aan de staat van een geldbedrag of overdracht van inbeslaggenomen voorwerpen ter

gehele of gedeeltelijke ontneming van het geschatte voordeel - met inbegrip van besparing van kosten - door de verdachte door middel van of uit de baten van het strafbare feit of soortgelijke feiten verkregen.

e. gehele of gedeeltelijke vergoeding van de door het strafbare feit veroorzaakte schade.

- 3. De officier van justitie doet aan de rechtstreeks belanghebbende die daarom heeft verzocht, onverwijld mededeling van de datum waarop aan die voorwaarden is voldaan.

Art. 74a . Is op het strafbare feit naar de wettelijke omschrijving geen andere hoofdstraf gesteld dan geldboete en biedt de verdachte aan, binnen een door de officier van justitie te bepalen termijn, het maximum van de geldboete te betalen en aan alle overige, overeenkomstig artikel 74, tweede lid , te stellen voorwaarden te voldoen, dan mag de officier van justitie het stellen van voorwaarden, als bedoeld in artikel 74 , niet weigeren.

Art. 74b . - 1. Een bevel als bedoeld in artikel 12k van het Wetboek van Strafvordering doet, na voldoening aan de overeenkomstig artikel 74 gestelde voorwaarden, het recht tot strafvordering herleven als ware het niet vervallen geweest.

- 2. Na een bevel, als bedoeld in het vorige lid, worden bedragen, betaald in toepassing van artikel 74, tweede lid , onder a, c en d, onverwijld terugbetaald aan degene die ze heeft betaald.

- 3. Volgt na een bevel als bedoeld in het eerste lid een veroordeling, dan houdt de rechter rekening met de afstand of uitlevering door de veroordeelde van voorwerpen op grond van artikel 74, tweede lid , onder b en c, en met de vergoeding van schade op grond van artikel 74, tweede lid , onder e.

Art. 74c . - 1. Bij algemene maatregel van bestuur kan aan daartoe aan te wijzen opsporingsambtenaren in bij die algemene maatregel van bestuur aangewezen zaken betreffende overtredingen, begaan door personen die de leeftijd van twaalf jaren hebben bereikt, tot wederopzeggens de bevoegdheid worden verleend die bij artikel 74, eerste lid , aan de officier van justitie is toegekend.

- 2. De te stellen voorwaarde bestaat in de betaling van een bepaalde geldsom. Bij algemene maatregel van bestuur worden voorschriften gegeven met betrekking tot de wijze van betaling en de termijn waarbinnen de betaling moet zijn geschied.

- 3. Het eerste en het tweede lid zijn van overeenkomstige toepassing op zaken betreffende misdrijven, als bedoeld in artikel 74, eerste lid , van eenvoudige aard, welke zijn begaan door personen die de leeftijd van achttien jaren hebben bereikt, met dien verstande dat de te

betalen geldsom ten hoogste zevenhonderdvijftig gulden bedraagt. De artikelen 74, derde lid en 74b zijn van overeenkomstige toepassing.

- 4. De ambtenaren bekleed met de bevoegdheid bedoeld in het eerste lid, maken hiervan gebruik volgens richtlijnen, te geven door het openbaar ministerie. Voor zover deze richtlijnen niet zijn uitgevaardigd door de procureur-generaal bij een gerechtshof, behoeven zij diens goedkeuring.
- 5. Bij algemene maatregel van bestuur worden voorschriften gegeven met betrekking tot de aanwijzing van de in het eerste lid bedoelde opsporingsambtenaren, het toezicht op de wijze waarop zij van de hun verleende bevoegdheid gebruik maken en de intrekking van de aanwijzing van een opsporingsambtenaar.
- 6. Bij of krachtens algemene maatregel van bestuur worden voorschriften gegeven inzake de verantwoording van ingevolge het tweede en derde lid betaalde geldbedragen.

Art. 75 . Het recht tot uitvoering van de straf of maatregel vervalt door de dood van de veroordeelde, met uitzondering van de maatregel tot ontneming van wederrechtelijk verkregen voordeel.

Art. 76 . - 1. Het recht tot uitvoering van de straf of maatregel vervalt door verjaring.

- 2. De termijn van deze verjaring is een derde langer dan de termijn van verjaring van het recht tot strafvordering. In geen geval is de termijn korter dan de duur van de opgelegde straf.

Art. 76a . - 1. De termijn van verjaring vangt aan op de dag na die waarop de rechterlijke uitspraak kan worden ten uitvoer gelegd.

- 2. Bij ontvluchting van een veroordeelde uit het gesticht of de inrichting waarin hij zijn straf ondergaat, vangt een nieuwe verjaringstermijn aan op de dag na die van de ontvluchting. Bij herroeping van een voorwaardelijke invrijheidstelling vangt een nieuwe verjaringstermijn aan op de dag na die van de herroeping.
- 3. De termijn loopt niet gedurende de bij de wet bevolen schorsing van de tenuitvoerlegging, noch gedurende de tijd dat de veroordeelde, zij het ook ter zake van een andere veroordeling, in verzekerde bewaring is.
- 4. Wanneer een geldboete wegens een overtreding is opgelegd en de rechter heeft beslist dat het bedrag daarvan in gedeelten mag worden voldaan, dan wel het openbaar ministerie aan de veroordeelde op diens verzoek uitstel van betaling heeft verleend of betaling in termijnen heeft toegestaan, wordt de verjaringstermijn verlengd met twee jaren.
- 5. De termijn loopt niet gedurende de tijd dat de tenuitvoerlegging aan een vreemde Staat is overgedragen, zolang de Minister van Justitie van de autoriteiten van die Staat geen mededeling, houdende een beslissing omtrent de overname

van de tenuitvoerlegging, heeft ontvangen.

- 6. Indien, nadat de tenuitvoerlegging door een vreemde Staat is overgenomen, die Staat afstand doet van zijn recht tot tenuitvoerlegging ten behoeve van Nederland, vangt een nieuwe verjaringstermijn aan op de dag waarop de Minister van Justitie de mededeling van de autoriteiten van die Staat omtrent de afstand heeft ontvangen.

Art. 77 . - 1. Het recht tot strafvordering en het recht tot uitvoering van de straf vervallen door de overdracht van de strafvervolgning aan een vreemde staat overeenkomstig de bepalingen van de derde afdeling van titel X van het vierde boek van het Wetboek van Strafvordering.

- 2. In het geval, bedoeld in het vorige lid, herleven het recht tot strafvordering en het recht tot uitvoering van de straf, indien de autoriteiten van de staat die de strafvervolgning had overgenomen op die beslissing terugkomen of mededelen dat geen strafvervolgning wordt ingesteld dan wel een ingestelde vervolging is gestaakt.

Art. 77bis . Vervallen.

TITEL VIII A Bijzondere bepalingen voor jeugdige personen

Art. 77a . Ten aanzien van degene die ten tijde van het begaan van een strafbaar feit de leeftijd van twaalf jaren doch nog niet die van achttien jaren heeft bereikt, zijn de artikelen 9, eerste lid , 10 tot en met 22a , 24c , 37 tot en met 38i , 44 en 57 tot en met 62 niet van toepassing. In de plaats daarvan treden de bijzondere bepalingen vervat in de artikelen 77d tot en met 77gg .

Art. 77b . Ten aanzien van degene die ten tijde van het begaan van een strafbaar feit de leeftijd van zestien jaren doch nog niet die van achttien jaren heeft bereikt, kan de rechter de artikelen 77g tot en met 77gg buiten toepassing laten en recht doen overeenkomstig de bepalingen in de voorgaande titels vervat, indien hij daartoe grond vindt in de ernst van het begane feit, de persoonlijkheid van de dader of de omstandigheden waaronder het feit is begaan.

Art. 77c . Ten aanzien van degene die ten tijde van het begaan van het strafbaar feit de leeftijd van achttien jaren doch nog niet die van eenentwintig jaren heeft bereikt, kan de rechter, indien hij daartoe grond vindt in de persoonlijkheid van de dader of de omstandigheden

waaronder het feit is begaan, recht doen overeenkomstig de artikelen 77g tot en met 77gg . De uitvoering van de straf van jeugddetentie vindt dan plaats in een door Onze Minister van Justitie daartoe aangewezen gevangenis. Artikel 22 is van overeenkomstige toepassing. De uitvoering van de maatregel van plaatsing in een inrichting voor jeugdigen vindt dan plaats overeenkomstig artikel 37c .

Art. 77d . De verjaringstermijn van het recht tot strafvordering, genoemd in artikel 70 , wordt ten aanzien van misdrijven tot de helft van de daar bedoelde duur ingekort.

Art. 77e . - 1. De opsporingsambtenaar die daartoe door de officier van justitie is aangewezen, kan na verkregen toestemming door de officier van justitie aan de verdachte voorstellen dat deze deelneemt aan een project. De deelneming strekt tot voorkoming van toezending van het opgemaakte proces-verbaal aan de officier van justitie. Bij algemene maatregel van bestuur worden de strafbare feiten aangewezen die op deze wijze kunnen worden afgedaan.

- 2. Bij een voorstel als bedoeld in het eerste lid, deelt de opsporingsambtenaar de verdachte mede dat hij niet verplicht is aan het project deel te nemen en licht hem in over de mogelijke gevolgen van niet-deelneming. Het voorstel, de mededeling en de inlichtingen over de mogelijke gevolgen worden daarbij de verdachte tevens schriftelijk ter hand gesteld.

- 3. De officier van justitie geeft algemene aanwijzingen omtrent de wijze van afdoening ingevolge het eerste lid. Deze aanwijzingen betreffen in ieder geval:

a. de projecten en de categorieën van strafbare feiten die, gelet op de aard van deze projecten, in aanmerking komen voor deze wijze van afdoening;

b. de duur van de deelneming, afhankelijk van de aard van het strafbare feit en het project en

c. de wijze waarop de toestemming van de officier van justitie kan worden verkregen.

- 4. De duur van de deelneming is ten hoogste twintig uren.

- 5. Indien de opsporingsambtenaar, bedoeld in het eerste lid, van oordeel is dat de verdachte naar behoren aan een project heeft

deelgenomen, stelt hij de officier van justitie en de verdachte hiervan schriftelijk in kennis. Daarmee vervalt het recht tot strafvordering,

behalve indien een bevel wordt gegeven als bedoeld in artikel 12i van het Wetboek van Strafvordering.

In dat geval houdt de rechter,

indien hij een straf oplegt, rekening met de voltooide deelneming.

Art. 77f . - 1. Bij toepassing van artikel 74, eerste lid , kan de officier van justitie tevens als voorwaarde stellen dat de verdachte

a. zich zal richten naar de aanwijzingen van een instelling als bedoeld in artikel 60, eerste lid , onder b,

van de Wet op de

jeugdhulpverlening, voor een daarbij te bepalen termijn van ten hoogste zes maanden;

b. onbetaalde arbeid ten algemene nutte of arbeid tot herstel van de door het strafbare feit aangerichte schade verricht dan wel een

leerproject volgt gedurende een door hem te bepalen duur van ten hoogste veertig uren binnen een door hem te bepalen termijn van ten

hoogste drie maanden.

- 2. Op de in het eerste lid, onder b, bedoelde voorwaarden is het bepaalde bij en krachtens de artikelen 77m, eerste lid, en 77n, eerste en

tweede lid, met betrekking tot alternatieve sancties van overeenkomstige toepassing.

- 3. De geldsom vermeld in artikel 74, tweede lid, onder a, bedraagt ten hoogste vijfduizend gulden.

Art. 77g. - 1. In plaats van de op een feit gestelde straffen worden de straffen, de alternatieve sancties en maatregelen opgelegd, in deze Titel voorzien.

- 2. Naast de maatregel van plaatsing in een inrichting voor jeugdigen wordt voor hetzelfde feit geen geldboete of een alternatieve sanctie

opgelegd, behoudens het bepaalde in artikel 77x, tweede lid.

Art. 77g bis. Door vernummering is dit artikel vervallen.

Art. 77h. - 1. De hoofdstraffen zijn:

a. in geval van misdrijf: jeugddetentie of geldboete;

b. in geval van overtreding: geldboete.

- 2. In plaats van een hoofdstraf, genoemd in het eerste lid, kunnen één of meer van de volgende alternatieve sancties worden opgelegd:

a. het verrichten van onbetaalde arbeid ten algemene nutte;

b. het verrichten van arbeid tot herstel van de door het strafbare feit aangerichte schade;

c. het volgen van een leerproject.

- 3. De bijkomende straffen zijn:

a. verbeurdverklaring;

b. ontzegging van de bevoegdheid motorrijtuigen te besturen.

- 4. De maatregelen zijn:

a. plaatsing in een inrichting voor jeugdigen;

b. onttrekking aan het verkeer;

c. ontneming van wederrechtelijk verkregen voordeel;

d. schadevergoeding.

Art. 77h bis. Door vernummering is dit artikel vervallen.

Art. 77i. - 1. De duur van de jeugddetentie is:

a. voor degene die ten tijde van het begaan van het misdrijf de leeftijd van zestien jaren nog niet had

bereikt: ten minste een dag en ten hoogste twaalf maanden, en

b. overigens ten hoogste vierentwintig maanden.

- 2. De duur van de jeugddetentie wordt in de rechterlijke uitspraak aangewezen in dagen, weken of maanden.

- 3. De artikelen 26 en 27 zijn bij veroordeling tot jeugddetentie van overeenkomstige toepassing.

- 4. Jeugddetentie wordt ten uitvoer gelegd in een rijksinrichting of in een daartoe door Onze Minister van Justitie gesubsidieerde voorziening als bedoeld in artikel 65 van de Wet op de jeugdhulpverlening, voor zover deze daartoe is bestemd krachtens artikel 66 van die wet.

Art. 77j . - 1. In bijzondere gevallen kan Onze Minister van Justitie bepalen dat

a. de tenuitvoerlegging van de jeugddetentie gedurende een tijdvak van ten hoogste drie maanden wordt onderbroken of

b. degeen die een jeugddetentie ondergaat, tijdelijk, onder door hem te stellen waarborgen, de inrichting verlaat.

- 2. De rechter die de straf heeft opgelegd kan te allen tijde de jeugdige aan wie een jeugddetentie is opgelegd, voorwaardelijk in vrijheid stellen.

- 3. In geval van een voorwaardelijke invrijheidstelling wordt een proeftijd bepaald van ten hoogste twee jaren. De duur van de proeftijd en de gestelde voorwaarden worden de veroordeelde in persoon betekend. De artikelen 77y, derde lid , 77z , 77aa en 77cc tot en met 77ee zijn van overeenkomstige toepassing.

Art. 77k . De straf van jeugddetentie kan door de rechter die de straf heeft opgelegd op vordering van het openbaar ministerie of op

verzoek van de veroordeelde geheel of gedeeltelijk worden vervangen door een van de straffen genoemd in artikel 9, eerste lid , indien de

tenuitvoerlegging van de opgelegde straf geheel of gedeeltelijk zou moeten plaatsvinden nadat de veroordeelde de leeftijd van achttien

jaren heeft bereikt en deze naar het oordeel van de rechter niet meer voor een zodanige straf in aanmerking komt.

Art. 77l . - 1. Het bedrag van de geldboete is ten minste vijf gulden en ten hoogste vijfduizend gulden.

Artikel 24a is van overeenkomstige

toepassing met dien verstande dat de rechter bij elke geldboete kan bepalen dat het bedrag in gedeelten kan worden voldaan. De rechter

stelt daarbij de hoogte van elk van die gedeelten vast.

- 2. De rechter kan bij de uitspraak waarbij geldboete wordt opgelegd, bevelen dat voor het geval volledige betaling noch volledig verhaal

van het verschuldigde bedrag volgt, vervangende jeugddetentie zal worden toegepast.

- 3. Indien geen of geen volledige betaling van het bedrag van de geldboete heeft plaatsgevonden en geen of geen volledig verhaal mogelijk is, kan de rechter die de straf heeft opgelegd het nog te betalen bedrag op vordering van het openbaar ministerie vervangen door jeugddetentie of op verzoek van de veroordeelde vervangen door een alternatieve sanctie. Indien de rechter gebruik heeft gemaakt van de bevoegdheid van het tweede lid, kan hij de duur van de eerder opgelegde vervangende jeugddetentie ook wijzigen, tenzij deze reeds is aangevangen.
- 4. De vervangende jeugddetentie wordt tenuitvoergelegd op een door het openbaar ministerie te bepalen plaats.
- 5. De alternatieve sanctie, bedoeld in het derde lid, wordt opgelegd in evenredigheid met het nog verschuldigde bedrag. De artikelen 77m tot en met 77q zijn van overeenkomstige toepassing. De sanctie kan slechts worden opgelegd zolang de veroordeelde de leeftijd van achttien jaren niet heeft bereikt.
- 6. Indien de veroordeelde de leeftijd van achttien jaren heeft bereikt, legt de rechter vervangende hechtenis op, tenzij naar zijn oordeel de veroordeelde in aanmerking komt voor vervangende jeugddetentie.
- 7. De duur van de vervangende jeugddetentie of vervangende hechtenis is ten minste één dag en ten hoogste drie maanden. Voor elke volle vijftientig gulden van de nog te betalen geldboete wordt niet meer dan één dag opgelegd. Door betaling van het nog te betalen bedrag vervalt de vervangende jeugddetentie of de vervangende hechtenis. Artikel 24c, vierde lid, is van overeenkomstige toepassing.
- 8. Artikel 27, derde en vierde lid, is bij veroordeling tot een geldboete van overeenkomstige toepassing.

Art. 77m . - 1. Een alternatieve sanctie kan de rechter slechts opleggen na een daartoe strekkend aanbod van de verdachte. Het aanbod vermeldt de aard van de alternatieve sanctie.

- 2. De duur van de onbetaalde arbeid ten algemenen nutte of van de arbeid tot herstel van de door het strafbare feit aangerichte schade, is ten hoogste tweehonderd uren.
- 3. De termijn waarbinnen de arbeid moet zijn verricht bedraagt ten hoogste zes maanden indien niet meer dan honderd uren is opgelegd en overigens ten hoogste een jaar. Het openbaar ministerie kan evenwel bij toepassing van artikel 77o, tweede lid, de duur verlengen.
- 4. De duur van een leerproject is ten hoogste tweehonderd uren.
- 5. De termijn waarbinnen een leerproject plaatsvindt bedraagt ten hoogste zes maanden. Bij algemene maatregel van bestuur kunnen regels worden gesteld over de aard en de inhoud ervan, alsmede over de wijze waarop de toepassing van deze regels wordt getoetst.

Daarbij kan van het aantal uren, bepaald in het vierde lid, worden afgeweken indien de aard van het leerproject daartoe aanleiding geeft.

- 6. Indien meer dan één alternatieve sanctie wordt opgelegd, bedraagt het totaal aantal uren niet meer dan tweehonderdenveertig.

- 7. Artikel 27, eerste en vierde lid, is bij veroordeling tot een alternatieve sanctie van overeenkomstige toepassing.

Art. 77n . - 1. De rechter legt een alternatieve sanctie slechts op nadat hij zich een advies omtrent de aard, de inhoud en de mogelijkheid tot de tenuitvoerlegging van de aangeboden alternatieve sanctie heeft doen overleggen door de raad voor de kindbescherming.

- 2. In het vonnis vermeldt de rechter:

a. in geval van onbetaalde arbeid of het verrichten van arbeid tot herstel van de door het strafbare feit aangerichte schade:

1° het aantal uren te verrichten arbeid;

2° de termijn binnen welke de arbeid, nadat het vonnis onherroepelijk is geworden, dient aan te vangen en de termijn binnen welke de arbeid dient te worden verricht en

3° de aard en inhoud van de te verrichten arbeid.

b. in geval van een leerproject:

1° de duur van het leerproject, de termijn binnen welke dit, nadat het vonnis onherroepelijk is geworden, dient aan te vangen en de termijn

binnen welke het dient te zijn gevolgd;

2° de instelling waarbij het leerproject zal worden gevolgd en

3° de aard en de inhoud van het leerproject.

- 3. De alternatieve sanctie wordt niet opgelegd dan met instemming van de verdachte.

Art. 77o . - 1. De raad voor de kindbescherming heeft tot taak de voorbereiding en de ondersteuning van de tenuitvoerlegging van

alternatieve sancties. Over de wijze waarop de veroordeelde de alternatieve sanctie uitvoert, kan het openbaar ministerie inlichtingen

inwinnen bij de raad voor de kindbescherming. Het openbaar ministerie kan diens medewerking inroepen en hem de nodige opdrachten geven.

- 2. Het openbaar ministerie kan na overleg met de raad voor de kindbescherming en de veroordeelde, de opgelegde sanctie, behoudens voor wat betreft het aantal opgelegde uren, wijzigen indien het van oordeel is dat de veroordeelde de alternatieve sanctie niet geheel overeenkomstig het vonnis kan of heeft kunnen volbrengen. Het benadert daarbij zo veel mogelijk de opgelegde alternatieve sanctie.

- 3. Van de wijziging wordt zo spoedig mogelijk een kennisgeving gezonden aan de veroordeelde en de raad voor de kindbescherming.

De kennisgeving behelst het aantal uren dat naar het oordeel van het openbaar ministerie reeds naar

behoren is volbracht, alsmede de sanctie zoals deze voor het overige nader is vastgesteld.

- 4. Tegen de kennisgeving, bedoeld in het derde lid, kan de veroordeelde binnen acht dagen na de betekening een bezwaarschrift indienen bij de rechter die de sanctie oplegde. De rechter kan de beslissing van het openbaar ministerie wijzigen. Het tweede lid is van overeenkomstige toepassing.
- 5. Op vordering van het openbaar ministerie kan de rechter die de alternatieve sanctie oplegde, indien hij van oordeel is dat deze niet naar behoren wordt of is uitgevoerd, alsnog één der straffen, genoemd in artikel 77h, eerste lid, dan wel een andere alternatieve sanctie opleggen. Hij houdt daarbij rekening met het deel van de alternatieve sanctie dat wel naar behoren is uitgevoerd.

Art. 77p . Vervallen.

Art. 77q . - 1. Het openbaar ministerie kan slechts een beslissing nemen of een vordering instellen krachtens artikel 77o, tweede lid, onderscheidenlijk vijfde lid, binnen drie maanden na afloop van de termijn waarbinnen de arbeid moet zijn verricht krachtens artikel 77n, tweede lid, onder a, onder 2°, of waarbinnen het leerproject moet zijn gevolgd krachtens artikel 77n, tweede lid, onder b, onder 1°.

- 2. Indien naar het oordeel van het openbaar ministerie de opgelegde alternatieve sanctie naar behoren is uitgevoerd, stelt het zo spoedig mogelijk de veroordeelde hiervan in kennis.

- 3. Het openbaar ministerie kan daarna geen gebruik meer maken van zijn bevoegdheid bedoeld in artikel 77o, tweede lid, en geen vordering meer instellen als bedoeld in artikel 77o, vijfde lid.

Art. 77r . Ontzegging van de bevoegdheid motorrijtuigen te besturen is slechts mogelijk in de gevallen genoemd in de artikelen 179, 179a en 180 van de Wegenverkeerswet 1994 en in artikel 30, zesde lid, van de Wet aansprakelijkheidsverzekering motorrijtuigen (Stb. 1963, 228). Die artikelen zijn dan van overeenkomstige toepassing.

Art. 77s . - 1. De maatregel van plaatsing in een inrichting voor jeugdigen kan slechts worden opgelegd, indien

- a. het een misdrijf betreft waarvoor voorlopige hechtenis is toegelaten;
- b. de veiligheid van anderen dan wel de algemene veiligheid van personen of goederen het opleggen van die maatregel eist, en
- c. de maatregel in het belang is van een zo gunstig mogelijke verdere ontwikkeling van de verdachte.

- 2. De rechter legt de maatregel slechts op, nadat hij zich een met redenen omkleed, gedagtekend en ondertekend advies heeft doen

- overleggen van ten minste twee gedragsdeskundigen van verschillende disciplines. Het advies wordt door de deskundigen gezamenlijk dan wel door ieder van hen afzonderlijk uitgebracht. Indien dit advies eerder dan een jaar voor de aanvang van de terechtzitting is gedagtekend kan de rechter hier slechts gebruik van maken met instemming van het openbaar ministerie en de verdachte.
- 3. De maatregel kan ook worden opgelegd indien de verdachte niet strafbaar is op de grond dat het feit hem wegens de gebrekkige ontwikkeling of ziekelijke stoornis niet kan worden toegerekend. Indien bij de verdachte tijdens het begaan van het feit een gebrekkige ontwikkeling of ziekelijke stoornis van de geestvermogens bestond, dient bij toepassing van het eerste lid één van de gedragsdeskundigen een psychiater te zijn.
 - 4. Het tweede lid blijft buiten toepassing indien de betrokkene weigert medewerking te verlenen aan het onderzoek dat ten behoeve van het advies moet worden verricht. Voor zover mogelijk maken de gedragsdeskundigen gezamenlijk dan wel ieder van hen afzonderlijk over de reden van weigering rapport op. De rechter doet zich zoveel mogelijk een ander advies of rapport, dat hem over de wenselijkheid of noodzakelijkheid van de oplegging van de maatregel kan voorlichten en aan de totstandkoming waarvan de betrokkene wel bereid is om medewerking te verlenen, overleggen.
 - 5. Indien de maatregel is opgelegd, draagt Onze Minister van Justitie de tenuitvoerlegging op aan een rechtspersoon als bedoeld in artikel 60, eerste lid , onder a, van de Wet op de jeugdhulpverlening, of doet hij de veroordeelde opnemen in een tehuis, behorende tot de categorie, genoemd onder II, onderdelen 3 of 4, van de bijlage behorende bij die wet, voor zover dit door Onze Minister van Justitie in stand wordt gehouden, of elders.
 - 6. De maatregel geldt voor de tijd van twee jaar. De termijn gaat in nadat de rechterlijke uitspraak onherroepelijk is geworden.
 - 7. Onze Minister van Justitie kan de maatregel te allen tijde, na advies te hebben ingewonnen van de raad voor de kindbescherming, voorwaardelijk of onvoorwaardelijk beëindigen.

Art. 77s bis . Door vernummering is dit artikel vervallen.

- Art. 77t** . - 1. De rechter die in eerste aanleg heeft kennis genomen van het misdrijf ter zake waarvan de maatregel is opgelegd, kan op vordering van het openbaar ministerie de termijn, bedoeld in artikel 77s, zesde lid , telkens met ten hoogste twee jaren verlengen.
- 2. Verlenging van de termijn van de maatregel is slechts mogelijk voor zover de maatregel daardoor de duur van vier jaar niet te boven

gaat, tenzij de maatregel is opgelegd aan een verdachte als bedoeld in artikel 77s, derde lid . In zodanig geval is verlenging mogelijk voor zover de maatregel de duur van zes jaar niet te boven gaat.

- 3. De verlenging is slechts mogelijk, indien de maatregel is opgelegd ter zake van een misdrijf dat gericht is tegen of gevaar veroorzaakt voor de onaantastbaarheid van het lichaam van één of meer personen. Artikel 77s, eerste lid , onder b en c, is van overeenkomstige toepassing. De verlenging is niet mogelijk indien gebruik is gemaakt van de bevoegdheid, bedoeld in artikel 77x .

- 4. Een vordering tot verlenging van de maatregel van plaatsing in een inrichting voor jeugdigen wordt bij de rechtbank behandeld door de meervoudige kamer.

- 5. Bij de vordering worden overgelegd:

a. een recent opgemaakt, met redenen omkleed en ondertekend advies afkomstig van het hoofd van de inrichting, en

b. een afschrift van de aantekeningen omtrent de lichamelijke en geestelijke gesteldheid van de veroordeelde.

- 6. De maatregel kan zonder advies, bedoeld in het vierde lid, onder a, worden verlengd indien dit door gebrek aan medewerking van de veroordeelde niet kan worden uitgebracht.

Art. 77u . Een beslissing op grond van artikel 77t wordt bij beschikking genomen, nadat de veroordeelde en indien deze minderjarig is, ook degenen die het gezag over hem uitoefenen, zijn gehoord of behoorlijk opgeroepen. De artikelen 14h , 14i, tweede tot en met zesde lid , en 14j van dit wetboek alsmede artikel 495b van het Wetboek van Strafvordering zijn van overeenkomstige toepassing, onverminderd de artikelen 502 en 503 van het Wetboek van Strafvordering.

Art. 77v . - 1. Indien jeugddetentie of plaatsing in een inrichting voor jeugdigen wordt opgelegd, neemt de rechter in zijn uitspraak een advies op over de plaats waar en de wijze waarop deze straf of maatregel zal moeten worden ten uitvoer gelegd. De rechter kan bij een beslissing als bedoeld in artikel 77t zodanig advies opnemen.

- 2. Het eerste lid is niet van toepassing indien met gebruikmaking van artikel 77x , de straf of maatregel geheel niet wordt ten uitvoer gelegd. Indien ingevolge artikel 77dd de straf of maatregel alsnog geheel of gedeeltelijk ten uitvoer wordt gelegd, neemt de rechter het advies op in de last tot tenuitvoerlegging.

- 3. Het openbaar ministerie stelt Onze Minister van Justitie in kennis van rechterlijke uitspraken, zodra deze voor tenuitvoerlegging vatbaar zijn geworden. Het voegt daarbij het advies van de rechter omtrent de plaatsing.

- 4. Onze Minister beslist omtrent de plaats van de tenuitvoerlegging, gelet op het advies van de rechter

die de veroordeling uitsprak, de wens van degene die het gezag uitoefent en de godsdienstige gezindheid of levensbeschouwelijke overtuiging van de jeugdige persoon. De beslissing kan later worden gewijzigd indien bijzondere omstandigheden daartoe aanleiding geven.

- 5. Onze Minister kan het advies van de raad voor de kinderbescherming inwinnen omtrent de plaats van de tenuitvoerlegging.

Art. 77w . - 1. De veroordeelde kan beroep instellen tegen een beslissing van Onze Minister van Justitie omtrent de plaats van de tenuitvoerlegging bij het College van advies voor de justitiële kinderbescherming, bedoeld in artikel 81 van de Wet op de jeugdhulpverlening. Hetzelfde geldt voor een latere wijziging van deze beslissing.

- 2. Het beroep wordt ingesteld binnen veertien dagen, nadat de veroordeelde met de beslissing van de Minister bekend is.
- 3. De veroordeelde kan zich door een raadsman doen bijstaan.
- 4. Het beroep wordt schriftelijk ingediend bij Onze Minister die, indien hij zijn beslissing niet voordien wijzigt, het beroepschrift voorzien van zijn beschouwingen en vergezeld van de hem omtrent de betrokkene ten dienste staande gegevens, binnen een maand doorzendt aan het college.
- 5. Het beroep heeft geen schorsende werking.
- 6. Het college of een uit zijn midden benoemde commissie is bevoegd nadere inlichtingen omtrent de veroordeelde in te winnen bij Onze Minister en bij administratieve of gerechtelijke instanties. Het college of de commissie is bevoegd de veroordeelde te horen.
- 7. De beslissing wordt genomen binnen veertien dagen na ontvangst van het beroepschrift. Indien gebruik wordt gemaakt van de bevoegdheid, bedoeld in het zesde lid, wordt zij genomen binnen veertien dagen nadat de inlichtingen zijn ontvangen of nadat de veroordeelde is gehoord.
- 8. Het beroep kan gegrond of ongegrond worden verklaard, waarbij wordt aangegeven welke plaats voor tenuitvoerlegging naar het oordeel van het college of van de commissie, bedoeld in het zesde lid, in aanmerking komt.
- 9. De beslissing wordt zo spoedig mogelijk genomen en toegezonden aan Onze Minister en aan de veroordeelde.
- 10. Onze Minister geeft zo spoedig mogelijk uitvoering aan de beslissing.

Art. 77x . - 1. In geval van veroordeling tot jeugddetentie, vervangende jeugddetentie daaronder niet begrepen, tot geldboete of tot plaatsing in een inrichting voor jeugdigen, kan de rechter bepalen dat deze of een gedeelte daarvan, niet zal worden ten uitvoer gelegd.

- 2. In geval van veroordeling tot jeugddetentie of in geval van plaatsing in een inrichting voor jeugdigen, met toepassing van het eerste lid,

kan de rechter tevens geldboete opleggen.

Art. 77y . - 1. De rechter die bepaalt dat een door hem opgelegde straf of maatregel niet zal worden ten uitvoer gelegd, stelt daarbij een proeftijd vast van ten hoogste twee jaren.

- 2. De proeftijd gaat in:

a. indien een kennisgeving als bedoeld in artikel 366a, eerste en tweede lid , van het Wetboek van Strafvordering is uitgereikt of

toegezonden, op de vijftiende dag nadat de einduitspraak is gedaan, tenzij door de tijdige aanwending van een rechtsmiddel het vonnis of arrest niet onherroepelijk is geworden;

b. indien een kennisgeving als bedoeld in artikel 366a, derde lid , van het Wetboek van Strafvordering moet worden betekend, op de vijftiende dag na die betekening, tenzij door de tijdige aanwending van een rechtsmiddel het vonnis of arrest niet onherroepelijk is geworden.

- 3. De proeftijd loopt niet gedurende de tijd dat de veroordeelde rechtens zijn vrijheid is ontnomen.

Art. 77z . - 1. Toepassing van artikel 77x geschiedt onder de algemene voorwaarde dat de veroordeelde zich voor het einde van de proeftijd niet schuldig maakt aan een strafbaar feit. Bovendien kunnen bijzondere voorwaarden, het gedrag van de veroordeelde betreffende, worden gesteld. Deze mogen de vrijheid van de veroordeelde zijn godsdienst of levensovertuiging te belijden en de staatkundige vrijheid niet beperken. De rechter kan de werking van de bijzondere voorwaarden beperken tot een bij de uitspraak te bepalen tijdsduur binnen de proeftijd.

- 2. Als bijzondere voorwaarde kan worden gesteld dat de veroordeelde zich zal laten opnemen in een inrichting gedurende een door de rechter te bepalen termijn, korter dan de proeftijd.

Art. 77aa . - 1. Met het toezicht op de naleving van de voorwaarden is het openbaar ministerie belast.

- 2. De rechter kan aan een rechtspersoon als bedoeld in artikel 60, eerste lid , onder b, van de Wet op de jeugdhulpverlening, of, in bijzondere gevallen en na overleg met een dergelijke rechtspersoon, aan een particulier persoon, opdragen aan de veroordeelde ter zake van de naleving der bijzondere voorwaarden hulp en steun te verlenen.

- 3. De rechter kan, indien de veroordeelde ingevolge artikel 254 van Boek 1 van het Burgerlijk Wetboek onder toezicht is gesteld, aan de gezinsvoogdij-instelling opdragen aan de veroordeelde ter zake van de naleving der bijzondere voorwaarden hulp en steun te verlenen.

- 4. Is de veroordeelde meerderjarig dan is artikel 14d, tweede lid , van overeenkomstige toepassing.

Art. 77bb . Artikel 366a van het Wetboek van Strafvordering is van overeenkomstige toepassing op de mededeling van de veroordeling, waarbij artikel 77x en 77z zijn toegepast.

Art. 77cc . - 1. De rechter die de voorwaarde heeft gesteld, kan na ontvangst van een vordering van het openbaar ministerie of op verzoek van veroordeelde, de proeftijd verkorten of deze eenmaal verlengen. De verlenging geschiedt met ten hoogste één jaar.

- 2. Evenzo kan de in het eerste lid bedoelde rechter gedurende de proeftijd of gedurende de tijd dat deze is geschorst, in de gestelde bijzondere voorwaarden of in de termijn waartoe deze voorwaarden in haar werking binnen de proeftijd zijn beperkt, wijziging brengen, deze voorwaarden opheffen, alsnog bijzondere voorwaarden stellen en een opdracht als bedoeld in artikel 77aa, tweede lid , geven, wijzigen of opheffen.

Art. 77dd . - 1. Onverminderd het bepaalde in artikel 77cc kan de rechter, indien enige gestelde voorwaarde niet wordt nageleefd en hij daartoe termen vindt, na ontvangst van de vordering van het openbaar ministerie:

a. gelasten dat de niet ten uitvoer gelegde straf of maatregel, alsnog zal worden ten uitvoer gelegd;

b. al of niet onder instandhouding of wijziging van de voorwaarden gelasten dat een gedeelte van de niet ten uitvoer gelegde straf of maatregel, alsnog zal worden ten uitvoer gelegd.

- 2. Artikel 14g, derde en vijfde lid , is van overeenkomstige toepassing, met dien verstande dat indien bij overeenkomstige toepassing van artikel 14 g, derde lid , onder a, het daar bedoelde strafbaar feit wordt vervolgd voor de politierechter, deze tevens bevoegd is tot toepassing van het eerste lid voor zover de ten uitvoer te leggen straf een geldboete of een jeugddetentie van niet meer dan zes maanden betreft.

Art. 77ee . - 1. Indien in het kader van de tenuitvoerlegging van een sanctie enige beslissing wordt genomen met gebruikmaking van de artikelen 77k , 77l, derde lid , 77o, vierde of vijfde lid , 77cc of 77dd, eerste lid , zijn de artikelen 14h , 14i, tweede tot en met zesde lid , en 14j van dit wetboek alsmede artikel 495b van het Wetboek van Strafvordering van overeenkomstige toepassing.

- 2. Indien de veroordeelde op het tijdstip dat de procedure op zijn verzoek of op vordering van het openbaar ministerie is ingesteld, de leeftijd van achttien jaren nog niet heeft bereikt, zijn daarenboven de artikelen 496 tot en met 498 , 504 en 505 van het Wetboek van Strafvordering van overeenkomstige toepassing. Heeft hij de leeftijd van zestien jaren nog niet bereikt, dan is tevens artikel 503 van

toepassing.

Art. 77ff . - 1. De kosten van jeugddetentie en van plaatsing in een inrichting voor jeugdigen komen ten laste van de staat.

- 2. Bij algemene maatregel van bestuur worden nadere regels gesteld betreffende

a. de uitvoering van jeugddetentie;

b. de uitvoering van de plaatsing in een inrichting voor jeugdigen;

c. het verstrekken van inlichtingen aan het openbaar ministerie over degene jegens wie een voorwaardelijke veroordeling is uitgesproken;

d. de wijze waarop een beslissing tot voorwaardelijke invrijheidstelling wordt uitgelokt.

- 3. Bij algemene maatregel van bestuur kunnen regels worden gesteld voor de verstrekking van rijkswege van een bijdrage in de

bekostiging van de voorbereiding en uitvoering van

a. projecten als bedoeld in de artikelen 77e en 77f, eerste lid , onder b, en

b. alternatieve sancties als bedoeld in artikel 77h, tweede lid .

Art. 77gg . - 1. De straffen en maatregelen als bedoeld in deze Titel, zijn voor poging, voorbereiding, deelneming en medeplichtigheid

dezelfde als die voor het voltooide misdrijf.

- 2. Bij samenloop worden meer feiten die als op zichzelf staande handelingen moeten worden beschouwd, voor de toepassing van

straffen, alternatieve sancties en maatregelen als één feit aangemerkt. Artikel 63 is met betrekking tot straffen van toepassing en met

betrekking tot alternatieve sancties van overeenkomstige toepassing.

Art. 77hh . Door vernummering is dit artikel vervallen.

Art. 77ii . Door vernummering is dit artikel vervallen.

Art. 77jj . Door vernummering is dit artikel vervallen.

Art. 77kk . Door vernummering is dit artikel vervallen.

TITEL IX Betekenis van sommige in het wetboek voorkomende uitdrukkingen

Art. 78 . Waar van misdrijf in het algemeen of van enig misdrijf in het bijzonder gesproken wordt, wordt daaronder medeplichtigheid aan,

poging tot en voorbereiding van dat misdrijf begrepen, voorzover niet uit enige bepaling het tegendeel volgt.

Art. 79 . Aanslag tot een feit bestaat, zodra het voornemen van de dader zich door een begin van

uitvoering, in de zin van artikel 45 , heeft geopenbaard.

Art. 80 . Samenspanning bestaat zodra twee of meer personen overeengekomen zijn om het misdrijf te plegen.

Art. 80bis . Onder omwenteling wordt verstaan het vernietigen of op onwettige wijze veranderen van de grondwettige regeringsvorm of de orde van troonopvolging.

Art. 80ter . Onder verboden plaats wordt verstaan iedere plaats die als verboden plaats is aangewezen ingevolge de Wet bescherming staatsgeheimen .

Art. 80quater . Onder gegeven waarvan de geheimhouding door het belang van de staat wordt geboden, wordt mede verstaan een gegeven, behorende tot of ontleend aan gegevens, hulpmiddelen of materialen of met behulp daarvan verrichte onderzoeken of toegepaste werkmethode, ter zake van de geheimhouding waarvan krachtens artikel 68 van de Kernenergiewet gestelde regelen gelden.

Art. 80quinquies . Onder gegevens wordt verstaan iedere weergave van feiten, begrippen of instructies, al dan niet op een overeengekomen wijze, geschikt voor overdracht, interpretatie of verwerking door personen of geautomatiseerde werken.

Art. 80sexies . Onder geautomatiseerd werk wordt verstaan een inrichting die bestemd is om langs elektronische weg gegevens op te slaan en te verwerken.

Art. 81 . Met het plegen van geweld wordt gelijkgesteld het brengen in een staat van bewusteloosheid of onmacht.

Art. 82 . - 1. Onder zwaar lichamelijk letsel worden begrepen: ziekte die geen uitzicht op volkomen genezing overlaat, voortdurende ongeschiktheid tot uitoefening van zijn ambts- of beroepsbezigheden, en afdrijving of dood van de vrucht van een vrouw.

- 2. Onder zwaar lichamelijk letsel wordt mede begrepen storing van de verstandelijke vermogens die langer dan vier weken geduurd heeft.

Art. 82a . Onder een ander, of een kind bij of kort na de geboorte, van het leven beroven wordt

begrepen: het doden van een vrucht die naar redelijkerwijs verwacht mag worden in staat is buiten het moederlichaam in leven te blijven.

Art. 83 t/m 83bis . Vervallen.

Art. 84 . - 1. Onder ambtenaren worden begrepen alle personen verkozen bij krachtens wettelijk voorschrift uitgeschreven verkiezingen.

- 2. Onder ambtenaren en onder rechters worden begrepen scheidsrechters; onder rechters zij die administratieve rechtsmacht oefenen.

- 3. Allen die tot de gewapende macht behoren worden mede als ambtenaar beschouwd.

Art. 84bis . Onder koopman wordt verstaan ieder die een bedrijf uitoefent.

Art. 85 . - 1. Onder schipper wordt verstaan elke gezagvoerder van een vaartuig of die deze vervangt.

- 2. Opvarenden zijn allen die zich aan boord bevinden, met uitzondering van de schipper.

- 3. Schepelingen zijn allen die zich als scheepsofficieren of scheepsgezellen aan boord bevinden.

- 4. Vaartuigen in aanbouw noch schepen in aanbouw worden als vaartuigen of schepen aangemerkt.

Art. 86 . Onder Nederlandse schepen worden alleen verstaan die vaartuigen welke door de wet betrekkelijk de afgifte van zeebrieven en

vergunningen tot het voeren van de Nederlandse vlag als zeeschepen worden aangemerkt.

Art. 86a . - 1. Onder Nederlandse luchtvaartuigen worden verstaan:

a. luchtvaartuigen die zijn ingeschreven in Nederlandse luchtvaartuigregisters;

b. luchtvaartuigen die zonder bemanning zijn verhuurd aan een huurder die de hoofdzetel van zijn bedrijf, of, indien de huurder niet een zodanige zetel heeft, zijn vaste verblijfplaats, in Nederland heeft.

- 2. Een luchtvaartuig is in vlucht van het moment af waarop alle buitendeuren, na het instappen, zijn gesloten tot het moment waarop een

van de deuren wordt geopend voor het uitstappen. In geval van een noodlanding wordt de vlucht geacht voort te duren, totdat de bevoegde autoriteiten de verantwoordelijkheid voor het luchtvaartuig en voor de personen en goederen aan boord overnemen.

- 3. Een luchtvaartuig is in bedrijf van het begin van het gereedmaken van dat luchtvaartuig voor een bepaalde vlucht door het

grondpersoneel of door de bemanning tot het moment dat sedert de landing vierentwintig uren zijn verstreken. De periode tijdens welke

het luchtvaartuig in bedrijf is strekt zich in elk geval uit tot de gehele periode tijdens welke het luchtvaartuig in vlucht is, zoals omschreven

in het tweede lid.

Art. 87 . - 1. Onder vijand worden begrepen opstandelingen.

- 2. Onder oorlog wordt begrepen burgeroorlog.
- 3. Onder tijd van oorlog wordt begrepen de tijd waarin oorlog dreigende is. Tijd van oorlog wordt mede geacht te bestaan zodra dienstplichtigen buitengewoon in werkelijke dienst worden opgeroepen en zolang zij buitengewoon in werkelijke dienst worden gehouden.

Art. 87a . Onder een bevriende staat wordt verstaan een buitenlandse mogendheid waarmede Nederland niet in een gewapend conflict is gewikkeld.

Art. 87b . - 1. Onder internationaal beschermd persoon wordt verstaan een persoon vallende onder de omschrijving van artikel 1, eerste lid , van het Verdrag inzake de voorkoming en bestraffing van misdrijven tegen internationaal beschermde personen, met inbegrip van diplomaten van 14 december 1973 (Trb. 1981, 69).

- 2. Onder beschermde goederen worden verstaan de goederen bedoeld in artikel 2, eerste lid , onder b, van voornoemd Verdrag.

Art. 88 . Onder maand wordt verstaan een tijd van dertig dagen, onder dag, behoudens voor de toepassing van de Algemene termijnenwet , een tijd van vierentwintig uren.

Art. 89 . Onder inklimming wordt begrepen ondergraving, alsmede het overschrijden van sloten of grachten tot afsluiting dienende.

Art. 90 . Onder valse sleutels worden begrepen alle tot opening van het slot niet bestemde werktuigen.

- 1. Onder opkoper wordt verstaan hij die van opkopen een beroep of een gewoonte maakt.
- 2. Onder opkopen worden begrepen alle handelingen, hoe ook genaamd, waarmede kennelijk hetzelfde wordt beoogd.

Art. 90ter . - 1. Onder electriciteitswerken worden verstaan werken dienende tot voortbrenging, geleiding, transformatie of levering van electriciteit en daarmede in verband staande beveiligings-, bevestigings-, ondersteunings- en waarschuwingswerken.

- 2. Onder electriciteitswerken worden niet begrepen telegraaf- en telefoonwerken.

Art. 90quater . Onder discriminatie of discrimineren wordt verstaan elke vorm van onderscheid, elke uitsluiting, beperking of voorkeur, die ten doel heeft of ten gevolge kan hebben dat de erkenning, het genot of de uitoefening op voet van gelijkheid van de rechten van de mens en de fundamentele vrijheden op politiek, economisch, sociaal of cultureel terrein of op andere

terreinen van het maatschappelijk leven, wordt teniet gedaan of aangetast.

Art. 90quinquies . - 1. Onder inrichting voor verpleging van ter beschikking gestelden wordt verstaan een inrichting als bedoeld in artikel 37d, eerste lid .

- 2. Onder justitiële inrichting voor verpleging van ter beschikking gestelden wordt verstaan een inrichting als bedoeld in artikel 37d, eerste lid , onder a waarvan de verpleegkosten vanwege de Minister van Justitie worden vergoed op grond van een door hem goedgekeurde inrichtingsbegroting, dan wel een inrichting als bedoeld in artikel 37d, eerste lid , onder b waarvan de algehele exploitatiekosten ten laste van het Ministerie van Justitie komen.

Art. 90sexies . Onder psychiatrisch ziekenhuis wordt verstaan:

1° een voor de toepassing van de Ziekenfondswet of de Algemene Wet Bijzondere Ziektekosten als ziekenhuis, verpleeginrichting of zwakzinnigeninrichting toegelaten of in overeenstemming met de Minister van Justitie aangewezen inrichting of afdeling daarvan, voor zover die inrichting of afdeling blijkens de toelating of aanwijzing gericht is op de behandeling van psychiatrische patiënten;

2° een psychiatrische afdeling van een academisch ziekenhuis.

Art. 90septies . Onder psychiater wordt verstaan een arts die bevoegd is de titel van psychiater of zenuwarts te voeren.

Art. 90octies . Waar van huwelijk of echtgenoot wordt gesproken wordt, met uitzondering van artikel 449 , daaronder mede begrepen geregistreerd partnerschap dan wel geregistreerde partner. Slotbepaling

Art. 91 . De bepalingen van de Titels I-VIII A van dit Boek zijn ook toepasselijk op feiten waarop bij andere wetten of verordeningen straf is gesteld, tenzij de wet anders bepaalt.

WETBOEK VAN STRAFRECHT --- MISDRIJVEN

Wet van 3 maart 1881, Stb. 35, zoals deze wet laatstelijk laatstelijk is gewijzigd bij de Wet van 25 februari 1999, Stb. 110

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TITEL I Misdrijven tegen de veiligheid van de staat

Art. 92 . De aanslag ondernomen met het oogmerk om de Koning, de regerende Koningin of de Regent van het leven of de vrijheid te beroven of tot regeren ongeschikt te maken, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 93 . De aanslag ondernomen met het oogmerk om het Rijk geheel of gedeeltelijk onder vreemde heerschappij te brengen of om een deel daarvan af te scheiden, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 94 . De aanslag ondernomen met het oogmerk om de grondwettige regeringsvorm of de orde van troonopvolging te vernietigen of op onwettige wijze te veranderen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 95 . Hij die door geweld of bedreiging met geweld een vergadering van de regeringsraad uiteenjaagt, tot het nemen of niet nemen van enig besluit dwingt, een lid uit die vergadering verwijdert of opzettelijk een lid verhindert die vergadering bij te wonen of daarin vrij en onbelemmerd zijn plicht te vervullen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 95a . Hij die door geweld of bedreiging met geweld een vergadering van de raad van ministers uiteenjaagt, tot het nemen of niet nemen van enig besluit dwingt, een lid uit die vergadering verwijdert of opzettelijk een lid verhindert die

vergadering bij te wonen of daarin vrij en onbelemmerd zijn plicht te vervullen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 96 . - 1. De samenspanning tot een der in de artikelen 92-95a omschreven misdrijven wordt gestraft met gevangenisstraf van ten

hoogste tien jaren of geldboete van de vijfde categorie.

- 2. Dezelfde straf is toepasselijk op hem die, met het oogmerk om een der in de artikelen 92-95a omschreven misdrijven voor te bereiden of te bevorderen:

1° een ander tracht te bewegen om het misdrijf te plegen, te doen plegen of mede te plegen, om daarbij behulpzaam te zijn of om daartoe

gelegenheid, middelen of inlichtingen te verschaffen;

2° gelegenheid, middelen of inlichtingen tot het plegen van het misdrijf zich of anderen tracht te verschaffen;

3° voorwerpen voorhanden heeft waarvan hij weet dat zij bestemd zijn tot het plegen van het misdrijf;

4° plannen voor de uitvoering van het misdrijf, welke bestemd zijn om aan anderen te worden medegedeeld, in gereedheid brengt of onder zich heeft;

5° enige maatregel van regeringswege genomen om de uitvoering van het misdrijf te voorkomen of te onderdrukken, tracht te beletten, te belemmeren of te vrijdelen.

- 3. Niet strafbaar is hij van wie blijkt, dat zijn oogmerk enkel gericht is op het voorbereiden of bevorderen van staatkundige veranderingen in algemene zin.

Art. 97 . - 1. Hij die met een buitenlandse mogendheid in verbinding treedt, met het oogmerk om haar tot het plegen van vijandelijkheden

of het voeren van oorlog tegen de staat te bewegen, haar in het daartoe opgevatte voornemen te versterken, haar daarbij hulp toe te

zeggen of bij de voorbereiding hulp te verlenen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

- 2. Handelingen gepleegd ter voorbereiding van een misdrijf als omschreven in het voorgaande lid, worden gestraft met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie.

Art. 97a . Hij die met een in het buitenland gevestigd persoon of lichaam in verbinding treedt met het oogmerk om een zodanig persoon of

lichaam tot het verschaffen van steun aan het voorbereiden, bevorderen of teweegbrengen van omwenteling te bewegen, om een zodanig

persoon of lichaam in het daartoe opgevatte voornemen te versterken of aan een zodanig persoon of

lichaam daarbij hulp toe te zeggen of te verlenen, of om omwenteling voor te bereiden, te bevorderen of teweeg te brengen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 97b . Met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die enig voorwerp invoert dat geschikt is tot het verschaffen van stoffelijke steun aan het voorbereiden, bevorderen of teweegbrengen van omwenteling, indien hij weet of ernstige reden heeft om te vermoeden dat het daartoe bestemd is;

2° hij die enig voorwerp onder zich heeft of tot onderwerp van een overeenkomst maakt dat geschikt is tot het verschaffen van stoffelijke steun aan het voorbereiden, bevorderen of teweegbrengen van omwenteling, indien hij weet of ernstige reden heeft om te vermoeden, dat het daartoe bestemd is en dat het voorwerp of enig ander voorwerp waarvoor het in de plaats is getreden, hetzij met die bestemming is ingevoerd, hetzij door of vanwege een in het buitenland gevestigd persoon of lichaam daartoe is bestemd.

Art. 98 . - 1. Hij die een inlichting waarvan de geheimhouding door het belang van de staat of van zijn bondgenoten wordt geboden, een voorwerp waaraan een zodanige inlichting kan worden ontleend, of zodanige gegevens opzettelijk verstrekt aan of ter beschikking stelt van een tot kennisneming daarvan niet gerechtigd persoon of lichaam, wordt, indien hij weet of redelijkerwijs moet vermoeden dat het een zodanige inlichting, een zodanig voorwerp of zodanige gegevens betreft, gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt gestraft hij die een inlichting die van een verboden plaats afkomstig is en tot de veiligheid van de staat of van zijn bondgenoten in betrekking staat, een voorwerp waaraan een zodanige inlichting kan worden ontleend, of zodanige gegevens opzettelijk verstrekt aan of ter beschikking stelt van een tot kennisneming daarvan niet gerechtigd persoon of lichaam, indien hij weet of redelijkerwijs moet vermoeden dat het een zodanige inlichting, een zodanig voorwerp of zodanige gegevens betreft.

Art. 98a . - 1. Hij die een inlichting, een voorwerp of gegevens als bedoeld in artikel 98 , hetzij opzettelijk openbaar maakt, hetzij zonder daartoe gerechtigd te zijn opzettelijk verstrekt aan of ter beschikking stelt van een buitenlandse mogendheid, een in het buitenland gevestigd persoon of lichaam, dan wel een zodanig persoon of lichaam dat gevaar ontstaat dat de

inlichting of de gegevens aan een buitenlandse mogendheid of aan een in het buitenland gevestigd persoon of lichaam bekend wordt, indien hij weet of redelijkerwijs moet vermoeden dat het een zodanige inlichting of zodanige gegevens betreft, gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien de schuldige heeft gehandeld in tijd van oorlog dan wel in dienst of in opdracht van een buitenlandse mogendheid of van een in het buitenland gevestigd persoon of lichaam, kan levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie worden opgelegd.

- 3. Handelingen gepleegd ter voorbereiding van een misdrijf als omschreven in de voorgaande leden worden gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 98b . Hij aan wiens schuld te wijten is dat een inlichting, een voorwerp of gegevens als bedoeld in artikel 98 , openbaar worden gemaakt of ter beschikking komt van een tot kennisneming daarvan niet gerechtigd persoon of lichaam, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 98c . - 1. Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die opzettelijk een inlichting, een voorwerp of gegevens als bedoeld in artikel 98 , zonder daartoe gerechtigd te zijn, onder zich neemt of houdt;

2° hij die enige handeling verricht, ondernomen met het oogmerk om, zonder daartoe gerechtigd te zijn, de beschikking te krijgen over een inlichting, een voorwerp of gegevens als bedoeld in artikel 98 ;

3° hij die tersluik, onder een vals voorgeven, door middel van een vermomming of langs een andere dan de gewone toegang op of in een verboden plaats komt of tracht te komen, aldaar in dier voege aanwezig is, of zich op een van die wijzen of door een van die middelen vandaar verwijderd of tracht te verwijderen.

- 2. De bepaling onder 3° is niet toepasselijk, indien de rechter blijkt dat de dader niet heeft gehandeld met het oogmerk bedoeld onder 2°.

Art. 99 . Hij die een hem van regeringswege opgedragen onderhandeling met een buitenlandse mogendheid opzettelijk ten nadele van de staat voert, wordt gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

Art. 100 . Met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie wordt

gestraft:

1° hij die, in geval van een oorlog waarin Nederland niet betrokken is, opzettelijk enige handeling verricht waardoor het gevaar ontstaat

dat de staat in een oorlog wordt betrokken, of enig van regeringswege gegeven en bekendgemaakt bijzonder voorschrift tot handhaving

van het niet deelnemen aan de oorlog opzettelijk overtreedt;

2° hij die, in tijd van oorlog, enig voorschrift van regeringswege in het belang van de veiligheid van de staat gegeven en bekendgemaakt, opzettelijk overtreedt.

Art. 101 . De Nederlander die in het vooruitzicht van een oorlog met een buitenlandse mogendheid vrijwillig bij deze mogendheid in krijgsdienst treedt, wordt, indien de oorlog uitbreekt, gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

Art. 102 . Met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie wordt gestraft hij die opzettelijk, in tijd van oorlog, de vijand hulp verleent of de staat tegenover de vijand benadeelt.

Art. 103 . De samenspanning tot het in artikel 102 omschreven misdrijf wordt gestraft met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie.

Art. 103a . Niet strafbaar is hij die een der in de artikelen 102 en 103 omschreven misdrijven heeft begaan in de redelijke overtuiging het Nederlandse belang niet te schaden.

Art. 104 . Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie wordt gestraft hij die, in tijd van oorlog, zonder oogmerk om de vijand hulp te verlenen of de staat tegenover de vijand te benadelen, opzettelijk:
1° een verspieder van de vijand opneemt, verbergt of voorthelpt;
2° desertie van een krijgsman, in dienst van het Rijk, teweegbrengt of bevordert.

Art. 105 . - 1. Hij die, in tijd van oorlog, enige bedrieglijke handeling pleegt bij levering van benodigdheden ten dienste van de krijgsmacht, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.
- 2. Met dezelfde straf wordt gestraft hij die, met het opzicht over de levering van de goederen belast, de bedrieglijke handeling opzettelijk toelaat.

Art. 106 . - 1. Bij veroordeling wegens het in artikel 92 omschreven misdrijf, kan ontzetting van de in

artikel 28, eerste lid , onder 1°-4°,
vermelde rechten worden uitgesproken.

- 2. Bij veroordeling wegens een der in de artikelen 93-103 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°-3°, vermelde rechten worden uitgesproken.

- 3. Bij veroordeling wegens het in artikel 105 omschreven misdrijf, kan de schuldige worden ontzet van de uitoefening van het beroep waarin hij het misdrijf begaan heeft en van de in artikel 28, eerste lid , onder 1°-4°, vermelde rechten, en kan openbaarmaking van de rechterlijke uitspraak worden gelast.

Art. 107 . De straffen gesteld op de in de artikelen 102-105 omschreven feiten, zijn toepasselijk indien een van die feiten wordt gepleegd tegen of met betrekking tot de bondgenoten van de staat in een gemeenschappelijke oorlog.

Art. 107a . De artikelen 100 , onder 2°, en 101-107 vinden overeenkomstige toepassing in geval van een gewapend conflict dat niet als oorlog kan worden aangemerkt en waarbij Nederland is betrokken, hetzij ter individuele of collectieve zelfverdediging, hetzij tot herstel van internationale vrede en veiligheid.

TITEL II Misdrijven tegen de koninklijke waardigheid

Art. 108 . - 1. De aanslag op het leven of de vrijheid van de echtgenoot van de Koning, van de vermoedelijke opvolger van de Koning, of van diens echtgenoot, wordt gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien de aanslag op het leven de dood ten gevolge heeft of met voorbedachten rade wordt ondernomen, wordt levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren opgelegd of geldboete van de vijfde categorie.

Art. 109 . Elke feitelijke aanranding van de persoon van de Koning die niet valt in een zwaardere strafbepaling wordt gestraft met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie.

Art. 110 . Elke feitelijke aanranding van de persoon van de echtgenoot van de Koning, van de vermoedelijke opvolger van de Koning, van diens echtgenoot, of van de Regent die niet valt in een zwaardere strafbepaling wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 111 . Opzettelijke belediging van de Koning wordt gestraft met gevangenisstraf van ten hoogste vijf

jaren of geldboete van de vierde categorie.

Art. 112 . Opzettelijke belediging van de echtgenoot van de Koning, van de vermoedelijke opvolger van de Koning, van diens echtgenoot, of van de Regent, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 113 . - 1. Hij die een geschrift of afbeelding waarin een belediging voorkomt voor de Koning, de echtgenoot van de Koning, de vermoedelijke opvolger van de Koning, diens echtgenoot of de Regent, verspreidt, openlijk tentoonstelt of aanslaat of, om verspreid, openlijk tentoongesteld of aangeslagen te worden in voorraad heeft, wordt, indien hij weet of ernstige reden heeft om te vermoeden dat in het geschrift of de afbeelding zodanige belediging voorkomt, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijke wetenschap of een gelijke reden tot vermoeden, de inhoud van een zodanig geschrift openlijk ten gehore brengt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel in zijn beroep begaat en er, tijdens het plegen van het misdrijf, nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 114 . - 1. Bij veroordeling wegens een der in de artikelen 108 , 109 en 110 omschreven misdrijven kan ontzetting van de in artikel 28, eerste lid , onder 1^o-4^o, vermelde rechten worden uitgesproken.

- 2. Bij veroordeling wegens een der in de artikelen 111 en 112 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1^o-3^o, vermelde rechten worden uitgesproken.

TITEL III Misdrijven tegen hoofden van bevriende Staten en andere internationaal beschermde personen

Art. 115 . - 1. De aanslag op het leven of de vrijheid van een hoofd van een bevriende staat wordt gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien de aanslag op het leven de dood ten gevolge heeft of met voorbedachten rade wordt ondernomen, wordt levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie opgelegd.

Art. 116 . Elke feitelijke aanranding van de persoon van een hoofd van een bevriende staat, die niet valt in een zwaardere strafbepaling, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 117 . - 1. De aanslag op het leven of de vrijheid van een internationaal beschermd persoon wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

- 2. Indien de aanslag op het leven de dood ten gevolge heeft of met voorbedachte rade wordt ondernomen, wordt levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren opgelegd of geldboete van de vijfde categorie.

Art. 117a . Elke feitelijke aanranding van de persoon van een internationaal beschermd persoon, die niet valt in een zwaardere strafbepaling, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 117b . Hij die opzettelijk geweld pleegt tegen de beschermde goederen van een internationaal beschermd persoon wordt, indien daardoor gevaar voor de veiligheid of de vrijheid van die persoon te duchten is, gestraft met gevangenisstraf van ten hoogste zeven jaren of geldboete van de vijfde categorie.

Art. 118 . - 1. Opzettelijke belediging van het hoofd of een lid van de regering van een bevriende staat, in de uitoefening van zijn ambt in Nederland verblijvende, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft opzettelijke belediging van een officieel bij de Nederlandse regering toegelaten vertegenwoordiger van een bevriende staat in diens hoedanigheid.

- 3. Bij veroordeling wegens een der in dit artikel omschreven misdrijven kan ontzetting van de in artikel 28, eerste lid , onder 1^o-2^o, vermelde rechten worden uitgesproken.

Art. 119 . - 1. Hij die een geschrift of afbeelding waarin een belediging voorkomt voor het hoofd of een lid van de regering van een bevriende staat, in de uitoefening van zijn ambt in Nederland verblijvende, verspreidt, openlijk tentoonstelt of aanslaat, dan wel de inhoud van zulk een geschrift openlijk ten gehore brengt, wordt, indien hij weet of ernstige reden heeft om te vermoeden dat in het geschrift of de afbeelding zodanige belediging voorkomt, gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Met dezelfde straf wordt gestraft hij die een geschrift of afbeelding waarin een belediging voorkomt

voor een officieel bij de

Nederlandse regering toegelaten vertegenwoordiger van een bevriende staat in diens hoedanigheid, verspreidt, openlijk tentoonstelt of aanslaat, of om verspreid, openlijk tentoongesteld of aangeslagen te worden in voorraad heeft, dan wel de inhoud van zulk een geschrift openlijk ten gehore brengt, indien hij weet of ernstige reden heeft om te vermoeden dat in het geschrift of de afbeelding zodanige belediging voorkomt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel, in zijn beroep begaat en er, tijdens het plegen van het misdrijf, nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 120 . Bij veroordeling wegens een der in de artikelen 115 en 116 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid, onder 1^o-4^o, vermelde rechten worden uitgesproken.

TITEL IV Misdrijven betreffende de uitoefening van staatsplichten en staatsrechten

Art. 121 . Hij die door geweld of bedreiging met geweld een vergadering van de beide kamers der Staten-Generaal of van een van deze uiteenjaagt, tot het nemen of niet nemen van enig besluit dwingt, een lid uit die vergadering verwijdert of opzettelijk een lid verhindert die vergadering bij te wonen of daarin vrij en onbelemmerd zijn plicht te vervullen, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 122 . - 1. De samenspanning tot het in artikel 121 omschreven misdrijf wordt gestraft met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie.

- 2. Artikel 96, tweede en derde lid , is van overeenkomstige toepassing.

Art. 123 . Hij die door geweld of bedreiging met geweld opzettelijk een vergadering van de staten van een provincie of van de raad van een gemeente uiteenjaagt, tot het nemen of niet nemen van enig besluit dwingt, of de voorzitter of een lid uit die vergadering verwijdert, wordt gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 124 . Hij die door geweld of bedreiging met geweld opzettelijk de voorzitter of een lid van de staten van een provincie of van de raad van een gemeente verhindert de vergadering bij te wonen of daarin vrij en onbelemmerd zijn plicht te vervullen, wordt gestraft met

gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 125 . Hij die bij gelegenheid van een krachtens wettelijk voorschrift uitgeschreven verkiezing door geweld of bedreiging met geweld opzettelijk iemand verhindert zijn of eens anders kiesrecht vrij en onbelemmerd uit te oefenen, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 126 . - 1. Hij die bij gelegenheid van een krachtens wettelijk voorschrift uitgeschreven verkiezing door gift of belofte iemand omkoopt om zijn of eens anders kiesrecht hetzij niet, hetzij op bepaalde wijze uit te oefenen, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.
- 2. Dezelfde straf wordt toegepast op de kiezer of de gemachtigde van een kiezer die zich door gift of belofte tot een of ander laat omkopen.

Art. 127 . Hij die bij gelegenheid van een krachtens wettelijk voorschrift uitgeschreven verkiezing, enige bedrieglijke handeling pleegt waardoor een stem van onwaarde wordt of een ander dan de bij het uitbrengen van de stem bedoelde persoon wordt aangewezen, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 128 . Hij die opzettelijk zich voor een ander uitgevende, aan een krachtens wettelijk voorschrift uitgeschreven verkiezing deelneemt, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 129 . Hij die bij gelegenheid van een krachtens wettelijk voorschrift uitgeschreven verkiezing, opzettelijk een plaats gehad hebbende stemming verijdelt of enige bedrieglijke handeling pleegt waardoor aan de stemming een andere uitslag wordt gegeven dan door de wettig uitgebrachte stemmen zou zijn verkregen, wordt gestraft met gevangenisstraf van ten hoogste een jaar en zes maanden of geldboete van de vierde categorie.

Art. 130 . - 1. Bij veroordeling wegens een der in de artikelen 121 en 123 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1^o-3^o, vermelde rechten worden uitgesproken.
- 2. Bij veroordeling wegens een der in de artikelen 122 , 124 en 129 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 3^o, vermelde rechten worden uitgesproken.

TITEL V Misdrijven tegen de openbare orde

Art. 131 . Hij die in het openbaar, mondeling of bij geschrift of afbeelding, tot enig strafbaar feit of tot gewelddadig optreden tegen het openbaar gezag opruit, wordt gestraft met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vierde categorie.

Art. 132 . - 1. Hij die een geschrift of afbeelding waarin tot enig strafbaar feit of tot gewelddadig optreden tegen het openbaar gezag wordt opgeruid, verspreidt, openlijk tentoonstelt of aanslaat of, om verspreid, openlijk tentoongesteld of aangeslagen te worden, in voorraad heeft, wordt, indien hij weet of ernstige reden heeft te vermoeden dat in het geschrift of de afbeelding zodanige opruiing voorkomt, gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijke wetenschap of een gelijke reden tot vermoeden, de inhoud van een zodanig geschrift openlijk ten gehore brengt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel in zijn beroep begaat en er, tijdens het plegen van het misdrijf, nog geen vijf jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 133 . Hij die in het openbaar, mondeling of bij geschrift of afbeelding, aanbiedt inlichtingen, gelegenheid of middelen te verschaffen om enig strafbaar feit te plegen, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 134 . - 1. Hij die een geschrift of afbeelding waarin wordt aangeboden inlichtingen, gelegenheid of middelen te verschaffen om enig strafbaar feit te plegen, verspreidt, openlijk tentoonstelt of aanslaat of, om verspreid, openlijk tentoongesteld of aangeslagen te worden, in voorraad heeft, wordt, indien hij weet of ernstige reden heeft om te vermoeden dat in het geschrift of de afbeelding zodanig aanbod voorkomt, gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijke wetenschap of een gelijke reden tot vermoeden, de inhoud van een zodanig geschrift openlijk ten gehore brengt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel in zijn beroep begaat en er, tijdens het plegen van het misdrijf, nog geen vijf jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is

geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 134bis . Vervallen.

Art. 135 . Hij die, kennis dragende van een samenspanning tot een der in de artikelen 92-95a, 102 of 121 bedoelde misdrijven, op een tijdstip waarop het plegen van deze misdrijven nog kan worden voorkomen, opzettelijk nalaat daarvan tijdig voldoende kennis te geven, hetzij aan de ambtenaren van de justitie of politie, hetzij aan de bedreigde, wordt, indien het misdrijf is gevolgd, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 136 . - 1. Hij die, kennis dragende van een voornemen tot het plegen van een der in de artikelen 92-110 omschreven misdrijven, tot desertie in tijd van oorlog, tot militair verraad, tot moord, mensenroof of verkrachting of tot een der in Titel VII van dit Boek omschreven misdrijven voor zover daardoor levensgevaar wordt veroorzaakt, op een tijdstip waarop het plegen van deze misdrijven nog kan worden voorkomen, opzettelijk nalaat daarvan tijdig voldoende kennis te geven, hetzij aan de ambtenaren van de justitie of politie, hetzij aan de bedreigde, wordt, indien het misdrijf is gevolgd, gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Dezelfde straf is toepasselijk op hem die, kennis dragende van enig in het eerste lid vermeld reeds gepleegd misdrijf waardoor levensgevaar is ontstaan, op een tijdstip waarop de gevolgen nog kunnen worden afgewend, opzettelijk nalaat daarvan gelijke kennisgeving te doen.

Art. 137 . De bepalingen van de artikelen 135 en 136 zijn niet van toepassing op hem die door de kennisgeving gevaar voor een strafvervolgung zou doen ontstaan voor zichzelf, voor een van zijn bloedverwanten of aangehuwden in de rechte linie of in de tweede of derde graad van de zijlinie, voor zijn echtgenoot of gewezen echtgenoot, of voor een ander bij wiens vervolging hij zich, uit hoofde van zijn ambt of beroep, van het afleggen van getuigenis zou kunnen verschonen.

Art. 137a t/m 137b . Vervallen.

Art. 137c . Hij die zich in het openbaar, mondeling of bij geschrift of afbeelding, opzettelijk beledigend uitlaat over een groep mensen wegens hun ras, hun godsdienst of levensovertuiging of hun hetero- of homoseksuele gerichtheid, wordt

gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 137d . Hij die in het openbaar, mondeling of bij geschrift of afbeelding, aanzet tot haat tegen of discriminatie van mensen of gewelddadig optreden tegen persoon of goed van mensen wegens hun ras, hun godsdienst of levensovertuiging, hun geslacht of hun hetero- of homoseksuele gerichtheid, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 137e . - 1. Hij die, anders dan ten behoeve van zakelijke berichtgeving:

1° een uitlating openbaar maakt die, naar hij weet of redelijkerwijs moet vermoeden, voor een groep mensen wegens hun ras, hun godsdienst of levensovertuiging of hun hetero- of homoseksuele gerichtheid beledigend is, of aanzet tot haat tegen of discriminatie van mensen of gewelddadig optreden tegen persoon of goed van mensen wegens hun ras, hun godsdienst of levensovertuiging, hun geslacht of hun hetero- of homoseksuele gerichtheid;

2° een voorwerp waarin, naar hij weet of redelijkerwijs moet vermoeden, zulk een uitlating is vervat, aan iemand, anders dan op diens verzoek, doet toekomen, dan wel verspreidt of ter openbaarmaking van die uitlating of verspreiding in voorraad heeft; wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Indien de schuldige een van de strafbare feiten, omschreven in dit artikel, in zijn beroep begaat en er, tijdens het plegen van het feit, nog geen vijf jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 137f . Hij die deelneemt of geldelijke of andere stoffelijke steun verleent aan activiteiten gericht op discriminatie van mensen wegens hun ras, hun godsdienst, hun levensovertuiging, hun geslacht of hun hetero- of homoseksuele gerichtheid, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 137g . Hij die, in de uitoefening van een ambt, beroep of bedrijf personen opzettelijk discrimineert wegens hun ras, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 138 . - 1. Hij die in de woning of het besloten lokaal of erf, bij een ander in gebruik, wederrechtelijk binnendringt of, wederrechtelijk aldaar vertoevende, zich niet op de vordering van of vanwege de rechthebbende aanstonds verwijdert,

wordt gestraft met gevangenisstraf

van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Hij die zich de toegang heeft verschaft door middel van braak of inklimming, van valse sleutels, van een valse order of een vals

kostuum, of die, zonder voorkennis van de rechthebbende en anders dan ten gevolge van vergissing binnengekomen, aldaar wordt

aangetroffen in de voor de nachtrust bestemde tijd, wordt geacht te zijn binnengedrongen.

- 3. Indien hij bedreigingen uit of zich bedient van middelen geschikt om vrees aan te jagen, wordt hij gestraft met gevangenisstraf van ten

hoogste een jaar of geldboete van de derde categorie.

- 4. De in het eerste en derde lid bepaalde gevangenisstraffen kunnen met een derde worden verhoogd, indien twee of meer verenigde

personen het misdrijf plegen.

Art. 138a . - 1. Met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie wordt, als schuldig aan

computervredesbreuk, gestraft hij die opzettelijk wederrechtelijk binnendringt in een geautomatiseerd werk voor de opslag of verwerking

van gegevens, of in een deel daarvan, indien hij

a. daarbij enige beveiliging doorbreekt of

b. de toegang verwerft door een technische ingreep, met behulp van valse signalen of een valse sleutel dan wel door het aannemen van een valse hoedanigheid.

- 2. Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie wordt gestraft computervredesbreuk, indien de

dader vervolgens gegevens die zijn opgeslagen in een geautomatiseerd werk waarin hij zich wederrechtelijk bevindt, overneemt en voor

zichzelf of een ander vastlegt.

- 3. Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie wordt gestraft computervredesbreuk gepleegd

door tussenkomst van een openbaar telecommunicatienetwerk, indien de dader vervolgens

a. met het oogmerk zich wederrechtelijk te bevoordelen gebruik maakt van verwerkingscapaciteit van een geautomatiseerd werk;

b. door tussenkomst van het geautomatiseerd werk waarin hij is binnengedrongen de toegang verwerft tot het geautomatiseerd werk van een derde.

Art. 139 . - 1. Hij die in een voor de openbare dienst bestemd lokaal wederrechtelijk binnendringt, of, wederrechtelijk aldaar

vertoevende, zich niet op de vordering van de bevoegde ambtenaar aanstonds verwijdert, wordt gestraft met gevangenisstraf van ten

hoogste drie maanden of geldboete van de tweede categorie.

- 2. Hij die zich de toegang heeft verschaft door middel van braak of inklimming, van valse sleutels, van

een valse order of een vals

kostuum, of die zonder voorkennis van de bevoegde ambtenaar en anders dan ten gevolge van vergissing binnengekomen, aldaar wordt

aangetroffen in de voor de nachtrust bestemde tijd, wordt geacht te zijn binnengedrongen.

- 3. Indien hij bedreigingen uit of zich bedient van middelen geschikt om vrees aan te jagen, wordt hij gestraft met gevangenisstraf van ten

hoogste een jaar of geldboete van de derde categorie.

- 4. De in het eerste en derde lid bepaalde gevangenisstraffen kunnen met een derde worden verhoogd, indien twee of meer verenigde personen het misdrijf plegen.

Art. 139a . - 1. Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft hij die met een

technisch hulpmiddel een gesprek dat in een woning, besloten lokaal of erf wordt gevoerd opzettelijk:

1° anders dan in opdracht van een deelnemer aan dat gesprek afluistert;

2° zonder deelnemer aan dat gesprek te zijn en anders dan in opdracht van zulk een deelnemer opneemt.

- 2. Met dezelfde straf wordt gestraft hij die gegevens die in een woning, besloten lokaal of erf, door middel van een geautomatiseerd

werk worden overgedragen, met een technisch hulpmiddel opzettelijk, zonder daartoe gerechtigd te zijn, aftapt of opneemt.

- 3. Het eerste en tweede lid zijn niet van toepassing op het aftappen of opnemen:

1° van telecommunicatie via een openbaar telecommunicatienetwerk,

2° behoudens in geval van kennelijk misbruik, met een technisch hulpmiddel dat op gezag van degene bij wie de woning, het lokaal of het

erf in gebruik is, niet heimelijk aanwezig is;

3° op bijzondere last van de Minister-President, de Minister van Justitie en de Minister van Binnenlandse Zaken gezamenlijk, telkens voor

de duur van ten hoogste drie maanden aan het Hoofd van de Binnenlandse Veiligheidsdienst te geven, in gevallen waarin zulks nodig is in

het belang van de veiligheid van de staat.

Art. 139b . - 1. Met gevangenisstraf van ten hoogste drie maanden of geldboete van de derde categorie wordt gestraft hij die, met het

oogmerk een gesprek dat elders dan in een woning, besloten lokaal of erf wordt gevoerd af te luisteren of op te nemen, dat gesprek met

een technisch hulpmiddel heimelijk:

1° anders dan in opdracht van een deelnemer aan dat gesprek afluistert;

2° zonder deelnemer aan dat gesprek te zijn en anders dan in opdracht van zulk een deelnemer opneemt.

- 2. Met dezelfde straf wordt gestraft hij die gegevensoverdracht elders dan in een woning, besloten lokaal of erf door middel van een

geautomatiseerd werk of telecommunicatie, met een technisch hulpmiddel opzettelijk, zonder daartoe gerechtigd te zijn, heimelijk aftapt of

opneemt.

- 3. Op het eerste en tweede lid is artikel 139a, derde lid , onder 1° en 3°, van overeenkomstige toepassing. Op het tweede lid is artikel 139c, tweede lid , van overeenkomstige toepassing.

Art. 139c . - 1. Hij die door middel van een openbaar telecommunicatienetwerk, of door middel van daarop aangesloten randapparatuur overgedragen gegevens die niet voor hem, mede voor hem of voor degenen in wiens opdracht hij handelt, zijn bestemd, opzettelijk met een technisch hulpmiddel aftapt of opneemt, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vierde categorie.

- 2. Het eerste lid is niet van toepassing op het aftappen of opnemen:

1° van door middel van een radio-ontvangapparaat ontvangen gegevens, tenzij om de ontvangst mogelijk te maken een bijzondere inspanning is geleverd of een niet toegestane ontvanginrichting is gebruikt.

2° door of in opdracht van de gerechtigde tot een voor de telecommunicatie gebezigde aansluiting, behoudens in geval van kennelijk misbruik;

3° ten behoeve van de goede werking van een openbaar telecommunicatienetwerk, ten behoeve van de strafvordering, dan wel, op bijzondere last van Onze Minister-President en Onze Ministers van Justitie, van Binnenlandse Zaken en Koninkrijksrelaties en van Verkeer en Waterstaat gezamenlijk, telkens voor de duur van ten hoogste drie maanden aan het Hoofd van de Binnenlandse Veiligheidsdienst te geven, in gevallen waarin zulks nodig is in het belang van de veiligheid van de staat.

Art. 139d . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft hij die met het oogmerk dat daardoor een gesprek, telecommunicatie of andere gegevensoverdracht door een geautomatiseerd werk wederrechtelijk wordt afgeluisterd, afgetapt of opgenomen, een technisch hulpmiddel op een bepaalde plaats aanwezig doet zijn.

Art. 139e . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft:

1° hij die de beschikking heeft over een voorwerp waarop, naar hij weet of redelijkerwijs moet vermoeden, gegevens zijn vastgelegd die door wederrechtelijk afluisteren, aftappen of opnemen van een gesprek, telecommunicatie of andere gegevensoverdracht door een geautomatiseerd werk zijn verkregen;

2° hij die gegevens die hij door wederrechtelijk afluisteren, aftappen of opnemen van een gesprek, telecommunicatie of andere

gegevensoverdracht door een geautomatiseerd werk heeft verkregen of die, naar hij weet of redelijkerwijs moet vermoeden, ten gevolge van zulk afluisteren, aftappen of opnemen te zijner kennis zijn gekomen, opzettelijk aan een ander bekend maakt;

3° hij die een voorwerp als omschreven onder 1° opzettelijk ter beschikking stelt van een ander.

Art. 139f . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft:

1° hij die, gebruik makende van een door een list of een kunstgreep daartoe geschapen gelegenheid, van een in een woning of een niet

voor het publiek toegankelijk lokaal aanwezige persoon met een technisch hulpmiddel opzettelijk een afbeelding vervaardigt waardoor

diens rechtmatig belang kan worden geschaad;

2° hij die de beschikking heeft over een afbeelding welke, naar hij weet of redelijkerwijs moet vermoeden, door of ten gevolge van een

onder 1° strafbaar gestelde handeling is verkregen.

Art. 139g . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft hij die een afbeelding, als bedoeld in het vorige artikel, onder 2°, openbaar maakt.

Art. 140 . - 1. Deelneming aan een organisatie die tot oogmerk heeft het plegen van misdrijven, wordt gestraft met gevangenisstraf van

ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Deelneming aan de voortzetting van de werkzaamheid van een rechtspersoon die bij onherroepelijke rechterlijke beslissing verboden

is verklaard en deswege is ontbonden wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 3. Ten aanzien van de oprichters, leiders of bestuurders kunnen de gevangenisstraffen met een derde worden verhoogd.

Art. 141 . - 1. Zij die openlijk met verenigde krachten geweld plegen tegen personen of goederen, worden gestraft met gevangenisstraf

van ten hoogste vier jaren en zes maanden of geldboete van de vierde categorie.

- 2. De schuldige wordt gestraft:

1° met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie, indien hij opzettelijk goederen vernielt of indien het

door hem gepleegde geweld enig lichamenlijk letsel ten gevolge heeft;

2° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien dat geweld zwaar lichamenlijk letsel ten gevolge heeft;

3° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien dat geweld de dood ten gevolge heeft.

- 3. Artikel 81 blijft buiten toepassing.

Art. 142 . - 1. Hij die opzettelijk door valse alarmkreten of signalen de rust verstoort, wordt gestraft met gevangenisstraf van ten hoogste twee weken of geldboete van de tweede categorie.

- 2. Hij die opzettelijk, zonder dat daartoe de noodzaak aanwezig is, gebruik maakt van een alarmnummer voor publieke diensten wordt gestraft met gevangenisstraf van ten hoogste twee weken of geldboete van de tweede categorie.

Art. 143 . Hij die door geweld of bedreiging met geweld een geoorloofde openbare vergadering of betoging verhindert, wordt gestraft met gevangenisstraf van ten hoogste negen maanden of geldboete van de derde categorie.

Art. 144 . Hij die door het verwekken van wanorde of het maken van gedruis een geoorloofde openbare vergadering opzettelijk stoort, of door het verwekken van wanorde een geoorloofde betoging opzettelijk stoort, wordt gestraft met gevangenisstraf van ten hoogste twee weken of geldboete van de tweede categorie.

Art. 145 . Hij die door geweld of bedreiging met geweld hetzij een geoorloofde openbare samenkomst tot het belijden van godsdienst of levensovertuiging, hetzij een geoorloofde godsdienstige of levensbeschouwelijke plechtigheid of lijkplechtigheid verhindert, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 146 . Hij die door het verwekken van wanorde of het maken van gedruis hetzij een geoorloofde openbare samenkomst tot het belijden van godsdienst of levensovertuiging, hetzij een geoorloofde godsdienstige of levensbeschouwelijke plechtigheid of lijkplechtigheid opzettelijk stoort, wordt gestraft met gevangenisstraf van ten hoogste twee maanden of geldboete van de tweede categorie.

Art. 147 . Met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie wordt gestraft:

1° hij die zich in het openbaar, mondeling of bij geschrift of afbeelding, door smalende godslasteringen op voor godsdienstige gevoelens

krenkende wijze uitlaat;

2° hij die een bedienaar van de godsdienst in de geoorloofde waarneming van zijn bediening bespot;

3° hij die voorwerpen aan een eredienst gewijd, waar en wanneer de uitoefening van die dienst geoorloofd is, beschimpt.

Art. 147a . - 1. Hij die een geschrift of afbeelding waarin uitlatingen voorkomen die, als smalende

godslasteringen, voor godsdienstige gevoelens krenkend zijn, verspreidt, openlijk tentoonstelt of aanslaat of, om verspreid, openlijk tentoongesteld of aangeslagen te worden, in voorraad heeft, wordt, indien hij weet of ernstige reden heeft om te vermoeden dat in het geschrift of de afbeelding zodanige uitlatingen voorkomen, gestraft met gevangenisstraf van ten hoogste twee maanden of geldboete van de tweede categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijke wetenschap of een gelijke reden tot vermoeden, de inhoud van een zodanig geschrift openlijk ten gehore brengt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel in zijn beroep begaat en er, tijdens het plegen van het misdrijf, nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 148 . Hij die opzettelijk de geoorloofde toegang tot een begraafplaats of crematorium of het geoorloofd vervoer van een lijk naar een begraafplaats of crematorium verhindert of belemmert, wordt gestraft met gevangenisstraf van ten hoogste een maand of geldboete van de tweede categorie.

Art. 149 . Hij die opzettelijk een graf schendt of enig op een begraafplaats opgericht gedenkteken opzettelijk en wederrechtelijk vernielt of beschadigt, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 150 . Hij die opzettelijk en wederrechtelijk een lijk opgraaft of wegneemt of een opgegraven of weggenomen lijk verplaatst of vervoert, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 151 . Hij die een lijk begraaft, verbrandt, vernietigt, verbergt, wegvoert of wegmaakt, met het oogmerk om het feit of de oorzaak van het overlijden, dan wel van het dood ter wereld komen te verhelen, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 151a . Hij die uit winstbejag opzettelijk bevordert dat een kind beneden de leeftijd van zes maanden hetwelk niet onder voogdij van een rechtspersoon staat, zonder voorafgaande schriftelijke toestemming van de raad voor de kindbescherming, als pleegkind wordt

opgenomen, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 151b . - 1. Degene die in de uitoefening van een beroep of bedrijf opzettelijk teweegbrengt of bevordert dat een draagmoeder of een vrouw die draagmoeder wenst te worden, rechtstreeks of middellijk met een ander onderhandelt of een afspraak maakt ten einde het voornemen, bedoeld in het derde lid, uit te voeren, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft:

a. degene die in het openbaar diensten aanbiedt, bestaande uit het teweegbrengen of bevorderen van onderhandelingen of een afspraak als bedoeld in het eerste lid;

b. degene die openbaar maakt dat een vrouw draagmoeder wenst te worden of als zodanig beschikbaar is, dan wel dat een vrouw die draagmoeder wenst te worden of als zodanig beschikbaar is, wordt gezocht.

- 3. Als draagmoeder wordt aangemerkt de vrouw die zwanger is geworden met het voornemen een kind te baren ten behoeve van een ander die het ouderlijk gezag over dat kind wil verwerven, dan wel anderszins duurzaam de verzorging en opvoeding van dat kind op zich wil nemen.

Art. 151c . - 1. Degene die in de uitoefening van een beroep of bedrijf opzettelijk teweegbrengt of bevordert dat een vrouw rechtstreeks of middellijk met een ander onderhandelt of een afspraak maakt in verband met de wens van die vrouw de verzorging en opvoeding van haar kind duurzaam aan een ander over te laten, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Onverminderd het bepaalde in artikel 151b, eerste lid , is het eerste lid niet van toepassing

a. indien het in dat lid bedoelde teweegbrengen of bevorderen geschiedt door de raad voor de kindbescherming of een door de raad daartoe aangewezen rechtspersoon;

b. indien het in dat lid bedoelde teweegbrengen of bevorderen een verwijzing betreft naar een organisatie als bedoeld onder a.

TITEL VI Tweegevecht

Art. 152 . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft:

1° hij die iemand tot een uitdaging tot tweegevecht of tot het aannemen van een uitdaging aanzet, indien daarop een tweegevecht volgt;

2° hij die opzettelijk een uitdaging overbrengt, indien daarop een tweegevecht volgt.

Art. 153 . Met gevangenisstraf van ten hoogste vier maanden of geldboete van de tweede categorie wordt gestraft hij die iemand in het openbaar of in tegenwoordigheid van derden verwijtingen doet of hem aan bespotting prijsgeeft, omdat hij niet tot tweegevecht heeft uitgedaagd of omdat hij een uitdaging heeft afgewezen.

Art. 154 . - 1. Tweegevecht wordt ten aanzien van hem die zijn tegenpartij geen lichamelijk letsel toebrengt gestraft met gevangenisstraf

van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Hij die zijn tegenpartij enig lichamelijk letsel toebrengt wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 3. Hij die zijn tegenpartij zwaar lichamelijk letsel toebrengt wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

- 4. Hij die zijn tegenpartij van het leven berooft wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie of, indien het tweegevecht op leven of dood was aangegaan, met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

- 5. Poging tot tweegevecht is niet strafbaar.

Art. 155 . Op hem die in een tweegevecht zijn tegenpartij van het leven berooft of haar enig lichamelijk letsel toebrengt, worden de

bepalingen omtrent moord, doodslag of mishandeling toegepast:

1° indien de voorwaarden niet vooraf zijn geregeld;

2° indien het tweegevecht niet plaats heeft in tegenwoordigheid van wederzijdse getuigen;

3° indien de dader, opzettelijk en ten nadele van de tegenpartij, zich aan enige bedrieglijke handeling schuldig maakt of van de voorwaarden afwijkt.

Art. 156 . - 1. Getuigen en artsen die een tweegevecht bijwonen, zijn niet strafbaar.

- 2. De getuigen worden gestraft:

1° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie, indien de voorwaarden niet vooraf zijn geregeld,

of indien zij partijen tot voortzetting van het tweegevecht aanzetten;

2° met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie, indien zij opzettelijk en ten nadele van een of beide

partijen, zich aan enige bedrieglijke handeling schuldig maken of enige door partijen gepleegde bedrieglijke handeling toelaten, of toelaten dat van de voorwaarden wordt afgeweken.

- 3. De bepalingen omtrent moord, doodslag of mishandeling worden toegepast op de getuige bij een tweegevecht waarin een van de partijen van het leven is beroofd of haar enig lichamelijk letsel is toegebracht, indien hij, opzettelijk en ten nadele van die partij, zich aan enige bedrieglijke handeling heeft schuldig gemaakt of enige bedrieglijke handeling heeft toegelaten, of heeft toegelaten dat ten nadele van de verslagene of verwonde van de voorwaarden is afgeweken.

TITEL VII Misdrijven waardoor de algemene veiligheid van personen of goederen wordt in gevaar gebracht

Art. 157 . Hij die opzettelijk brand sticht, een ontploffing teweegbrengt of een overstroming veroorzaakt, wordt gestraft:

1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien daarvan gemeen gevaar voor goederen te duchten is;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;

3° met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 158 . Hij aan wiens schuld brand, ontploffing of overstroming te wijten is, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor gemeen gevaar voor goederen ontstaat;

2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar voor een ander ontstaat;

3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 159 . Hij die opzettelijk bij of in het vooruitzicht van brand blusgereedschappen of blusmiddelen wederrechtelijk verbergt of onbruikbaar maakt, of op enige wijze de blussing van brand verhindert of belemmert, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 160 . Hij die opzettelijk bij of in het vooruitzicht van watersnood dijkmaterialen of gereedschappen wederrechtelijk verbergt of

onbruikbaar maakt, enige poging tot herstel van dijken of andere waterstaatswerken vrijdelt, of de aangewende middelen tot het voorkomen of stuiten van overstroming tegenwerkt, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 161 . Hij die opzettelijk enig werk dienende tot waterkering of waterlozing vernielt, onbruikbaar maakt of beschadigt, wordt, indien daarvan gevaar voor overstroming te duchten is, gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 161bis . Hij die opzettelijk enig electriciteitswerk vernielt, beschadigt of onbruikbaar maakt, stoornis in de gang of in de werking van zodanig werk veroorzaakt, of een ten opzichte van zodanig werk genomen veiligheidsmaatregel vrijdelt, wordt gestraft:

1° met gevangenisstraf van ten hoogste zes maanden of geldboete van de vijfde categorie, indien daardoor verhindering of bemoeilijking van stroomlevering ten algemenen nutte ontstaat;

2° met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie, indien daarvan gemeen gevaar voor goederen te duchten is;

3° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;

4° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 161ter . Hij aan wiens schuld te wijten is, dat enig electriciteitswerk wordt vernield, beschadigd, of onbruikbaar gemaakt, dat stoornis in de gang of in de werking van zodanig werk ontstaat, of dat een ten opzichte van zodanig werk genomen veiligheidsmaatregel wordt vrijdeld, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor verhindering of bemoeilijking van stroomlevering ten algemenen nutte of gemeen gevaar voor goederen ontstaat;

2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar voor een ander ontstaat;

3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 161quater . Hij die opzettelijk mensen, dieren, planten of goederen aan ioniserende stralen blootstelt, dan wel mensen, dieren, planten, goederen, bodem, water of lucht met radioactieve stoffen besmet, wordt gestraft:
1° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de openbare gezondheid of levensgevaar voor een ander te duchten is;
2° met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 161quinquies . Hij aan wiens schuld te wijten is dat mensen, dieren, planten of goederen aan ioniserende stralen worden blootgesteld, dan wel mensen, dieren, planten, goederen, bodem, water of lucht met radioactieve stoffen worden besmet, wordt gestraft:
1° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien daarvan gevaar voor de openbare gezondheid of levensgevaar voor een ander te duchten is;
2° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 161sexies . Hij die opzettelijk enig geautomatiseerd werk voor opslag of verwerking van gegevens of enig werk voor telecommunicatie vernielt, beschadigt of onbruikbaar maakt, stoornis in de gang of in de werking van zodanig werk veroorzaakt, of een ten opzichte van zodanig werk genomen veiligheidsmaatregel verijdelt, wordt gestraft:
1° met gevangenisstraf van ten hoogste zes maanden of geldboete van de vijfde categorie, indien daardoor wederrechtelijk verhindering of bemoeilijking van de opslag of verwerking van gegevens ten algemene nutte of stoornis in een openbaar telecommunicatienetwerk of in de uitvoering van een openbare telecommunicatiedienst, ontstaat;
2° met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie, indien daarvan gemeen gevaar voor goederen of voor de verlening van diensten te duchten is;
3° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;
4° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 161septies . Hij aan wiens schuld te wijten is dat enig geautomatiseerd werk voor opslag of

verwerking van gegevens of enig werk

voor telecommunicatie wordt vernield, beschadigd of onbruikbaar gemaakt, dat stoornis in de gang of in de werking van zodanig werk ontstaat, of dat een ten opzichte van zodanig werk genomen veiligheidsmaatregel wordt verijdeld, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor verhindering of bemoeilijking van de opslag of verwerking van gegevens ten algemene nutte, stoornis in een openbaar telecommunicatienetwerk of in de uitvoering van een openbare telecommunicatiedienst, of gemeen gevaar voor goederen of voor de verlening van diensten ontstaat;

2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar voor een ander ontstaat;

3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 162 . Hij die opzettelijk enig werk dienende voor het openbaar verkeer of het luchtverkeer vernielt, onbruikbaar maakt of beschadigt, enige openbare land- of waterweg verspert of een ten aanzien van zodanig werk of van zodanige weg genomen veiligheidsmaatregel verijdelt, wordt gestraft:

1° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van het verkeer te duchten is;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van het verkeer te duchten is en het feit iemands dood ten gevolge heeft.

Art. 162a . Hij die opzettelijk op een luchthaven een luchtvaartuig buiten bedrijf of enige voorziening vernielt, onbruikbaar maakt of beschadigt, dan wel de diensten op een luchthaven verstoort, wordt gestraft:

1° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van de luchtvaart te duchten valt;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van de luchtvaart te duchten valt en het feit iemands dood ten gevolge heeft.

Art. 163 . Hij aan wiens schuld te wijten is dat enig werk dienende voor het openbaar verkeer of het luchtverkeer wordt vernield, onbruikbaar gemaakt of beschadigt, enige openbare land- of waterweg verspert of een ten aanzien van

zodanig werk of van zodanige

weg genomen veiligheidsmaatregel vrijdeld wordt, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor het verkeer

onveilig wordt;

2° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten

gevolge heeft.

Art. 164 . - 1. Hij die opzettelijk gevaar veroorzaakt voor het verkeer door mechanische kracht over een spoorweg, wordt gestraft met

gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien het feit iemands dood ten gevolge heeft, wordt de schuldige gestraft met levenslange gevangenisstraf of tijdelijke van ten

hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 165 . - 1. Hij aan wiens schuld te wijten is dat gevaar ontstaat voor het verkeer door mechanische kracht over een spoorweg, wordt

gestraft met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie.

- 2. Indien het feit iemands dood ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf of hechtenis van ten hoogste een jaar

of geldboete van de vierde categorie.

Art. 166 . Hij die opzettelijk een voor de veiligheid van de scheepvaart of luchtvaart gesteld teken of hulpmiddel vernielt, beschadigt,

wegneemt of verplaatst, de werking daarvan vrijdelt of een verkeerd teken stelt, wordt gestraft:

1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van de

scheepvaart of luchtvaart te duchten is;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien

daarvan gevaar voor de veiligheid van de

scheepvaart of luchtvaart te duchten is en het feit het zinken, stranden of verongelukken van een vaartuig of een luchtvaartuig ten gevolge

heeft;

3° met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie, indien daarvan gevaar

voor de veiligheid van de scheepvaart of luchtvaart te duchten is en het feit iemands dood ten gevolge heeft.

Art. 167 . Hij aan wiens schuld vernieling, beschadiging, wegneming of verplaatsing van een voor de veiligheid van de scheepvaart of

luchtvaart gesteld teken of hulpmiddel dan wel de vrijdeling van de werking daarvan of het stellen van

een verkeerd teken te wijten is,
wordt gestraft:

- 1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor de scheepvaart of de luchtvaart onveilig wordt;
- 2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien het feit het zinken, stranden of verongelukken van een vaartuig of een luchtvaartuig ten gevolge heeft;
- 3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 168 . Hij die enig vaartuig of luchtvaartuig opzettelijk en wederrechtelijk doet zinken, stranden of verongelukken, vernielt, onbruikbaar maakt of beschadigt, wordt gestraft:

- 1° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;
- 2° met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 169 . Hij aan wiens schuld te wijten is dat enig vaartuig of luchtvaartuig zinkt, strandt of verongelukt, vernield, onbruikbaar gemaakt of beschadigd wordt, wordt gestraft:

- 1° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar voor een ander ontstaat;
- 2° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 170 . Hij die enig gebouw of getimmerte opzettelijk vernielt of beschadigt, wordt gestraft:

- 1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien daarvan gemeen gevaar voor goederen te duchten is;
- 2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;
- 3° met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 171 . Hij aan wiens schuld de vernieling of beschadiging van enig gebouw of getimmerte te wijten is, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor gemeen gevaar

voor goederen ontstaat;

2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar

voor een ander ontstaat;

3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 172 . - 1. Hij die opzettelijk en wederrechtelijk een stof in een inrichting ten behoeve van de drinkwatervoorziening of in een tot

gezamenlijk gebruik van of met anderen bestemde waterleiding brengt, wordt gestraft:

1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien de schuldige weet of ernstige reden heeft

om te vermoeden dat daarvan gevaar voor een ander te duchten is;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien de schuldige weet of ernstige reden heeft

om te vermoeden dat daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolg heeft.

- 2. Hij die opzettelijk enig voor de openbare drinkwatervoorziening bestemd werk vernielt, beschadigt of onbruikbaar maakt, stoornis in

de gang of in de werking van zodanig werk veroorzaakt, of een ten opzichte van zodanig werk genomen veiligheidsmaatregel verijdelt,

wordt, indien daardoor verhindering of bemoeilijking van de openbare drinkwatervoorziening te duchten is, gestraft met gevangenisstraf

van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 173 . - 1. Hij aan wiens schuld te wijten is, dat wederrechtelijk een stof in een inrichting ten behoeve van de drinkwatervoorziening

of in een tot gezamenlijk gebruik van of met anderen bestemde waterleiding, wordt gebracht, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien de schuldige weet of ernstige

reden heeft om te vermoeden dat daarvan gevaar voor de openbare gezondheid of levensgevaar voor een ander te duchten is;

2° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie, indien de schuldige weet of ernstige reden heeft

om te vermoeden dat daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

- 2. Hij aan wiens schuld te wijten is, dat enig voor de openbare drinkwatervoorziening bestemd werk

wordt vernield, beschadigd, of onbruikbaar gemaakt, dat stoornis in de gang of in de werking van een zodanig werk ontstaat of dat een ten opzichte van zodanig werk genomen veiligheidsmaatregel wordt verijdeld, wordt, indien daardoor verhindering of bemoeilijking van de openbare drinkwatervoorziening te duchten is, gestraft met een gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 173a . Hij die opzettelijk en wederrechtelijk een stof op of in de bodem, in de lucht of in het oppervlaktewater brengt, wordt gestraft:

1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien de schuldige weet of ernstige redenen heeft om te vermoeden dat daarvan gevaar voor de openbare gezondheid of levensgevaar voor een ander te duchten is;

2° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien de schuldige weet of ernstige reden heeft om te vermoeden dat daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 173b . Hij aan wiens schuld te wijten is, dat wederrechtelijk een stof op of in de bodem, in de lucht of in het oppervlaktewater wordt gebracht, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien de schuldige weet of ernstige reden heeft om te vermoeden dat daarvan gevaar voor de openbare gezondheid of levensgevaar voor een ander te duchten is;

2° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie, indien de schuldige weet of ernstige reden heeft om te vermoeden dat daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 174 . - 1. Hij die waren verkoopt, te koop aanbiedt, aflevert of uitdeelt, wetende dat zij voor het leven of de gezondheid schadelijk zijn, en dat schadelijk karakter verzwijgende, wordt gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien het feit iemands dood ten gevolge heeft, wordt de schuldige gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 175 . - 1. Hij aan wiens schuld te wijten is dat waren, schadelijk voor het leven of de gezondheid, verkocht, afgeleverd of uitgedeeld

worden, zonder dat de koper of verkrijger met dat schadelijk karakter bekend is, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie.

- 2. Indien het feit iemands dood ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie.

Art. 175a . Hij die in geval van oorlog opzettelijk een bekendgemaakt bevel, bedoeld in artikel 7 van de Wet bescherming bevolking (Stb.

1952, 404), dan wel een bij of krachtens een van de algemene maatregelen van bestuur, bedoeld in artikel 29 van de Intrekkingwet BB

(Stb. 1986, 312), gegeven en bekendgemaakt voorschrift overtreedt, wordt gestraft:

1° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie, indien daarvan gemeen gevaar voor goederen te duchten is;

2° met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is;

3° met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vijfde categorie, indien daarvan levensgevaar voor een ander te duchten is en het feit iemands dood ten gevolge heeft.

Art. 175b . Hij aan wiens schuld in geval van oorlog overtreding te wijten is van een bekendgemaakt bevel, bedoeld in artikel 7 van de

Wet bescherming bevolking, dan wel van een bij of krachtens een van de algemene maatregelen van bestuur, bedoeld in artikel 29 van de

Intrekkingwet BB, gegeven en bekendgemaakt voorschrift, wordt gestraft:

1° met gevangenisstraf of hechtenis van ten hoogste drie maanden of geldboete van de vierde categorie, indien daardoor gemeen gevaar voor goederen ontstaat;

2° met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie, indien daardoor levensgevaar voor een ander ontstaat;

3° met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de vierde categorie, indien het feit iemands dood ten gevolge heeft.

Art. 176 . - 1. Bij veroordeling wegens enig in deze titel omschreven misdrijf kan de schuldige worden ontzet van de uitoefening van het beroep waarin hij het misdrijf begaan heeft.

- 2. Bij veroordeling wegens een der in de artikelen 174 en 175 omschreven misdrijven, kan de rechter de openbaarmaking van zijn uitspraak gelasten.

TITEL VIII Misdrijven tegen het openbaar gezag

Art. 177 . - 1. Met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie wordt gestraft:

1° hij die een ambtenaar een gift of belofte doet met het oogmerk om hem te bewegen in zijn bediening, in strijd met zijn plicht, iets te doen

of na te laten;

2° hij die een ambtenaar een gift of belofte doet ten gevolge of naar aanleiding van hetgeen door deze in zijn bediening, in strijd met zijn plicht, is gedaan of nagelaten.

- 2. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

Art. 178 . - 1. Hij die een rechter een gift of belofte doet met het oogmerk om invloed te oefenen op de beslissing van een aan diens oordeel onderworpen zaak, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Indien die gift of belofte gedaan wordt met het oogmerk om een veroordeling in een strafzaak te verkrijgen, wordt de schuldige

gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

- 3. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

Art. 179 . Hij die door geweld of bedreiging met geweld een ambtenaar dwingt tot het volvoeren van een ambtsverrichting of het nalaten van een rechtmatige ambtsverrichting, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 180 . Hij die zich met geweld of bedreiging met geweld verzet tegen een ambtenaar werkzaam in de rechtmatige uitoefening van zijn bediening, of tegen personen die hem daarbij krachtens wettelijke verplichting of op zijn verzoek bijstand verlenen, wordt als schuldig aan wederspanning gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 181 . De dwang en de wederspanning in de artikelen 179 en 180 omschreven worden gestraft:

1° met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie, indien het misdrijf of de daarmede gepaard

gaande feitelikheden enig lichamelijk letsel ten gevolge hebben;

2° met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie,

indien zij zwaar lichamelijk

letsel ten gevolge hebben;

3° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien zij de dood ten gevolge hebben.

Art. 182 . - 1. De dwang en de wederspanning in de artikelen 179 en 180 omschreven, door twee of meer personen met verenigde krachten gepleegd, worden gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. De schuldige wordt gestraft:

1° met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie, indien het door hem gepleegde

misdrijf of de daarbij door hem gepleegde feitelijkheden enig lichamelijk letsel ten gevolge hebben;

2° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien zij zwaar lichamelijk letsel ten gevolge

hebben;

3° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien zij de dood ten gevolge hebben.

Art. 183 . - 1. Met ambtenaren worden ten aanzien van de artikelen 179-182 gelijkgesteld de bestuurders benevens de beëdigde

beambten en bedienden van spoorwegdiensten.

- 2. Voorts worden ten aanzien van die artikelen met ambtenaren gelijkgesteld de schipper of gezagvoerder van een luchtvaartuig die een

bevoegdheid uitoefent of een verplichting vervult welke hem als zodanig is toegekend of opgelegd bij een bepaling van het Wetboek van

Strafvordering . Onder schipper wordt begrepen hij die het hoogste gezag uitoefent op een overeenkomstig artikel 136a, tweede lid , van

het Wetboek van Strafvordering aangewezen installatie.

Art. 184 . - 1. Hij die opzettelijk niet voldoet aan een bevel of een vordering, krachtens wettelijk voorschrift gedaan door een ambtenaar

met de uitoefening van enig toezicht belast of door een ambtenaar belast met of bevoegd verklaard tot het opsporen of onderzoeken van

strafbare feiten, alsmede hij die opzettelijk enige handeling, door een van die ambtenaren ondernomen ter uitvoering van enig wettelijk

voorschrift, belet, belemmert of verijdelt, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede

categorie.

- 2. Met de in het eerste gedeelte van het vorige lid bedoelde ambtenaar wordt gelijkgesteld ieder die, krachtens wettelijk voorschrift,

voortdurend of tijdelijk met enige openbare dienst is belast.

- 3. Met een vordering of handeling als bedoeld in het eerste lid wordt gelijkgesteld een vordering of

handeling van de schipper of gezagvoerder van een luchtvaartuig die een bevoegdheid uitoefent of een verplichting vervult, welke hem als zodanig is toegekend of opgelegd bij een bepaling van het Wetboek van Strafvordering . Onder schipper wordt begrepen hij die het hoogste gezag uitoefent op een overeenkomstig artikel 136a, tweede lid , van het Wetboek van Strafvordering aangewezen installatie.

- 4. Indien tijdens het plegen van het misdrijf nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens gelijk misdrijf onherroepelijk is geworden, kan de gevangenisstraf met een derde worden verhoogd.

Art. 185 . Hij die bij een terechtzitting of ter plaatse waar een ambtenaar in het openbaar in de rechtmatige uitoefening van zijn bediening werkzaam is, opschudding veroorzaakt en na het door of vanwege het bevoegd gezag gegeven bevel zich niet verwijdert, wordt gestraft met gevangenisstraf van ten hoogste twee weken of geldboete van de tweede categorie.

Art. 185a . Met ambtenaren worden ten aanzien van de artikelen 179 tot en met 182 , 184 en 185 gelijkgesteld personen in de openbare dienst van een vreemde staat of van een volkenrechtelijke organisatie die in Nederland op door het volkenrecht toegelaten wijze hun bediening uitoefenen.

Art. 186 . Hij die opzettelijk bij gelegenheid van een volksoploop zich niet onmiddellijk verwijdert na het derde door of vanwege het bevoegd gezag gegeven bevel, wordt, als schuldig aan deelneming aan samensholing, gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 187 . Hij die een bekendmaking, vanwege het bevoegd gezag in het openbaar gedaan, wederrechtelijk afscheurt, onleesbaar maakt of beschadigt, met het oogmerk om de kennisneming daarvan te beletten of te bemoeilijken, wordt gestraft met gevangenisstraf van ten hoogste een maand of geldboete van de tweede categorie.

Art. 188 . Hij die aangifte of klacht doet dat een strafbaar feit gepleegd is, wetende dat het niet gepleegd is, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 189 . - 1. Met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft:

1° hij die opzettelijk iemand die schuldig is aan of vervolgd wordt ter zake van enig misdrijf, verbergt of

hem behulpzaam is in het ontkomen aan de nasporing van of aanhouding door de ambtenaren van de justitie of politie;

2° hij die nadat enig misdrijf is gepleegd, met het oogmerk om het te bedekken of de nasporing of vervolging te beletten of te bemoeilijken, voorwerpen waarop of waarmede het misdrijf gepleegd is of andere sporen van het misdrijf vernietigt, wegmaakt, verbergt of aan het onderzoek van de ambtenaren van de justitie of politie onttrekt;

3° hij die opzettelijk voorwerpen die kunnen dienen om de waarheid aan de dag te brengen of om wederrechtelijk verkregen voordeel als bedoeld in artikel 36e aan te tonen, met het oogmerk om de inbeslagneming daarvan te beletten, te belemmeren of te vrijdelen, verbergt, vernietigt, wegmaakt of aan het onderzoek van de ambtenaren van de justitie of politie onttrekt, dan wel door het opzettelijk verstrekken van gegevens of inlichtingen aan derden die inbeslagneming belet, belemmert of vrijdelt.

- 2. Deze bepalingen zijn niet van toepassing op hem die de daarin vermelde handelingen verricht ten einde gevaar van vervolging te ontgaan of af te wenden van een van zijn bloedverwanten of aangehuwden in de rechte linie of in de tweede of derde graad van de zijlinie of van zijn echtgenoot of gewezen echtgenoot.

Art. 190 . Hij die opzettelijk een gerechtelijke lijkschouwing belet, belemmert of vrijdelt, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 191 . Hij die opzettelijk iemand, op openbaar gezag of krachtens rechterlijke uitspraak of beschikking van de vrijheid berooft, bevrijdt of bij zijn zelfbevrijding behulpzaam is, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 192 . - 1. Hij die, wettelijk als getuige, als deskundige of als tolk opgeroepen, opzettelijk niet voldoet aan enige wettelijke verplichting die hij als zodanig te vervullen heeft, wordt gestraft:

1° in strafzaken met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie;

2° in andere zaken met gevangenisstraf van ten hoogste vier maanden of geldboete van de tweede categorie.

- 2. Het bepaalde in het vorige lid van dit artikel is niet van toepassing op de partij in een burgerlijke procedure die, wanneer zij als getuige wordt gehoord, weigert op de haar gestelde vragen te antwoorden.

Art. 192a . Hij die opzettelijk niet voldoet aan de vordering van een parlementaire enquêtecommissie tot het hebben van inzage in of het nemen van afschrift van bescheiden wordt gestraft met gevangenisstraf van ten hoogste vier maanden of geldboete van de tweede

categorie.

Art. 193 . Hij die opzettelijk niet voldoet aan een wettig bevel tot overlegging van een stuk hetwelk beweerd wordt vals of vervalst te zijn, of hetwelk dienen moet ter vergelijking met een ander waarvan de valsheid of vervalsing beweerd, of de echtheid ontkend of niet erkend wordt, wordt gestraft:
1° in strafzaken met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie;
2° in andere zaken met gevangenisstraf van ten hoogste vier maanden of geldboete van de tweede categorie.

Art. 194 . - 1. Hij die, in staat van faillissement verklaard of als echtgenoot van een gefailleerde met wie hij in gemeenschap van goederen is gehuwd, of als bestuurder of commissaris van een rechtspersoon, wettelijk opgeroepen tot het geven van inlichtingen, hetzij zonder geldige reden opzettelijk wegblijft, hetzij weigert de vereiste inlichtingen te geven, hetzij opzettelijk verkeerde inlichtingen geeft, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.
- 2. Terzake van het feit, bedoeld in het eerste lid, wordt met dezelfde straf gestraft hij, ten aanzien van wie of ten aanzien van wiens echtgenoot met wie hij in gemeenschap van goederen is gehuwd, de schuldsaneringsregeling natuurlijke personen van toepassing is.

Art. 195 . Hij die een recht uitoefent, wetende dat hij daarvan bij rechterlijke uitspraak is ontzet, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 196 . Hij die opzettelijk onderscheidingstekens draagt of een daad verricht behorende tot een ambt dat hij niet bekleedt of waarin hij geschorst is, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 197 . Een vreemdeling die in Nederland verblijft, terwijl hij weet of ernstige reden heeft te vermoeden, dat hij op grond van een wettelijk voorschrift tot ongewenste vreemdeling is verklaard, wordt gestraft met een gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 197a . - 1. Hij die een ander uit winstbejag behulpzaam is bij het zich verschaffen van toegang tot of verblijven in Nederland of enige staat welke gehouden is mede ten behoeve van Nederland grenscontrole uit te oefenen, of hem daartoe uit winstbejag gelegenheid,

middelen of inlichtingen verschaft terwijl hij weet of ernstige redenen heeft te vermoeden dat de toegang of dat verblijf wederrechtelijk is,
wordt gestraft met een gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.

- 2. Indien het feit wordt begaan in de uitoefening van enig ambt of beroep wordt gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie opgelegd en kan ontzetting worden uitgesproken van de uitoefening van het recht het ambt te bekleden of het beroep uit te oefenen en kan de rechter openbaarmaking van zijn uitspraak gelasten.

- 3. Indien het feit wordt begaan door een persoon die daarvan een beroep of gewoonte maakt of in vereniging wordt begaan door meerdere personen wordt gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie opgelegd.

Art. 197b . Hij die een ander, die zich wederrechtelijk toegang tot of verblijf in Nederland heeft verschaft, krachtens overeenkomst of aanstelling arbeid doet verrichten, terwijl hij weet of ernstige redenen heeft om te vermoeden dat de toegang of dat verblijf wederrechtelijk is, wordt gestraft met een gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

Art. 197c . Hij die van het in artikel 197b omschreven feit een beroep of gewoonte maakt wordt gestraft met een gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

Art. 197d . Indien de schuldige de in de artikelen 197b of 197c omschreven feiten begaat in de uitoefening van enig ambt of beroep kan de rechter tevens de ontzetting uitspreken van de uitoefening van het recht het ambt te bekleden of het beroep uit te oefenen en de openbaarmaking van zijn uitspraak gelasten.

Art. 198 . - 1. Hij die opzettelijk enig goed aan het krachtens de wet daarop gelegd beslag of aan een gerechtelijke bewaring onttrekt of, wetende dat het daaraan onttrokken is, verbergt, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk enig krachtens de wet in beslag genomen goed vernielt, beschadigt of onbruikbaar maakt.

- 3. Met dezelfde straf wordt gestraft de bewaarder die opzettelijk een van deze feiten pleegt of toelaat, of de dader als medeplichtige ter zijde staat.

Art. 199 . - 1. Hij die opzettelijk zegels waarmede voorwerpen door of vanwege het bevoegd openbaar gezag verzegeld zijn, verbreekt, opheft of beschadigt, of de door zodanig zegel bewerkte afsluiting op andere wijze verijdelt, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. De bewaarder die opzettelijk het feit pleegt of toelaat of de dader als medeplichtige ter zijde staat wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

- 3. Indien het feit ten gevolge van onachtzaamheid van de bewaarder gepleegd is, wordt deze gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 200 . Hij die opzettelijk zaken, bestemd om voor de bevoegde macht tot overtuiging of bewijs te dienen, akten, bescheiden of registers die voortdurend of tijdelijk op openbaar gezag bewaard worden, of hetzij aan een ambtenaar, hetzij aan een ander in het belang van de openbare dienst zijn ter hand gesteld, vernielt, beschadigt, onbruikbaar maakt of wegmaakt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 201 . Hij die opzettelijk brieven of andere stukken, aan een post- of telegraafkantoor bezorgd of in een postbus gestoken, aan hun bestemming onttrekt, opent of beschadigt, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 202 . Indien de schuldige aan een der in de artikelen 198-201 omschreven misdrijven zich de toegang tot de plaats van het misdrijf verschaft of het goed onder zijn bereik brengt door middel van braak, verbreking of inklimming, van valse sleutels, van een valse order of een vals kostuum, kan de straf met ten hoogste een jaar gevangenisstraf worden verhoogd.

Art. 203 . Hij die in tijd van vrede opzettelijk desertie van een krijgsman in dienst van het Rijk uitlokt door een der in artikel 47, eerste lid , onder 2^o, vermelde middelen, of bevordert op enige in artikel 48 vermelde wijze, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 204 . Hij die, in tijd van vrede, opzettelijk oproer of mouterij van krijgslieden, in dienst van het Rijk, uitlokt door een der in artikel 47, eerste lid , onder 2^o, vermelde middelen, of bevordert op enige in artikel 48 vermelde wijze, wordt gestraft met gevangenisstraf van ten

hoogste zes jaren of geldboete van de vierde categorie.

Art. 205 . Hij die, zonder toestemming van de Koning, iemand voor vreemde krijgsdienst aanwerft, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vierde categorie.

Art. 206 . - 1. Met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie wordt gestraft:

1° hij die zich opzettelijk voor de dienst bij de krijgsmacht dan wel voor enige werkzaamheid uit hoofde van burgerdienstplicht ongeschikt

maakt of laat maken;

2° hij die een ander op diens verzoek opzettelijk voor die dienst dan wel voor zodanige werkzaamheid ongeschikt maakt.

- 2. Indien in het laatste geval het feit de dood ten gevolge heeft, wordt gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie opgelegd.

TITEL IX Meineed

Art. 207 . - 1. Hij die in de gevallen waarin een wettelijk voorschrift een verklaring onder ede vordert of daaraan rechtsgevolgen verbindt, mondeling of schriftelijk, persoonlijk of door een bijzonder daartoe gemachtigde, opzettelijk een valse verklaring onder ede aflegt, wordt

gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Indien de valse verklaring is afgelegd in een strafzaak ten nadele van de beklaagde of verdachte, wordt de schuldige gestraft met

gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

- 3. Met de eed staat gelijk de belofte of bevestiging die krachtens de wet voor de eed in de plaats treedt.

- 4. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

Art. 207a . - 1. Hij die in de gevallen waarin door of krachtens een internationale overeenkomst waarbij het Koninkrijk partij is, een verklaring onder ede of onder een daarvoor in de plaats tredende bevestiging of belofte wordt gevorderd, voor een internationaal gerecht

mondeling of schriftelijk, persoonlijk of door een bijzonder daartoe gemachtigde, opzettelijk een valse verklaring in die vorm aflegt, wordt

gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. De leden 2 en 4 van artikel 207 zijn van toepassing.

- 3. Geen vervolging vindt plaats dan op klacht van het internationale gerecht voor hetwelk de valse verklaring werd afgelegd. Artikel 66

blijft met betrekking tot de in dit lid bedoelde klacht buiten toepassing.

TITEL X Valsheid in muntspeciën en munt- en bankbiljetten

Art. 208 . Hij die muntspeciën of munt- of bankbiljetten namaakt of vervalst, met het oogmerk om die muntspeciën of munt- of bankbiljetten als echt en onvervalst uit te geven of te doen uitgeven, wordt gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 209 . Hij die opzettelijk als echte en onvervalste muntspeciën of munt- of bankbiljetten uitgeeft muntspeciën of munt- of bankbiljetten die hij zelf heeft nagemaakt of vervalst of waarvan de valsheid of vervalsing hem, toen hij ze ontving, bekend was, of deze, met het oogmerk om ze als echt en onvervalst uit te geven of te doen uitgeven, in voorraad heeft of binnen het Rijk in Europa invoert, wordt gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 210 . Hij die muntspeciën in waarde vermindert, met het oogmerk om ze aldus in waarde verminderd uit te geven of te doen uitgeven, wordt, als schuldig aan muntschennis, gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

Art. 211 . Hij die opzettelijk als ongeschonden muntspeciën uitgeeft muntspeciën die hij zelf in waarde heeft verminderd of waarvan de schennis hem, toen hij ze ontving, bekend was, of deze, met het oogmerk om ze als ongeschonden uit te geven of te doen uitgeven, in voorraad heeft of binnen het Rijk in Europa invoert, wordt gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

Art. 212 . Vervallen.

Art. 213 . Hij die opzettelijk valse, vervalste, of geschonden muntspeciën of valse of vervalste munt- of bankbiljetten uitgeeft, wordt, behoudens het bepaalde in de artikelen 209 en 211 , gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 214 . Hij die stoffen of voorwerpen vervaardigt of voorhanden heeft waarvan hij weet dat zij bestemd zijn tot het namaken, vervalsen of in waarde verminderen van muntspeciën of het namaken of vervalsen van munt- of bankbiljetten, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 214bis . Bij veroordeling wegens een der in deze titel omschreven misdrijven worden:

1° de valse, vervalste of geschonden muntspeciën;

2° de valse of vervalste munt- of bankbiljetten;

3° de stoffen of voorwerpen, uit hun aard bestemd tot het namaken, vervalsen of in waarde verminderen van muntspeciën of het namaken of vervalsen van munt- of bankbiljetten; voor zover daarmee het misdrijf is gepleegd of zij het voorwerp daarvan hebben uitgemaakt, verbeurd verklaard, ongeacht aan wie de voorwerpen toebehoren.

Art. 215 . Bij veroordeling wegens een der in de artikelen 208-211 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

TITEL XI Valsheid in zegels en merken

Art. 216 . - 1. Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die van rijkswege uitgegeven zegels namaakt of vervalst, met het oogmerk om die zegels als echt en onvervalst te gebruiken of door anderen te doen gebruiken.

2° hij die, met gelijk oogmerk, zodanige zegels vervaardigt door wederrechtelijk gebruik te maken van echte stempels.

- 2. Het bepaalde in het eerste lid is van overeenkomstige toepassing op zegels die worden uitgegeven krachtens artikel 2, eerste lid , onder c, van de Postwet (Stb. 1988, 522).

Art. 217 . Met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die op platina, gouden of zilveren werken valse rijksmerken of door de wet vereiste meestertekens plaatst of echte vervalst, met het oogmerk om die werken te gebruiken of door anderen te doen gebruiken alsof de daarop geplaatste merken of tekens echt en onvervalst waren;

2° hij die, met gelijk oogmerk, op de bedoelde werken merken of tekens plaatst door wederrechtelijk gebruik te maken van echte stempels;

3° hij die echte rijksmerken of door de wet vereiste meestertekens inzet, aanvoegt of overbrengt in, aan of op andere platina, gouden of zilveren werken dan die waaraan zij oorspronkelijk zijn aangebracht, met het oogmerk om die werken te gebruiken of door anderen te doen gebruiken alsof de bedoelde merken of tekens oorspronkelijk daarop waren geplaatst.

Art. 218 . Met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die op voorwerpen aan ijk onderworpen valse ijkmerken plaatst of echte vervalst, met het oogmerk om die voorwerpen te gebruiken

of door anderen te doen gebruiken alsof de daarop geplaatste merken echt en onvervalst waren;

2° hij die, met gelijk oogmerk, op de bedoelde voorwerpen merken plaatst door wederrechtelijk gebruik te maken van echte stempels.

Art. 219 . Met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die andere dan de in de artikelen 217 en 218 bedoelde merken, die krachtens wettelijk voorschrift op goederen of hun verpakking

moeten of kunnen worden geplaatst, daarop valselijk plaatst of echte vervalst, met het oogmerk om die goederen te gebruiken of door

anderen te doen gebruiken alsof de daarop geplaatste merken echt en onvervalst waren;

2° hij die, met gelijk oogmerk, op de bedoelde goederen of hun verpakking merken plaatst door wederrechtelijk gebruik te maken van

echte stempels;

3° hij die echte merken gebruikt voor goederen of hun verpakking waarvoor die merken niet bestemd zijn, met het oogmerk om die

goederen te gebruiken of door anderen te doen gebruiken alsof de bedoelde merken daarvoor bestemd waren.

Art. 220 . Hij die opzettelijk valse, vervalste of wederrechtelijk vervaardigde zegels, tekens of merken, of de voorwerpen waaraan zij

wederrechtelijk verbonden zijn, gebruikt, verkoopt, te koop aanbiedt, aflevert, ten verkoop in voorraad heeft of binnen het Rijk in Europa

invoert, als waren die zegels, tekens of merken echt en onvervalst en niet wederrechtelijk vervaardigd of wederrechtelijk aan de

voorwerpen verbonden, wordt gestraft met dezelfde straffen als in de artikelen 216-219 zijn bepaald, naar de daar gemaakte

onderscheidingen.

Art. 221 . - 1. Hij die voorwerpen aan ijk onderworpen ontdoet van het daarop geplaatste afkeuringsmerk, met het oogmerk om die

voorwerpen te gebruiken of door anderen te doen gebruiken als waren zij niet afgekeurd, wordt gestraft met gevangenisstraf van ten

hoogste een jaar of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk deze van het afkeuringsmerk ontdane voorwerpen gebruikt, verkoopt, te koop

aanbiedt, aflevert of ten verkoop in voorraad heeft, als waren zij niet afgekeurd.

Art. 222 . - 1. Hij die van zegels als bedoeld in artikel 216 welke reeds tot gebruik hebben gediend ontdoet van het merk bestemd om ze voor verder gebruik ongeschikt te maken, met het oogmerk om die zegels te gebruiken of door anderen te doen gebruiken als waren zij nog niet gebruikt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straffen wordt gestraft hij die opzettelijk deze van dat merk ontdane zegels gebruikt, verkoopt, te koop aanbiedt, aflevert, ten verkoop in voorraad heeft of binnen het Rijk in Europa invoert, als waren zij nog niet gebruikt.

Art. 222bis . De bepalingen van de artikelen 216 , 219 , 220 en 222 zijn naar de daar gemaakte onderscheidingen mede van toepassing, indien de daarin omschreven feiten worden gepleegd met betrekking tot zegels of merken van de Nederlandse Antillen, Aruba, een buitenlandse mogendheid of een volkenrechtelijke organisatie.

Art. 223 . Hij die stoffen of voorwerpen voorhanden heeft waarvan hij weet dat zij bestemd zijn tot het plegen van enig in artikel 216 of in artikel 222bis in verband met artikel 216 omschreven misdrijf, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie.

Art. 224 . Bij veroordeling wegens een der in de artikelen 216-222bis omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1^o, 2^o en 4^o, vermelde rechten worden uitgesproken.

TITEL XII Valsheid in geschriften

Art. 225 . - 1. Hij die een geschrift dat bestemd is om tot bewijs van enig feit te dienen, valselijk opmaakt of vervalst, met het oogmerk om het als echt en onvervalst te gebruiken of door anderen te doen gebruiken, wordt als schuldig aan valsheid in geschrift gestraft, met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk gebruik maakt van het valse of vervalste geschrift als ware het echt en onvervalst dan wel opzettelijk zodanig geschrift aflevert of voorhanden heeft, terwijl hij weet of redelijkerwijs moet vermoeden dat dit geschrift bestemd is voor zodanig gebruik.

Art. 226 . - 1. De schuldige aan valsheid in geschrift wordt gestraft met gevangenisstraf van ten hoogste zeven jaren of geldboete van de vijfde categorie, indien zij gepleegd is:

1° in authentieke akten;

2° in schuldbrieven of certificaten van schuld van enige staat, enige provincie, gemeente of openbare instelling;

3° in aandelen of schuldbrieven of certificaten van aandeel of schuld van enige vereniging, stichting of vennootschap;

4° in talons, dividend- of rentebewijzen behorende tot een der onder de beide voorgaande nummers omschreven stukken, of in de bewijzen in plaats van deze stukken uitgegeven;

5° in voor omloop bestemd krediet- of handelspapier.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk gebruik maakt van enig in het eerste lid vermeld vals of vervalst geschrift als ware

het echt en onvervalst, dan wel opzettelijk zodanig geschrift aflevert of voorhanden heeft, terwijl hij weet of redelijkerwijs moet

vermoeden dat dit geschrift bestemd is voor zodanig gebruik.

Art. 227 . - 1. Hij die in een authentieke akte een valse opgave doet opnemen aangaande een feit van welks waarheid de akte moet doen

blijken, met het oogmerk om die akte te gebruiken of door anderen te doen gebruiken als ware zijn opgave in overeenstemming met de

waarheid, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk gebruik maakt van de akte als ware de inhoud in overeenstemming met de

waarheid dan wel opzettelijk de akte aflevert of voorhanden heeft, terwijl hij weet of redelijkerwijs moet vermoeden dat die akte bestemd

is voor zodanig gebruik.

Art. 228 . - 1. De arts of verloskundige die opzettelijk een valse verklaring afgeeft nopens een geboorte, een oorzaak van overlijden dan

wel nopens het al of niet bestaan of bestaan hebben van ziekten, zwakheden of gebreken, wordt gestraft met gevangenisstraf van ten

hoogste drie jaren of geldboete van de vierde categorie.

- 2. Indien de verklaring wordt afgegeven met het oogmerk om iemand in een psychiatrisch ziekenhuis te doen opnemen of terughouden,

wordt gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie opgelegd.

- 3. Met dezelfde straffen wordt gestraft hij die opzettelijk van de valse verklaring gebruik maakt als ware de inhoud in overeenstemming

met de waarheid.

Art. 229 . - 1. Hij die een schriftelijke geneeskundige verklaring nopens een oorzaak van overlijden, dan wel nopens het al of niet bestaan

of bestaan hebben van ziekten, zwakheden of gebreken valselijk opmaakt of vervalst, met het oogmerk

om het openbaar gezag of verzekeraars te misleiden, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijk oogmerk, van de valse of vervalste verklaring gebruik maakt als ware zij echt en onvervalst.

Art. 230 . - 1. Hij die een getuigschrift van goed gedrag, bekwaamheid, armoede, gebreken of andere omstandigheden valselijk opmaakt of vervalst, met het oogmerk om het te gebruiken of door anderen te doen gebruiken tot het verkrijgen van een indienststelling of tot het opwekken van welwillendheid en hulpbetoon, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk gebruik maakt van enig in het eerste lid vermeld vals of vervalst getuigschrift als ware het echt en onvervalst.

Art. 231 . - 1. Hij die een reisdocument valselijk opmaakt of vervalst, of een zodanig stuk op grond van valse gegevens doet verstrekken dan wel een aan hem of een ander verstrekt reisdocument ter beschikking stelt van een derde, met het oogmerk het door deze te doen gebruiken als ware het aan hem verstrekt, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft hij die in het bezit is van een reisdocument waarvan hij weet of redelijkerwijs moet vermoeden, dat het vals of vervalst is, dan wel opzettelijk gebruik maakt van een niet op zijn naam gesteld reisdocument.

Art. 232 . - 1. Hij die opzettelijk een betaalpas of waardekaart bedoeld voor het verrichten van betalingen langs geautomatiseerde weg, valselijk opmaakt of vervalst, met het oogmerk zichzelf of een ander te bevoordelen, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt bedreigd hij die opzettelijk gebruik maakt van een valse of vervalste betaalpas of waardekaart als ware deze echt en onvervalst.

Art. 233 . Vervallen.

Art. 234 . Hij die stoffen of voorwerpen voorhanden heeft waarvan hij weet dat zij bestemd zijn tot het

plegen van enig in artikel 226,
eerste lid , onder 2°-5°, omschreven misdrijf, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 235 . Bij veroordeling wegens een der in de artikelen 225-229 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

TITEL XIII Misdrijven tegen de burgerlijke staat

Art. 236 . - 1. Hij die door enige handeling opzettelijk eens anders afstamming onzeker maakt, wordt, als schuldig aan verduistering van staat, gestraft met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vierde categorie.

- 2. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

- 3. Vervolging heeft niet plaats dan nadat een verzoek tot inroeping of tot betwisting van staat is gedaan en de burgerlijke rechter daarop een eindbeslissing heeft gegeven. Indien het verzoek echter door het stilzitten van partijen onvoldoende voortgang vindt, kan vervolging ook plaats hebben nadat de burgerlijke rechter heeft beslist dat er een begin van bewijs is.

Art. 237 . - 1. Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie wordt gestraft:

1° hij die opzettelijk een dubbel huwelijk aangaat;

2° hij die een huwelijk aangaat, wetende dat de wederpartij daardoor een dubbel huwelijk aangaat.

- 2. Indien hij die opzettelijk een dubbel huwelijk aangaat, aan de wederpartij zijn gehuwde staat heeft verzwegen, wordt hij gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 3. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

Art. 238 . De ongehuwde die een huwelijk aangaat, opzettelijk aan de wederpartij verzwijgende dat daartegen enig wettig beletsel bestaat, wordt, indien op grond van dat beletsel de nietigheid van het huwelijk is uitgesproken, gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

TITEL XIV Misdrijven tegen de zeden

Art. 239 . Met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie wordt gestraft schennis van de

eerbaarheid:

- 1° op of aan een plaats, voor het openbaar verkeer bestemd;
- 2° op een andere dan onder 1° bedoelde openbare plaats, toegankelijk voor personen beneden de leeftijd van zestien jaar;
- 3° op een niet openbare plaats, indien een ander daarbij zijns ondanks tegenwoordig is.

Art. 240 . Met gevangenisstraf van ten hoogste twee maanden of geldboete van de derde categorie wordt gestraft hij die weet of ernstige reden heeft om te vermoeden dat een afbeelding of voorwerp aanstotelijk voor de eerbaarheid is en die afbeelding of dat voorwerp:

- 1° op of aan een plaats, voor het openbaar verkeer bestemd, openlijk tentoonstelt of aanbiedt;
- 2° aan iemand, anders dan op diens verzoek, toezendt.

Art. 240a . Met gevangenisstraf van ten hoogste twee maanden of geldboete van de tweede categorie wordt gestraft hij die een afbeelding of voorwerp, waarvan de vertoning schadelijk is te achten voor personen beneden de leeftijd van zestien jaar, verstrekt, aanbiedt of vertoont aan een minderjarige van wie hij weet of redelijkerwijs moet vermoeden, dat deze jonger is dan zestien jaar.

Art. 240b . - 1. Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie wordt gestraft degene die een afbeelding - of een gegevensdrager, bevattende een afbeelding - van een seksuele gedraging, waarbij iemand die kennelijk de leeftijd van zestien jaar nog niet heeft bereikt, is betrokken, verspreidt, openlijk tentoonstelt, vervaardigt, invoert, doorvoert, uitvoert of in voorraad heeft.

- 2. Niet strafbaar is degene, die een dergelijke afbeelding in voorraad heeft waarvan vaststaat dat hij deze voor een wetenschappelijk, educatief of therapeutisch doel gebruikt.

- 3. Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie wordt gestraft degene die van het plegen van een van de misdrijven, omschreven in het eerste lid, een beroep of een gewoonte maakt.

Art. 240bis t/m 241 . Vervallen.

Art. 242 . Hij die door geweld of een andere feitelijkheid of bedreiging met geweld of een andere feitelijkheid iemand dwingt tot het ondergaan van handelingen die bestaan uit of mede bestaan uit het seksueel binnendringen van het lichaam, wordt als schuldig aan verkrachting gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 243 . Hij die met iemand van wie hij weet dat hij in staat van bewusteloosheid of lichamelijke onmacht verkeert, dan wel aan een zodanige gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens lijdt dat hij niet of onvolkomen in staat is zijn wil daaromtrent te bepalen of kenbaar te maken of daartegen weerstand te bieden, handelingen pleegt die bestaan uit of mede bestaan uit het seksueel binnendringen van het lichaam, wordt gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

Art. 244 . Hij die met iemand beneden de leeftijd van twaalf jaren handelingen pleegt die bestaan uit of mede bestaan uit het seksueel binnendringen van het lichaam, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 245 . - 1. Hij die met iemand, die de leeftijd van twaalf jaren maar nog niet die van zestien jaren heeft bereikt, buiten echt, ontuchtige handelingen pleegt die bestaan uit of mede bestaan uit het seksueel binnendringen van het lichaam, wordt gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

- 2. Vervolging heeft, buiten de gevallen van de artikelen 248 en 249 , niet plaats dan op klacht.

- 3. Tot de klacht bedoeld in het tweede lid is naast de wettelijke vertegenwoordiger in burgerlijke zaken, bedoeld in artikel 65, eerste lid , tevens bevoegd de raad voor de kindbescherming.

- 4. In afwijking van het bepaalde in de artikelen 64 tot en met 66 is degene ten aanzien van wie het feit is gepleegd te allen tijde tot de klacht gerechtigd, in dier voege dat de termijn gedurende welke de klacht kan worden ingediend eindigt op de dag waarop de verjaringstermijn, bedoeld in artikel 70 , eindigt.

Art. 246 . Hij die door geweld of een andere feitelijkheid of bedreiging met geweld of een andere feitelijkheid iemand dwingt tot het plegen of dulden van ontuchtige handelingen, wordt, als schuldig aan feitelijke aanranding van de eerbaarheid, gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

Art. 247 . - 1. Hij die met iemand van wie hij weet dat hij in staat van bewusteloosheid of lichamenlijk onmacht verkeert, dan wel aan een zodanige gebrekkige ontwikkeling of ziekelijke stoornis van zijn geestvermogens lijdt dat hij niet of onvolkomen in staat is zijn wil daaromtrent te bepalen of kenbaar te maken of daartegen weerstand te bieden of met iemand beneden de leeftijd van zestien jaren buiten

echt ontuchtige handelingen pleegt of laatstgemelde tot het plegen of dulden van zodanige handelingen buiten echt met een derde verleidt,

wordt gestraft met een gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Indien de in het eerste lid bedoelde persoon beneden de leeftijd van zestien jaren, twaalf jaren of ouder is, heeft vervolging, buiten de gevallen van de artikelen 248 en 249 , niet plaats dan op klacht.

- 3. Het derde en vierde lid van artikel 245 zijn van overeenkomstige toepassing.

Art. 248 . - 1. Indien een der in de artikelen 243 en 245-247 omschreven misdrijven zwaar lichamelijk letsel ten gevolge heeft, wordt

gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie opgelegd.

- 2. Indien een der in de artikelen 242-247 omschreven misdrijven de dood ten gevolge heeft, wordt gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie opgelegd.

Art. 248bis . Vervallen.

Art. 248ter . - 1. Hij die door giften of beloften van geld of goed, misbruik van uit feitelijke verhoudingen voortvloeiend overwicht of

misleiding een minderjarige van onbesproken gedrag, wiens minderjarigheid hij kent of redelijkerwijs moet vermoeden, opzettelijk

beweegt ontuchtige handelingen met hem te plegen of zodanige handelingen van hem te dulden, wordt gestraft met gevangenisstraf van

ten hoogste vier jaren of geldboete van de vierde categorie.

- 2. Het tweede , derde en vierde lid van artikel 245 zijn van overeenkomstige toepassing.

Art. 249 . - 1. Hij die ontucht pleegt met zijn minderjarig kind, stiefkind of pleegkind, zijn pupil, een aan zijn zorg, opleiding of

waakzaamheid toevertrouwde minderjarige of zijn minderjarige bediende of ondergeschikte, wordt gestraft met gevangenisstraf van ten

hoogste zes jaren of geldboete van de vierde categorie.

- 2. Met dezelfde straf wordt gestraft:

1° de ambtenaar die ontucht pleegt met een persoon aan zijn gezag onderworpen of aan zijn waakzaamheid toevertrouwd of aanbevolen;

2° de bestuurder, arts, onderwijzer, beampte, opzichter of bediende in een gevangenis, rijksinrichting voor kinderbescherming, weeshuis,

ziekenhuis, of instelling van weldadigheid, die ontucht pleegt met een persoon daarin opgenomen;

3° degene die, werkzaam in de gezondheidszorg of maatschappelijke zorg, ontucht pleegt met iemand die zich als patiënt of cliënt aan zijn

hulp of zorg heeft toevertrouwd.

Art. 250 . - 1. Wordt gestraft:

1° met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie, hij die het plegen van ontucht door zijn minderjarig kind, stiefkind of pleegkind, zijn pupil, een aan zijn zorg, opleiding of waakzaamheid toevertrouwde minderjarige of zijn minderjarige bediende of ondergeschikte met een derde opzettelijk teweegbrengt of bevordert;

2° met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie, hij die, buiten de gevallen genoemd onder 1°, het plegen van ontucht door een minderjarige wiens minderjarigheid hij kent of redelijkerwijs moet vermoeden, met een derde opzettelijk teweegbrengt of bevordert.

- 2. Indien de schuldige van het plegen van het misdrijf een gewoonte maakt, kunnen de gevangenisstraffen met een derde worden verhoogd.

Art. 250bis . Hij die van het opzettelijk teweegbrengen of bevorderen van ontucht door anderen met derden een beroep of een gewoonte maakt, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 250ter . - 1. Als schuldig aan mensenhandel wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie:

1° degene die een ander door geweld of een andere feitelijkheid of door bedreiging met geweld of een andere feitelijkheid dan wel door misbruik van uit feitelijke verhoudingen voortvloeiend overwicht of door misleiding tot prostitutie brengt, dan wel onder voornoemde omstandigheden enige handeling onderneemt waarvan hij of zij weet of redelijkerwijs moet vermoeden dat die ander daardoor in de prostitutie belandt;

2° degene die een persoon aanwerft, medeneemt of ontvoert met het oogmerk die persoon in een ander land in de prostitutie te brengen;

3° degene die een ander tot prostitutie brengt, dan wel ten aanzien van een ander enige handeling onderneemt waarvan hij of zij weet of redelijkerwijs moet vermoeden dat die ander daardoor in de prostitutie belandt, indien die ander minderjarig is.

- 2. Met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie wordt gestraft:

1° mensenhandel door twee of meer verenigde personen;

2° mensenhandel ten aanzien van een persoon die de leeftijd van zestien jaren nog niet heeft bereikt;

3° mensenhandel, indien geweld of een andere feitelijkheid als bedoeld in het eerste lid, zwaar lichamelijk letsel ten gevolge heeft.

- 3. Mensenhandel door twee of meer verenigde personen onder de omstandigheden, bedoeld in het tweede lid, onder 2° of 3°, wordt

gestraft met gevangenisstraf van ten hoogste tien jaren of geldboete van de vijfde categorie.

Art. 251 . - 1. Bij veroordeling wegens een der in de artikelen 242-247 en 248ter-250ter omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

- 2. Indien de schuldige aan een der misdrijven in de artikelen 248ter-250ter omschreven, het misdrijf in zijn beroep begaat, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 251bis . Vervallen.

Art. 252 . - 1. Met gevangenisstraf van ten hoogste negen maanden of geldboete van de derde categorie wordt gestraft:

1° hij die aan iemand die in kennelijke staat van dronkenschap verkeert, bedwelmende drank verkoopt of toedient;

2° hij die een kind beneden de leeftijd van zestien jaren dronken maakt;

3° hij die iemand door geweld of bedreiging met geweld dwingt tot het gebruik van bedwelmende drank.

- 2. Indien het feit zwaar lichamelijk letsel ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 3. Indien het feit de dood ten gevolge heeft, wordt hij gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

- 4. Indien de schuldige het misdrijf in zijn beroep begaat, kan hij van de uitoefening van dat beroep worden ontzet.

Art. 253 . Hij die een onder zijn wettig gezag staand kind beneden de leeftijd van twaalf jaren aan een ander afstaat of overlaat, wetende dat het tot of bij het uitoefenen van bedelarij, van gevaarlijke kunstverrichtingen of van gevaarlijke of de gezondheid ondermijnende arbeid zal worden gebruikt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 254 t/m 254bis . Vervallen.

TITEL XV Verlating van hulpbehoevenden

Art. 255 . Hij die opzettelijk iemand tot wiens onderhoud, verpleging of verzorging hij krachtens wet of overeenkomst verplicht is, in een hulpeloze toestand brengt of laat, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 256 . Hij die een kind beneden de leeftijd van zeven jaren te vondeling legt of, met het oogmerk om er zich van te ontdoen, verlaat,

wordt gestraft met gevangenisstraf van ten hoogste vier jaren en zes maanden of geldboete van de vierde categorie.

Art. 257 . - 1. Indien een der in de artikelen 255 en 256 omschreven feiten zwaar lichamelijk letsel ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie.

- 2. Indien een van deze feiten de dood ten gevolge heeft, wordt hij gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 258 . Indien de schuldige aan het in artikel 256 omschreven misdrijf de vader of de moeder is, kunnen te zijnen aanzien de in de artikelen 256 en 257 bepaalde gevangenisstraffen met een derde worden verhoogd.

Art. 259 . Indien de moeder onder de werking van vrees voor de ontdekking van haar bevalling haar kind kort na de geboorte te vondeling legt of, met het oogmerk om er zich van te ontdoen, verlaat, wordt het maximum der in de artikelen 256 en 257 vermelde gevangenisstraffen tot de helft verminderd en wordt de in artikel 257 vermelde geldboete tot de vierde categorie teruggebracht.

Art. 260 . Bij veroordeling wegens een der in de artikelen 255-259 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 4°, vermelde rechten worden uitgesproken.

TITEL XVI Belediging

Art. 261 . - 1. Hij die opzettelijk iemands eer of goede naam aanrandt, door telastlegging van een bepaald feit, met het kennelijke doel om daaraan ruchtbaarheid te geven, wordt, als schuldig aan smaad, gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

- 2. Indien dit geschiedt door middel van geschriften of afbeeldingen, verspreid, openlijk tentoongesteld of aangeslagen, of door geschriften waarvan de inhoud openlijk ten gehore wordt gebracht, wordt de dader, als schuldig aan smaadschrift, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 3. Noch smaad, noch smaadschrift bestaat voor zover de dader heeft gehandeld tot noodzakelijke verdediging, of te goeder trouw heeft kunnen aannemen dat het te last gelegde waar was en dat het algemeen belang de telastlegging eiste.

Art. 262 . - 1. Hij die het misdrijf van smaad of smaadschrift pleegt, wetende dat het te last gelegde feit in strijd met de waarheid is, wordt, als schuldig aan laster, gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Ontzetting van de in artikel 28, eerste lid , onder 1° en 2°, vermelde rechten kan worden uitgesproken.

Art. 263 t/m 264 . Vervallen.

Art. 265 . - 1. Indien de beledigde aan het te last gelegde feit bij rechterlijk gewijsde onherroepelijk is schuldig verklaard, is veroordeling wegens laster uitgesloten.

- 2. Indien hij van het te last gelegde feit bij rechterlijk gewijsde onherroepelijk is vrijgesproken, wordt dat gewijsde als volkomen bewijs van de onwaarheid van het feit aangemerkt.

- 3. Indien tegen de beledigde wegens het hem te last gelegde feit een strafvervolging is aangevangen, wordt de vervolging wegens laster geschorst totdat bij gewijsde onherroepelijk over het te last gelegde feit is beslist.

Art. 266 . - 1. Elke opzettelijke belediging die niet het karakter van smaad of smaadschrift draagt, hetzij in het openbaar mondeling of bij geschrift of afbeelding, hetzij iemand, in zijn tegenwoordigheid mondeling of door feitelijkheden, hetzij door een toegezonden of aangeboden geschrift of afbeelding, aangedaan, wordt, als eenvoudige belediging, gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

- 2. Niet als eenvoudige belediging strafbaar zijn gedragingen die ertoe strekken een oordeel te geven over de behartiging van openbare belangen, en die er niet op zijn gericht ook in ander opzicht of zwaarder te grieven dan uit die strekking voortvloeit.

Art. 267 . De in de voorgaande artikelen van deze titel bepaalde gevangenisstraffen kunnen met een derde worden verhoogd, indien de belediging wordt aangedaan aan:

1° het openbaar gezag, een openbaar lichaam of een openbare instelling;

2° een ambtenaar gedurende of ter zake van de rechtmatige uitoefening van zijn bediening;

3° het hoofd of een lid van de regering van een bevriende staat.

Art. 268 . - 1. Hij die opzettelijk tegen een bepaald persoon bij de overheid een valse klacht of aangifte schriftelijk inlevert of in schrift doet brengen, waardoor de eer of goede naam van die persoon wordt aangerand, wordt, als schuldig aan lasterlijke aanklacht, gestraft met

gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Ontzetting van de in artikel 28, eerste lid , onder 1° en 2°, vermelde rechten kan worden uitgesproken.

Art. 269 . Belediging, strafbaar krachtens deze titel, wordt niet vervolgd dan op klacht van hem tegen wie het misdrijf is gepleegd, behalve in de gevallen voorzien in artikel 267 , aanhef en onder 1° en 2°.

Art. 270 . - 1. Hij die ten aanzien van een overledene een feit pleegt dat, ware deze nog in leven, als smaadschrift of smaad zou zijn gekenmerkt, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

- 2. Dit misdrijf wordt niet vervolgd dan op klacht hetzij van een der bloedverwanten of aangehuwden van de overledene in de rechte linie of zijlinie tot de tweede graad, hetzij van zijn echtgenoot.

Art. 271 . - 1. Hij die een geschrift of afbeelding van beledigende of voor een overledene smadelijke inhoud verspreidt, openlijk tentoonstelt of aanslaat of, om verspreid, openlijk tentoongesteld of aangeslagen te worden, in voorraad heeft, wordt, indien hij weet of ernstige reden heeft om te vermoeden dat de inhoud van het geschrift of de afbeelding van zodanige aard is, gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met gelijke wetenschap of een gelijke reden tot vermoeden, de inhoud van een zodanig geschrift openlijk ten gehore brengt.

- 3. Indien de schuldige een van de misdrijven omschreven in dit artikel in zijn beroep begaat en er tijdens het plegen van het misdrijf nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens een van deze misdrijven onherroepelijk is geworden, kan hij van de uitoefening van dat beroep worden ontzet.

- 4. De misdrijven worden niet vervolgd dan op klacht van de in artikel 269 en het tweede lid van artikel 270 aangewezen personen, behalve in de gevallen voorzien in artikel 267 , aanhef en onder 1° en 2°.

TITEL XVII Schending van geheimen

Art. 272 . - 1. Hij die enig geheim waarvan hij weet of redelijkerwijs moet vermoeden dat hij uit hoofde van ambt, beroep of wettelijk voorschrift dan wel van vroeger ambt of beroep verplicht is het te bewaren, opzettelijk schendt, wordt gestraft met gevangenisstraf van

ten hoogste een jaar of geldboete van de vierde categorie.

- 2. Indien dit misdrijf tegen een bepaald persoon gepleegd is, wordt het slechts vervolgd op diens klacht.

Art. 273 . - 1. Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vierde categorie wordt gestraft hij die opzettelijk

1° aangaande een onderneming van handel, nijverheid of dienstverlening bij welke hij werkzaam is of is geweest, bijzonderheden

waarvan hem geheimhouding is opgelegd, bekend gemaakt of

2° gegevens die door misdrijf zijn verkregen uit een geautomatiseerd werk van een onderneming van handel, nijverheid of dienstverlening

en die betrekking hebben op deze onderneming, bekend maakt of uit winstbejag gebruikt, indien deze gegevens ten tijde van de

bekendmaking of het gebruik niet algemeen bekend waren en daaruit enig nadeel kan ontstaan.

- 2. Niet strafbaar is hij die te goeder trouw heeft kunnen aannemen dat het algemeen belang de bekendmaking vereiste.

- 3. Geen vervolging heeft plaats dan op klacht van het bestuur van de onderneming.

TITEL XVIII Misdrijven tegen de persoonlijke vrijheid

Art. 274 . Hij die voor eigen of vreemde rekening slavenhandel drijft of opzettelijk daaraan middellijk of onmiddellijk deelneemt, wordt

gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 275 . - 1. Hij die als schipper dienst neemt of dienst doet op een vaartuig, wetende dat het tot het drijven van slavenhandel bestemd

is, of het daartoe gebruikende, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

- 2. Indien het vervoer de dood van een of meer slaven ten gevolge heeft, wordt de schipper gestraft met gevangenisstraf van ten hoogste

vijftien jaren of geldboete van de vijfde categorie.

Art. 276 . Hij die als schepeling dienst neemt op een vaartuig, wetende dat het tot het drijven van slavenhandel bestemd is of gebruikt

wordt, of vrijwillig in dienst blijft na die bestemming of dit gebruik te hebben vernomen, wordt gestraft met gevangenisstraf van ten

hoogste negen jaren of geldboete van de vijfde categorie.

Art. 277 . Hij die voor eigen of vreemde rekening middellijk of onmiddellijk medewerkt tot het verhuren, vervoeren of verzekeren van

een vaartuig, wetende dat het tot het drijven van slavenhandel bestemd is, wordt gestraft met gevangenisstraf van ten hoogste acht jaren

of geldboete van de vijfde categorie.

Art. 278 . Hij die iemand over de grenzen van het Rijk in Europa voert, met het oogmerk om hem wederrechtelijk onder de macht van een ander te brengen of om hem in hulpeloze toestand te verplaatsen, wordt, als schuldig aan mensenroof, gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 279 . - 1. Hij die opzettelijk een minderjarige onttrekt aan het wettig over hem gesteld gezag of aan het opzicht van degene die dit desbevoegd over hem uitoefent, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie wordt opgelegd indien list, geweld of bedreiging met geweld is gebezigd, of indien de minderjarige beneden de twaalf jaren oud is.

Art. 280 . - 1. Hij die opzettelijk een minderjarige die onttrokken is of zich onttrokken heeft aan het wettig over hem gesteld gezag of aan het opzicht van degene die dit desbevoegd over hem uitoefent, verbergt of aan de nasporing van de ambtenaren van de justitie of politie onttrekt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie of, indien de minderjarige beneden de twaalf jaren oud is, met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Het voorgaande is niet van toepassing op hem die

- a. de raad voor de kindbescherming onverwijld de verblijfplaats van de minderjarige meedeelt; of
- b. op grond van de Wet op de jeugdhulpverlening voor bekostiging in aanmerking is gebracht en handelt overeenkomstig de artikelen 25 en 26 van die wet; of
- c. handelt in het kader van zorgvuldige hulpverlening aan de minderjarige.

- 3. Van zorgvuldige hulpverlening vormen de onverwijld melding dat hulp wordt verleend alsmede de onverwijld bekendmaking van de identiteit van de hulpverlener en zijn plaats van verblijf of vestiging aan degene die het gezag over de minderjarige uitoefent, bestanddelen.

Art. 281 . - 1. Als schuldig aan schaking wordt gestraft:

1° met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie, hij die een minderjarige vrouw, zonder de wil van haar ouders of voogden doch met haar toestemming, wegvoert, met het oogmerk om zich haar bezit in of buiten echt te verzekeren;

2° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, hij die een vrouw door list, geweld of bedreiging met geweld wegvoert, met het oogmerk om zich haar bezit in of buiten echt te verzekeren.

- 2. Geen vervolging heeft plaats dan op klacht.
- 3. De klacht geschiedt:
 - a. indien de vrouw tijdens de wegvoering minderjarig is, hetzij door haarzelf, hetzij door iemand wiens toestemming zij tot het aangaan van een huwelijk behoeft;
 - b. indien zij tijdens de wegvoering meerderjarig is, hetzij door haarzelf, hetzij door haar echtgenoot.
- 4. Indien de schaker met de weggevoerde een huwelijk heeft gesloten, heeft geen veroordeling plaats, dan nadat de nietigheid van het huwelijk is uitgesproken.

Art. 282 . - 1. Hij die opzettelijk iemand wederrechtelijk van de vrijheid berooft of beroofd houdt, wordt gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

- 2. Indien het feit zwaar lichamenlijk letsel ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.
- 3. Indien het feit de dood ten gevolge heeft, wordt hij gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.
- 4. De in dit artikel bepaalde straffen zijn ook van toepassing op hem die opzettelijk tot de wederrechtelijke vrijheidsberoving een plaats verschaft.

Art. 282a . - 1. Hij die opzettelijk iemand wederrechtelijk van de vrijheid berooft of beroofd houdt met het oogmerk een ander te dwingen iets te doen of niet te doen wordt als schuldig aan gijzeling gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

- 2. Indien het feit de dood ten gevolge heeft wordt hij gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.
- 3. Het vierde lid van artikel 282 is toepasselijk.

Art. 283 . - 1. Hij aan wiens schuld te wijten is dat iemand wederrechtelijk van de vrijheid beroofd wordt of beroofd blijft, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

- 2. Indien het feit zwaar lichamenlijk letsel ten gevolge heeft, wordt de schuldige gestraft met hechtenis van ten hoogste negen maanden of geldboete van de derde categorie.
- 3. Indien het feit de dood ten gevolge heeft, wordt hij gestraft met hechtenis van ten hoogste een jaar of geldboete van de derde categorie.

Art. 284 . - 1. Met gevangenisstraf van ten hoogste negen maanden of geldboete van de derde categorie wordt gestraft:

1° hij die een ander door geweld of enige andere feitelijkheid of door bedreiging met geweld of enige andere feitelijkheid, gericht hetzij tegen die ander hetzij tegen derden, wederrechtelijk dwingt iets te doen, niet te doen of te dulden;
2° hij die een ander door bedreiging met smaad of smaadschrift dwingt iets te doen, niet te doen of te dulden.

- 2. In het geval onder 2° omschreven wordt het misdrijf niet vervolgd dan op klacht van hem tegen wie het gepleegd is.

Art. 284a . Hij die een ander door bedreiging met diefstal of afpersing van splijtstof, als bedoeld in artikel 1, eerste lid , onder b, van de Kernenergiewet (Stb. 1963, 82), gericht tegen die ander of tegen derden wederrechtelijk dwingt iets te doen, niet te doen of te dulden, wordt gestraft met gevangenisstraf van ten hoogste een jaar en zes maanden of geldboete van de vierde categorie.

Art. 285 . - 1. Bedreiging met openlijk geweld met verenigde krachten tegen personen of goederen, met geweld tegen een internationaal beschermd persoon of diens beschermde goederen, met enig misdrijf waardoor de algemene veiligheid van personen of goederen in gevaar wordt gebracht, met verkrachting, met feitelijke aanranding van de eerbaarheid, met enig misdrijf tegen het leven gericht, met gijzeling, met zware mishandeling of met brandstichting, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Indien deze bedreiging schriftelijk en onder een bepaalde voorwaarde geschiedt, wordt ze gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 285a . Hij die opzettelijk mondeling, door gebaren, bij geschrift of afbeelding zich jegens een persoon uit, kennelijk om diens vrijheid om naar waarheid of geweten ten overstaan van een rechter of ambtenaar een verklaring af te leggen te beïnvloeden, terwijl hij weet of ernstige reden heeft te vermoeden dat die verklaring zal worden afgelegd, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 286 . Bij veroordeling wegens een der in artikelen 274-282 en in het tweede lid van artikel 285 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

TITEL XIX Misdrijven tegen het leven gericht

Art. 287 . Hij die opzettelijk een ander van het leven berooft, wordt, als schuldig aan doodslag, gestraft met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie.

Art. 288 . Doodslag gevolgd, vergezeld of voorafgegaan van een strafbaar feit en gepleegd met het oogmerk om de uitvoering van dat feit voor te bereiden of gemakkelijk te maken, of om, bij betrapping op heter daad, aan zichzelf of andere deelnemers aan dat feit hetzij straffeloosheid hetzij het bezit van het wederrechtelijk verkregene te verzekeren, wordt gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 289 . Hij die opzettelijk en met voorbedachten rade een ander van het leven berooft, wordt, als schuldig aan moord, gestraft met levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie.

Art. 290 . De moeder die, onder de werking van vrees voor de ontdekking van haar bevalling, haar kind bij of kort na de geboorte opzettelijk van het leven berooft, wordt, als schuldig aan kinderdoodslag, gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

Art. 291 . De moeder die, ter uitvoering van een onder de werking van vrees voor de ontdekking van haar aanstaande bevalling genomen besluit, haar kind bij of kort na de geboorte opzettelijk van het leven berooft, wordt, als schuldig aan kindermoord, gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 292 . De in de artikelen 290 en 291 omschreven misdrijven worden ten aanzien van anderen die er aan deelnemen als doodslag of als moord aangemerkt.

Art. 293 . Hij die een ander op zijn uitdrukkelijk en ernstig verlangen van het leven berooft, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 294 . Hij die opzettelijk een ander tot zelfmoord aanzet, hem daarbij behulpzaam is of hem de middelen daartoe verschaft, wordt, indien de zelfmoord volgt, gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de

vierde categorie.

Art. 295 . Bij veroordeling wegens doodslag, wegens moord of wegens een der in de artikelen 293 en 296 omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

TITEL XIXA Afbreking van zwangerschap

Art. 296 . - 1. Hij die een vrouw een behandeling geeft, terwijl hij weet of redelijkerwijs moet vermoeden dat daardoor zwangerschap kan worden afgebroken, wordt gestraft met gevangenisstraf van ten hoogste vier jaar en zes maanden of geldboete van de vierde categorie.

- 2. Indien het feit de dood van de vrouw ten gevolge heeft, wordt gevangenisstraf van ten hoogste zes jaren opgelegd of geldboete van de vierde categorie.

- 3. Indien het feit is begaan zonder toestemming van de vrouw, wordt gevangenisstraf van ten hoogste twaalf jaren opgelegd of geldboete van de vijfde categorie.

- 4. Indien het feit is begaan zonder toestemming van de vrouw en tevens haar dood ten gevolge heeft, wordt gevangenisstraf van ten hoogste vijftien jaren opgelegd of geldboete van de vijfde categorie.

- 5. Het in het eerste lid bedoelde feit is niet strafbaar, indien de behandeling is verricht door een arts in een ziekenhuis of kliniek waarin zodanige behandeling volgens de Wet afbreking zwangerschap mag worden verricht.

Art. 297 t/m 299 . Vervallen.

TITEL XX Mishandeling

Art. 300 . - 1. Mishandeling wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Indien het feit zwaar lichamelijk letsel ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

- 3. Indien het feit de dood ten gevolge heeft, wordt hij gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 4. Met mishandeling wordt gelijkgesteld opzettelijke benadeling van de gezondheid.

- 5. Poging tot dit misdrijf is niet strafbaar.

Art. 301 . - 1. Mishandeling gepleegd met voorbedachten rade wordt gestraft met gevangenisstraf van

ten hoogste drie jaren of
geldboete van de vierde categorie.

- 2. Indien het feit zwaar lichamenlijk letsel ten gevolge heeft, wordt de schuldige gestraft met
gevangenisstraf van ten hoogste zes jaren of
geldboete van de vierde categorie.

- 3. Indien het feit de dood ten gevolge heeft, wordt hij gestraft met gevangenisstraf van ten hoogste
negen jaren of geldboete van de
vijfde categorie.

Art. 302 . - 1. Hij die aan een ander opzettelijk zwaar lichamenlijk letsel toebrengt, wordt, als schuldig
aan zware mishandeling, gestraft

met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

- 2. Indien het feit de dood ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten
hoogste tien jaren of geldboete van
de vijfde categorie.

Art. 303 . - 1. Zware mishandeling gepleegd met voorbedachten rade wordt gestraft met gevangenisstraf
van ten hoogste twaalf jaren of
geldboete van de vijfde categorie.

- 2. Indien het feit de dood ten gevolge heeft, wordt de schuldige gestraft met gevangenisstraf van ten
hoogste vijftien jaren of geldboete
van de vijfde categorie.

Art. 304 . De in de artikelen 300-303 bepaalde gevangenisstraffen kunnen met een derde worden
verhoogd:

1° ten aanzien van de schuldige die het misdrijf begaat tegen zijn moeder, zijn vader tot wie hij in
familierechtelijke betrekking staat, zijn
echtgenoot of zijn kind;

2° indien het misdrijf wordt gepleegd tegen een ambtenaar gedurende of ter zake van de rechtmatige
uitoefening van zijn bediening;

3° indien het misdrijf wordt gepleegd door toediening van voor het leven of de gezondheid schadelijke
stoffen.

Art. 305 . Bij veroordeling wegens een der in de artikelen 301 en 303 omschreven misdrijven kan
ontzetting van de in artikel 28, eerste lid

, onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

Art. 306 . Zij die opzettelijk deelnemen aan een aanval of vechterij waarin onderscheiden personen zijn
gewikkeld, worden, behoudens

ieders verantwoordelijkheid voor de bijzondere door hem bedreven feiten, gestraft:

1° met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie, indien de aanval
of vechterij alleen zwaar

lichamelijk letsel ten gevolge heeft;

2° met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie, indien de aanval of vechterij iemands dood ten gevolge heeft.

TITEL XXI Veroorzaken van de dood of van lichamelijk letsel door schuld

Art. 307 . Hij aan wiens schuld de dood van een ander te wijten is, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste negen maanden of geldboete van de vierde categorie.

Art. 308 . Hij aan wiens schuld te wijten is dat een ander zwaar lichamelijk letsel bekomt of zodanig lichamelijk letsel waaruit tijdelijke ziekte of verhindering in de uitoefening van zijn ambts- of beroepsbezigheden ontstaat, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste zes maanden of geldboete van de vierde categorie.

Art. 309 . Indien de in deze titel omschreven misdrijven worden gepleegd in de uitoefening van enig ambt of beroep, kan de gevangenisstraf met een derde worden verhoogd, kan ontzetting worden uitgesproken van de uitoefening van het beroep waarin het misdrijf is gepleegd, en kan de rechter de openbaarmaking van zijn uitspraak gelasten.

TITEL XXII Diefstal en stroperij

Art. 310 . Hij die enig goed dat geheel of ten dele aan een ander toebehoort wegneemt, met het oogmerk om het zich wederrechtelijk toe te eigenen, wordt, als schuldig aan diefstal, gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 311 . - 1. Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie wordt gestraft:

1° diefstal van vee uit de weide;

2° diefstal bij gelegenheid van brand, ontploffing, watersnood, schipbreuk, stranding, spoorwegongeval, oproer, mouterij of oorlogsnood;

3° diefstal gedurende de voor de nachtrust bestemde tijd, in een woning of op een besloten erf waarop een woning staat, door iemand die zich aldaar buiten weten of tegen de wil van de rechthebbende bevindt;

4° diefstal door twee of meer verenigde personen;

5° diefstal waarbij de schuldige zich de toegang tot de plaats van het misdrijf heeft verschaft of het weg te nemen goed onder zijn bereik

heeft gebracht door middel van braak, verbreking of inklimming, van valse sleutels, van een valse order

of een vals kostuum.

- 2. Indien de onder 3° omschreven diefstal vergezeld gaat van een der in onder 4° en 5° vermelde omstandigheden, wordt gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie opgelegd.

Art. 312 . - 1. Met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie wordt gestraft diefstal, voorafgegaan, vergezeld of gevolgd van geweld of bedreiging met geweld tegen personen, gepleegd met het oogmerk om die diefstal voor te bereiden of gemakkelijk te maken, of om, bij betrapping op heter daad, aan zichzelf of andere deelnemers aan het misdrijf hetzij de vlucht mogelijk te maken, hetzij het bezit van het gestolene te verzekeren.

- 2. Gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie wordt opgelegd: 1° indien het feit wordt gepleegd hetzij gedurende de voor de nachtrust bestemde tijd in een woning of op een besloten erf waarop een woning staat; hetzij op de openbare weg; hetzij in een spoortrein die in beweging is; 2° indien het feit wordt gepleegd door twee of meer verenigde personen; 3° indien de schuldige zich de toegang tot de plaats van het misdrijf heeft verschaft door middel van braak of inklimming, van valse sleutels, van een valse order of een vals kostuum; 4° indien het feit zwaar lichamelijk letsel ten gevolge heeft.

- 3. Gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie wordt opgelegd, indien het feit de dood ten gevolge heeft.

Art. 313 . Bij veroordeling wegens diefstal kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

Art. 314 . - 1. Hij die, zonder geweld of bedreiging met geweld tegen personen, geheel of ten dele aan een ander toebehorende klei, bagger, ongesneden veen, zand, aarde, grind, puin, mestspeciën, zoden, plaggen, heide, helm, wier, riet, biezen, mos, onbewerkt en niet vervoerd hak- of sprokkelhout, ongeplukte of afgevallen boomvruchten of bladeren, te veld staand gras of te veld staande of na de oogst achtergebleven veldvruchten wegneemt, met het oogmerk om zich die voorwerpen wederrechtelijk toe te eigenen, wordt, als schuldig aan stroperij, gestraft met gevangenisstraf van ten hoogste een maand of geldboete van de tweede categorie.

- 2. Indien tijdens het plegen van het misdrijf nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens gelijk misdrijf onherroepelijk is geworden, wordt hij gestraft met gevangenisstraf van ten hoogste twee maanden of geldboete van

de tweede categorie.

Art. 315 . - 1. Met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie wordt gestraft:

1° stroperij gepleegd met behulp van vaartuigen, wagens, trek- of lastdieren;

2° stroperij gepleegd onder een of meer der in artikel 311, eerste lid , onder 2°-5°, vermelde omstandigheden.

- 2. Ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten kan worden uitgesproken.

Art. 316 . - 1. Indien de dader van of medeplichtige aan een der in deze titel omschreven misdrijven de niet van tafel en bed of van

goederen gescheiden echtgenoot is van hem tegen wie het misdrijf is gepleegd, is de strafvervolging tegen die dader of die medeplichtige uitgesloten.

- 2. Indien hij zijn van tafel en bed of van goederen gescheiden echtgenoot is of zijn bloed- of aanverwant, hetzij in de rechte linie, hetzij in

de tweede graad van de zijlinie, heeft de vervolging, voor zover hem betreft, alleen plaats op een tegen hem gerichte klacht van degene tegen wie het misdrijf is gepleegd.

- 3. Indien het vorige lid van toepassing is, neemt de termijn bedoeld in artikel 66 een aanvang op de dag nadat de identiteit van de verdachte aan de tot de klacht gerechtigde bekend werd.

TITEL XXIII Afpersing en afdreiging

Art. 317 . - 1. Hij die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen, door geweld of bedreiging met geweld

iemand dwingt hetzij tot de afgifte van enig goed dat geheel of ten dele aan deze of aan een derde toebehoort, hetzij tot het aangaan van

een schuld of het teniet doen van een inschuld, hetzij tot het ter beschikking stellen van gegevens met geldswaarde in het handelsverkeer,

wordt, als schuldig aan afpersing, gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt gestraft hij die de dwang, bedoeld in het eerste lid, uitoefent door de bedreiging dat gegevens die door middel

van een geautomatiseerd werk zijn opgeslagen, onbruikbaar of ontoegankelijk zullen worden gemaakt of zullen worden gewist.

- 3. De bepalingen van het tweede en derde lid van artikel 312 zijn op dit misdrijf van toepassing.

Art. 318 . - 1. Hij die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen, door bedreiging met smaad, smaadschrift of

openbaring van een geheim iemand dwingt hetzij tot de afgifte van enig goed dat geheel of ten dele aan deze of aan een derde toebehoort,
hetzij tot het aangaan van een schuld of het teniet doen van een inschuld, hetzij tot het ter beschikking stellen van gegevens met
geldswaarde in het handelsverkeer, wordt als schuldig aan afdreiging, gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

- 2. Dit misdrijf wordt niet vervolgd dan op klacht van hem tegen wie het gepleegd is.

Art. 319 . De bepaling van artikel 316 is op de in deze titel omschreven misdrijven van toepassing.

Art. 320 . Bij veroordeling wegens een der in deze titel omschreven misdrijven, kan ontzetting van de in artikel 28, eerste lid , onder 1^o, 2^o en 4^o, vermelde rechten worden uitgesproken.

TITEL XXIV Verduistering

Art. 321 . Hij die opzettelijk enig goed dat geheel of ten dele aan een ander toebehoort en dat hij anders dan door misdrijf onder zich heeft,
wederrechtelijk zich toeëigent, wordt, als schuldig aan verduistering, gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

Art. 322 . Verduistering gepleegd door hem die het goed uit hoofde van zijn persoonlijke dienstbetrekking of van zijn beroep, of tegen geldelijke vergoeding onder zich heeft, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.

Art. 323 . Verduistering gepleegd door hem wie het goed uit noodzaak in bewaring is gegeven, of door voogden, curators, bewindvoerders, uitvoerders van uiterste wilsbeschikkingen of beheerders van instellingen van weldadigheid of van stichtingen, ten opzichte van enig goed dat zij als zodanig onder zich hebben, wordt gestraft met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vijfde categorie.

Art. 324 . De bepaling van artikel 316 is op de in deze titel omschreven misdrijven van toepassing.

Art. 325 . - 1. Bij veroordeling wegens een der in deze titel omschreven misdrijven, kan de rechter de openbaarmaking van zijn uitspraak gelasten en ontzetting uitspreken van de in artikel 28, eerste lid , onder 1^o, 2^o en 4^o, vermelde rechten.
- 2. Indien de schuldige het misdrijf in zijn beroep begaat, kan hij van de uitoefening van dat beroep

worden ontzet.

TITEL XXV Bedrog

Art. 326 . Hij die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen, hetzij door het aannemen van een valse naam of van een valse hoedanigheid, hetzij door listige kunstgrepen, hetzij door een samenweefsel van verdichtsels, iemand beweegt tot de afgifte van enig goed, tot het ter beschikking stellen van gegevens met geldswaarde in het handelsverkeer, tot het aangaan van een schuld of tot het teniet doen van een inschuld, wordt, als schuldig aan oplichting, gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

Art. 326a . Hij die een beroep of een gewoonte maakt van het kopen van goederen met het oogmerk om zonder volledige betaling zich of een ander de beschikking over die goederen te verzekeren, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

Art. 326bis . Vervallen.

Art. 326b . Met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie wordt gestraft:

1° hij die op of in een werk van letterkunde, wetenschap, kunst of nijverheid valselijk enige naam of enig teken plaatst, of de echte naam of het echte teken vervalst, met het oogmerk om daardoor aannemelijk te maken, dat dat werk zou zijn van de hand van degene wiens naam of teken hij daarop of daarin aanbracht;

2° hij die opzettelijk een werk van letterkunde, wetenschap, kunst of nijverheid, waarop of waarin valselijk enige naam of enig teken is geplaatst, of de echte naam of het echte teken is vervalst, verkoopt, te koop aanbiedt, aflevert, ten verkoop in voorraad heeft of binnen het

Rijk in Europa invoert, als ware dat werk van de hand van degene wiens naam of teken daarop of daarin valselijk is aangebracht.

Art. 326c . - 1. Hij die, met het oogmerk daarvoor niet volledig te betalen, door een technische ingreep of met behulp van valse signalen, gebruik maakt van een dienst die via telecommunicatie aan het publiek wordt aangeboden, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

- 2. Met gevangenisstraf van een jaar of geldboete van de derde categorie wordt gestraft hij die

opzettelijk een voorwerp dat kennelijk is bestemd, of gegevens die kennelijk zijn bestemd, tot het plegen van het misdrijf, bedoeld in het eerste lid,

- a. openlijk ter verspreiding aanbiedt;
- b. ter verspreiding of met het oog op de invoer in Nederland voorhanden heeft of
- c. uit winstbejag vervaardigt of bewaart.

- 3. Hij die van het plegen van misdrijven als bedoeld in het tweede lid, zijn beroep maakt of het plegen van deze misdrijven als bedrijf uitoefent wordt gestraft hetzij met gevangenisstraf van ten hoogste drie jaren en geldboete van de vijfde categorie, hetzij met één van deze straffen.

Art. 327 . Hij die door listige kunstgrepen de verzekeraar in dwaling brengt ten opzichte van omstandigheden tot de verzekering betrekking hebbende, zodat deze een overeenkomst sluit die hij niet of niet onder dezelfde voorwaarden zou hebben gesloten indien hij de ware staat van zaken gekend had, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

Art. 328 . Hij die, met het oogmerk om zich of een ander, ten nadele van de verzekeraar, wederrechtelijk te bevoordelen, brand sticht of een ontploffing teweegbrengt in enig tegen brandgevaar verzekerd goed, of een vaartuig of luchtvaartuig dat verzekerd is of waarvan de zich aan boord bevindende zaken of de te verdienen vracht zijn verzekerd, doet zinken, stranden of verongelukken, vernielt, onbruikbaar maakt of beschadigt, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.

Art. 328bis . Hij die, om het handels- of bedrijfsdebet van zichzelf of van een ander te vestigen, te behouden of uit te breiden, enige bedrieglijke handeling pleegt tot misleiding van het publiek of van een bepaald persoon, wordt, indien daaruit enig nadeel voor concurrenten van hem of van die ander kan ontstaan, als schuldig aan oneerlijke mededinging, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

Art. 328ter . - 1. Hij die, anders dan als ambtenaar, werkzaam zijnde in dienstbetrekking of optredend als lasthebber, naar aanleiding van hetgeen hij in zijn betrekking of bij de uitvoering van zijn last heeft gedaan of nagelaten dan wel zal doen of nalaten, een gift of belofte aanneemt en dit aannemen in strijd met de goede trouw verzwijgt tegenover zijn werkgever of lastgever, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

- 2. Met gelijke straf wordt gestraft hij die aan iemand die, anders dan als ambtenaar, werkzaam is in dienstbetrekking of optreedt als lasthebber, naar aanleiding van hetgeen deze in zijn betrekking of bij de uitvoering van zijn last heeft gedaan of nagelaten dan wel zal doen of nalaten, een gift of belofte doet van die aard of onder zodanige omstandigheden, dat hij redelijkerwijs moet aannemen dat deze de gift of belofte in strijd met de goede trouw zal verzwijgen tegenover zijn werkgever of lastgever.

Art. 328quater . - 1. Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie wordt gestraft hij die een gift of een belofte aanneemt naar aanleiding van hetgeen hij heeft gedaan of nagelaten dan wel zal doen of nalaten in verband met een op hem of op de persoon bij wie hij in dienst is, rustende wettelijke plicht tot

- het verstrekken van inlichtingen betreffende telecommunicatie aan de ambtenaren van de justitie of politie, dan wel
- het verlenen van medewerking aan het aftappen of opnemen van telecommunicatie.

- 2. Met gelijke straf wordt gestraft hij die een ander een gift of een belofte doet naar aanleiding van hetgeen deze heeft gedaan of nagelaten dan wel zal doen of nalaten in verband met een op hem of op de persoon bij wie hij in dienst is, rustende wettelijke plicht als bedoeld in het eerste lid.

Art. 329 . Met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie wordt gestraft de verkoper die de koper bedriegt:

- 1° door hem die een bepaald aangewezen voorwerp kocht, opzettelijk iets anders daarvoor in de plaats te leveren;
- 2° ten opzichte van de aard, de hoedanigheid of de hoeveelheid van het geleverde, door het aanwenden van listige kunstgrepen.

Art. 329bis . De houder van een cognossement die opzettelijk over verschillende exemplaren daarvan onder bezwarende titel beschikt ten behoeve van verschillende verkrijgers, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie.

Art. 330 . - 1. Hij die eet- of drinkwaren of geneesmiddelen verkoopt, te koop aanbiedt of aflevert, wetende dat zij vervalst zijn en die vervalsing verzwijgende, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

- 2. Eet- of drinkwaren of geneesmiddelen zijn vervalst wanneer door bijmenging van vreemde bestanddelen hun waarde of hun bruikbaarheid verminderd is.

Art. 331 . - 1. Met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie wordt gestraft de aannemer of de bouwmeester van enig werk of de verkoper van bouwmaterialen die bij de uitvoering van het werk of de levering van de materialen enige bedrieglijke handeling pleegt, ten gevolge waarvan de veiligheid van personen of goederen of de veiligheid van de staat in tijd van oorlog kan worden in gevaar gebracht.

- 2. Met dezelfde straf wordt gestraft hij die, met het opzicht over het werk of over de levering van de materialen belast, de bedrieglijke handeling opzettelijk toelaat.

Art. 332 . - 1. Hij die, bij levering van benodigdheden ten dienste van de vloot of het leger, enige bedrieglijke handeling pleegt, ten gevolge waarvan de veiligheid van de staat in tijd van oorlog kan worden in gevaar gebracht, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

- 2. Met dezelfde straf wordt gestraft hij die, met het opzicht over de levering van de goederen belast, de bedrieglijke handeling opzettelijk toelaat.

Art. 333 . Hij die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen, hetgeen tot afbakening van de grenzen van erven dient vernielt, verplaatst, verwijdert of onbruikbaar maakt, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie.

Art. 334 . Hij die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen, door het verspreiden van een leugenachtig bericht de prijs van koopwaren, fondsen of geldswaardig papier doet stijgen of dalen, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vijfde categorie.

Art. 335 . Vervallen.

Art. 336 . De koopman, de bestuurder, beherende vennoot of commissaris van een rechtspersoon of vennootschap, die opzettelijk een onware staat of een onware balans, winst- en verliesrekening, staat van baten en lasten of toelichting op een van die stukken openbaar maakt of zodanige openbaarmaking opzettelijk toelaat, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

Art. 336a . Vervallen.

Art. 337 . - 1. Hij die opzettelijk:

- a. valse, vervalste of wederrechtelijk vervaardigde merken,
 - b. waren, die zelf of op hun verpakking valselijk zijn voorzien van de handelsnaam van een ander of van het merk waarop een ander recht heeft,
 - c. waren, die ter aanduiding van herkomst, valselijk van de naam van een bepaalde plaats, met bijvoeging van een verdichte handelsnaam, zijn voorzien,
 - d. waren, waarop of op de verpakking waarvan een handelsnaam van een ander of een merk waarop een ander recht heeft, zij het dan ook met een geringe afwijking, is nagebootst of
 - e. waren of onderdelen daarvan die valselijk hetzelfde uiterlijk vertonen als een tekening of model waarop een ander recht heeft, dan wel daarmede slechts ondergeschikte verschillen vertonen, invoert, doorvoert of uitvoert, verkoopt, te koop aanbiedt, aflevert, uitdeelt of in voorraad heeft, wordt gestraft met gevangenisstraf van ten hoogste één jaar of geldboete van de vijfde categorie.
- 2. Indien de schuldige van het plegen van het misdrijf, genoemd in het eerste lid, zijn beroep maakt of het plegen van dit misdrijf als bedrijf uitoefent, wordt hij gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.
- 3. Indien door het plegen van het misdrijf, genoemd in het eerste lid, gemeen gevaar voor personen of goederen te duchten is, wordt de schuldige gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.

Art. 338 . De bepaling van artikel 316 is op de in deze titel omschreven misdrijven van toepassing.

- ### **Art. 339 . - 1. Bij veroordeling wegens een der in deze titel omschreven misdrijven, kan de rechter de openbaarmaking van zijn uitspraak gelasten en de schuldige worden ontzet van de uitoefening van het beroep waarin hij het misdrijf begaan heeft.**
- 2. Bij veroordeling wegens een der in de artikelen 326 , 328 , 331 en 332 omschreven misdrijven kan ontzetting van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten worden uitgesproken.

TITEL XXVI Benadeling van schuldeisers of rechthebbenden

- ### **Art. 340 . Hij die in staat van faillissement is verklaard, wordt, als schuldig aan eenvoudige bankbreuk, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie:**

- 1° indien zijn verteringen buitensporig zijn geweest;
- 2° indien hij, met het oogmerk om zijn faillissement uit te stellen, wetende dat het daardoor niet kon worden voorkomen, op bezwarende voorwaarden geldopnemingen heeft gedaan;
- 3° indien hij de boeken, bescheiden en andere gegevensdragers waarmee hij ingevolge artikel 15a van Boek 3 van het Burgerlijk Wetboek een administratie gevoerd heeft en de boeken, bescheiden en andere gegevensdragers die hij ingevolge dat artikel bewaard heeft, niet in ongeschonden staat te voorschijn brengt.

Art. 341 . Als schuldig aan bedriegelijke bankbreuk wordt gestraft hetzij met gevangenisstraf van ten hoogste zes jaren en geldboete van de vijfde categorie, hetzij met één van deze straffen, hij:

a. die in staat van faillissement is verklaard, indien hij ter bedriegelijke verkorting van de rechten van zijn schuldeisers:

- 1° hetzij lasten verdicht heeft of verdicht, hetzij baten niet verantwoord heeft of niet verantwoordt, hetzij enig goed aan de boedel onttrokken heeft of onttrekt;
- 2° enig goed hetzij om niet, hetzij klaarblijkelijk beneden de waarde heeft vervreemd;
- 3° ter gelegenheid van zijn faillissement of op een tijdstip waarop hij wist dat het faillissement niet kon worden voorkomen, een van zijn schuldeisers op enige wijze bevoordeeld heeft of bevoordeelt;
- 4° niet voldaan heeft of niet voldoet aan de op hem rustende verplichtingen ten opzichte van het voeren van een administratie ingevolge artikel 15a van Boek 3 van het Burgerlijk Wetboek, en het bewaren en te voorschijn brengen van boeken, bescheiden en gegevensdragers in dat artikel bedoeld;

b. te wiens aanzien de schuldsaneringsregeling natuurlijke personen van toepassing is verklaard, indien hij ter bedriegelijke verkorting van de rechten die zijn schuldeisers jegens de boedel kunnen doen gelden:

- 1° hetzij lasten verdicht heeft of verdicht, hetzij baten niet verantwoord heeft of niet verantwoordt, hetzij enig goed aan de boedel onttrokken heeft of onttrekt;
- 2° enig goed hetzij om niet, hetzij klaarblijkelijk beneden de waarde heeft vervreemd;
- 3° ter gelegenheid van de toepassing van de schuldsaneringsregeling natuurlijke personen of op een tijdstip waarop hij wist dat hij niet zou kunnen voortgaan met het betalen van zijn schulden, een van zijn schuldeisers op enige wijze bevoordeeld heeft of bevoordeelt;
- 4° niet voldaan heeft of niet voldoet aan de op hem rustende verplichtingen ten opzichte van het voeren van een administratie ingevolge artikel 15a van Boek 3 van het Burgerlijk Wetboek, en het bewaren en te voorschijn brengen van boeken, bescheiden en gegevensdragers in dat artikel bedoeld.

Art. 342 . De bestuurder of commissaris van een rechtspersoon welke in staat van faillissement is verklaard, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie:

- 1° indien hij heeft medegewerkt of zijn toestemming gegeven tot enige handeling, in strijd met enige wettige bepaling van statuten of reglementen, waaraan de door de rechtspersoon geleden verliezen geheel of grotendeels zijn te wijten;
- 2° indien hij, met het oogmerk om het faillissement van de rechtspersoon uit te stellen, wetende dat het daardoor niet kon worden voorkomen, heeft medegewerkt of zijn toestemming gegeven tot het doen van geldopnemingen op bezwarende voorwaarden;
- 3° indien aan hem te wijten is, dat aan de in artikel 10, eerste lid , van Boek 2 van het Burgerlijk Wetboek, artikel 15a, eerste lid , van boek 3 van het Burgerlijk Wetboek of artikel 5, eerste lid , van de Wet op de formeel buitenlandse vennootschappen in samenhang met artikel 10, eerste lid , van boek 2 van het Burgerlijk Wetboek omschreven verplichtingen niet is voldaan of dat de boeken, bescheiden en andere gegevensdragers, waarmee volgens die artikelen administratie gevoerd is, en de boeken, bescheiden en andere gegevensdragers die ingevolge die artikelen zijn bewaard, niet in ongeschonden staat worden te voorschijn gebracht.

Art. 343 . De bestuurder of commissaris van een rechtspersoon welke in staat van faillissement is verklaard, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie, indien hij ter bedrieglijke verkorting van de rechten der schuldeisers van de rechtspersoon:

- 1° hetzij lasten verdicht heeft of verdicht, hetzij baten niet verantwoord heeft of niet verantwoordt, hetzij enig goed aan de boedel onttrokken heeft of onttrekt;
- 2° enig goed hetzij om niet, hetzij klaarblijkelijk beneden de waarde heeft vervreemd;
- 3° ter gelegenheid van het faillissement of op een tijdstip waarop hij wist dat het faillissement niet kon worden voorkomen, een van de schuldeisers op enige wijze bevoordeeld heeft of bevoordeelt;
- 4° niet voldaan heeft of niet voldoet aan de op hem rustende verplichtingen ten opzichte van het voeren van een administratie ingevolge artikel 10, eerste lid , van Boek 2 van het Burgerlijk Wetboek, artikel 15a, eerste lid , van boek 3 van het Burgerlijk Wetboek of artikel 5, eerste lid , van de Wet op de formeel buitenlandse vennootschappen in samenhang met artikel 10, eerste lid , van boek 2 van het Burgerlijk Wetboek, en het bewaren en te voorschijn brengen van boeken, bescheiden en andere gegevensdragers in die artikelen bedoeld.

Art. 344 . Hetzij met gevangenisstraf van ten hoogste vier jaren en zes maanden en geldboete van de

vijfde categorie, hetzij met één van deze straffen wordt gestraft hij die:

1° in geval van faillissement, of in het vooruitzicht daarvan, indien het faillissement is gevolgd, ter bedrieglijke verkorting van de rechten der schuldeisers, enig goed aan de boedel onttrekt, of betaling aanneemt, hetzij van een niet opeisbare schuld, hetzij van een opeisbare schuld, in het laatste geval wetende dat het faillissement van de schuldenaar reeds was aangevraagd of ten gevolge van overleg met de schuldenaar;

2° bij verificatie van de schuldvorderingen in geval van faillissement, een niet bestaande schuldvordering voorwendt of een bestaande tot een verhoogd bedrag doet gelden;

3° in geval de schuldsaneringsregeling natuurlijke personen van toepassing is verklaard, of in het vooruitzicht daarvan, indien de toepassing wordt uitgesproken, ter bedrieglijke verkorting van de rechten die de schuldeisers jegens de boedel kunnen doen gelden, enig goed aan de boedel onttrekt, of betaling aanneemt op een vordering ten aanzien waarvan de schuldsaneringsregeling werkt, hetzij niet opeisbaar, hetzij opeisbaar, in het laatste geval wetende dat het verzoek tot het van toepassing verklaren van de schuldsaneringsregeling natuurlijke personen reeds was ingediend of tengevolge van overleg met de schuldenaar;

4° bij de verificatie van vorderingen in de schuldsaneringsregeling natuurlijke personen, een niet bestaande schuldvordering voorwendt of een bestaande tot een verhoogd bedrag doet gelden.

Art. 345 . - 1. De schuldeiser die tot een aangeboden gerechtelijk akkoord toetreedt ten gevolge van een overeenkomst hetzij met de schuldenaar, hetzij met een derde, waarbij hij bijzondere voordelen heeft bedongen, wordt, in geval van aanneming van het akkoord, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie.

- 2. Gelijke straf wordt in hetzelfde geval toegepast op de schuldenaar of, indien deze een rechtspersoon is, op de bestuurder of commissaris, die zodanige overeenkomst sluit.

Art. 346 . Vervallen.

Art. 347 . De bestuurder of commissaris van een rechtspersoon die, buiten het geval van artikel 342 , zijn medewerking heeft verleend of zijn toestemming gegeven tot enige handeling in strijd met enige wettige bepaling van de statuten of reglementen, tengevolge waarvan de rechtspersoon ernstig nadeel ondervindt, wordt gestraft met geldboete van de vijfde categorie.

Art. 348 . - 1. Hij die opzettelijk zijn eigen goed of, ten behoeve van degene aan wie het toebehoort, een

hem niet toebehorend goed

onttrekt aan een pandrecht, een retentierecht of een recht van vruchtgebruik of gebruik van een ander, wordt gestraft met een

gevangenisstraf van ten hoogste een jaar en zes maanden.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk een goed dat is onderworpen aan een pandrecht, een retentierecht of een recht

van vruchtgebruik of gebruik van een ander, vernielt, beschadigt of onbruikbaar maakt.

- 3. De bepaling van artikel 316 is op deze misdrijven van toepassing.

Art. 349 . - 1. Bij veroordeling wegens een der in de artikelen 341 , 343 en 344 omschreven misdrijven, kan de schuldige worden ontzet

van de in artikel 28, eerste lid , onder 1°, 2° en 4°, vermelde rechten.

- 2. Bij veroordeling wegens een der in de artikelen 340-345 omschreven misdrijven, kan openbaarmaking van de rechterlijke uitspraak

worden gelast.

Art. 349bis t/m 349quater . Vervallen.

TITEL XXVII Vernieling of beschadiging

Art. 350 . - 1. Hij die opzettelijk en wederrechtelijk enig goed dat geheel of ten dele aan een ander toebehoort, vernielt, beschadigt,

onbruikbaar maakt of wegmaakt, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Gelijke straf wordt toegepast op hem die opzettelijk en wederrechtelijk een dier dat geheel of ten dele aan een ander toebehoort,

doodt, beschadigt, onbruikbaar maakt of wegmaakt.

Art. 350a . - 1. Hij die opzettelijk en wederrechtelijk gegevens die door middel van een geautomatiseerd werk zijn opgeslagen, worden

verwerkt of overgedragen, verandert, wist, onbruikbaar of ontoegankelijk maakt, dan wel andere gegevens daaraan toevoegt, wordt

gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Hij die het feit, bedoeld in het eerste lid, pleegt na door tussenkomst van een openbaar telecommunicatienetwerk, wederrechtelijk in

een geautomatiseerd werk te zijn binnengedrongen en daar ernstige schade met betrekking tot die gegevens veroorzaakt, wordt gestraft

met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

- 3. Hij die opzettelijk en wederrechtelijk gegevens ter beschikking stelt of verspreidt die bedoeld zijn om schade aan te richten door

zichzelf te vermenigvuldigen in een geautomatiseerd werk, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van

de vijfde categorie.

- 4. Niet strafbaar is degenen die het feit, bedoeld in het derde lid, pleegt met het oogmerk om schade als gevolg van deze gegevens te beperken.

Art. 350b . - 1. Hij aan wiens schuld te wijten is dat gegevens die door middel van een geautomatiseerd werk zijn opgeslagen, worden verwerkt of overgedragen, wederrechtelijk worden veranderd, gewist, onbruikbaar of ontoegankelijk gemaakt, dan wel dat andere gegevens daaraan worden toegevoegd, wordt, indien daardoor ernstige schade met betrekking tot die gegevens wordt veroorzaakt, gestraft met gevangenisstraf of hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

- 2. Hij aan wiens schuld te wijten is dat gegevens wederrechtelijk ter beschikking gesteld of verspreid worden die bedoeld zijn om schade aan te richten door zichzelf te vermenigvuldigen in een geautomatiseerd werk, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 351 . Hij die spoorweg- of elektriciteitswerken, geautomatiseerde werken voor opslag of verwerking van gegevens of werken voor telecommunicatie, werken dienend tot waterkering, waterlozing, gas- of waterleiding of riolering, voor zover deze werken ten algemene nutte gebezigd worden, dan wel goederen of werken ten behoeve van de landsverdediging, opzettelijk en wederrechtelijk vernielt, beschadigt, onbruikbaar maakt, onklaar maakt of weg maakt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 351bis . Hij aan wiens schuld te wijten is dat enig in het vorig artikel bedoeld goed of werk, vernield, beschadigt, onbruikbaar gemaakt, onklaar gemaakt of weggemaakt wordt, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 352 . Hij die opzettelijk en wederrechtelijk enig gebouw, vaartuig of zijn lading, installatie ter zee of luchtvaartuig dat geheel of ten dele aan een ander toebehoort, vernielt, beschadigt, onbruikbaar maakt of onklaar maakt, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 353 . De bepaling van artikel 316 is op de in deze titel omschreven misdrijven van toepassing.

Art. 354 . Indien een der in deze titel omschreven misdrijven arglistig gepleegd wordt, of daarvan levensgevaar voor een ander is te duchten, kan de gevangenisstraf met een derde worden verhoogd.

TITEL XXVIII Ambtsmisdrijven

Art. 355 . Met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie, worden gestraft de hoofden van ministeriële departementen:

1° die hun medeondertekening verlenen aan koninklijke besluiten of koninklijke beschikkingen, wetende dat daardoor de Grondwet of andere wetten of algemene maatregelen van inwendig bestuur van de staat worden geschonden;

2° die uitvoering geven aan koninklijke besluiten of koninklijke beschikkingen, wetende dat deze niet van de vereiste medeondertekening van een der hoofden van de ministeriële departementen zijn voorzien;

3° die beschikkingen nemen of bevelen geven of bestaande beschikkingen of bevelen handhaven, wetende dat daardoor de Grondwet of andere wetten of algemene maatregelen van inwendig bestuur van de staat worden geschonden;

4° die opzettelijk nalaten uitvoering te geven aan de bepalingen van de Grondwet of andere wetten of algemene maatregelen van inwendig bestuur van de staat, voor zover die uitvoering wegens de aard van het onderwerp tot hun ministeriële departementen behoort of uitdrukkelijk hun is opgedragen.

Art. 356 . Met hechtenis van ten hoogste zes maanden of geldboete van de derde categorie worden gestraft de hoofden van ministeriële departementen aan wier grove schuld te wijten is dat de in artikel 355 , onder 4°, omschreven uitvoering wordt nagelaten.

Art. 357 . De bevelhebber van de gewapende macht die weigert of opzettelijk nalaat op de wettige vordering van het bevoegde burgerlijk gezag de onder zijn bevel staande macht aan te wenden, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 358 . - 1. De ambtenaar die opzettelijk de bijstand van de gewapende macht inroept tegen de uitvoering van wettelijke voorschriften, van wettige bevelen van het openbaar gezag of van rechterlijke uitspraken of beveldschriften, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. Indien die uitvoering daardoor wordt verhinderd, wordt de schuldige gestraft met gevangenisstraf van ten hoogste negen jaren of

geldboete van de vijfde categorie.

Art. 358bis t/m 358quater . Vervallen.

Art. 359 . De ambtenaar of een ander met enige openbare dienst voortdurend of tijdelijk belast persoon, die opzettelijk geld of geldswaardig papier dat hij in zijn bediening onder zich heeft, verduistert of toelaat dat het door een ander weggenomen of verduisterd wordt, of die ander daarbij als medeplichtige ter zijde staat, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 360 . De ambtenaar of een ander met enige openbare dienst voortdurend of tijdelijk belast persoon, die opzettelijk boeken of registers, uitsluitend bestemd tot controle van de administratie, valselijk opmaakt of vervalst, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vijfde categorie.

Art. 361 . De ambtenaar of een ander met enige openbare dienst voortdurend of tijdelijk belast persoon, die opzettelijk zaken bestemd om voor de bevoegde macht tot overtuiging of bewijs te dienen, akten, bescheiden of registers, welke hij in zijn bediening onder zich heeft verduistert, vernielt, beschadigt of onbruikbaar maakt, of toelaat dat zij door een ander worden weggemaakt, vernield, beschadigd of onbruikbaar gemaakt, of die ander daarbij als medeplichtige ter zijde staat, wordt gestraft met gevangenisstraf van ten hoogste vier jaren en zes maanden of geldboete van de vijfde categorie.

Art. 362 . De ambtenaar die een gift of belofte aanneemt, wetende dat zij hem gedaan wordt ten einde hem te bewegen om, zonder daardoor in strijd met zijn plicht te handelen, in zijn bediening iets te doen of na te laten, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de vijfde categorie.

Art. 363 . Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie wordt gestraft de ambtenaar:

- 1° die een gift of belofte aanneemt, wetende dat zij hem gedaan wordt ten einde hem te bewegen om, in strijd met zijn plicht, in zijn bediening iets te doen of na te laten;
- 2° die een gift of belofte aanneemt, wetende dat zij hem gedaan wordt ten gevolge of naar aanleiding van hetgeen door hem, in strijd met zijn plicht, in zijn bediening is gedaan of nagelaten.

Art. 364 . - 1. De rechter die een gift of belofte aanneemt, wetende dat zij hem gedaan wordt ten einde invloed te oefenen op de beslissing van een aan zijn oordeel onderworpen zaak, wordt gestraft met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

- 2. Indien die gift of belofte wordt aangenomen met het bewustzijn dat zij gedaan wordt om een veroordeling in een strafzaak te verkrijgen, wordt de rechter gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 365 . De ambtenaar die door misbruik van gezag iemand dwingt iets te doen, niet te doen of te dulden, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 366 . De ambtenaar die in de uitoefening van zijn bediening, als verschuldigd aan hemzelf, aan een ander ambtenaar of aan enige openbare kas, vordert of ontvangt of bij een uitbetaling terughoudt hetgeen hij weet dat niet verschuldigd is, wordt, als schuldig aan knevelarij, gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 367 . - 1. De ambtenaar die, belast met de bewaking van iemand die op openbaar gezag of krachtens rechterlijke uitspraak of beschikking van de vrijheid is beroofd, hem opzettelijk laat ontsnappen of bevrijdt of bij zijn bevrijding of zelfbevrijding behulpzaam is, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

- 2. Indien de ontsnapping, bevrijding of zelfbevrijding aan zijn schuld te wijten is, wordt hij gestraft met hechtenis van ten hoogste twee maanden of geldboete van de tweede categorie.

Art. 368 . - 1. Met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie wordt gestraft:

1° de ambtenaar, met het opsporen van strafbare feiten belast, die opzettelijk niet voldoet aan de vordering om van een wederrechtelijke vrijheidsberoving te doen blijken of daarvan aan de hogere macht opzettelijk niet onverwijld kennis geeft;

2° de ambtenaar die, na in de uitoefening van zijn bediening kennis te hebben bekomen dat iemand op onwettige wijze van de vrijheid is beroofd, opzettelijk nalaat daarvan onverwijld kennis te geven aan een ambtenaar met het opsporen van strafbare feiten belast.

- 2. De ambtenaar aan wiens schuld enig in dit artikel omschreven verzuim te wijten is, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 369 . Met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie wordt gestraft het hoofd van een gesticht, bestemd tot opsluiting van veroordeelden, voorlopig aangehouden en of gegijzelden, of van een rijksinrichting voor kindbescherming of een psychiatrisch ziekenhuis, die weigert te voldoen aan een wettige vordering om iemand die in het gesticht of psychiatrisch ziekenhuis is opgenomen te vertonen, of om inzage te geven van het register van inschrijving of van de akte waarvan de wet de inschrijving vordert.

Art. 370 . - 1. De ambtenaar die, met overschrijding van zijn bevoegdheid of zonder inachtneming van de bij de wet bepaalde vormen, in de woning of het besloten lokaal of erf, bij een ander in gebruik, diens ondanks binnentreedt of, wederrechtelijk aldaar vertoevende, zich niet op de vordering van of vanwege de rechthebbende aanstonds verwijdert, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 2. Met gelijke straf wordt gestraft de ambtenaar die ter gelegenheid van een huiszoeking met overschrijding van zijn bevoegdheid of zonder inachtneming van de bij de wet bepaalde vormen, geschriften, boeken of andere papieren onderzoekt of in beslag neemt.

Art. 371 . - 1. De ambtenaar die, met overschrijding van zijn bevoegdheid, zich doet overleggen of in beslag neemt een aan enige openbare instelling van vervoer toevertrouwde brief, briefkaart, stuk of pakket, of een telegrafisch bericht dat zich in handen bevindt van een ambtenaar van de telegrafie of van andere personen belast met de dienst van een ten algemenen nutte gebezigde telegraafinrichting, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. Dezelfde straf wordt opgelegd aan de ambtenaar die, met overschrijding van zijn bevoegdheid, zich door een ambtenaar van de telefonie of door andere personen belast met de dienst van een ten algemenen nutte gebezigde telefooninrichting, doet inlichten ter zake van enig verkeer hetwelk door tussenkomst van die instelling is geschied.

Art. 372 . De ambtenaar van of een persoon werkzaam bij enige openbare instelling van vervoer die een aan zodanige instelling toevertrouwde brief, gesloten stuk of pakket opzettelijk en wederrechtelijk opent, daarvan inzage neemt of de inhoud aan een ander bekendmaakt, wordt gestraft met gevangenisstraf van ten hoogste een jaar en zes maanden of geldboete van de vierde categorie.

Art. 373 . - 1. De ambtenaar van of een persoon werkzaam bij enige openbare instelling van vervoer die

een aan zodanige instelling toevertrouwde brief, briefkaart, stuk of pakket opzettelijk aan een ander dan de rechthebbende afgeeft, vernietigt, wegmaakt, zich toeëigent, of de inhoud wijzigt of enig daarin gesloten voorwerp zich toeëigent, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

- 2. Indien zodanig stuk of voorwerp geldswaarde heeft, wordt de toeëigening gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

Art. 374 . De ambtenaar van de telegrafie of enig ander persoon belast met het toezicht op of met de dienst van een ten algemenen nutte gebezigde telegraafinrichting, wordt gestraft:

1° met gevangenisstraf van ten hoogste een jaar en zes maanden of geldboete van de vierde categorie, indien hij de inhoud van een aan de telegrafie of aan zodanige inrichting toevertrouwd bericht opzettelijk en wederrechtelijk aan een ander bekendmaakt of een telegram opzettelijk en wederrechtelijk opent, daarvan inzage neemt of de inhoud aan een ander bekendmaakt; 2° met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie, indien hij een aan de telegrafie of aan zodanige inrichting toevertrouwd bericht of een telegram opzettelijk aan een ander dan de rechthebbende afgeeft, vernietigt, wegmaakt, zich toeëigent of de inhoud wijzigt.

Art. 374bis . Met gevangenisstraf van ten hoogste een jaar en zes maanden of geldboete van de vierde categorie wordt gestraft de ambtenaar of enig ander persoon belast met het toezicht op of met de dienst ten behoeve van een openbaar telecommunicatienetwerk of een openbare telecommunicatiedienst:

1° die opzettelijk en wederrechtelijk een door tussenkomst van deze infrastructuur verzorgde, niet voor hem of niet mede voor hem bestemde gegevensoverdracht afluistert, aftapt of opneemt; 2° die de beschikking heeft over een voorwerp waaraan, naar hij weet of redelijkerwijs moet vermoeden, een gegeven kan worden ontleend, dat door wederrechtelijk afluisteren, aftappen of opnemen van zodanige gegevensoverdracht is verkregen; 3° die opzettelijk en wederrechtelijk de inhoud van zodanige gegevensoverdracht aan een ander bekendmaakt; 4° die opzettelijk en wederrechtelijk een voorwerp waaraan een gegeven omtrent de inhoud van zodanige gegevensoverdracht kan worden ontleend, ter beschikking stelt van een ander.

Art. 375 . De ambtenaar van enige openbare instelling van vervoer of van de telegrafie of telefonie of

enig ander in de artikelen 372 tot en met 374 bis bedoeld persoon, die opzettelijk toelaat dat een ander een der in deze artikelen vermelde feiten pleegt, of die ander daarbij als medeplichtige ter zijde staat, wordt gestraft met de straffen en naar de onderscheidingen in die bepalingen vastgesteld.

Art. 376 . Met gevangenisstraf van ten hoogste zes maanden of geldboete van de vijfde categorie wordt gestraft de ambtenaar die opzettelijk deelneemt, middellijk of onmiddellijk, aan aannemingen of leveranties waarover hem op het tijdstip van de handeling geheel of ten dele het bestuur of toezicht is opgedragen.

Art. 377 . De ambtenaar van het muntwezen, behalve de muntmeester, of degene, in dienst van een waarborginstelling als bedoeld in artikel 7 van de Waarborgwet 1986, die handel drijft in edele metalen of daarvan vervaardigde voorwerpen, of opzettelijk aan zodanige handel middellijk of onmiddellijk deelneemt, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 378 . Degene, in dienst van een waarborginstelling als bedoeld in artikel 7 van de Waarborgwet 1986, die een te zijnen kantore aangeboden goud- of zilverwerk afdrukt of natrekt of daarvan een beschrijving geeft aan een ander dan die van ambtswege bevoegd is haar te vorderen, wordt gestraft met geldboete van de tweede categorie.

Art. 379 . - 1. De ambtenaar van de burgerlijke stand die meewerkt aan iemands huwelijksvoltrekking, wetende dat deze daardoor een dubbel huwelijk aangaat, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. De ambtenaar van de burgerlijke stand die meewerkt aan iemands huwelijksvoltrekking, wetende dat daartegen enig ander wettig beletsel bestaat, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 380 . - 1. Bij veroordeling wegens een der in de artikelen 355 , 357 en 358 omschreven misdrijven kan ontzetting van het in artikel 28, eerste lid , onder 3^o, vermelde recht worden uitgesproken.

- 2. Bij veroordeling wegens een der in de artikelen 359 , 363 , 364 , 366 , 373 , laatste lid, en 379 eerste lid , omschreven misdrijven kan ontzetting van het in artikel 28, eerste lid , onder 4^o, vermelde recht worden uitgesproken.

TITEL XXIX Scheepvaart- en luchtvaartmisdrijven

Art. 381 . - 1. Als schuldig aan zeeroof wordt gestraft:

1° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, hij die als schipper dienst neemt of dienst doet op een vaartuig, wetende dat het bestemd is of het gebruikende om in open zee daden van geweld te plegen tegen andere vaartuigen of tegen zich daarop bevindende personen of goederen, zonder door een oorlogvoerende mogendheid daartoe te zijn gemachtigd of tot de oorlogsmarine van een erkende mogendheid te behoren;

2° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, hij die, bekend met deze bestemming of dit gebruik, als schepeling dienst neemt op zodanig vaartuig of vrijwillig in dienst blijft na daarmede bekend te zijn geworden.

- 2. Met het gemis van machtiging wordt gelijkgesteld het overschrijden van de machtiging alsmede het voorzien zijn van machtigingen afkomstig van tegen elkander oorlog voerende mogendheden.

- 3. Artikel 81 blijft buiten toepassing.

- 4. Het in de vorige leden ten aanzien van de schipper en de schepeling bepaalde is van overeenkomstige toepassing ten aanzien van de gezagvoerder onderscheidenlijk het lid van de bemanning van een luchtvaartuig. Onder vaartuig wordt in de vorige leden luchtvaartuig begrepen en onder open zee het luchtruim daarboven.

Art. 382 . Indien de in artikel 381 omschreven daden van geweld de dood van een der zich op het aangevallen vaartuig of luchtvaartuig bevindende personen ten gevolge hebben, wordt de schipper of de gezagvoerder van het luchtvaartuig en worden zij die aan de daden van geweld hebben deelgenomen, met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie gestraft.

Art. 383 . Hij die voor eigen of vreemde rekening een vaartuig of luchtvaartuig uitrust met de in artikel 381 omschreven bestemming, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

Art. 384 . Hij die voor eigen of vreemde rekening middellijk of onmiddellijk medewerkt tot het verhuren, vervoeren of verzekeren van een vaartuig of luchtvaartuig, wetende dat het de in artikel 381 omschreven bestemming heeft, wordt gestraft met gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie.

Art. 385 . Hij die een Nederlands vaartuig opzettelijk in de macht van zeeroovers brengt, wordt gestraft:

1° indien hij de schipper is met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie;

2° in alle andere gevallen met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie.

Art. 385a . - 1. Hij die een luchtvaartuig door geweld, bedreiging met geweld of vreesaanjaging in zijn macht brengt of houdt dan wel van zijn route doet afwijken, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.

- 2. Indien twee of meer personen gezamenlijk of ten gevolge van samenspanning het feit plegen, of indien het feit zwaar lichamelijk letsel ten gevolge heeft, dan wel het feit is gepleegd met het oogmerk iemand wederrechtelijk van zijn vrijheid te beroven of beroofd te houden,

wordt gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie opgelegd.

- 3. Indien het feit de dood ten gevolge heeft, wordt levenslange gevangenisstraf of tijdelijke van ten hoogste twintig jaren of geldboete van de vijfde categorie opgelegd.

- 4. De straffen in het eerste lid bepaald, zijn toepasselijk op degene die de in dit lid omschreven misdrijven pleegt ten aanzien van een vaartuig en een installatie ter zee.

Art. 385b . - 1. Hij die opzettelijk een daad van geweld begaat tegen iemand die zich aan boord van een luchtvaartuig in vlucht bevindt, wordt gestraft:

1° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van het luchtvaartuig te duchten is;

2° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van het luchtvaartuig te duchten is en het feit zwaar lichamelijk letsel voor een ander ten gevolge heeft;

3° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daarvan gevaar voor de veiligheid van het luchtvaartuig te duchten is en het feit iemands dood ten gevolge heeft.

- 2. De straffen in het eerste lid bepaald, zijn toepasselijk op degene die de in dit lid omschreven misdrijven pleegt ten aanzien van een vaartuig en een installatie ter zee. Onder gevaar voor de veiligheid van het luchtvaartuig wordt in het eerste lid tevens begrepen gevaar voor de veilige vaart van het vaartuig.

Art. 385c . Hij die opzettelijk gegevens doorgeeft waarvan hij weet of ernstige reden heeft om te vermoeden dat zij onjuist zijn, wordt, indien daarvan gevaar voor een luchtvaartuig in vlucht of voor de veilige vaart van een vaartuig te duchten is, gestraft met gevangenisstraf

van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 385d . Hij die opzettelijk met gebruikmaking van een vuurwapen, een ontplofbare of anderszins gemeengevaarlijke stof of enig ander gemeengevaarlijk voorwerp, een daad van geweld begaat tegen iemand die zich in of in de onmiddellijke nabijheid van de vertrek- of aankomstruimten van een luchthaven bevindt, wordt gestraft:

1° met gevangenisstraf van ten hoogste negen jaren of geldboete van de vijfde categorie, indien daardoor levensgevaar voor andere

gebruikers van de luchthaven te duchten valt;

2° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien daardoor levensgevaar voor andere

gebruikers van de luchthaven te duchten valt en het feit zwaar lichamelijk letsel voor een ander ten gevolge heeft;

3° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien daardoor levensgevaar voor andere

gebruikers van de luchthaven te duchten valt en het feit iemands dood ten gevolge heeft.

Art. 386 . De opvarende van een Nederlands schip die zich wederrechtelijk van het schip meester maakt, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

Art. 387 . De schipper van een Nederlands schip die het schip aan de eigenaar of de rederij onttrekt en ten eigen bate gebruikt, wordt gestraft met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie.

Art. 388 . Met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie wordt gestraft de Nederlander die zonder vergunning van de Nederlandse regering een kaperbrief aanneemt, of als schipper dienst neemt of dienst doet op een vaartuig, wetende dat het zonder vergunning van de Nederlandse regering voor de kaapvaart bestemd is.

Art. 389 . De Nederlander die als schepeling dienst neemt op een vaartuig, wetende dat het zonder vergunning van de Nederlandse regering voor de kaapvaart bestemd is of gebruikt wordt, of vrijwillig in dienst blijft na die bestemming of dat gebruik te hebben vernomen, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 389bis . - 1. De schipper van een Nederlands vaartuig die een scheepsverklaring doet opmaken waarvan hij weet dat de inhoud in strijd is met de waarheid, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van

de vierde categorie.

- 2. De schepelingen die medewerken tot het doen opmaken van een scheepsverklaring waarvan zij weten dat de inhoud in strijd is met de waarheid, worden gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 389ter . Hij die ter voldoening aan het voorschrift van het vierde lid van artikel 194 , van het vijfde lid van artikel 784 , van het eerste lid onder a ten derde van artikel 786 of van het vierde lid van artikel 1303 van Boek 8 van het Burgerlijk Wetboek een schriftelijke verklaring overlegt van welke hij weet dat de inhoud in strijd is met de waarheid, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.

Art. 390 . De schipper van een Nederlands vaartuig die gedurende de reis zich opzettelijk aan het voeren van het vaartuig onttrekt, wordt, indien die gedraging de veiligheid van de opvarenden, het vaartuig of de zaken aan boord daarvan in gevaar brengt, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 391 t/m 394bis . Vervallen.

Art. 395 . - 1. De opvarende van een Nederlands schip of zeevissersschip die aan boord de schipper, of de schepeling die aan boord of in dienst een meerdere in rang feitelijk aanrandt, zich met geweld of bedreiging met geweld tegen hem verzet of hem opzettelijk van zijn vrijheid van handelen berooft, wordt, als schuldig aan insubordinatie, gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

- 2. De schuldige wordt gestraft:

1° met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie, indien het misdrijf of de daarmede gepaard gaande feitelijkheden enig lichamelijk letsel ten gevolge hebben;

2° met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie, indien zij zwaar lichamelijk letsel ten gevolge hebben;

3° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien zij de dood ten gevolge hebben.

Art. 396 . - 1. Insubordinatie gepleegd door twee of meer verenigde personen, wordt, als mouterij, gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

- 2. De schuldige wordt gestraft:

1° met gevangenisstraf van ten hoogste zeven jaren en zes maanden of geldboete van de vijfde categorie, indien het door hem gepleegde

misdrijf of de daarbij door hem gepleegde feitelikheden enig lichamelijk letsel ten gevolge hebben;

2° met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie, indien zij zwaar lichamelijk letsel ten gevolge hebben;

3° met gevangenisstraf van ten hoogste vijftien jaren of geldboete van de vijfde categorie, indien zij de dood ten gevolge hebben.

Art. 397 . Hij die aan boord van een Nederlands schip of zeevissersschip tot muiterij op dat schip of vaartuig opruit, wordt gestraft met gevangenisstraf van ten hoogste vijf jaren of geldboete van de vierde categorie.

Art. 398 t/m 399 . Vervallen.

Art. 400 . - 1. Met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft:

1° de opvarende van een Nederlands vaartuig die opzettelijk niet gehoorzaamt aan enig bevel van de schipper in het belang van de veiligheid aan boord gegeven;

2° de opvarende van een Nederlands vaartuig die, wetende dat de schipper van zijn vrijheid van handelen beroofd is, hem niet naar vermogen te hulp komt;

3° de opvarende van een Nederlands vaartuig die, kennis dragende van een voornemen tot het plegen van insubordinatie, opzettelijk nalaat daarvan tijdig aan de schipper kennis te geven;

4° de opvarende, niet zijnde schepeling, van een Nederlands vaartuig die opzettelijk niet gehoorzaamt aan enig bevel van de schipper tot handhaving van de orde en tucht aan boord gegeven.

- 2. De onder 3° vermelde bepaling is niet van toepassing indien de insubordinatie niet is gevolgd.

Art. 401 . De in de artikelen 386 , 389 , 395-397 en 400 bepaalde gevangenisstraffen kunnen met een derde worden verhoogd, indien de schuldige aan een der in die artikelen omschreven misdrijven scheepsofficier is.

Art. 402 . De schipper van een Nederlands schip die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen of zodanige

bevoordeling te bedekken, hetzij het schip verkoopt, hetzij geld opneemt op het schip, het scheepstoebehoren of de scheepsvoorraad,

hetzij zaken aan boord van het schip of zaken van de scheepsvoorraad verkoopt of verpand, hetzij verdichte schaden of uitgaven in

rekening brengt, hetzij niet zorgt dat aan boord de vereiste dagboeken overeenkomstig de wettelijke voorschriften worden gehouden,
hetzij bij het verlaten van het schip niet zorgt voor het behoud van de scheepspapieren, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vierde categorie.

Art. 403 . De schipper van een Nederlands schip die, met het oogmerk om zich of een ander wederrechtelijk te bevoordelen of zodanige bevoordeling te bedekken, van koers verandert, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 404 . Vervallen.

Art. 405 . - 1. De schipper van een Nederlands vaartuig die, buiten noodzaak en buiten voorkennis van de eigenaar of de rederij, handelingen pleegt of gedooft, wetende dat deze het vaartuig of de zaken aan boord daarvan aan opbrenging, aanhouding of ophouding kunnen blootstellen, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

- 2. De opvarende die, buiten noodzaak en buiten voorkennis van de schipper, met gelijke wetenschap gelijke handelingen pleegt, wordt gestraft met gevangenisstraf van ten hoogste negen maanden of geldboete van de derde categorie.

Art. 406 . De schipper van een Nederlands schip die opzettelijk buiten noodzaak aan een opvarende niet verschaft datgene wat hij verplicht is hem te verschaffen, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 407 . De schipper van een Nederlands schip die opzettelijk buiten noodzaak of in strijd met enig wettelijk voorschrift goederen werpt, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 408 . Hij die zaken aan boord van een vaartuig, opzettelijk en wederrechtelijk vernielt, beschadigt of onbruikbaar maakt, wordt gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.

Art. 409 . De schipper die de Nederlandse vlag voert, wetende dat hij daartoe niet gerechtigd is, wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.

Art. 410 . De schipper die opzettelijk door het voeren van enig onderscheidingsteken aan zijn vaartuig

de schijn geeft alsof het een Nederlands oorlogsvaartuig ware, of een loodsvaartuig in Nederlandse wateren of zeegaten dienst doende, wordt gestraft met gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 411 . Hij die buiten noodzaak op een Nederlands vaartuig optreedt als schipper, stuurman of machinist, wetende dat hij ingevolge wettelijk voorschrift daartoe onbevoegd is, wordt gestraft met gevangenisstraf van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 412 . De schipper van een Nederlands schip die zonder geldige reden weigert te voldoen aan een wettelijke vordering om een beklagde of veroordeelde benevens de tot zijn zaak betrekkelijke stukken aan boord te nemen, wordt gestraft met een gevangenisstraf van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 413 . - 1. De schipper van een Nederlands schip die een beklagde of veroordeelde die hij op een wettelijke vordering aan boord genomen heeft, opzettelijk laat ontsnappen of bevrijdt, of bij zijn bevrijding of zelfbevrijding behulpzaam is, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.
- 2. Indien de ontsnapping, bevrijding of zelfbevrijding aan zijn schuld is te wijten, wordt hij gestraft met hechtenis van ten hoogste twee maanden of geldboete van de tweede categorie.

Art. 414 . De schipper die de krachtens het eerste lid van artikel 358a of van artikel 785 van het Wetboek van Koophandel op hem rustende verplichting tot hulpverlening, opzettelijk niet nakomt, wordt gestraft met gevangenisstraf van ten hoogste drie jaren of geldboete van de vierde categorie.

Art. 415 . Bij veroordeling wegens een der in de artikelen 381-387 , 402 en 403 omschreven misdrijven kan ontzetting van de in artikel 28, eerste lid , onder 1^o, 2^o en 4^o, vermelde rechten worden uitgesproken.

TITEL XXX Begunstiging

Art. 416 . - 1. Als schuldig aan opzetheling wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie:
a. hij die een goed verwerft, voorhanden heeft of overdraagt, dan wel een persoonlijk recht op of een

zakelijk recht ten aanzien van een goed vestigt of overdraagt, terwijl hij ten tijde van de verwerving of het voorhanden krijgen van het goed dan wel het vestigen van het recht wist dat het een door misdrijf verkregen goed betrof;

b. hij die opzettelijk uit winstbejag een door misdrijf verkregen goed voorhanden heeft of overdraagt, dan wel een persoonlijk recht op of zakelijk recht ten aanzien van een door misdrijf verkregen goed overdraagt.

- 2. Met dezelfde straf wordt gestraft hij die opzettelijk uit de opbrengst van enig door misdrijf verkregen goed voordeel trekt.

Art. 417 . Hij die van het plegen van opzetheling een gewoonte maakt, wordt gestraft met gevangenisstraf van ten hoogste zes jaren of geldboete van de vijfde categorie.

Art. 417bis . - 1. Als schuldig aan schuldheiling wordt gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de vijfde categorie:

a. hij die een goed verwerft, voorhanden heeft of overdraagt, dan wel een persoonlijk recht op of zakelijk recht ten aanzien van een goed vestigt of overdraagt, terwijl hij ten tijde van de verwerving of het voorhanden krijgen van het goed dan wel het vestigen van het recht

redelijkerwijs had moeten vermoeden dat het een door misdrijf verkregen goed betrof;

b. hij die uit winstbejag een goed voorhanden heeft of overdraagt dan wel een persoonlijk recht op of zakelijk recht ten aanzien van een goed overdraagt, terwijl hij redelijkerwijs moet vermoeden dat het een door misdrijf verkregen goed betreft.

- 2. Met dezelfde straf wordt gestraft hij die uit de opbrengst van enig goed voordeel trekt, terwijl hij redelijkerwijs moet vermoeden dat het een door misdrijf verkregen goed betreft.

Art. 417ter . Bij veroordeling wegens een der in de artikelen 416-417bis omschreven misdrijven kan ontzetting van de in artikel 28, eerste lid , onder 1^o, 2^o en 4^o, vermelde rechten worden uitgesproken en kan de schuldige worden ontzet van de uitoefening van het beroep waarin hij het misdrijf begaan heeft.

Art. 418 . Hij die enig geschrift of enige afbeelding uitgeeft van strafbare aard, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de derde categorie, indien:

1^o de dader noch bekend is, noch op de eerste aanmaning nadat tot het instellen van een gerechtelijk vooronderzoek is overgegaan, is bekendgemaakt;

2^o de uitgever wist of moest verwachten dat de dader op het tijdstip van de uitgave strafrechtelijk niet

vervolgbaar of buiten het Rijk in Europa gevestigd zou zijn.

Art. 419 . Hij die enig geschrift of enige afbeelding drukt van strafbare aard, wordt gestraft met gevangenisstraf of hechtenis van ten hoogste een jaar of geldboete van de derde categorie, indien:

1° de persoon op wiens last het stuk gedrukt is noch bekend is, noch op de eerste aanmaning nadat tot het instellen van een gerechtelijk vooronderzoek is overgegaan, is bekendgemaakt;
2° de drukker wist of moest verwachten dat de persoon op wiens last het stuk gedrukt is, op het tijdstip van de uitgave strafrechtelijk niet vervolgbaar of buiten het Rijk in Europa gevestigd zou zijn.

Art. 420 . Indien de aard van het geschrift of de afbeelding een misdrijf oplevert dat alleen op klacht vervolgbaar is, kan de uitgever of drukker in de gevallen der beide voorgaande artikelen alleen vervolgd worden op klacht van hem tegen wie dat misdrijf gepleegd is.

TITEL XXXI Bepalingen over herhaling van misdrijf aan verschillende titels gemeen

Art. 421 . De in de artikelen 105 , 174 , 208-212 , 216-222bis , 225-229 , 310-312 , 315 , 317 , 318 , 321-323 , 326-332 , 341 , 343 , 344 , 359 , 361 , 366 , 373 , laatste lid, 402 , 416 en 417 bepaalde gevangenisstraf kan met een derde worden verhoogd, indien tijdens het plegen van het misdrijf nog geen vijf jaren zijn verlopen sedert de schuldige hetzij een tegen hem wegens een der in die artikelen omschreven misdrijven uitgesproken gevangenisstraf, hetzij een wegens diefstal, verduistering, heling, het opzettelijk voordeel trekken uit de opbrengst van enig door misdrijf verkregen goed, of bedrog krachtens de militaire wetten opgelegde straf, geheel of ten dele heeft ondergaan, of sedert die straf hem geheel is kwijtgescholden; of indien tijdens het plegen van het misdrijf het recht tot uitvoering van die straf nog niet is verjaard.

Art. 422 . De in de artikelen 108, eerste lid , 109 , 110 , 115, eerste lid , 116 , 141 , 181 , 182 , 287 , 290 , 291 , 293 , 296 , 300-303 , 381 , 382 , 395 en 396 bepaalde gevangenisstraf, alsmede de tijdelijke gevangenisstraf op te leggen krachtens de artikelen 92 , 108, tweede lid , 115, tweede lid , 288 en 289 , kan met een derde worden verhoogd, indien tijdens het plegen van het misdrijf nog geen vijf jaren zijn verlopen sedert de schuldige hetzij een tegen hem wegens een der in die artikelen omschreven misdrijven uitgesproken gevangenisstraf, hetzij een

wegens gewelddadig verzet tegen of mishandeling van meerderen of schildwachten, of van geweldenarijen tegen personen krachtens de militaire wetten opgelegde straf geheel of ten dele heeft ondergaan, of sedert die straf hem geheel is kwijtgescholden; of indien tijdens het plegen van het misdrijf het recht tot uitvoering van die straf nog niet is verjaard.

Art. 423 . De in de artikelen 111-113 , 117-119 , 261-271 , 418 en 419 bepaalde gevangenisstraf of hechtenis kan met een derde worden verhoogd, indien tijdens het plegen van het misdrijf nog geen vijf jaren zijn verlopen sedert de schuldige een tegen hem wegens een der in die artikelen omschreven misdrijven uitgesproken gevangenisstraf geheel of ten dele heeft ondergaan, of sedert die straf hem geheel is kwijtgescholden; of indien tijdens het plegen van het misdrijf het recht tot uitvoering van die straf nog niet is verjaard.

WETBOEK VAN STRAFRECHT --- OVERTREDINGEN

Wet van 3 maart 1881, Stb. 35, zoals deze wet laatstelijk laatstelijk is gewijzigd bij de Wet van 25 februari 1999, Stb. 110

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TITEL I Overtredingen betreffende de algemene veiligheid van personen en goederen

Art. 424 . - 1. Hij die op of aan de openbare weg of op enige voor het publiek toegankelijke plaats tegen personen of goederen enige baldadigheid pleegt waardoor gevaar of nadeel kan worden teweeggebracht, wordt, als schuldig aan straatschenderij, gestraft met geldboete van de eerste categorie.

- 2. Indien tijdens het plegen van de overtreding nog geen jaar is verlopen sedert een vroegere veroordeling van de schuldige wegens gelijke overtreding onherroepelijk is geworden, kan hechtenis van ten hoogste drie dagen of geldboete van de eerste categorie worden opgelegd.

Art. 425 . Met hechtenis van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft:

1° hij die een dier op een mens aanhitst of een onder zijn hoede staand dier, wanneer het een mens

aanvalt, niet terughoudt;

2° hij die geen voldoende zorg draagt voor het onschadelijk houden van een onder zijn hoede staand gevaarlijk dier.

Art. 426 . - 1. Hij die, terwijl hij in staat van dronkenschap verkeert, hetzij in het openbaar het verkeer belemmert of de orde verstoort, hetzij eens anders veiligheid bedreigt, hetzij enige handeling verricht waarbij, tot voorkoming van gevaar voor leven of gezondheid van derden, bijzondere omzichtigheid of voorzorgen worden vereist, wordt gestraft met hechtenis van ten hoogste zes dagen of geldboete van de eerste categorie.

- 2. Indien tijdens het plegen van de overtreding nog geen jaar is verlopen sedert een vroegere veroordeling van de schuldige wegens gelijke of de in artikel 453 omschreven overtreding onherroepelijk is geworden, wordt hij gestraft met hechtenis van ten hoogste twee weken of geldboete van de tweede categorie.

Art. 426bis . Hij die wederrechtelijk op de openbare weg een ander in zijn vrijheid van beweging belemmert of met een of meer anderen zich aan een ander tegen diens uitdrukkelijk verklaarde wil blijft opdringen of hem op hinderlijke wijze blijft volgen, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 427 . Met geldboete van de eerste categorie wordt gestraft:

1° de eigenaar of gebruiker die ten opzichte van toegangen tot of openingen van kluizen, kelders, onderaardse lokalen en ruimten, waar die op de openbare weg uitkomen, niet de nodige voorzorgsmaatregelen neemt ten behoeve van de veiligheid van de voorbijgangers;

2° hij die niet zorgt dat een door hem of op zijn last op een openbare weg gedane op- of uitgraving of een door hem of op zijn last op de

openbare weg geplaatst voorwerp behoorlijk verlicht en van de gebruikelijke tekens voorzien is;

3° hij die bij een verrichting op of aan de openbare weg niet de nodige maatregelen neemt om voorbijgangers tegen mogelijk gevaar te waarschuwen;

4° hij die iets plaatst op of aan, of werpt of uitgiet uit een gebouw, op zodanige wijze dat door of ten gevolge daarvan iemand die van de openbare weg gebruik maakt, nadeel kan ondervinden;

5° hij die op de openbare weg een rij-, trek- of lastdier laat staan, zonder de nodige voorzorgsmaatregelen tegen het aanrichten van schade te hebben genomen;

6° hij die zonder verlof van het bevoegd gezag, enige openbare land- of waterweg verspert of het verkeer daarop belemmert.

Art. 428 . Hij die, zonder verlof van de burgemeester of van de door deze aangewezen ambtenaar, een of meer eigen onroerende zaken in brand steekt, wordt gestraft met geldboete van de eerste categorie.

Art. 429 . Met hechtenis van ten hoogste veertien dagen of geldboete van de tweede categorie wordt gestraft:

1° hij die een vuurwapen afschiet, een vuurwerk ontsteekt of een vuur aanlegt, voedt of onderhoudt op zo korte afstand van gebouwen of

goederen, dat daardoor brandgevaar kan ontstaan;

2° hij die, anders dan in de gevallen toegelaten bij of krachtens de Luchtvaartwet , een ballon oplaat waaraan brandende stoffen gehecht

zijn;

3° hij die door gebrek aan de nodige omzichtigheid of voorzorg gevaar voor bos-, heide-, helm-, gras- of veenbrand doet ontstaan;

4° hij die wederrechtelijk in oppervlaktewateren enige stof aanbrengt waardoor nadeel kan ontstaan in verband met het gebruik dat

gewoonlijk van die wateren wordt gemaakt;

5° hij die een vlieger oplaat of in de lucht heeft aan een lijn die zich geheel of ten dele bevindt binnen een afstand van vijfhonderd meter van

een bovengrondse elektrische hoogspanningsleiding.

TITEL II Overtredingen betreffende de openbare orde

Art. 429bis . Hij die op een van de openbare weg zichtbare plaats woorden of afbeeldingen stelt of gesteld houdt, die, als smalende godslasteringen, voor godsdienstige gevoelens krenkend zijn, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 429ter . Vervallen.

Art. 429quater . Hij die in de uitoefening van een ambt, beroep of bedrijf personen discrimineert wegens hun ras, hun godsdienst, hun levensovertuiging, hun geslacht of hun hetero- of homoseksuele gerichtheid wordt gestraft met hechtenis van ten hoogste twee maanden of geldboete van de derde categorie.

Art. 429quinquies . Hij die zonder daartoe gerechtigd te zijn zich op een verboden plaats bevindt, wordt gestraft met hechtenis van ten hoogste zes maanden of geldboete van de derde categorie.

Art. 429sexies . - 1. Hij die een door hem wederrechtelijk in gebruik genomen woning of gebouw,

waarvan het gebruik door de rechthebbende niet meer dan twaalf maanden voorafgaande aan die wederrechtelijke ingebruikname is beëindigd, op vordering van of vanwege de rechthebbende niet aanstonds ontruimt, wordt gestraft met hechtenis van ten hoogste vier maanden of geldboete van de derde categorie.

- 2. Met dezelfde straf wordt gestraft hij die, vertoevende in een wederrechtelijk in gebruik genomen woning of gebouw, waarvan het gebruik door de rechthebbende niet meer dan twaalf maanden voorafgaande aan die wederrechtelijke ingebruikname is beëindigd, zich op de vordering van of vanwege de rechthebbende niet aanstonds verwijdert.

Art. 430 . Hij die zonder verlof van het bevoegd gezag een opneming doet, een tekening of beschrijving maakt van enig militair werk, of die openbaar maakt, wordt gestraft met hechtenis van ten hoogste twee maanden of geldboete van de derde categorie.

Art. 430a . Hij die zich buiten een door de gemeenteraad als geschikt voor ongeklede openbare recreatie aangewezen plaats, ongekleeft bevindt op of aan een voor het openbaar verkeer bestemde plaats die voor ongeklede recreatie niet geschikt is, wordt gestraft met geldboete van de eerste categorie.

Art. 431 . Met geldboete van de eerste categorie wordt gestraft hij die rumoer of burengerucht verwekt waardoor de nachtrust kan worden verstoord.

Art. 432 . Met hechtenis van ten hoogste twaalf dagen of geldboete van de eerste categorie wordt gestraft:

1° als schuldig aan bedelarij, hij die in het openbaar bedelt;

2° als schuldig aan landloperij, hij die zonder middelen van bestaan rondzwerft;

3° hij die als souteneur uit de ontucht van een vrouw voordeel trekt.

Art. 433 . Bedelarij of landloperij, gepleegd door drie of meer personen boven de leeftijd van zestien jaren, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 434 . Vervallen.

Art. 435 . Met geldboete van de tweede categorie wordt gestraft:

1° hij die zonder daartoe gerechtigd te zijn een Nederlandse adellijke titel voert of een Nederlands ordeteken draagt;

2° hij die zonder 's Konings verlof waar dit vereist wordt, een vreemd ordeteken, titel, rang of waardigheid aanneemt;

3° hij die zonder daartoe gerechtigd te zijn de titel van advocaat of van procureur, dan wel een der in de artikelen 7.20 en 7.22 van de Wet

op het hoger onderwijs en wetenschappelijk onderzoek genoemde titels voert;

4° hij die, door het bevoegd gezag naar zijn identiteitsgegevens gevraagd, een valse naam, voornaam, geboortedatum, geboorteplaats, adres waarop hij in de basisadministratie persoonsgegevens als ingezetene staat ingeschreven of woon- of verblijfplaats opgeeft.

Art. 435a . Hij die in het openbaar kledingstukken of opzichtige onderscheidingstekens draagt of voert, welke uitdrukking zijn van een bepaald staatkundig streven, wordt gestraft met hechtenis van ten hoogste twaalf dagen of geldboete van de tweede categorie.

Art. 435b . - 1. Hij die, zonder daartoe gerechtigd te zijn, gebruik maakt van woorden, uitdrukkingen of kentekens, die aanduiden of de indruk kunnen wekken dat zijn optreden is bevorderd dan wel de steun of de erkenning geniet van rijkswegen, vanwege de Nederlandse Antillen, Aruba of een buitenlandse mogendheid dan wel vanwege een volkenrechtelijke organisatie, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

- 2. Vervallen.

- 3. Bij veroordeling wegens de in het eerste lid omschreven overtreding, kan openbaarmaking van de rechterlijke uitspraak worden gelast.

Art. 435c . Hij die, zonder daartoe gerechtigd te zijn, gebruik maakt van het rode-kruisteken of van de woorden 'Rode Kruis' of 'Kruis van Genève', of van daarmede door de wetten en gebruiken van de oorlog gelijkgestelde tekens of woorden, dan wel van tekens of woorden die daarvan een nabootsing zijn, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 435d . Met hechtenis van ten hoogste een maand of geldboete van de tweede categorie wordt gestraft hij die het wapen van het

Zwitserse Eedgenootschap of een teken hetwelk een nabootsing daarvan vormt, gebruikt:

1° hetzij als fabrieks- of handelsmerk of als onderdeel van zulk een merk;

2° hetzij met een doel, strijdig met de eerlijkheid in de handel;

3° hetzij onder omstandigheden die het Zwitserse nationale gevoel zouden kunnen krenken.

Art. 435e . Hij die, anders dan in besloten kring, door tussenkomst van een ten algemenen nutte of mede

ten algemenen nutte gebezigde telefooninrichting, goederen of diensten tegen betaling aanbiedt, daarbij te kennen gevend of de indruk wekkend dat de opbrengst geheel of ten dele voor een liefdadig of ideëel doel is bestemd, wordt gestraft met geldboete van de derde categorie.

Art. 435f . Hij die bij gelegenheid van een voetbalwedstrijd waaraan een club uit het betaald voetbal of een vertegenwoordigend voetbalelftal deelneemt, niet terstond voldoet aan een vordering tot inzage van een document als bedoeld in artikel 1 van de Wet op de identificatieplicht (Stb. 1993, 660) of van een geldig rijbewijs dat is afgegeven op basis van de Wegenverkeerswet dan wel een geldig rijbewijs als bedoeld in artikel 107 van de Wegenverkeerswet 1994, welke vordering wordt gedaan door bij of krachtens artikel 141 van het Wetboek van Strafvordering aangewezen ambtenaren of door bepaalde door Onze Minister van Justitie aangewezen categorieën van andere personen, met de opsporing van strafbare feiten belast, voor zover dit redelijkerwijs voor de vervulling van hun taak nodig is bij de handhaving van de openbare orde en bij de opsporing van strafbare feiten, wordt gestraft met hechtenis van ten hoogste twee maanden of geldboete van de tweede categorie.

Art. 435g . Vervallen.

Art. 436 . - 1. Hij die, niet toegelaten tot de uitoefening van een beroep waartoe de wet een toelating vordert, buiten noodzaak dat beroep uitoefent, wordt gestraft met geldboete van de tweede categorie.

- 2. Hij die, toegelaten tot de uitoefening van een beroep waartoe de wet een toelating vordert, buiten noodzaak in de uitoefening van dat beroep de grenzen van zijn bevoegdheid overschrijdt, wordt gestraft met geldboete van de tweede categorie.

- 3. Indien tijdens het plegen van de overtreding nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens gelijke overtreding onherroepelijk is geworden, kan in het geval van het eerste lid hechtenis van ten hoogste twee maanden of geldboete van de derde categorie, in het geval van het tweede lid hechtenis van ten hoogste een maand of geldboete van de derde categorie worden opgelegd.

Art. 436a . - 1. Degene die te kennen geeft of de indruk wekt dat hij makelaar is, zonder dit te zijn of terwijl hij als zodanig is geschorst, wordt gestraft met een geldboete van de tweede categorie.

- 2. Met gelijke straf wordt gestraft de makelaar die het bepaalde in de tweede zin van artikel 66 of in

artikel 66b van het Wetboek van Koophandel overtreedt.

- 3. Indien een vennootschap of rechtspersoon die niet voldoet aan de in artikel 66a van het Wetboek van Koophandel gestelde voorwaarden, te kennen geeft of de indruk wekt dat zij zich op het gebied van de makelaardij beweegt, of indien een vennootschap of rechtspersoon het bepaalde in de tweede zin van het eerste lid of in de tweede zin van het tweede lid van artikel 66a dan wel het bepaalde in artikel 66b van het Wetboek van Koophandel overtreedt, wordt deze gestraft met een geldboete van de tweede categorie.
- 4. Indien ten tijde van het plegen van een der in de eerste twee leden omschreven overtredingen nog geen jaar is verlopen sedert een vroegere veroordeling van de schuldige wegens een van die overtredingen onherroepelijk is geworden, wordt hij gestraft met hechtenis van ten hoogste twee weken of geldboete van de derde categorie.
- 5. Het bepaalde in het vorige lid is van overeenkomstige toepassing op de beherende vennoten en bestuurders van een vennootschap of rechtspersoon met betrekking tot een in het derde lid omschreven overtreding.

Art. 437 . - 1. Met hechtenis van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft de bij algemene maatregel van bestuur aangewezen handelaar die in de uitoefening van zijn beroep of bedrijf:

- a. niet met inachtneming van de bij algemene maatregel van bestuur te stellen regels aantekening houdt van alle gebruikte of ongeregelde goederen die hij heeft verworven dan wel voorhanden heeft,
- b. een gebruikt of ongeregeld goed verwerft van iemand, zonder dat diegene zijn identiteitsgegevens heeft opgegeven of zonder dat hij die gegevens in zijn administratie heeft aangetekend,
- c. nalaat zijn administratie op eerste aanvraag ter inzage te geven aan een daartoe door de burgemeester aangewezen ambtenaar.
- d. nalaat een gebruikt of ongeregeld goed dat hij heeft verworven of voorhanden heeft, op eerste vordering van een ambtenaar als bedoeld in onderdeel c, ter bezichtiging af te staan en deze te laten zien waar dit goed in zijn administratie staat ingeschreven,
- e. een goed dat bij hem door of vanwege de politie met een duidelijke schriftelijke omschrijving als door misdrijf aan de rechthebbende is onttrokken of als verloren is aangegeven, verwerft of voorhanden heeft,
- f. aan een hem schriftelijk uitgereikt last van een ambtenaar, zoals bedoeld in onderdeel c, tot het gedurende een daarbij aangegeven tijd, veertien dagen niet te boven gaande, bewaren of in bewaring geven van een goed dat hij voorhanden heeft, of aan een hem bij die last gegeven aanwijzing, geen gevolg geeft, of
- g. nalaat de van hem bij schriftelijke vordering van een ambtenaar, zoals bedoeld in onderdeel c,

gevraagde opgaven betreffende door hem

verworven of bij hem voorhanden zijnde goederen binnen de termijn, bij de vordering gesteld, naar waarheid te verschaffen.

- 2. Met dezelfde straf wordt gestraft de voor de handelaar uit het eerste lid optredende persoon die een feit begaat als in dit lid onder a tot

en met g omschreven;

- 3. De schuldige kan worden ontzet van de uitoefening van het beroep waarin hij de overtreding begaat.

- 4. Onder ongeregelde goederen worden verstaan goederen die wegens hun aard of uitvoering, hun herkomst of de staat waarin zij

verkeren, niet tot de algemeen gangbare goederen kunnen worden gerekend.

Art. 437bis . - 1. Met hechtenis van ten hoogste zes maanden of geldboete van de derde categorie wordt gestraft de handelaar die op grond van artikel 437 bij algemene maatregel van bestuur is aangewezen en in de oefening van zijn beroep of bedrijf:

a. een goed van een minderjarige verwerft, of

b. een goed van iemand van wie hij weet of redelijkwijs moet vermoeden dat hij is opgenomen in een strafinrichting, rijksinrichting voor kindbescherming of krankzinnigengesticht, verwerft.

- 2. Met dezelfde straf wordt gestraft de voor de handelaar uit het eerste lid optredende persoon die een feit begaat als in dit lid onder a en

b omschreven.

- 3. De schuldige kan worden ontzet van de uitoefening van het beroep waarin hij de overtreding heeft begaan.

Art. 437ter . - 1. De handelaar aangewezen bij algemene maatregel van bestuur op grond van artikel 437 , die een verordening door de raad van een gemeente ter bestrijding van heling uitgevaardigd en afgekondigd, overtreedt, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de derde categorie.

- 2. Met dezelfde straf wordt gestraft hij die van opkopen een beroep of gewoonte maakt, zonder daarvan te voren de burgemeester of een door die burgemeester aangewezen ambtenaar schriftelijk in kennis te hebben gesteld.

Art. 437quater . Hij die enig voorschrift ter voorkoming van gevaar voor begunstiging van misdrijven, bij algemene maatregel van bestuur met betrekking tot het verkeer op bepaalde daarbij aan te wijzen watergebieden vastgesteld, overtreedt, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de derde categorie.

Art. 438 . - 1. Hij die er zijn beroep van maakt aan personen nachtverblijf te verschaffen wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie indien hij:

1e. nalaat zich onverwijld bij aankomst van de persoon die in de door hem gehouden inrichting de nacht zal doorbrengen een geldig

reisdocument of identiteitsbewijs te doen overleggen;

2e. geen doorlopend register houdt of nalaat daarin onverwijld bij de aankomst van die persoon zijn naam, beroep of betrekking,

woonplaats en dag van aankomst aan te tekenen of te doen aantekenen alsmede zelf daarin aantekening te houden of te doen houden van

de aard van het overgelegde document, en, bij het vertrek, de dag van het vertrek;

3e. nalaat dat register op aanvraag te vertonen aan de burgemeester dan wel aan de door deze aangewezen ambtenaar.

- 2. Met dezelfde straf wordt de gelijke nalatigheid gestraft van degene die er zijn beroep of een gewoonte van maakt aan meerderjarige

personen een terrein, daaronder begrepen iedere binnenhaven of elk binnenwater ingericht tot het afmeren van pleziervaartuigen, al of

niet met daarbij behorende voorzieningen, ter beschikking te stellen voor het houden van nachtverblijf of voor het plaatsnemen dan wel

geplaatst houden van kampeermiddelen of daartoe enig bouwwerk, niet zijnde een inrichting als bedoeld in het eerste lid, ter beschikking

stelt.

- 3. Op nachtverblijf, verschaft aan meereizende echtgenoten, minderjarige kinderen of aan reisgezelschappen, is het voorgaande niet van

toepassing.

Art. 439 . - 1. Met hechtenis van ten hoogste een maand of geldboete van de tweede categorie wordt gestraft:

1° hij die van een krijgsman beneden de rang van officier goederen behorende tot de kleding, uitrusting of wapening koopt, inruilt, als

geschenk aanneemt, in pand, gebruik of bewaring neemt, of zodanige goederen voor een krijgsman beneden de rang van officier verkoopt,

ruilt, ten geschenke, in pand, gebruik of bewaring geeft, zonder schriftelijke vergunning door of vanwege de bevelvoerende officier

afgegeven;

2° hij die, een gewoonte makende van het kopen van zodanige goederen, de bij algemene maatregel van inwendig bestuur gegeven

voorschriften omtrent het daarvan te houden register niet naleeft.

- 2. Indien tijdens het plegen van de overtreding nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige

wegens een van deze overtredingen onherroepelijk is geworden, kan de straf van hechtenis worden verdubbeld.

Art. 440 . Hij die drukwerken of andere voorwerpen in een vorm die ze op munt- of bankbiljetten, op muntspeciën, op van rijksmerken

voorziene platina, gouden of zilveren werken, op postzegels of op reisdocumenten doet gelijken,

vervaardigt, verspreidt of ter verspreiding
in voorraad heeft, wordt gestraft met geldboete van de tweede categorie.

Art. 441 . Met hechtenis van ten hoogste drie maanden of geldboete van de derde categorie wordt gestraft hij die de inhoud of de strekking van hetgeen door middel van een onder zijn beheer staande of door hem gebruikt radio-ontvangapparaat is opgevangen en, naar hij redelijkerwijs moet vermoeden, niet voor hem of mede voor hem bestemd is, hetzij aan een ander meedeelt, indien hij redelijkerwijs moet vermoeden, dat dan openlijke bekendmaking van de inhoud of de strekking volgen zal en zodanige bekendmaking volgt, hetzij openlijk bekend maakt.

Art. 441a . Hij die openlijk of door verspreiding van enig geschrift ongevraagd een voorwerp als verkrijgbaar dan wel als bij hem voorhanden aanwijst en daarbij de aandacht vestigt op de geschiktheid daarvan als technisch hulpmiddel voor het heimelijk afluisteren, aftappen of opnemen van gesprekken, telecommunicatie of andere gegevensoverdracht door een geautomatiseerd werk of als onderdeel van zulk een hulpmiddel, wordt gestraft met hechtenis van ten hoogste twee maanden of geldboete van de derde categorie.

Art. 441b . Met hechtenis van ten hoogste twee maanden of geldboete van de derde categorie wordt gestraft hij die, gebruik makende van een daartoe aangebracht technisch hulpmiddel waarvan de aanwezigheid niet op duidelijke wijze kenbaar is gemaakt, in een voor het publiek toegankelijke besloten ruimte, waarin spijzen, dranken of andere waren aan particulieren worden geleverd, van een daarin aanwezige persoon een afbeelding vervaardigt.

Art. 442 . Met hechtenis van ten hoogste drie maanden of geldboete van de derde categorie wordt gestraft:
1° hij die, surséance van betaling verkregen hebbende, eigenmachtig daden verricht waartoe de medewerking van bewindvoerders door de wet wordt gevorderd;
2° de bestuurder of commissaris van een rechtspersoon welke surséance van betaling verkregen heeft, die eigenmachtig daden verricht waartoe de medewerking van bewindvoerders door de wet wordt gevorderd.

Art. 442a . Hij die zonder voorafgaande schriftelijke toestemming van de raad voor de kindbescherming een kind beneden de leeftijd van zes maanden hetwelk niet onder voogdij van een rechtspersoon staat als pleegkind opneemt, wordt

gestraft met hechtenis van ten hoogste drie weken of geldboete van de tweede categorie.

TITEL III Overtredingen betreffende het openbaar gezag

Art. 443 . Hij die een algemeen voorschrift van politie, krachtens de Gemeentewet in buitengewone omstandigheden door de burgemeester of de commissaris van de Koning in de provincie uitgevaardigd en afgekondigd, overtreedt, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 444 . Hij die, wettelijk als getuige, als deskundige of als tolk opgeroepen, wederrechtelijk wegblijft, wordt gestraft met geldboete van de eerste categorie.

Art. 445 . Hij die in zaken van minderjarigen of van onder curatele te stellen of gestelde personen, of van hen die in een psychiatrisch ziekenhuis zijn opgenomen, als bloedverwant, aangehuwde, echtgenoot, voogd, curator, voor de rechter geroepen om te worden gehoord, noch in persoon noch, waar dit is toegelaten, door tussenkomst van een gemachtigde verschijnt, zonder geldige reden van verschoning, wordt gestraft met geldboete van de eerste categorie.

Art. 446 . Hij die, bij het bestaan van gevaar voor de algemene veiligheid van personen of goederen of bij ontdekking van een misdrijf op heter daad, het hulpbetoon weigert dat de openbare macht van hem vordert en waartoe hij, zonder zich aan dadelijk gevaar bloot te stellen, in staat is, wordt gestraft met geldboete van de eerste categorie.

Art. 446a . Met een hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie wordt gestraft hij die,
1° nadat hij een bevoegdheid als bedoeld in artikel 539b, eerste lid , van het Wetboek van Strafvordering heeft uitgeoefend, dan wel
2° nadat hem buiten het rechtsgebied van een rechtbank een aangehouden verdachte of een in beslag genomen voorwerp is overgeleverd, dan wel
3° nadat hij buiten het rechtsgebied van een rechtbank op last van het openbaar ministerie een persoon heeft aangehouden, niet onverwijld en op de snelst mogelijke wijze aan een bevoegde officier van justitie kennis geeft van de gegevens, bedoeld in artikel 539b, tweede en derde lid , van het Wetboek van Strafvordering, of nalaat te trachten ten spoedigste aanwijzingen van de officier van justitie te

verkrijgen als bedoeld in het derde lid van dat artikel.

Art. 447 . Hij die een bekendmaking, vanwege het bevoegd gezag in het openbaar gedaan, wederrechtelijk afscheurt, onleesbaar maakt of beschadigt, wordt gestraft met geldboete van de eerste categorie.

Art. 447a . Met geldboete van de tweede categorie wordt gestraft:

1° hij die niet of niet behoorlijk voldoet aan enige verplichting, opgelegd in artikel 195 van Boek 8 van het Burgerlijk Wetboek in verband met de artikelen 192 en 178 derde lid van Boek 8 van het Burgerlijk Wetboek, of opgelegd in de artikelen 785 en 786 van Boek 8 van het Burgerlijk Wetboek in verband met de artikelen 782 en 178 derde lid , naast artikel 771 van Boek 8 van dat Wetboek of in de algemene maatregelen van bestuur bedoeld in de artikelen 231 en 841 van Boek 8 van het Burgerlijk Wetboek;

2° hij die het brandmerk, de benaming of kentekens op een teboekstaand schip, voorgeschreven in de onder 1° genoemde algemene maatregel van bestuur, verwijdert, verandert dan wel onduidelijk of onzichtbaar maakt op een andere wijze dan volgens die algemene maatregel van bestuur geoorloofd is;

3° hij die niet of niet behoorlijk voldoet aan de verplichting, opgelegd in artikel 1304, tweede lid , van Boek 8 van het Burgerlijk Wetboek, of aan enige verplichting, opgelegd in een algemene maatregel van bestuur, uitgevaardigd krachtens artikel 1321 van Boek 8 van het Burgerlijk Wetboek.

Art. 447b . Hij die een reisdocument dat in zijn bezit is, maar waarvan hij niet de houder is, of dat ingevolge een wettelijke bepaling moet worden ingeleverd, niet terstond wanneer hem dit mondeling door een daartoe bevoegde ambtenaar is bevolen, dan wel binnen veertien dagen, nadat hem dit bij aangetekend schrijven in persoon is medegedeeld inlevert, wordt gestraft met geldboete van de tweede categorie.

TITEL IV Overtredingen betreffende de burgerlijke staat

Art. 448 . Hij die niet voldoet aan een wettelijke verplichting tot aangifte aan de ambtenaar van de burgerlijke stand voor de registers van geboorte of overlijden, wordt gestraft met geldboete van de eerste categorie.

Art. 449 . - 1. De bedienaar van de godsdienst die, voordat partijen hem hebben doen blijken dat hun huwelijk ten overstaan van de ambtenaar van de burgerlijke stand is voltrokken, enige godsdienstige plechtigheid daartoe betrekkelijk verricht, wordt gestraft met

geldboete van de tweede categorie.

- 2. Indien tijdens het plegen van de overtreding nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige wegens gelijke overtreding onherroepelijk is geworden, kan hechtenis van ten hoogste twee maanden of geldboete van de tweede categorie worden opgelegd.

TITEL V Overtreding betreffende hulpbehoevenden

Art. 450 . Hij die, getuige van het ogenblikkelijk levensgevaar waarin een ander verkeert, nalaat deze die hulp te verlenen of te verschaffen die hij hem, zonder gevaar voor zichzelf of anderen redelijkerwijs te kunnen duchten, verlenen of verschaffen kan, wordt, indien de dood van de hulpbehoevende volgt, gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

TITEL VI Overtredingen betreffende de zeden

Art. 451 t/m 452 . Vervallen.

Art. 453 . - 1. Hij die zich in kennelijke staat van dronkenschap op de openbare weg bevindt, wordt gestraft met geldboete van de eerste categorie.

- 2. Indien tijdens het plegen van de overtreding nog geen jaar is verlopen sedert een vroegere veroordeling van de schuldige wegens gelijke of de in artikel 426 omschreven overtreding onherroepelijk is geworden, kan hechtenis van ten hoogste drie dagen of geldboete van de eerste categorie worden opgelegd.

- 3. Bij tweede herhaling binnen een jaar nadat de eerste veroordeling wegens herhaling onherroepelijk geworden is, wordt hechtenis van ten hoogste twee weken of geldboete van de tweede categorie opgelegd.

- 4. Bij derde of volgende herhalingen gepleegd telkens binnen een jaar nadat de laatste veroordeling wegens tweede of volgende herhaling onherroepelijk geworden is, wordt hechtenis opgelegd van ten hoogste drie weken of geldboete van de tweede categorie.

Art. 454 t/m 457 . Vervallen.

TITEL VII Overtredingen betreffende de veldpolitie

Art. 458 . Hij die, zonder daartoe gerechtigd te zijn, zijn niet uitvliegend pluimgedierte laat lopen in tuinen of op enige grond die bezaaid,

bepoot of beplant is, wordt gestraft met geldboete van de eerste categorie.

Art. 459 . Hij die, zonder daartoe gerechtigd te zijn, vee laat lopen in tuinen, hakbossen of rijswaarden, op enig wei- of hooiland of op enige grond die bezaaid, bepoot of beplant is, of die ter bezaaiing, bepoting of beplanting is gereedgemaakt, wordt gestraft met geldboete van de eerste categorie.

Art. 460 . Hij die zich, zonder daartoe gerechtigd te zijn, bevindt op enige grond die bezaaid, bepoot of beplant is, of die ter bezaaiing, bepoting of beplanting is gereedgemaakt, of gedurende de maanden mei tot en met oktober op enig wei- of hooiland, wordt gestraft met geldboete van de eerste categorie.

Art. 461 . Hij die, zonder daartoe gerechtigd te zijn, zich op eens anders grond waarvan de toegang op een voor hem bijkbare wijze door de rechthebbende is verboden, bevindt of daar vee laat lopen, wordt gestraft met geldboete van de eerste categorie.

TITEL VIII Ambtsovertredingen

Art. 462 . De ambtenaar, bevoegd tot de uitgifte van afschriften of uittreksels van vonnissen, die zodanig afschrift of uittreksel uitgeeft alvorens het vonnis behoorlijk is ondertekend, wordt gestraft met geldboete van de eerste categorie.

Art. 463 . De ambtenaar die zonder verlof van het bevoegd gezag afschrift maakt of uittreksel neemt van geheime regeringsbescheiden of die openbaar maakt, wordt gestraft met hechtenis van ten hoogste twee maanden of geldboete van de tweede categorie.

Art. 464 . Het hoofd van een gesticht, bestemd tot opsluiting van veroordeelden, voorlopig aangehouden en of gegijzelden, of van een rijksinrichting voor kindbescherming of psychiatrisch ziekenhuis, die iemand in het gesticht of ziekenhuis opneemt of houdt zonder zich het bevel van de bevoegde macht of de rechterlijke uitspraak te hebben laten vertonen, of die nalaat van deze opneming en van het bevel of de uitspraak op grond waarvan zij geschiedt, in zijn registers de vereiste inschrijving te doen, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 465 . De ambtenaar van de burgerlijke stand die nalaat vóór de voltrekking van een huwelijk zich de bewijsstukken of verklaringen te

laten geven die door enig wettelijk voorschrift worden gevorderd, wordt gestraft met geldboete van de tweede categorie.

Art. 466 . De ambtenaar van de burgerlijke stand die in strijd handelt met enig wettelijk voorschrift omtrent de registers of de akten van de burgerlijke stand of omtrent de formaliteiten vóór of de voltrekking van een huwelijk, wordt gestraft met geldboete van de eerste categorie.

Art. 467 . De ambtenaar van de burgerlijke stand die nalaat een akte in de registers op te nemen, wordt gestraft met geldboete van de tweede categorie.

Art. 468 . Met geldboete van de eerste categorie wordt gestraft:
1° de ambtenaar van de burgerlijke stand die nalaat aan het bevoegd gezag de opgaven te doen die enig wettelijk voorschrift van hem vordert;
2° de ambtenaar die nalaat aan de ambtenaar van de burgerlijke stand de opgaven te doen die enig wettelijk voorschrift van hem vordert.

TITEL IX Scheepvaartovertrredingen

Art. 469 . De schipper van een Nederlands vaartuig die naar zee vertrekt alvorens hij de in artikel 451 van het Wetboek van Koophandel vereiste monsterrol heeft opgemaakt of bijgesteld, heeft ondertekend en heeft gezonden aan het Hoofd van de Scheepvaartinspectie, wordt gestraft met geldboete van de tweede categorie.

Art. 470 . De schipper die niet alle door of krachtens wettelijke bepalingen gevorderde scheepspapieren, boeken, bescheiden of andere gegevensdragers aan boord heeft, wordt gestraft met geldboete van de eerste categorie.

Art. 470a . De schipper van een Nederlands vaartuig die daarmee een reis onderneemt zonder dat voor zijn schip een, door artikel 407 van het Wetboek van Koophandel vereist, certificaat voor de verblijven is afgegeven en nog geldig is, wordt gestraft met hechtenis van ten hoogste een maand of geldboete van de tweede categorie.

Art. 471 . - 1. Met geldboete van de tweede categorie wordt gestraft:
1° de schipper van een Nederlands vaartuig die niet zorgt dat aan boord van zijn vaartuig de bij de wet vereiste dagboeken overeenkomstig de wettelijke voorschriften worden gehouden of die dagboeken niet vertoont wanneer

de wet dit vordert;

2° de schipper van een Nederlands schip die het register van strafbare feiten, bedoeld in artikel 539u van het Wetboek van Strafvordering,

niet overeenkomstig de wettelijke voorschriften houdt of niet vertoont wanneer de wet dit vordert;

3° vervallen;

4° de eigenaar, de rompbevrachter, de boekhouder of schipper van een Nederlands vaartuig die weigert aan belanghebbenden op hun

aanvraag inzage of, tegen betaling van de kosten, afschrift te verstrekken van de aan boord van het vaartuig gehouden dagboeken.

- 2. Indien tijdens het plegen van de overtreding nog geen twee jaren zijn verlopen sedert een vroegere veroordeling van de schuldige

wegens een van deze overtredingen onherroepelijk is geworden, kan hechtenis van ten hoogste twee maanden of geldboete van de

tweede categorie worden opgelegd.

Art. 471a . Hij die het bepaalde bij artikel 539u van het Wetboek van Strafvordering overtreedt wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 472 . De schipper van een Nederlands vaartuig die niet voldoet aan zijn wettelijke verplichting betreffende de inschrijving en kennisgeving van geboorten of sterfgevallen die gedurende een zeereis plaats hebben, wordt gestraft met geldboete van de eerste categorie.

Art. 473 t/m 473a . Vervallen.

Art. 474 . De schipper die niet voldoet aan de verplichtingen bedoeld in het tweede lid van artikel 358a of van artikel 785 van het Wetboek van Koophandel, wordt gestraft met hechtenis van ten hoogste drie maanden of geldboete van de tweede categorie.

Art. 475 . De eigenaar zowel als de rompbevrachter, die de hem in het derde lid van artikel 451e van het Wetboek van Koophandel opgelegde verplichting, en de schipper die een der hem in het eerste en derde lid van dat artikel opgelegde verplichtingen niet nakomt, worden gestraft met geldboete van de tweede categorie.

Art. 476 . De eigenaar, de rompbevrachter en de schipper van een Nederlands vaartuig aan boord waarvan personen als schepelingen werkzaam zijn in strijd met het verbod van artikel 406 of artikel 452s van het Wetboek van Koophandel, worden gestraft met geldboete

van de eerste categorie voor iedere persoon die aldus werkzaam is.

Art. 477 t/m 478 . Vervallen. Algemene slotbepaling

Art. 479 . Het in werking treden van dit wetboek wordt nader bij de wet geregeld.

Wet op de telecommunicatievoorzieningen

Hoofdstuk 13 Bevoegd aftappen

Artikel 13.1

1. Aanbieders van openbare telecommunicatienetwerken en openbare telecommunicatiediensten stellen hun telecommunicatienetwerken en telecommunicatiediensten uitsluitend beschikbaar aan gebruikers indien deze aftapbaar zijn.
2. Bij of krachtens algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot de technische aftapbaarheid van openbare telecommunicatienetwerken en openbare telecommunicatiediensten.

In het Beleidsvoornemen bevoegd aftappen telecommunicatie (kamerstukken II 1995/96, 24 679, nr. 1) is aangegeven dat voorkomen moet worden dat criminelen interceptie kunnen ontlopen doordat zij gebruik maken van niet-aftapbare, openbare telecommunicatiesystemen. Veel van de moderne openbare telecommunicatiesystemen zijn als gevolg van de daarin gebruikte technologie in beginsel niet of slechts moeilijk aftapbaar. Onder meer daarin schuilt voor criminelen het voordeel van het gebruik van deze systemen. Gezien de noodzaak om in het kader van de criminaliteitsbestrijding en de veiligheid van de staat af te kunnen tappen, wordt als hoofdregel in dit artikel daarom voorgesteld dat zowel aanbieders van openbare telecommunicatienetwerken als aanbieders van openbare telecommunicatiediensten hun netwerken respectievelijk diensten slechts mogen aanbieden indien die netwerken en diensten aftapbaar zijn, zodat die door de bevoegde autoriteiten kunnen worden afgetapt. De verplichting tot het aftapbaar zijn geldt vanaf het moment van inwerkingtreding van de wet. In artikel 20.12 is een overgangsbepaling opgenomen voor reeds bestaande openbare telecommunicatienetwerken en -diensten die op het moment van inwerkingtreding van de wet nog niet aftapbaar zijn. Aanbieders van dergelijke netwerken en diensten hebben negen maanden de tijd om hun netwerken en diensten aftapbaar te maken.

Omdat in de moderne systemen ook aanbieders van openbare telecommunicatiediensten ten behoeve van hun dienstvoorziening schakelmiddelen kunnen exploiteren dient de aftapbaarheid zich niet te beperken tot de (kale) netwerken. Het is niet uitgesloten dat ook de aanbieders van openbare telecommunicatiediensten technische tapfaciliteiten zullen moeten plaatsen.

Artikel 13.2

1. Aanbieders van openbare telecommunicatienetwerken zijn verplicht medewerking te verlenen aan de uitvoering van een bevoegd gegeven bijzondere last tot het aftappen of opnemen van telecommunicatie die over hun telecommunicatienetwerken wordt afgewikkeld.
2. Aanbieders van openbare telecommunicatiediensten zijn verplicht medewerking te verlenen aan de uitvoering van een bevoegd gegeven bijzondere last tot het aftappen of opnemen van door hen verzorgde telecommunicatie.
3. Bij of krachtens algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot de te nemen organisatorische en personele maatregelen en te treffen voorzieningen met betrekking tot aftappen.

In het kader van het bevoegd aftappen is niet alleen van belang de verplichting tot het aftapbaar zijn van telecommunicatienetwerken en -diensten, maar evenzeer de verplichting om medewerking te verlenen aan een

bevoegd gegeven last tot aftappen. In de WTV is deze medewerkingsverplichting beperkt tot de houder van de concessie, de houders van een infrastructuurvergunning, bepaalde houders van een registratie en de houders van een vergunning als bedoeld in hoofdstuk IIA van de WTV. Door het nu voorgestelde artikel 13.2 krijgt deze verplichting een ruimere werking. Hij wordt van toepassing op alle aanbieders van openbare telecommunicatienetwerken en alle aanbieders van openbare telecommunicatiediensten. Bij de in het derde lid bedoelde algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot de te nemen organisatorische en personele maatregelen en de te treffen voorzieningen met betrekking tot aftappen. Hierbij moet bijvoorbeeld worden gedacht aan regels die kunnen worden gesteld met betrekking tot de bereikbaarheid van aanbieders en ten aanzien van de aanlevering van de afgetapte of opgenomen informatie aan de bevoegde autoriteiten.

Artikel 13.3

Bij of krachtens algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot het beslechten van geschillen tussen aanbieders en de bevoegde autoriteiten over de voorzieningen door middel van welke de door een tap te verkrijgen telecommunicatie door aanbieders wordt doorgegeven.

Door middel van de in dit artikel bedoelde algemene maatregel van bestuur kunnen regels worden gesteld over het beslechten van geschillen tussen aanbieders en de bevoegde autoriteiten over de voorzieningen door middel van welke de door een tap verkregen telecommunicatie door aanbieders wordt doorgegeven. Daarbij valt aan het volgende te denken. Het is van belang dat er overeenstemming bestaat tussen de bevoegde autoriteiten en de aanbieders over de apparatuur waarmee en de wijze waarop de inhoud van de af te tappen telecommunicatie door de aanbieders aan de lastgever wordt aangeleverd. Voorkomen moet bijvoorbeeld worden dat bepaalde apparatuur niet uitwisselbaar is. Ook kan aan de orde komen of de desbetreffende telecommunicatie door middel van huurlijnen dan wel via kieslijnen wordt doorgegeven naar de lastgever. Bij dergelijke geschillen moet de Minister van Verkeer en Waterstaat een beslissing kunnen nemen.

Artikel 13.4

1. Aanbieders van openbare telecommunicatienetwerken en openbare telecommunicatiediensten zijn verplicht medewerking te verlenen aan de bevoegde autoriteiten met betrekking tot het verstrekken van alle benodigde informatie die noodzakelijk is teneinde een bijzondere last als bedoeld in artikel 13.2, eerste en tweede lid, te kunnen geven.
2. Bij of krachtens algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot de wijze van verstrekking van informatie en de wijze waarop daartoe de gegevens beschikbaar worden gehouden.

De medewerkingsplicht, bedoeld in artikel 13.2 strekt zich uit tot het verlenen van medewerking aan de daadwerkelijke uitvoering van een bevoegd gegeven last tot aftappen. Het onderhavige artikel heeft betrekking op een andersoortige medewerkingsverplichting: het verstrekken van informatie aan de autoriteiten die een last tot aftappen gaan geven. De medewerkingsverplichting geldt niet alleen voor aanbieders van openbare telecommunicatienetwerken maar ook voor aanbieders van openbare telecommunicatiediensten. Immers voor wat betreft het verstrekken van informatie zullen de netwerkbeheerders in toenemende mate afhankelijk zijn van de aanbieders van openbare telecommunicatiediensten, bij wie steeds meer essentiële gegevens ondergebracht zijn en daarmee aangewezen zijn op onderling te sluiten privaatrechtelijke contracten of te maken afspraken (zogenaamde ketenaansprakelijkheid). Daarvan zouden dan op hun beurt ook de bevoegde instanties afhankelijk worden. Ondergetekende acht deze ontwikkeling niet wenselijk.

Ten behoeve van de facturering bewaren de aanbieders de zogenaamde abonneegegevens als naam, adres, woonplaats en nummer. In het eerste lid worden alleen deze gegevens bedoeld die door de aanbieders ter beschikking moeten worden gesteld om een bijzondere last te kunnen opstellen. In het tweede lid is voorzien in de mogelijkheid bij of krachtens algemene maatregel van bestuur nadere regels te geven voor een uniforme wijze van verstrekking van informatie en een uniforme wijze waarop de gegevens daartoe beschikbaar worden gehouden. Het gaat met betrekking tot deze informatie niet uitsluitend om de abonneegegevens bedoeld in het eerste lid, ook de zogenaamde verkeersgegevens als begin, duur en einde van een verbinding, nummer van de opgeroepene of de feitelijke bestemming, en in geval van doorschakeling de tussenliggende nummers, die verplicht worden verstrekt ingevolge artikel 125f van het Wetboek van strafvordering, alsmede de vrijwillige verstrekking van gegevens door aanbieders op grond van een dringende en gewichtige reden in de zin van artikel 11, tweede lid, van de Wet persoonsregistraties kunnen hieronder worden begrepen. De termijn gedurende welke deze gegevens kunnen worden bewaard wordt geregeld in artikel 11.5, te weten niet langer dan normaal gesproken nodig is met het oog op de eigen bedrijfsvoering, tenzij bij of krachtens wet anders is bepaald. Uit jurisprudentie van het Hof Amsterdam, NJ 1994, 710, blijkt dat artikel 125f van het Wetboek van Strafvordering ook van toepassing is op de verstrekking van verkeersgegevens over telecommunicatie die nog moet worden afgewikkeld. De aanbieder dient alleen van de abonnee waarop de vordering van 125f van het Wetboek van Strafvordering betrekking heeft de verlangde gegevens te vergaren en vervolgens aan de strafrechtelijke autoriteiten ter beschikking te stellen.

Artikel 13.5

1. Aanbieders van openbare telecommunicatienetwerken en openbare telecommunicatiediensten zijn verplicht gegevens met betrekking tot een bijzondere last als bedoeld in artikel 13.2 en informatieverstrekkingen als bedoeld in artikel 13.4 te beveiligen tegen kennisneming door onbevoegden alsmede geheimhouding te betrachten met betrekking tot deze gegevens.
2. Bij algemene maatregel van bestuur kunnen regels worden gesteld met betrekking tot de te nemen maatregelen in verband met de beveiliging, bedoeld in het eerste lid.

Voor de rijksdienst gelden voor de beveiliging van staatsgeheimen de "Aanwijzingen voor de bescherming van staatsgeheimen en vitale onderdelen bij de Rijksdienst" (SDU, maart 1989). Het buiten de rijksdienst brengen van staatsgeheimen kan alleen indien voldoende zekerheid bestaat dat de beveiliging overeenkomstig de bepalingen van deze aanwijzingen zal plaatsvinden. Uit de systematiek van de aanwijzingen vloeit voort dat het verzekeren van een adequate beveiliging bij andere organisaties (zoals particuliere bedrijven) het meeste adequaat bij wet geregeld kan worden. Dit is de zorg van de ministers, onder wier verantwoordelijkheid die organisaties werkzaam zijn. Gegevens betreffende aftappen en informatieverstrekkingen die in het belang van de staat geheim moeten worden gehouden, zijn formele staatsgeheimen en worden bij de overheid aan een beveiligingsregime onderworpen. Deze gegevens dienen ook bij aanbieders van openbare telecommunicatienetwerken en openbare diensten op gelijkwaardige wijze en op basis van een wettelijke bepaling te worden beveiligd. De gegevens waar het hier om gaat zijn bijvoorbeeld abonneegegevens en het feit dat er een tap geplaatst is.

Artikel 13.6

1. De investerings-, exploitatie- en onderhoudskosten voor de technische voorzieningen die door aanbieders van openbare telecommunicatienetwerken en openbare telecommunicatiediensten zijn of worden gemaakt teneinde te kunnen voldoen aan de artikelen 13.1, 13.4, en 13.5 komen te hunner laste.
2. Aanbieders van openbare telecommunicatienetwerken en openbare telecommunicatiediensten hebben

aanspraak op vergoeding uit 's Rijks kas van de door hen gemaakte administratiekosten en personeelskosten rechtstreeks voortvloeiend uit het voldoen aan een last als bedoeld in artikel 13.2, eerste en tweede lid, onderscheidenlijk het verstrekken van informatie als bedoeld in artikel 13.4.

3. Bij ministeriële regeling worden regels gesteld met betrekking tot de vaststelling en vergoeding van de kosten, bedoeld in het tweede lid.

Toen PTT nog staatsbedrijf was, zijn de kosten die gemaakt moesten worden om een telecommunicatiesysteem aftapbaar te maken en houden steeds door de staat betaald. De staat is sinds 1989 geen netwerkbeheerder meer. Toch moet die staat kunnen blijven aftappen. Dit wordt door de toenemende technologische complexiteit steeds moeilijker.

De aanbieders van openbare telecommunicatienetwerken en openbare diensten tappen niet zelf af -dit is voorbehouden aan bevoegde instanties- maar faciliteren slechts het aftappen door op grond van wettelijke bepalingen tijdig organisatorische en technische maatregelen te treffen. Om te kunnen voldoen aan deze wettelijke bepalingen moeten kosten gemaakt worden. Deze kosten vloeien dus voort uit wettelijke verplichtingen en hebben geen betrekking op het aftappen zelf. Vanuit dit oogpunt ligt het voor de hand dat deze kosten niet langer door de staat maar door de aanbieders gedragen worden.

Daarnaast spelen ook budgettaire overwegingen voor de staat een rol. Het aftappen van telecommunicatie wordt een steeds belangrijker, zo niet onmisbaar middel bij de bestrijding van met name de georganiseerde criminaliteit en de bescherming van de staatsveiligheid. Het brengt in toenemende mate ook kosten voor de staat met zich mee. Deze kostenstijging wordt enerzijds veroorzaakt doordat opsporingsinstanties bij de bestrijding van de criminaliteit vaker dan voorheen het middel van de telefoontap moeten gebruiken, en anderzijds doordat het aftapbaar maken van nieuwe vormen van telecommunicatie ook voor de staat steeds opnieuw investeringen vereist. Daarbij valt bijvoorbeeld te denken aan de aanpassing van de tapkamers. De staat wordt kortom geconfronteerd met de gevolgen van de technische ontwikkelingen op het gebied van de telecommunicatie in de vorm van steeds hogere rekeningen voor het aftappen.

Bijkomend voordeel is dat zodoende een prikkel wordt ingebouwd om op de meest voordelige wijze de aftapbaarheid te realiseren, zodat een kostprijsverhogend effect van de te treffen voorzieningen beperkt kan blijven. Het verdisconteren van de gemaakte kosten in de bedrijfsvoering is verder een ondernemersverantwoordelijkheid. Bij de wet van 23 november 1995 tot wijziging van de Wet op de telecommunicatievoorzieningen in verband met het aftappen van GSM is de WTV in die zin gewijzigd dat de investeringskosten alsmede de jaarlijkse onderhouds- en exploitatiekosten, die verband houden met het aftappen, ten laste komen van de GSM-vergunninghouders. Bij de behandeling van dat wetsvoorstel heeft ondergetekende aangekondigd dat de voor GSM ingezette lijn op dit punt zal worden doorgetrokken naar alle openbare telecommunicatienetwerken en -diensten in Nederland. In het eerste lid van het onderhavige artikel wordt deze verplichting vormgegeven en wordt tevens geregeld dat ook de technische inspanningen die gedaan moeten worden ten behoeve van het verstrekken van informatie en ten behoeve van de beveiliging voor rekening van de hier bedoelde aanbieders hieronder vallen. Het beleid met betrekking tot de financiering van het aftappen van GSM wordt hiermee ook op andere telecommunicatiesystemen in Nederland van toepassing verklaard.

De staat zelf blijft ook niet zonder kosten. Het Ministerie van Binnenlandse Zaken zal de veiligheidsonderzoeken betalen. Kosten die gepaard gaan met de inrichting van tapkamers en de huur van aftaplijnen zullen voor de Ministeries van Binnenlandse Zaken en van Justitie blijven. De kosten die rechtstreeks uit een individuele tap of informatieverstrekking voortvloeien, en die door de aanbieders van openbare telecommunicatienetwerken en -diensten daadwerkelijk worden gemaakt -bedoeld worden de administratie- en personeelskosten-, behoren ook tot de opsporings- en vervolgingskosten en zullen daarom door de staat worden vergoed. Ook de regionale politiekorpsen die de tapkamers bezitten, zullen uit het aan hen door de Minister van Binnenlandse Zaken toegekende budget moeten bijdragen aan de vergoeding van deze kosten. Een en ander is geregeld in het tweede

lid van dit artikel. In voornemen 7 van het Beleidsvoornemen bevoegd aftappen telecommunicatie (kamerstukken II 1995/96, 24 679, nr. 1) is aangegeven dat het redelijk wordt geacht om ten aanzien van bepaalde (in bijlage 4 van het Beleidsvoornemen aangegeven) systemen en diensten die reeds in Nederland operationeel zijn, maar nog niet aftapbaar, een eenmalige tegemoetkoming in de kosten te geven aan aanbieders van openbare telecommunicatienetwerken en -diensten teneinde bedoelde systemen alsnog aftapbaar te maken. Bedoelde tegemoetkomingen worden niet ingevolge het onderhavige wetsvoorstel verstrekt. Rekening dient te worden gehouden met het feit dat dergelijke financiële tegemoetkomingen mogelijk als steunmaatregel in de zin van artikel 92, eerste lid, van het EG-verdrag zijn aan te merken en dat als voorgenomen steunmaatregel overeenkomstig artikel 93, derde lid, van het EG-verdrag moet worden aangemeld bij de Europese Commissie.

Artikel 13.7

Onze Minister kan in het belang van de veiligheid van de staat of de handhaving van de strafrechtelijke rechtsorde bij beschikking bepalen dat een of meer artikelen van dit hoofdstuk van overeenkomstige toepassing zijn op aanbieders van een niet openbaar telecommunicatienetwerk, een niet openbare telecommunicatiedienst of aanbieders van huurlijnen indien het netwerk, de dienst of een huurlijn feitelijk openstaat voor derden.

Voor wat betreft het bevoegd aftappen geldt als hoofdregel dat slechts openbare telecommunicatienetwerken en -diensten aftapbaar moeten zijn. Deze verplichting is neergelegd in artikel 13.1. Toch kunnen zich situaties voordoen waarbij het nodig kan zijn dat ook telecommunicatienetwerken en -diensten moeten kunnen worden afgetapt die formeel juridisch worden aangemerkt als zijnde niet openbaar. Te denken valt bijvoorbeeld aan bedrijfsnetwerken van een concern en zogenoemde gesloten gebruikersgroepen. De noodzaak om bepalingen van dit hoofdstuk op dergelijke netten en op diensten van toepassing te verklaren kan ontstaan als het feitelijke gebruik ervan zich beperkt tot de bedoelde groep maar ook ongeselecteerde personen (derden) in de gelegenheid worden gesteld om er gebruik van te maken. In dat geval moet Onze Minister de mogelijkheid hebben om op een snelle wijze netwerken en diensten aan te wijzen waarvoor de aftapverplichting evenzeer geldt als voor de openbare netten en diensten. Artikel 13.7 voorziet in deze mogelijkheid.

Artikel 13.8

Van de verplichtingen die voortvloeien uit dit hoofdstuk kan Onze Minister in overeenstemming met Onze Minister van Binnenlandse Zaken en Onze Minister van Justitie in bijzondere gevallen ontheffing verlenen. Aan een ontheffing kunnen voorschriften en beperkingen worden verbonden.

In de praktijk kunnen zich gevallen voordoen waarop de bepalingen van dit hoofdstuk in volle omvang van toepassing zijn zonder dat daarvoor gerechtvaardigde gronden aanwezig zijn. Hiervan kan bijvoorbeeld sprake zijn als een activiteit op het gebied van telecommunicatie volgens de definities moet worden aangemerkt als het aanbieden van een openbaar telecommunicatienetwerk of een openbare telecommunicatiedienst maar waarvan de noodzaak om die te kunnen aftappen geen noemenswaardige betekenis heeft. De noodzaak tot ontheffing van de aftapverplichtingen kan gezien de snelle ontwikkelingen op telecommunicatiegebied slechts van geval tot geval worden beoordeeld. Ook kan het belang van het kunnen aftappen van een netwerk of een dienst in de loop van de tijd zich wijzigen. Daarom is het belangrijk dat met het bestuurlijke instrument van een ontheffing soepel kan worden ingespeeld op specifieke situaties. Het belang van de veiligheid van de staat en de strafrechtelijke handhaving van de rechtsorde wordt gewaarborgd doordat een ontheffing alleen mogelijk is met toestemming van de Minister van Binnenlandse Zaken en de Minister van Justitie.

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The A-Z of Conspiracy

As everyone knows, we are never allowed to know who is really controlling our lives/the country/the world. But is this knowledge a dangerous thing? To clear up this question beyond reasonable doubt Life provides a comprehensive guide to the theoretical corridors and sinister back offices in which true power (and general paranoia) may (or may not) lie

02/12/95

THE GUARDIAN

Conspiracy theories are the will-o'-the-wisps of the modern world. They provide an alternative history to the authorised version of events, a coherent demonology in a godless, devil-less age.

Conspiracy theories fill a human need. They make some sense of the cruel narrative that is the 20th century. They turn the random violence of a lone madman into an act of orchestrated malice. In this way the loss of a figure like Kennedy becomes somehow more comprehensible. To be angry is more bearable than to be uncertain. This soothing function can be at odds with truth, however.

Alternative conspiracist history is as flawed as the 'authorised' version. Worse, a conspiracist view can suppress awkward pieces of information by toying with the notion that events have been covered up by the authorities to suit their own ends: encounters with alien space ships, the real makers of the Lockerbie bomb and the truth about Rudolf Hess have all been hidden from the public but the higher officers of the state are in the know.

Some of the conspiracy theories which date from earlier this century have more ignoble, murkier origins. Anti-semites were behind the Protocols of the Elders of Zion, the Jewish Conspiracy and countless others. Their modern equivalents are put about by neo-Nazi cliques. Again, these conspiracy theories have a human function. Failure in life is more bearable if 'the truth' is that the Jews/the blacks/the Illuminati have conspired against you, it allows you to ignore the fact that you are a spotty social inadequate with bad breath and too-tight lederhosen. The conspiracy theorist is the bane of the working journalist. The need for some sliver of evidence to support assertions is secondary to the spell of the theory: that, for the conspiracy theorist, is its charm. This difficulty is compounded by the fact that not all conspiracy theories are untrue. Those in power across the world do prefer to keep embarrassing truths secret; they do cover up; they do, from time to time, kill people who get in the way.

True or not, a rattling good conspiracy theory requires the following qualities:

- 1 it must be difficult, better still, impossible, to understand at first glance.
- 2 it must contain a spaghetti-heap of leads, all of which cannot be followed up. There must always be one more lead left to chase.
- 3 The story should speak to a 'wider' truth about our society, through a series of disconnected or unconnected or unfalsifiable propositions.
- 4 There should be no easy way of verifying it.

The theories below demonstrate all of these qualities to a greater or lesser degree. To savour our A-Z properly, we suggest readers mull over it with deadpan credulousness in the small hours of the morning

listening to the theme music from The X-Files and drinking black coffee.

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A IS FOR ALIEN ENCOUNTERS that are being covered up by the authorities. Perhaps the best-documented close encounter of the third kind took place on 27 December 1980, when airmen at two RAF stations in East Anglia witnessed something extraordinary. First radar operators at RAF Watton in Norfolk picked up an oddity on their screens. Then RAF Phantom pilots reported seeing intense bright lights in the sky. Former radar operator Mal Scurrah said: 'As the Phantoms got close the hovering object shot upwards at phenomenal speed " monitored at more than 1,000 mph.' Later, airmen stationed at RAF Woodbridge in Suffolk investigated a mystery fire in Rendlesham Forest. Sergeant Jim Penniston witnessed the encounter with airman John Burroughs. Penniston said: 'The air was filled with electricity and we saw an object about the size of a tank. It was triangular, moulded of black glass and had symbols on it. Suddenly it shot off faster than any aircraft I have ever observed.' The next day the object returned. Base commander Lt Col Charles Halt saw the flying saucer himself: 'I couldn't believe what I was seeing. It looked like the rising sun with a black pulsating centre. It appeared to be dripping molten metal.' Halt acted coolly, taping and photographing the object engineered by 'an intelligence which didn't originate on Earth'. His tape and film were confiscated by visiting US defence officials. Former British Chief of Defence Staff Lord Hill-Norton has claimed: 'Someone is sitting on information that should be in the public domain.'

Believability: 9/10

(Possible explanation: what the airmen saw may not have been a UFO, but a prototype of the Stealth bomber, which has a black triangular shape, a strange radar print and was, in 1980, ultra-secret. Project Aurora, a new ultra-ultra-secret Pentagon Black Budget reconnaissance aircraft, is probably responsible for all subsequent UFO sightings.)

B IS FOR THE BILDERBERG GROUP, which organises semi-secret annual three-day meetings of the European-Atlantic great and good from the worlds of business, diplomacy and politics. The first meetings were organised in 1954 by eminence grise Joseph Retinger, the then secretary general of the newly fledged, CIA-funded European Movement. Karl Otto Pohl, then president of Deutsche Bundesbank, David Rockefeller, Lord Carrington and Governor Bill Clinton of Arkansas were among recent delegates. Denis Healey was at that first meeting and, having retired, discusses Bilderberg in his autobiography, *The Time Of My Life*. Bilderberg is one of the transnational groups suspected by the European-American far Right of being part of the secret elite power structure. Even the Financial Times column 'Lombard' has noted: 'If the Bilderberg group is not a conspiracy of some sort, it is conducted in such a way as to give a remarkably good imitation of one.'

Believability: 8/10

C IS FOR CEAUSESCU, who was tried and executed on Christmas Day to hush up the complicity of Romania's new leaders in his crimes. The videotape of the Christmas Day show trial of Nicolae and Elena Ceausescu is an absorbing spectacle. Time and again, Ceausescu and his wife turn on their interrogators and accuse them of knowing the answers to the questions they have posed. Prosecutor: 'What do you know about the Securitate?' Elena: 'They are sitting across from us here.' The old witch was right, of course, because sitting in the courtroom were secret police chiefs like Colonel Magureanu, who had been party to the attack on civilians in Timisoara which had triggered the revolution. He was later promoted by the leader of the conspirators, Ion Iliescu " a former Ceausescu crony " to head the renamed secret police, the 'Romanian Information Service'. Iliescu became and remains president, the tainted hero of a tainted revolution.

Believability: 10/10

D IS FOR 'DEEP THROAT', the mole in the Nixon administration guiding the Washington Post journalists, Woodward and Bernstein, to the Watergate story. 'Throat' remains unidentified. In his book Hidden Agenda (1984) Jim Hougan nominated both Nixon's chief of staff, Alexander Haig, and National Security Agency boss, Admiral Bobby Ray Inman, as candidates; Colodny and Gettlin also fingered Haig in their book Silent Coup (1991). Barbara Newman, for Channel 4's Dispatches, came up with the head of the FBI field office in Washington, the late Bob Kunkle. He was allegedly leaking for the FBI, which was disgruntled by the Nixon cover-up.

Believability: 10/10

(Cynics suspect 'Deep Throat' was merely a dramatic device or a ploy to keep newspaper lawyers quiet.)

E IS FOR ELECTRICITY PYLONS, which fry our brains. A number of protesters have complained that electro-magnetic waves in overhead electricity pylons have led to depression, headaches, mental and physical ill-health. No government ministry has placed much credence on these complaints. The epidemiology of environmental effect is notoriously hard to prove, but all good conspiracists believe there is no smoke without a secret ray.

Believability: 7/10

F IS FOR FREEMASONS, who club together to better themselves in the world. The majority of active freemasons have sworn not to divulge the secrets of the craft, on pain of having their tongues 'cut out by the root and buried in the sand below low-water mark'. Other masons who have tried to break ranks have come to sticky ends, like 'God's Banker' Roberto Calvi, found hanging from Blackfriars Bridge in 1982.

So it is hard to determine just how much influence is wielded by the grown men who like to dress in black suits, wear aprons, bare their breasts and roll up their trouser legs. Not very much, say some sceptics, who suspect that the masons have more control over, say, haberdashery in Herefordshire than the British state. But freemasons still hold some sway in the corridors of power. The Rt Hon the Lord Templeman and Rt Hon Lord Justice Balcombe, both freemasons, are two of the most senior judges in the land; junior Foreign Office minister Tony Baldry, former Tory MP David Trippier and back bench MPs Sir Peter Emery and Sir Gerard Vaughan are all on the square. Many police officers, too, remain true to their masonic oaths of secrecy. In 1993 at a Police Federation conference a motion urging police officers to reveal membership of the masonic brotherhood was debated. An officer from Merseyside said it did not matter if officers 'wore a goatskin or rolled up their trouser leg'. Another said that freemasonry was 'not all mumbo-jumbo'. A third police officer, mocking the calls for more openness about freemasonry in the ranks, put a paper bag over his head. Finally a member of the Metropolitan branch came to the rostrum to announce the vote. 'I'm not telling,' he said to laughter. 'It's a secret.' The opponents of freemasonry lost the vote.

Believability: 8/10

G IS FOR THE GEMSTONE FILE, the conspiracy theory which first surfaced in 1975. Originally a precis by American journalist Stephania Caruana of allegations made in letters by American chemist Bruce Roberts, now deceased, Gemstone attributes much of post-war America's ills to the power of Aristotle Onassis, who had the Kennedys and Dr King assassinated, seized the Howard Hughes empire, did a deal with the Mafia, etc. The subject of a couple of book-length studies to date, Gemstone has appeared in five or six different versions, each one containing new material. Most striking is the 'Kiwi Gemstone' in which specifically New Zealand incidents have been embedded in the original American narrative. Authorless, floating round the world in samizdat form, Gemstone is a perfect, small-scale disinformation vehicle for anyone who cares to use it.

Believability: 0/10

H IS FOR HESS, locked up in Spandau prison because he knew all about the secret 1941 negotiations between Britain and Nazi Germany. Rudolf Hess's flight in May 1941 remains one of the most bizarre episodes of the Second World War. Lord James Douglas-Hamilton, son of the Duke of Hamilton, the Scottish landowner to whom Hess presented his plans, said: 'Hess's proposals consisted of a limited peace deal under which Germany would have allowed Britain a free hand in her empire in return for Britain allowing Germany a free hand in Europe and Russia. His so-called peace plans would have meant the enslavement of Europe.' Hess was arrested, tried to commit suicide, went mad, was sentenced to life imprisonment and, at the age of 93, hanged himself in Spandau prison. Or not, as the case may be. One theory has it that the Churchill government, in a hideously clever propaganda campaign against the Nazis, ran a double, 'Hess Two'. Evidence supporting the double theory emerged when a Dutch TV journalist, Karel Hille, disclosed that he had got the Most Secret file on Hess via an unnamed British historian who had been given it by the late MI6 spymaster Sir Maurice Oldfield. Oldfield had, allegedly,

stolen the file from the MI6 archive. That the man, 'Hess Two', who killed himself in prison was not the real Hess is backed by Hugh Thomas, a Welsh surgeon, who, in the early 1970s, was consultant to the British Military Hospital in West Berlin. Thomas examined 'Hess Two' and found him to lack the scars the real Hess should have had after a wound he received in 1917. MI6 had 'Hess Two' hanged because they didn't want the truth to come out. Then the killers burnt the evidence, including an electrical flex, with which he was murdered.

Believability: 5/10

(Hess was mad. His 1917 wound was pea-sized.)

I IS FOR THE ILLUMINATI, the secret society controlling all the other secret societies. An 18th-century masonic splinter group begun by Adam Weishaupt, the Illuminati were said to be the hidden force behind the French Revolution. After the First World War they were re-launched into the English-speaking world by one Nesta Webster who credited them with organising the Russian October Revolution too. In 1921 the Spectator described Weishaupt as a 'Prussian with criminal instincts and lunatic perversions . . . {who} shunted continental freemasonry on to Antinomian and revolutionary lines.' In the demonology of the Anglo-American far Right, the Illuminati largely replaced the Jews as the spider at the centre of the web. These theories were brilliantly parodied in the Illuminatus! trilogy (1976) by Robert Anton Wilson and Robert Shea.

Believability: 0/10

J IS FOR JAMES JESUS ANGLETON, the orchid-growing, poetry-writing, paranoid head of CIA counter intelligence throughout much of the Cold War. Angleton believed the CIA and all other spy networks to be so much gorgonzola, riddled with KGB moles. In his search for these moles Angleton paralysed large chunks of the CIA for years at a stretch and blighted the careers of many senior officers. It was Angleton who insisted in the 1960s that MI5 investigate Harold Wilson, a task taken up enthusiastically by Peter Wright and his circle in MI5. Angleton's overarching idiocy was to believe the KGB defector Golitsyn, who claimed that the friction between the Soviet Union and Mao's China in the late 1960s was a fake to deceive the West. Despite the collapse of the Soviet Union, Golitsyn remains convinced that it is all a black propaganda ploy. However, the confession of top CIA man Aldrich Ames that he was a KGB mole have proved some of Angleton's fears correct.

Believability: 6/10

K IS FOR KENNEDY, killed by almost anyone you care to mention. According to Captain James T Kirk of the Starship Enterprise, the 'first rule of assassination is kill the assassins'. The killing of Lee Harvey Oswald by Jack Ruby set a hare running that has never stopped. Instead of Oswald's courtroom confession or denial of guilt providing some explanation of the killing of the president, the assassination of the assassin let conjecture reign. So many had a hand in his murder it is too tedious to name them all.

Oliver Stone argued in his film JFK that Lyndon Baines Johnson was the man behind the conspiracy. The KGB, the Mafia, the Cubans, the FBI and the masons are all contenders. Perhaps the best JFK conspiracy theory is that he is, after all, still alive, but kept a permanent prisoner by the National Security Council.

Believability: 1/10

L IS FOR LOCKERBIE. On 21 December 1988, 270 people were murdered when Pan Am 103 exploded over Scotland. Six years later no one has been convicted of the crime, although investigators on both sides of the Atlantic have consistently pointed the finger at two Libyan intelligence officers who they believe planted the bomb on a plane from Malta before it was transferred at Frankfurt on to the fatal flight. UN sanctions are enforced against Tripoli until Colonel Gadaffi agrees to hand over the two for trial.

Others are not convinced by the official line. Tales of suitcases of heroin recovered at the crash site by mysterious American intelligence officers point to a joint CIA/Drug Enforcement Administration operation that was fatally compromised by Syrian and Iranian-backed Palestinian terrorists. American spooks were running `controlled' deliveries of Lebanese heroin through Frankfurt airport in return for information about the whereabouts of the hostages in Beirut. The terrorists were aware of this and switched the dope-filled Samsonite case with one containing the bomb. Among those killed were Matthew Gannon, the CIA's deputy head of station in Beirut, and Major Charles McKee, a Defence Intelligence Agency officer allegedly in charge of a hostage rescue team. Some students of the tragedy have gone so far as to suggest that McKee was flying home to blow the whistle, disgusted that deals were being struck with dope dealers in order to gain intelligence on the kidnap victims.

Believability: 8/10

M IS FOR DAVID MELLOR, got at by Mossad after his pro-Palestinian outburst in 1988 on the West Bank. The Israelis were out to topple Mellor after he became the most prominent critic in the British Government of their conduct in the Occupied Territories.

First, they managed to secure his removal as junior Foreign Office minister, threatening to stop passing on intelligence information about the hostages in Beirut unless Mellor was moved. Second, they arranged for the clandestine phone-tapping operation which led to the highly embarrassing `toe-sucking' allegations.

The result: Mellor was forced to quit the Cabinet.

Believability: 5/10

N IS FOR NOSTRADAMUS, the 16th-century psychic seer who predicted Napoleon, Hitler and the killing of John Kennedy. The seer's muddily-written quatrains have spawned more than 200 books, a propaganda war between the Nazis and the Allies during the Second World War, a movie, an American

TV spin-off show, Monopoly-style board games, a virtual reality game and even a watch, which ticks down the seconds from 1 January 1995 to the millennium.

Whitstable housewife Valerie Hewitt, author of *Nostradamus: His Key To The Centuries* (Heinemann, 1994), predicts that Prince Charles will be crowned this year. 'It will be something sudden that will affect the Queen, an illness " whether it is political or genuine it doesn't matter. And Diana will be offered the chance to become Queen. But Charles's reign will be short and William could be king before he's 18.' In 1993 she predicted that George Bush would stay as president.

Rival Nostradamus buff John Hogue is more apocalyptic. He plumps for nuclear disaster or terrorism in 1996, World War III before the millennium and Aids " `a very great plague . . . with a great scab' " and the ozone hole killing off two-thirds of the world population. He quotes the prophet's vision of the future: `So many {die} that no one will know the true owners of fields and houses. The weeds in the city streets will rise higher than the knees, and there shall be a total desolation of the clergy.'

Believability: 0/10

(The verses of Nostradamus clearly refer to events and places in the 16th century. For example, nowhere does he mention `Hitler', only `Hister', the contemporary name for the Lower Danube.)

P IS FOR PROMIS SOFTWARE, stolen from a Washington law firm. In 1982 a Washington DC computer firm, Inslaw, developed a programme called Promis (Prosecutors' Management Information System) which it supplied to the US Justice Department for \$10 million. A year later, Justice stopped all payments and Inslaw went bankrupt. A ruling in 1987 at a bankruptcy court concluded that the Justice Department `took, converted and stole Promis software through trickery, fraud and deceit', which is a little embarrassing for the department charged with upholding the rule of law.

So far, so what? It is only when people started to probe into why Justice had acted in such a way that it gets interesting, prompting one investigator to claim that the case `was a lot dirtier for the department than Watergate had been, both in its breadth and depth'.

It turns out that (allegedly) the men behind the theft of the software were all Reagan appointees who helped engineer the 1980 `October Surprise', whereby the Republicans struck a deal with the Iranians not to release American Embassy hostages from Tehran until after Reagan was safely in the White House. The software was then sold on to foreign intelligence agencies across the globe, (a) to generate revenue for covert operations not authorised by Congress; and (b) to make it easier for US operatives to hack into the software.

The story was chased by US freelance Danny Casolaro. A year after making himself known to the Inslaw people he was found dead in a motel room in West Virginia. The official verdict was suicide, but Elliott Richardson, the Attorney General under Nixon, hired by Inslaw to investigate the case, concluded: `It's hard to come up with any reason for Casolaro's death other than he was deliberately murdered because he was so close to uncovering sinister elements in what he called `the Octopus'.'

Believability: 7/10

Q IS FOR CARROLL QUIGLEY, the granddaddy of all modern American conspiracists. Quigley's

1,340-page volume *Tragedy And Hope " History Of The World In Our Time* (1966) included a dozen pages on the existence of a hitherto unknown secret society, run by Alfred, Lord Milner, Lloyd George's Chef de Cabinet, funded by Cecil Rhodes's estate. The group, said Quigley, who claimed to have access to its papers, organised the Round Table groups in the Commonwealth, the Royal Institute For International Affairs in London and its counterpart in the US between the wars.

For far-Right groups such as the John Birch Society these pages were proof, from an `insider', of the great conspiracy they had always suspected. Not the communists, not the Jews, not even the Illuminati, but the Perpetual Hidden Government " the PHG! Quigley's revelations are behind much of the recent talk of One Worlders and New World Orders and are part of Republican presidential hopeful Pat Robertson's world view. Among Quigley's students at Georgetown University was Bill Clinton, and the conspiracists got quite excited when President Clinton referred to the impact Quigley made on him in his inauguration speech.

Believability: 4/10

R IS FOR JAMES RUSBRIDGER, killed and framed as a sex pervert by MI5. Rusbridger was a tremendous irritant to the security services. His letters to newspapers poured scorn on the Official Secrets Act; his books, such as *The Intelligence Game*, cast doubt on the official version of events. But where Rusbridger, aged 65 at the time of his death, really annoyed the spooks was when he unearthed Britain's code-cracking secrets, in particular the story that the British had cracked Japanese naval codes in advance of the attack on Pearl Harbour.

He was bright, hale and hearty for his age when he was discovered in February 1994 at his home, dressed in a green protective suit for use in nuclear, biological or chemical warfare, green overalls, a black plastic mackintosh and thick rubber gloves. His face was covered by a gas mask and he was also wearing a sou'wester. His body was suspended from two ropes, attached to shackles fastened to a piece of wood across the open loft hatch, and was surrounded by pictures of men and mainly black women in bondage. Consultant pathologist Dr Yasai Sivathondan said he died from asphyxia due to hanging `in keeping with a form of sexual strangulation'.

His death occasioned a piece by Sunday Times reporter James Adams, whose own books boast of contacts with British intelligence. Adams quoted senior intelligence officials as saying Rusbridger never had any connection with any branch of British intelligence: "His death was as much a fantasy as his life," said one source . . . Rusbridger's interest in intelligence seems to have coincided with his conviction for theft in 1977.' Such an extensive posthumous demolition job by intelligence officials would perhaps only be merited by someone who had been a serious thorn in their side.

Believability: 7/10

S IS FOR THE SUICIDES OF THE SCIENTISTS WHO WORKED FOR MARCONI. In 1988 a host of brilliant researchers working for the defence giant killed themselves in a variety of ways: one drove his petrol-laden car into a disused Little Chef, another jumped off the Clifton suspension bridge, a third electrocuted himself. The deaths appeared to be a case of life imitating art " in this case, an episode

of the 1960s Avengers series which features a number of brilliant scientists killing themselves. The first problem is that there was no linkage between the deaths. Second, suicide is 10 times more common than murder in Britain. Third, men kill themselves more violently than women. Fourth, scientists are more ingenious than the rest of the population, so one would expect them to kill themselves violently and bizarrely. Fifth, the defence business employs huge numbers of scientists, and Marconi is a big employer.

When the numbers are crunched, there is no statistical aberration in the number of suicides by Marconi scientists. It is too good a story for a newspaper to kill, however.

Believability: 0/10

U IS FOR THE UNIFIED CONSPIRACY THEORY, or the Grand Unified Conspiracy Theory, which knits all the other conspiracy theories into a coherent tapestry.

Believability: 1/10

V IS FOR VATICAN, which knocks off the popes it doesn't like. The markedly short reign of John Paul I has given rise to this particular crock of conjecture.

Old men can die quite quickly, even if they are popes. However, rumours persist in the Vatican that John Paul I was going to clean out the Augean stables of the pontiff's finances and expose the scandalous links between the Mafia, the freemasons and senior cardinals in the Roman Catholic Church.

Believability: 2/10

W IS FOR COLIN WALLACE, who was forced to resign from the Ministry of Defence in 1975 when he leaked information about a covert MI5 operation, 'Clockwork Orange'. Wallace, an Ulsterman, claimed he had been involved in the operation, which had been designed to destabilise paramilitary organisations in the Province through disinformation. Wallace alleged that the scope of the operation had been extended to include mainland politicians viewed as 'politically soft or leftist', a list which included Harold Wilson, Edward Heath and Jeremy Thorpe. Wallace claims it was in his remit to discredit these 'targets' using unfounded smear stories about sexual impropriety.

He also alleged, in a memo to army chiefs, that a Belfast boys' home named Kincora was being used as a homosexual trap for intelligence gathering against prominent Unionist politicians. In 1990 an inquiry conducted by James Calcutt QC found Wallace's dismissal to be unsafe and ordered the Ministry to award him pounds 30,000 in compensation. The inquiry was not, however, empowered to make any judgment on Wallace's allegations.

Believability: 7/10

X IS FOR MR X, the third man who allegedly went to bed with two senior Conservative politicians, now in the Cabinet, all at the same time. This is a conspiracy theory never to be told.

Believability: 10/10

Y IS FOR YAKUZA, the Japanese mafia who run the world. The Yakuza are the world's richest and most powerful gangsters. They control many of the big-name Japanese corporations that now have huge leverage in the major western economies. Nothing can be done to loosen the grip of the Yakuza on the world economy.

Believability: 8/10

Z IS FOR THE ZAGREB OPERATION, when the NKVD inducted Robert Maxwell as a Soviet double agent. Maxwell was never clear about how he escaped from Nazi-occupied Germany. In fact, he was given secret passage through Nazi-allied Croatia by Communist partisans, then loyal to the Soviet Union, in return for a lifetime as a spy.

While passing through Zagreb Maxwell was recruited by an officer of the NKVD " the forerunner to the KGB " and was told to travel to Britain and ingratiate himself with the British Establishment.

Maxwell did brilliantly, becoming first a war hero then a respected publisher. The NKVD and KGB helped Maxwell out from time to time, smoothing his path in arranging deals with Eastern Bloc scientific publishers and the like. Maxwell prospered.

It was only in 1991 that the Israeli secret service, Mossad, came across the truth when they bought up a senior KGB archivist who sold them the Operation Zagreb file. Maxwell " who Mossad thought had been working for them " was terminated by a crack unit of Israeli frogmen.

Believability: 6/10

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DENMARK



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Danish Intelligence Services:

Danish Civil Security Service (DCSS)

Danish Defense Intelligence Service (DDIS)

Danish Police Intelligence Services

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GENERAL BACKGROUND

The Danish Criminal Code dates from 1930. The rules governing criminal procedure are found in the Administration of Justice Act 1916. Both these codes have been revised and supplemented.

Investigations concerning criminal offences are handled by the police and only rarely by other authorities (such as customs authorities). The less serious cases, normally those where the punishment stipulated for the crime is only a fine, are administered by the chiefs of police and police lawyers. More serious cases are investigated by the police, but the decision as to whether a suspect should be charged and representation before the court are in the hands of the prosecution proper. The Danish system of prosecution follows the principle of opportunity, which means that the chief of police (acting as prosecutor in misdemeanour cases) and the prosecutors may decide to close cases when the "public interest" does not call for adjudication and punishment.

The police service is organised on a national basis, and is headed by a chief of police. Similarly, prosecutors are organised nationally under the Director of Public Prosecution. Both organisations are under the direct supervision of the Minister of Justice.

The court system comprises district courts, high courts and the Supreme Court. The most serious cases are brought directly before the high courts where the question of guilt is decided by a jury. Misdemeanour cases and cases where the suspect has confessed are handled by a single judge in the district court, but in cases concerning more serious crimes the courts will usually consist of one or more professional judges acting together with one or more lay judges.

The minimum age of criminal responsibility is 15 years. Children under this age are dealt with by the local welfare authority. Also cases involving youths between 15 and 18 years may be dealt with by such authorities should the prosecutor decide to waive prosecution.

Intentional homicide. During the period covered by the Third Survey, the number of reported homicides has remained roughly steady at around 300 per year. However, most of these cases are attempts, and those actually being killed number about 70 per year. In 1986, 62 people were found guilty of murder, and 85 of attempted murder.

Assault. There has been a steady increase in the number of reported cases of assault, from 5 462 cases in 1980 to 6 708 in 1986 (23 %). The number of those found guilty was about the same in 1986 as in 1980 (3 500).

Robbery and Theft. Thefts and robberies show an upward trend of about 20 % during the period 1980-86. Robberies have increased from about 1 400 to about 1 800, and theft from 339 000 to 408 000. The number of those found guilty of theft was 27 800 in 1986, which is 31 % higher than the corresponding number in 1980.

The Danish Crime Prevention Council, established in 1971, is initiating a number of projects. The main philosophy of the Council's proposal is that crime prevention is a matter for society as a whole and not only for the law enforcement agencies.

GEOGRAPHY

Location: Northern Europe, bordering the Baltic Sea and the North Sea, on a peninsula north of Germany

Geographic coordinates: 56 00 N, 10 00 E

Map references: Europe

Area:

total: 43,094 sq km

land: 42,394 sq km

water: 700 sq km

note: includes the island of Bornholm in the Baltic Sea and the rest of metropolitan Denmark, but excludes the Faroe Islands and Greenland

Area-comparative: slightly less than twice the size of Massachusetts

Land boundaries:

total: 68 km

border countries: Germany 68 km

Coastline: 7,314 km

Maritime claims:

contiguous zone: 4 nm

continental shelf: 200-m depth or to the depth of exploitation

exclusive economic zone: 200 nm

territorial sea: 3 nm

Climate: temperate; humid and overcast; mild, windy winters and cool summers

Terrain: low and flat to gently rolling plains

Elevation extremes:

lowest point: Lammefjord -7 m

highest point: Ejer Bavnehoj 173 m

Natural resources: petroleum, natural gas, fish, salt, limestone, stone, gravel and sand

Land use:

arable land: 60%

permanent crops: 0%

permanent pastures: 5%

forests and woodland: 10%

other: 25% (1993 est.)

Irrigated land: 4,350 sq km (1993 est.)

Natural hazards: flooding is a threat in some areas of the country (e.g., parts of Jutland, along the southern coast of the island of Lolland) that are protected from the sea by a system of dikes

Environment-current issues: air pollution, principally from vehicle and power plant emissions; nitrogen and phosphorus pollution of the North Sea; drinking and surface water becoming polluted from animal wastes and pesticides

Environment-international agreements:

party to: Air Pollution, Air Pollution-Nitrogen Oxides, Air Pollution-Sulphur 85, Air Pollution-Sulphur 94, Air Pollution-Volatile Organic Compounds, Antarctic Treaty, Biodiversity, Climate Change, Desertification, Endangered Species, Environmental Modification, Hazardous Wastes, Marine Dumping, Marine Life Conservation, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 83, Tropical Timber 94, Wetlands, Whaling signed, but not ratified: Antarctic-Environmental Protocol, Law of the Sea

Geography-note: controls Danish Straits (Skagerrak and Kattegat) linking Baltic and North Seas; about one-quarter of the population lives in Copenhagen

PEOPLE

Population: 5,333,617 (July 1998 est.)

Age structure:

0-14 years: 18% (male 496,886; female 471,891)

15-64 years: 67% (male 1,807,384; female 1,760,353)

65 years and over: 15% (male 330,385; female 466,718) (July 1998 est.)

Population growth rate: 0.49% (1998 est.)

Birth rate: 12.18 births/1,000 population (1998 est.)

Death rate: 11.08 deaths/1,000 population (1998 est.)

Net migration rate: 3.77 migrant(s)/1,000 population (1998 est.)

Sex ratio:

at birth: 1.05 male(s)/female

under 15 years: 1.05 male(s)/female

15-64 years: 1.03 male(s)/female

65 years and over: 0.71 male(s)/female (1998 est.)

Infant mortality rate: 5.17 deaths/1,000 live births (1998 est.)

Life expectancy at birth:

total population: 76.31 years

male: 73.64 years

female: 79.12 years (1998 est.)

Total fertility rate: 1.68 children born/woman (1998 est.)

Nationality:

noun: Dane(s)

adjective: Danish

Ethnic groups: Scandinavian, Eskimo, Faroese, German

Religions: Evangelical Lutheran 91%, other Protestant and Roman Catholic 2%, other 7% (1988)

Languages: Danish, Faroese, Greenlandic (an Eskimo dialect), German (small minority)

Literacy:

definition: age 15 and over can read and write

total population: 99% (1980 est.)

male: NA%

female: NA%

GOVERNMENT

Country name:

conventional long form: Kingdom of Denmark

conventional short form: Denmark

local long form: Kongeriget Danmark

local short form: Danmark

Data code: DA

Government type: constitutional monarchy

National capital: Copenhagen

Administrative divisions: metropolitan Denmark-14 counties (amter, singular-amt) and 2 kommunes*;
(stad); Arhus, Bornholm, Fredericksberg*, Frederiksborg, Fyn, Kobenhavn, Kobenhavn*, Nordjylland,
Ribe, Ringkobing, Roskilde, Sonderjylland, Storstrom, Vejle, Vestsjælland, Viborg note: see separate
entries for the Faroe Islands and Greenland, which are part of the Danish realm and self-governing
administrative divisions

Independence: in 10th century first organized as a unified state; in 1849 became a constitutional
monarchy

National holiday: Birthday of the Queen, 16 April (1940)

Constitution: 1849 was the original constitution; there was a major overhaul 5 June 1953, allowing for a
unicameral legislature and a female chief of state

Legal system: civil law system; judicial review of legislative acts; accepts compulsory ICJ jurisdiction,
with reservations

Suffrage: 18 years of age; universal

Executive branch:

chief of state: Queen MARGRETHE II (since 14 January 1972); Heir Apparent Crown Prince
FREDERIK, elder son of the queen (born 26 May 1968)

head of government: Prime Minister Poul Nyrup RASMUSSEN (since 25 January 1993)

cabinet: Cabinet appointed by the queen

elections: none; the queen is a constitutional monarch; prime minister appointed by the queen

Legislative branch: unicameral Parliament or Folketing (179 seats; members are elected on the basis of
proportional representation to serve four-year terms)

elections: last held 11 March 1998 (next to be held NA 2002)

election results: percent of vote by party-NA; seats by party-progovernment parties: Social Democrats
65, Socialist People's Party 13, Radical Liberal Party 7,

Unity Party 5; opposition: Progress Party 42, Conservative People's Party 16, Danish People's Party 13,
Center Democrats 8, other parties 10

Judicial branch: Supreme Court, judges are appointed by the monarch for life

Political parties and leaders: Social Democratic Party [Poul Nyrup RASMUSSEN]; Conservative Party [Torben RECHENDORFF]; Liberal Party [Uffe ELLEMANN-JENSEN]; Socialist People's Party [Holger K. NIELSEN]; Progress Party [Kirsten JAKOBSEN]; Center Democratic Party [Mimi JAKOBSEN]; Social Liberal Party [Marianne JELVED]; Unity Party [none]; Danish People's Party [Pia KJAERGAARD]; Radical Liberal Party [Margrethe VESTAGER]; Conservative People's Party [Torben RECHENDORFF]

International organization participation: AfDB, AG (observer), AsDB, Australia Group, BIS, CBSS, CCC, CE, CERN, EAPC, EBRD, ECE, EIB, ESA, EU, FAO, G- 9, IADB, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IEA, IFAD, IFC, IFRC, IHO, ILO, IMF, IMO, Inmarsat, Intelsat, Interpol, IOC, IOM, ISO, ITU, MTCR, NATO, NC, NEA, NIB, NSG, OECD, OSCE, PCA, UN, UNCTAD, UNESCO, UNHCR, UNIDO, UNIKOM, UNMIBH, UNMOGIP, UNMOP, UNMOT, UNOMIG, UNPREDEP, UNTSO, UPU, WEU (observer), WHO, WIPO, WMO, WTrO, ZC

Diplomatic representation in the US:

chief of mission: Ambassador Knud-Erik TYGESEN

chancery: 3200 Whitehaven Street NW, Washington, DC 20008

telephone: [1] (202) 234-4300

FAX: [1] (202) 328-1470

consulate(s) general: Chicago, Los Angeles, and New York

Diplomatic representation from the US:

chief of mission: Ambassador Edward E. ELSON

embassy: Dag Hammarskjolds Alle 24, 2100 Copenhagen

mailing address: PSC 73, APO AE 09716

telephone: [45] (31) 42 31 44

FAX: [45] (35) 43 02 23

Flag description: red with a white cross that extends to the edges of the flag; the vertical part of the cross is shifted to the hoist side, and that design element of the Dannebrog (Danish flag) was subsequently adopted by the other Nordic countries of Finland, Iceland, Norway, and Sweden

ECONOMY

Economy-overview: This thoroughly modern market economy features high-tech agriculture, up-to-date small-scale and corporate industry, extensive

government welfare measures, comfortable living standards, and high dependence on foreign trade. Denmark is a net exporter of food. The center-left coalition government will concentrate on reducing the persistently high unemployment rate and the budget deficit as well as following the previous government's policies of maintaining low inflation and a current account surplus. The coalition also vows to maintain a stable currency. The coalition has lowered marginal income taxes while maintaining overall tax revenues; boosted industrial competitiveness through labor market and tax reforms and increased research and development funds; and improved welfare services for the neediest while cutting paperwork and delays. Prime Minister RASMUSSEN's reforms focus on adapting Denmark to the criteria for European integration by 1999; Copenhagen has won from the European Union (EU) the right to opt out of the European Monetary Union (EMU). Denmark is, in fact, one of the few EU countries likely to fit into the EMU on time. Growth may fall off slightly to 2.8% in 1998, and inflation may rise to 2.5%.

GDP: purchasing power parity-\$122.5 billion (1997 est.)

GDP-real growth rate: 3% (1997 est.)

GDP-per capita: purchasing power parity-\$23,200 (1997 est.)

GDP-composition by sector:

agriculture: 4%

industry: 27%

services: 69% (1995)

Inflation rate-consumer price index: 2.2% (1997 est.)

Labor force:

total: 2,895,950

by occupation: private services 40%, government services 30%, manufacturing and mining 19%, construction 6%, agriculture, forestry, and fishing 5% (1995)

Unemployment rate: 7.9% (1997 est.)

Budget:

revenues: \$62.1 billion

expenditures: \$66.4 billion, including capital expenditures of \$NA (1996 est.)

Industries: food processing, machinery and equipment, textiles and clothing, chemical products, electronics, construction, furniture, and other wood products, shipbuilding

Industrial production growth rate: 1.3% (1996)

Electricity-capacity: 10.604 million kW (1995)

Electricity-production: 34.244 billion kWh (1995)

Electricity-consumption per capita: 6,432 kWh (1995)

Agriculture-products: grain, potatoes, rape, sugar beets; meat, dairy products; fish

Exports:

total value: \$48.8 billion (f.o.b., 1996)

commodities: machinery and instruments 25%, meat and meat products, fuels, dairy products, ships, fish, chemicals

partners: Germany 22.5%, Sweden 9.7%, UK 7.9%, Norway 5.9%, France 5.4%, Netherlands 4.4%, US 4.0% (1995)

Imports:

total value: \$43.2 billion (c.i.f., 1996)

commodities: machinery and equipment, petroleum 25%, chemicals, grain and foodstuffs, textiles, paper

partners: Germany 21.7%, Sweden 11.7%, Netherlands 7.0%, UK 6.6%, France 5.2%, Norway 4.9%, US 4.7%, Japan 3.5%, FSU 1.7% (1995)

Debt-external: \$44 billion (1996 est.)

Economic aid:

donor: ODA, \$1.34 billion (1993)

Currency: 1 Danish krone (DKr) = 100 oere

Exchange rates: Danish kroner (DKr) per US\$1-6.916 (January 1998), 6.604 (1997), 5.799 (1996), 5.602 (1995), 6.361 (1994), 6.484 (1993)

Fiscal year: calendar year

COMMUNICATIONS

Telephones: 4.025 million (1995 est.), of which 822,000 are mobile telephones

Telephone system: excellent telephone and telegraph services

domestic: buried and submarine cables and microwave radio relay form trunk network, four cellular radio communications systems

international: 18 submarine fiber-optic cables linking Denmark with Norway, Sweden, Russia, Poland, Germany, Netherlands, UK, Faroe Islands, Iceland, and

Canada; satellite earth stations-6 Intelsat, 10 Eutelsat, 1 Orion, 1 Inmarsat (Blaavand-Atlantic-East);

note-the Nordic countries (Denmark, Finland, Iceland,

Norway, and Sweden) share the Danish earth station and the Eik, Norway, station for world-wide

Inmarsat access

Radio broadcast stations: AM 2, FM 3, shortwave 0

Radios: NA

Television broadcast stations: 50 (1996 est.)

Televisions: 3 million (1996 est.)

TRANSPORTATION

Railways:

total: 3,358 km (510 km privately owned and operated)

standard gauge: 3,358 km 1.435-m gauge (440 km electrified; 760 km double track) (1996)

Highways:

total: 71,600 km

paved: 71,600 km (including 880 km of expressways)

unpaved: 0 km (1996 est.)

Waterways: 417 km

Pipelines: crude oil 110 km; petroleum products 578 km; natural gas 700 km

Ports and harbors: Alborg, Arhus, Copenhagen, Esbjerg, Fredericia, Grenaa, Koge, Odense, Struer

Merchant marine:

total: 327 ships (1,000 GRT or over) totaling 4,972,331 GRT/6,894,091 DWT

ships by type: bulk 14, cargo 118, chemical tanker 16, container 76, liquefied gas tanker 24, livestock carrier 6, oil tanker 25, railcar carrier 1, refrigerated cargo 14,

roll-on/roll-off cargo 22, short-sea passenger 9, specialized tanker 2

note: Denmark has created its own internal register, called the Danish International Ship register (DIS);

DIS ships do not have to meet Danish manning

regulations, and they amount to a flag of convenience within the Danish register (1997 est.)

Airports: 118 (1997 est.)

Airports-with paved runways:

total: 28

over 3,047 m: 2

2,438 to 3,047 m: 7

1,524 to 2,437 m: 3

914 to 1,523 m: 13

under 914 m: 3 (1997 est.)

Airports-with unpaved runways:

total: 90

1,524 to 2,437 m: 1

914 to 1,523 m: 7

under 914 m: 82 (1997 est.)

MILITARY

Military branches: Royal Danish Army, Royal Danish Navy, Royal Danish Air Force, Home Guard

Military manpower-military age: 20 years of age

Military manpower-availability:

males age 15-49: 1,324,150 (1998 est.)

Military manpower-fit for military service:

males: 1,137,563 (1998 est.)

Military manpower-reaching military age annually:

males: 32,918 (1998 est.)

Military expenditures-dollar figure: \$2.9 billion (1997 est.)

Military expenditures-percent of GDP: 1.6% (1997 est.)

TRANSNATIONAL ISSUES

Disputes-international: Rockall continental shelf dispute involving Iceland, Ireland, and the UK (Ireland and the UK have signed a boundary agreement in the

Rockall area)

GENERAL OVERVIEW

2. Legal System.

In the 18th and 19th centuries the criminal justice system developed into an adversarial system. According to the Administration of Justice Act from 1916, both the pre-trial proceedings and the trial itself follow this system. This process also includes the questioning of witnesses and the accused by the presiding judge. It follows from the principle of material truth that the judge is obliged to elucidate all vague points of the case.

The criminal justice system is administered by the Ministry of Justice, the Minister of Justice being head of office regarding Denmark as well as Greenland. The police, the courts when seen as an administrative body, and the correctional system all stand under the immediate authority of the Minister of Justice.

3. History of the Criminal Justice System.

In the year 1660, Denmark was made an absolute monarchy and in 1683 a new set of laws, Christian den Femtes Danske Lov, was issued. These statutes were much influenced by municipal law. In the following centuries, with these laws becoming increasingly obsolete, the Supreme Court played a prominent role in interpreting and completing statutory law.

In 1848 democracy was introduced in the kingdom of Denmark and in 1866 a modern criminal code was issued. The first clause of the general part stated the principle of legality which is *nulla poena sine lege*. The criminal code of today, Straffeloven, af 15. April 1930 entered into force in 1933.

In 1953 the large Arctic island of Greenland which had been colonized by Denmark was made part of the country. In the year 1954, a criminal code especially for Greenland was issued in which sanctions were based on the old traditions of the people.

Thus, Greenland's criminal justice system is solely offender treatment oriented, although this criminal policy causes increasing difficulties in a modern society. Figures and information about Greenland's criminal justice are not included in the following.

CRIME

1. Classification of Crimes.

* Legal classification. Criminal offenses are defined either in the special part of the Criminal Code or in separate statutes. The general conditions for imposing criminal penalties are found in the general part of the Criminal Code which also apply to separate statutes. The sanctions described in the general part of the Criminal Code are the same whether the criminal offense consists of a violation of the Criminal

Code or of separate statutes.

The substantive Danish criminal law is monistic, meaning that violations of the law never have been divided into categories like felony/misdemeanor, crime/delicts or the like. It does not mean, however, that major offenses are treated in the same manner as petty offenses in all respects.

* Age of criminal responsibility. The age of criminal responsibility is 15 years.

* Drug offenses. According to the Criminal Code the mere possession of narcotic drugs is criminalized. However, the law is not enforced regarding possession of very small amounts meant for the drug addict's own consumption. Possession and selling is penalized in a special law on drugs containing the possibility of imprisonment for a period of up to two years. Serious cases of trafficking of drugs are punished with imprisonment within a range of one month to ten years according to the Criminal Code.

2. Crime Statistics.

The definition of homicide is intentional killing. Burglary is included in the figures on theft in general. Attempts are included unless otherwise specified. Persons convicted in 1992 and rate of conviction over 15 years.

The overall percentage of the reported crime that was cleared amounted to 21.8% in 1992.

* Crime regions. Being a homogeneous country Denmark has no special crime regions. The distribution of crime in rural and urban districts mirrors the relative residency distribution of the population and is shown in Table 3.

VICTIMS

1. Groups Most Victimized by Crime.

A survey has shown that about 25% of the population was victimized in 1986 by criminal acts such as theft, vandalism and violence. Of these, 14% had experienced theft, 12% vandalism and 6% violence. More men than women were victimized. The difference between age groups was apparent. More than one third of young people between 16- 24 years were victimized against less than one eighth of old people over 65 years of age. The greatest risk of experiencing criminality was found among young men in urban areas.

2. Victims' Assistance Agencies.

Private crisis centers for victims of violence and rape are found in all major towns. According to the Law of Compensation to Victims of Violent Acts the victim has the right to receive compensation from the state and a scale for paying damages has been established.

3. Role of Victim in Prosecution and Sentencing.

The victim has no right to be a party to the proceedings under the penal aspects of the case. They are notified of the action taken by the prosecution. In a very limited number of cases the victim is permitted to prosecute, i.e. offenses against personal honor and special cases where the public prosecutor has decided not to pursue the matter. The victim may be called as a witness under the normal rules regarding witnesses.

4. Victims' Rights Legislation.

The victim has the right to present civil claims under the criminal process. Victims of certain violent crimes such as sexual assault may receive legal assistance during the criminal proceedings. A sexual assault victim is also entitled to request that the courtroom be cleared while he or she is giving evidence.

POLICE

1. Administration.

The state police is a department of the Ministry of Justice. There is no longer a municipal police and the military police only has authority over soldiers according to the Military Criminal Code. Denmark is divided into 54 police districts (excluding the Faeroe Islands and Greenland), each headed by a local chief of police. The National Commissioner reports to the Minister of Justice. For administrative purposes the police are subdivided into plain-clothes criminal investigators, uniformed patrolmen, traffic police officers, immigration police, and other categories.

2. Resources.

* Expenditures. In the year 1993 the expenditure grant totaled DKK 4.4 billion, of which employee costs accounted for 77%.

* Number of police. At the end of 1993 the number of police personnel was 10,247, of which 8,123 served in the uniform branch. Legal staff totaled 369 and the number of civilian clerical staff was 2,093. The ethnic origin and gender distribution of the police force has not been reported.

3. Technology.

* Availability of police automobiles. In 1993 the number of service vehicles was 2,245, each running about 28,000 km per year. The number of police turn-outs amounted to 471,076.

* Electronic equipment. The police are equipped with radio communication, and computers. Recently, data terminals have been installed in police cars in order to facilitate access to offender records on turn-outs.

* Weapons. The police force is armed with defensive weapons like tear gas. Watercannons are not used. The police use 7.65 caliber pistols. Battle uniforms consist of helmets, visors and plastic shields. Bulletproof vests are only used in case of threats of gunfire and the like.

4. Training and Qualifications.

New recruits are required to be in good physical condition, good personal and economic condition, and should have achieved good grades in school. New recruits are usually required to be between 21 and 29 years of age, of Danish citizenship and without any convictions.

The basic training of police personnel takes 3 years. The training comprises both school education and training of a more practical nature. School education, which consists of 2 courses of 8 months each, takes place at the Police Academy in Copenhagen. The rest of the training time is spent on the job. The Police Academy also presents special courses and leadership courses. All chiefs of police hold a master's degree in law from a university.

5. Discretion.

* Use of force. A policeman on duty is armed with a pistol and a baton. According to the rules issued by the National Commissioner the pistol and baton may be used when considered necessary, mainly to avert damage to a person, or to arrest dangerous criminals. Firearms may also be used to avert dangerous attacks on state institutions and to disperse an unlawful assembly which is considered to intend a dangerous attack of such kind. The use of firearms and police batons must be reported to the National Commissioner in writing. In the year 1993, 245 reports concerning the use of and threats of using firearms were filed. There were 359 reports concerning the use of police batons.

* Stop/apprehend a suspect. Coercive measures must be based on law and they must respect the principle of proportionality, and they may not violate fundamental rights. According to the Administration of Justice Act the police may apprehend a person in order to establish his or her identity. In order to take a person suspected of criminal acts into custody, the suspicion must be strong and concern fairly serious offense.

* Decision to arrest. Arrests are made by the police on their own discretion. According to the Constitution, arrests for a period of more than 24 hours have to be decided by the court. The maximum period of a prolonged arrest is 72 hours. When the grounds for detention no longer exist the person must be released and the time of the release be reported. Detention on remand can only be decided by a court. A person who is suspected of a criminal act will in many cases be released after questioning in the police station, even if the person is formally charged with a crime.

* Search and seizure. Suspects and their homes or any other place where relevant objects or wanted persons are presumably to be found may be searched. The conditions for this measure depend on whether it is a public place or a private home, whether it is necessary to act with short notice, or whether

the person consents to the search. Two independent witnesses will be summoned to the search unless the suspect waives his rights. Compensation may be awarded for the infamy caused by an improper search. Objects of proof or loot may be seized wherever they are found.

* Confessions. Suspects are not obligated to testify. According to the Administration of Justice Act the police may under no circumstances put pressure on the suspect or use any kind of force in order to make him or her speak. On the other hand, the accused must submit to an examination of his body if the police wish to look for traces of a fight or conduct blood analysis. The accused may also be ordered by the court to undergo a psychiatric examination, possibly in a mental hospital.

6. Accountability.

According to the Administration of Justice Act complaints over police behavior are dealt with by a lokalnaevn or local committee. In such cases the committee consists of the chief of police, two police staff members, members pointed out by the municipality and a representative for the defense lawyer's association. The local committee decides whether to investigate the matter. The investigation itself may be carried out by the public prosecutor or by the city court. The committee may refuse to investigate if the complaint is considered unfounded or if the case is considered to have been adequately seen into.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the Accused.

* Rights of the accused at trial. The accused is to be regarded as an active subject with the benefit of the presumption of innocence. He has the right to be heard, to present evidence, to put questions to witnesses, and to take remedies. He is also to some extent an object of investigatory measures such as finger-printing and blood tests for alcohol. He may also have to submit to coercive measures such as arrest and search of his home.

The accused is under no obligation actively to contribute to the prosecution and neither pressure nor cunning may be applied in view of obtaining statements. Devices such as the lie-detector or methods like narco-analysis or hypnosis are inadmissible.

* Assistance to the accused. Everyone accused has the right to legal assistance by counsel of his own choice. Defense counsel is mandatory in all criminal cases of a more serious nature, regardless of the financial situation of the accused. The defense counselor is appointed either at the request of the accused or, more often, chosen by the court from a body of qualified lawyers previously selected by the Ministry of Justice. The police must inform the accused of his right to a publicly assigned defense counsel. If the convicted is unable to pay his defense counsel the Treasury will in most cases provide the lawyer's fee and cover other costs. In case of acquittal the State will nearly always cover all costs. It is the right of the accused to have his defense counsel present during police interrogation and court

hearings, and he is entitled to consult with counsel in private at all times. The counselor is informed of the evidence gathered by the police but in some cases he may not notify the accused of the contents.

2. Procedures.

* Preparatory procedures for bringing a suspect to trial. The first step in the criminal proceedings is the police inquiry. While investigating, the police do not act as agents of the government but exercise their functions objectively as fact-finders.

* Official who conducts prosecution. The local chief of police, who has a law degree together with his deputies, has the authority to prosecute in nearly all cases. In the most serious cases are referred to the district attorney, who is also in charge of the cases for the High Court which entail jury cases and appellate cases. The Director of public prosecution conducts criminal cases for the Supreme Court.

* Alternatives to trial. Prosecution may be abandoned in cases where a conviction cannot be expected because of lack of evidence, or charges may be withdrawn in cases against young people or first-time offenders. Withdrawal of charges often will be combined with conditions similar to those imposed by a suspended sentence. Conditional withdrawal of charges only takes place in minor cases, where the accused has made an unqualified confession which is found to be true by the court. Unconditional withdrawal of charges is used in two different situations. In rare cases charges against a suspect are dropped when there are special mitigating circumstances in accordance with the principle of opportunity. More often, the public prosecutor may reduce the charges if further prosecution will cause difficulties, costs, or a prolonged period in court out of proportion to the importance of the case or the expected sentence. This may be the case, for instance, in big tax evasion cases or fraud cases.

* Pre-trial incarceration conditions. A person against whom criminal prosecution is initiated is not automatically subject to detention on remand. Detention must be applied in accordance with the principle of proportionality. Thus, it cannot be used if the actual crime in fact only carries a fine or lenient imprisonment. Beside these conditions the general rules are: Firstly, there must exist a reasonable suspicion that an arrestable offense has been committed, i.e. an offense which carries a maximum penalty for at least one year and six months, e.g. ordinary theft and burglary. Secondly, one or more of the following special grounds for detention must be present: Serious reasons to believe that the accused will either abscond, that he might commit further offenses of the same sort if left at large, or that he will meddle with the evidence. On specifically listed serious grounds detention may also be used in order to protect the public sense of justice. The court may decide that a prisoner on remand is to be isolated inside the prison. The decision has to be renewed at least every second week. The average length of stays in remand prison is estimated to be between two and four weeks.

* Bail procedure. In cases where remand detention is applicable the court may choose to release the accused conditionally if the purpose of remand detention can be obtained in a more lenient manner. Release on bail has been used in very rare cases and is not a usual part of the criminal justice system.

* Proportion of pre-trial offenders incarcerated. In 1992, the proportion of persons with prison sentences who previously had been held in pre-trial incarceration was estimated to be 27%. There were also 23,781 convictions with unsuspended or suspended prison sentences in comparison to 6,407 cases of remand detention.

JUDICIAL SYSTEM

1. Administration.

The court system in criminal matters consists of the Supreme Court, two high courts and 84 city courts. A major part of all criminal cases are resolved with the participation of two lay judges in addition to the city court judge. Their votes carry the same weight on all questions. In the rare cases where a jury is instituted by the Administration of Justice Act, twelve jurors participate in the case in addition to three high court judges. In jury cases the united lay votes carry the same weight as the professional judges' votes.

2. Judges.

* Number of judges. There are 15 supreme court judges, 69 high court judges, and 195 judges in the city courts.

* Appointment and qualifications. The judges all have high university law degrees prior to their engagement by the Ministry of Justice. After a decade or more of work in the courts or in the Ministry of Justice the judge will, according to the Constitution, be appointed for life or until his or her retirement at the age of 70.

3. Special Courts.

Denmark has no special courts in criminal matters besides the ordinary court system. Thus, juvenile cases, which are often settled by a conditional withdrawal of charges, are handled by the city court judges.

4. Procedure.

Confessions may influence the sentence in a mitigating direction but the Administration of Justice Act does not allow guilty pleas where the accused is allowed to confess to a lesser crime. There is no information on how the majority of criminal cases are resolved.

PENALTIES AND SENTENCING

1. Sentencing Process.

* Who determines the sentence? The sentence is determined by the presiding judges.

* Which persons have input into the sentencing process? In preparing the case the police are governed by the principle of objectivity which means that the police are obliged to look at circumstances that speak for as well as against the accused. A social report is developed if it is considered possible that the personal conditions of the accused may influence the determination of the penalty. The police write such a report in cases where the sentence may be suspended, or where charges may be conditionally withdrawn, as well as in cases regarding the mentally unfit where measures other than punishment are considered. In some cases the accused may be required to undergo a psychiatric examination in a mental hospital.

All kinds of evidence, including witnesses' statements, are supposed to be laid before the court during the criminal proceedings on which basis the court decides the sentence. In minor cases and cases where the accused has made a full confession the court consists of one city court judge. In all criminal cases of first instance where the permissible sentence is more severe than a fine, two lay judges will participate in the trial.

2. Types of Penalties.

* Range of penalties. The penalties are described in the general part of the Criminal Code. They are: fines, lenient prison (7 to 30 days), prison (1 month to 16 years or imprisonment for life), and community service orders. Prison sentences and fines may be conditionally suspended and there is a list of conditions such as probation, abstaining from drug abuse, and payment of damages that may be stipulated. The maximum penalty is imprisonment for a lifetime which is prescribed for homicide and a few other crimes of equal gravity. In most cases these persons will be given a conditional royal pardon after approximately 12-14 years of imprisonment.

The penalty for a typical offense is supposed to be within the lower half of the penalty range for the crime, giving room for mitigating as well as aggravating circumstances. If the case comprises more than one criminal act the penalty must be contained within the ranges of the most serious offense so that penalties for different offenses are not accumulated in an absolute way.

Each statute in the special part of the Criminal Code will tell the kind of penalty applicable for the crime and the upper range of its duration. This gives the court the opportunity to choose the actual penalty freely within the ranges. The penalty ranges for theft go from fines for petty theft to up to four years imprisonment for aggravated theft. Violent attacks and assault are usually punished with prison sentences from one to four years.

PRISON

1. Description.

* Number of prisons and type. The correctional service controls 15 prisons, one institution for inmates needing psychiatric treatment, and 40 local jails. Five of the prisons and the psychiatric institution are closed in that they are secured by an external ring wall as well as by internal precautions like secured

buildings, and electronic security systems combined with relatively dense staffing. The staff does not carry arms. Being used as remand detention institutions, the local jails are also closed. The remaining nine prisons are open institutions which actually means that the inmates are physically able to leave the institution. Two of the closed prisons have both male and female inmates. In one of these prisons there is cohabitation between men and women within units. There are also two open prison departments for women.

* Number of prison beds. In 1992 the prison capacity totaled 3,797 and the jail capacity totaled 1,615.

* Average daily/number of prisoners. In 1992 there was a daily average prison population of 3,597: 3,412 men and 185 women. The local jails have a daily average population of 1,531.

* Number of annual admissions. The number of annual admissions after conviction in 1992 was 9,741 persons.

* Actual or estimated proportion of inmates incarcerated. As admissions are not distributed by types of crime a comparison must be made among unsuspended convictions to prison in 1992 which total 8,153.

| Crime Type | Annual Admissions | Daily Average |
|-----------------|-------------------|---------------|
| Drug Crimes | N/A | 7% |
| Violent Crimes | N/A | 18% |
| Property Crimes | N/A | 58% |
| Sex Crimes | N/A | 2% |
| Other | N/A | 15% |
| Total | N/A | 100% |

2. Administration.

* Administration. All prisons and jails are state institutions administered by the Ministry of Justice's Department of Prisons and Probation.

* Prison guards. In 1992 the prison guards, inclusive of vocational staff, totaled about 2,600 persons. The prison staff also consists of about 680 social welfare officers, teachers, health officers, vicars, and office clerks. Thus, the inmate - prison staff ratio is almost 1:1. The prison staff is a mixed group of men and women but figures on the gender distribution are not available. Women are much appreciated in prison guard functions.

* **Training and qualifications.** The basic qualifications are good physical condition, good personal and economic conditions, and good school attainments. New recruits are usually required to be between 21 and 29 years of age, of Danish citizenship and having never been convicted. The prison staff education takes place at the Prison Educational Center. As is the case with the police chiefs, the prison wardens possess university law degrees.

* **Expenditure on the prison system.** In 1993 the total expenditure on the prison system was 1,307 million Danish crowns. A revenue of 119 million Danish crowns, corresponding to 9% of the total expenditure, comes from the sale of inmate products.

* **Number of prisoners awaiting trial.** Information not available.

3. Prison Conditions.

* **Remissions.** The policies of the correctional service are governed by the following three principles:

a. **Normalization.** As a starting point the inmate is placed in the open prison closest to his home in order to preserve family contacts and to pave the way for a gradual release from the prison. There must be specific reasons for instituting control of inmates' correspondence. Visits by next-of-kin take place in secluded visiting rooms with a couch. In the open prisons weekend leaves are granted every third week to prisoners with a low risk of recidivism. A prisoner in a closed institution may obtain similar rights to weekend leave when he has served one fourth of his sentence. At some time during incarceration about one third of the prisoners in closed prisons are granted occasional leaves. The total number of leaves per year is about 57,000. More than half of these are so-called work leaves where an inmate leaves the prison to go to work or to take part in educational activities in society.

b. **Self-administration.** The inmate is responsible for his own daily life. Important elements of this approach are that food must be bought and cooked by the inmate to which end he is paid a fixed amount of money per day. The inmate is also responsible for his personal hygiene, clothes' laundry and repair. The prison encourages the inmates to make meaningful use of leisure hours by providing opportunity for sports and other structuralized activities.

c. **Release on parole and after-care.** According to a provision of the Criminal Code more than 90% of the inmates are released on parole after having served two thirds of their sentences. Almost 10% of these will be released after serving between one half and two thirds of the time, due to special grounds. Royal pardon is possible according to the Constitution, but rare. Outside of imprisonment for life which necessitates the use of pardoning, royal pardon is more commonly used in connection with short-term sentences where the convicted cannot endure the prison stay because of severe illness or the like. In such cases the pardon is normally conditioned on the payment of a fine.

The probation and after-care system has local offices in about 30 towns all over the country. These offices attend to persons with suspended sentences on probation, parolees under supervision, and handles the supervision of certain mentally aberrant persons who have been sentenced to ambulant treatment. The serving of community service orders also rests with the probation and after-care system.

* **Work/education.** While serving his sentence the inmate is obliged to work for which he is paid a small

hourly salary. The prison administration tries to ensure that the working places equate those found in modern society. In order to encourage inmates to educate themselves the same amount is paid to inmates who choose to go to the prison school instead of going to work.

* Amenities/privileges. The prison provides health care and necessary dental care. Sick inmates will be hospitalized in ordinary hospitals.

EXTRADITION AND TREATIES

* Extradition. The criminal justice system of Denmark respects human rights pronounced in the European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome 1950, and the Standard Minimum Rules for the Treatment of Prisoners as recommended by the Committee of Ministers of the Council of Europe in 1987.

Denmark has entered into bilateral extradition treaties with the USA, Canada, Great Britain and Belgium. On a multilateral basis, Denmark has ratified the European Convention on extradition from 1957. Extradition to and from Finland, Iceland, Norway and Sweden takes place according to similar laws passed in each country.

* Exchange of prisoners. Denmark has also ratified European conventions on transfer of criminals and criminal proceedings. As a consequence of special regulations the transfer of criminals as well as the transfer of criminal proceedings takes place on a regular basis inside Scandinavia.

* Specified conditions. In contrast with extradition to other countries, the legislation on extradition inside Scandinavia does not exempt its own nationals from prosecution.

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A Defence Technique



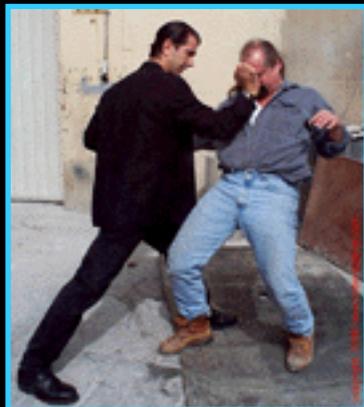
1.

The attacker grabs your wrist (generally the one that is front-most). Notice also that his left hand is poised for a possible punch.



2.

Quickly lift your left leg (or whichever one is closest to him) and extend it to his front most knee. Notice that this forces him off balance and throws him backwards. It also releases the strength of his grip.



3.

Drop your weight slightly forward as you place your foot back onto the ground. Lift your free arm up and smash him to the base of the nose. This will drive him back and give you the opportunity to flee to safety.

(In Emma's opinion this could kill him instantly)



4.

If desired, follow up with a stomp to the groin.

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FINLAND



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GENERAL OVERVIEW

1. Political system.

Finland is a republic with a strongly centralized government. The country is divided into twelve

provinces, which in turn are divided into 248 police districts, each generally comprising one or two municipalities.

2. Legal system.

The Criminal Law is elaborated in the Criminal Code (1889) and separate statutes such as the Young Offenders Act (1939), the Narcotics Act (1972), the Traffic Act (1981) and the Conditional Sentences Act (1918). The Criminal Code is divided into a "general part" with provisions on jurisdiction, age of criminal responsibility, justification and excuse, sentencing and forfeiture, and a "special part" with provisions defining the different offenses and establishing the levels of punishment.

The law on criminal procedure is contained in the Code of Judicial Procedure (1734). Since its initial adoption, the Code of Judicial Procedure has been amended several times, with extensive reforms most recently in 1991. In the administration of justice, the country is divided into six appellate districts and 95 judicial districts.

3. History of criminal justice system.

The Finnish legal system developed during the seven centuries (ca. 1150-1809) when Finland was part of the Swedish kingdom. For this reason, the legal system shares many characteristics with the other Scandinavian legal systems. Strict legalism (an emphasis on the rule of law) and a developed set of democratic controls on the exercise of discretion are the two premier features of Finnish law. The approach to the investigation of offenses can be termed inquisitorial, with increasingly strong adversarial elements.

The Criminal Code has been amended extensively since its original adoption in 1889. It is currently undergoing a total reform. One third of its provisions were amended by an Act of Parliament in 1990, and a third by an Act of Parliament in 1995. The purpose of the reform is to ensure that the Criminal Code defines and deals with all crimes consistently, while taking into account the fundamental changes in society that have occurred over the past several decades.

CRIME

1. Classification of crimes.

* Legal classification.

In Finland, there are no general distinctions or categories of crime. Rather, offense distinctions are based on the expected punishment for the offense, or the "penal latitude" defined by law. For example, a person may be held in pre-trial custody if the maximum punishment for the offense is imprisonment for over 1 year.

* Age of criminal responsibility.

The age of criminal responsibility is 15 years. Children who commit offenses below this age are not brought before a court. These cases are dealt with by municipal social welfare boards. Youths between the ages of 15 and 18 benefit from a reduction of the sentencing scale.

* Drug offenses.

Finland has an extremely restrictive approach to drugs. With the obvious exception of controlled medical drugs, the preparation, transport, possession, use, import, export and sale of any drugs defined by the international convention to which Finland has acceded, is illegal.

2. Crime statistics

* Murder.

Each year, some 30 murders and 100 incidents of manslaughter are reported to the police. These figures do not include attempts. In 1990, 23 murders and 122 incidents of manslaughter were reported to the police. Homicides are divided into murder and manslaughter. Murder is defined as the killing of a person with deliberate intent, for gain, with particular cruelty or brutality, in a manner that causes general danger, or the killing of a civil servant.

* Rape.

In 1990, 381 rapes or attempted rapes were reported to the police. Rape is defined as "using violence or the threat of violence to force a woman into sexual intercourse against her will". Marital rape is not covered by the definition.

* Theft.

In 1990, 125,909 thefts and 4,800 aggravated thefts were reported to the police. The figures include attempts. Theft is defined as the "unauthorized taking of chattels from the possession of another person." If the property in question is of "special value, or the theft resulted in a relatively serious loss to the victim taking into consideration the circumstances of the victim, or the offender took advantage of the helpless condition of the victim, or the offender was armed with a gun, explosives, or other similar dangerous implements, or the offense involved breaking into a residence and the offense as a whole is deemed aggravated," the offense may be classified as aggravated theft. Theft of motor vehicles is criminalized separately.

* Serious drug offense.

In 1990, the police recorded a total of 2536 drug offenses, of which 267 were classified as "serious drug offenses." The figures include attempts. A drug offense is defined as serious if: "1) the offense involves a particularly dangerous drug or a large amount of drugs, 2) considerable financial gain is sought, 3) the offender acted as part of a group especially organized for the large-scale commission of such an offense, 4) the offense seriously endangers the life or health of several people, or 5) drugs are given to minors or are otherwise distributed in an unscrupulous manner, and the offense as a whole is deemed aggravated."

* Crime regions.

Among the Scandinavian countries, Finland has a reputation for having a greater violent crime problem. However, a recent victimization study showed that Finland was in the middle range among Western European countries in respect to violent offenses.

VICTIMS

1. Groups most victimized by crime.

Victimization surveys indicate that the typical victim of a violent offense is a young, urban male. For property offenses, the victimization surveys indicate that the growth in the number of these offenses is being borne by businesses. The risk of an individual being the victim of a property offense has remained stable for the past decade.

2. Victims' assistance agencies.

National victim hot lines were established in Finland in 1994. Both volunteer groups and municipalities operate shelters for victims of domestic violence. In addition, the health care and social security systems aid victims of crime.

3. Role of victim in prosecution and sentencing.

The victim of a crime plays an important role in Finnish law. The victim has the right to prosecute an offense, independent of the decision of the public prosecutor. The victim can take part in all stages of the prosecution. For example, the victim may submit evidence, suggest questions and comment on the evidence. The victim may request compensation in connection with the criminal proceedings. Compensation may also be claimed from the state for an injury or injury-related loss arising from any offense. In this regard, the Finnish scheme is among the most generous in the world.

4. Victims' rights legislation.

No separate victims' rights legislation exists in Finland. Several provisions in the Code of Judicial Procedure and the Criminal Code ensure the right of the victim to access to justice, to redress and to be heard. In theory, victims have extremely broad rights and possibilities of being involved in the resolution of the case. In practice, as is the case in all other countries, the rights may remain unused due, for example, to lack of awareness of the rights or to practical problems.

POLICE

1. Administration.

The Finnish police are organized on an hierarchical national basis under the authority of the Ministry of the Interior and subject to the Police Act. The chain of command is totally independent of the military structure.

2. Resources.

* Expenditures.

During the 1990 calendar year, the budget of the national police force was 2,053,564,000 Finnmarks.

* Number of Police.

Finland has a total of 11,942 police personnel, of whom some 20% are women (1990 data).

3. Technology.

* Availability of police automobiles.

Police are well-equipped with a variety of motor vehicles both for patrolling and for special purposes. Currently, the most common patrol car being acquired is the Ford Mondeo.

* Electronic equipment.

The police have at their disposal modern computer and telecommunications equipment.

* Weapons.

Police patrol officers are armed with a .38 caliber pistol or revolver. A special unit based in Helsinki, known colloquially as the "Beagle Boys" is trained in a variety of weapons and special tactics. For example, this unit might be used for the arrest of an offender who is suspected of being armed and dangerous. The Beagle Boys are also trained in anti-terrorist tactics. As of this writing, Finland has not had the need to use the unit for this purpose.

4. Training of police.

Training on the entry level is provided in the Police Institute. The basic course is divided into two modules of 11 and 6 months, with a one- year period of on-the-job training between the two. Further training is provided in the Police Academy, where intermediate courses last 6 months, and advanced courses last 12 months.

5. Discretion.

* Use of force. The statutory basis for the rights and responsibilities of the police is provided by the Police Act, the Pre-Trial Investigation Act and the Coercive Means of Investigation Act. In brief, these statutes state that the use of force by police should be in proportion to the seriousness of the suspected offense in question, and force should be used only if less intrusive means would be inappropriate. For example deadly force can only be used in self-defense or in defense of another person against whom an immediate and potentially fatal assault is occurring or is about to occur.

* Stop/apprehend suspect: The police may stop and question anyone if it is regarded as necessary for their work. A person may be apprehended if a standing arrest or remand warrant has been issued, or if the conditions for an arrest are present and the matter will not tolerate a delay. Any person has the right to apprehend an offender caught in the act or escaping from the scene of a crime if the offense may be punishable by imprisonment or if the offense is petty assault, petty theft, petty embezzlement, petty unauthorized use, petty vandalism, or petty fraud.

* Decision to arrest. A person may be arrested and held in pre-trial custody if the person is suspected of having committed an offense for which the maximum sentence is imprisonment for over one year, or if it is probable that he or she will attempt to evade or obstruct justice, or continue his or her criminal

activity.

The police are granted the discretion to caution the offender if the offense is minor and would not have led to a punishment more severe than a fine.

* Search and seizure. Chapters 4 and 5 of the Coercive Means of Investigation Act contain detailed provisions on search and seizure. The main rule regarding search is that it may be carried out if the suspected offense is punishable by at least 6 months imprisonment and the search is necessary for the investigation of the offense. The decision is usually made by a senior police officer; however, if the matter brooks no delay, the search may be carried out by a policeman. The rule regarding seizure is that an object may be seized if there is cause to assume that it may be used as evidence in a criminal case, if it has been criminally obtained, or if the court will order it confiscated.

* Confessions. There is no specific provision on the weight of a confession as evidence. Finnish courts apply the rule of "free assessment of evidence;" with the exception of statements obtained through the use of torture, no evidence is ipso facto inadmissible. In practice, courts seek collaborative evidence to confirm a confession.

6. Accountability.

Complaints against the police may be dealt with internally, by the superiors of the police officer in question, or externally, by the Parliamentary Ombudsman. The Ombudsman is empowered to obtain any information necessary in his investigations. He also has the power to issue cautions and reprimands, and suggest that disciplinary action be undertaken.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

* Rights of the accused. A person who is suspected of an offense has the standard rights, including the right to counsel, the right to be informed of the charges and the right to a speedy trial.

* Assistance to the accused. If he or she cannot afford counsel, assistance can be provided by the municipal legal aid office. Persons held in custody have the right to representation by a member of the Bar Association at state expense.

2. Procedures.

* Preparatory procedures for bringing a suspect to trial. It is the responsibility of the police to investigate offenses. The customs and taxation authorities maintain investigative powers in their field. The results of the investigation are turned over to the public prosecutor, who decides whether the facts are sufficient to warrant prosecution.

Simplified procedures are used in the case of petty crime. Minor traffic offenses are dealt with by a "petty fine" imposed by the police according to a tariff. Petty fines cannot be converted into

imprisonment. "Summary penal orders" can be used for all offenses subject to a maximum punishment of, at most, 6 months of imprisonment, provided that the prosecutor calls for the imposition of a fine. The penal order is issued by the police under the supervision of the prosecutor, and it is approved by the court. Most offenders pay the fine, but the offender has the right to challenge the penal order in court. Defaulters may be sentenced to prison.

* Official who conducts prosecution. The public prosecutor or the victim conducts the prosecution. In urban areas, the public prosecutor holds a full-time position. In rural areas, the public prosecutor is usually the district police chief or the assistant police chief. Public prosecutors are under the supervision of the Chancellor of Justice.

* Alternatives to trial. The Finnish system does not use plea bargaining, nor does it recognize medical or other treatment as an alternative to the criminal justice process except in the case of manifest insanity. However, those defendants who are found guilty but who are not sentenced on the grounds that they have been found criminally irresponsible are turned over to the National Board of Medicine. The Board considers the need for involuntary commitment in a mental hospital.

There are two alternatives to court proceedings. The first is the transfer to the municipal social welfare board. This option, though not often used, is limited to cases that involve offenders between the ages of 15 and 20. The second option is mediation, the use of which has gradually increased in Finland since the mid-1980s. The number of cases disposed of in mediation number approximately 5,000 per year. Mediation is primarily, but not solely, used in the case of juvenile offenders.

The Finnish prosecutorial system has traditionally been very legalistic, with tight restraints on the use of discretion. These restraints were eased in 1990, when the public prosecutor was given the right to waive charges in three cases: (a) when the offense was petty and the expected punishment would be at most a fine or, in the case of offenders below the age of 18, six months' imprisonment, as long as the offense was not deemed to have been due to a blatant disregard of the law; (b) the suspect was already to be charged with other, similar offenses, and the combined punishment would not be essentially affected by the new charges in question; and (c) the waiving of charges is merited on other grounds of equity.

* Proportion of prosecuted cases going to trial. Most cases are dealt with through summary penal fines. Of the 393,586 persons convicted during 1990, only 81,697 (21%) went to full trial.

* Pre-trial incarceration conditions. Although no statistics are available on the proportion of persons held in pre-trial custody who are later sentenced to imprisonment, this proportion is undoubtedly quite high, and probably in excess of 80%.

* Bail procedure. Bail is not available in Finland. However, it should be noted that the Coercive Means of Investigation Act places tight restrictions on the use and length of custody.

* Proportion of pre-trial offenders incarcerated. At the end of 1991, 264 prisoners were awaiting trial. This low figure does not include person in police custody; estimates are unavailable. In general, only persons charged with serious offences are placed in pretrial custody; most suspects are released on their

own recognizance, or are not even arrested.

JUDICIAL SYSTEM

1. Administration. The general court system has three tiers: the Supreme Court, six Courts of Appeal, and 95 lower courts. Lower court cases can be appealed in part or in full by the prosecutor, the defendant or the victim in the Court of Appeal. Cases dealt with by the Court of Appeal can be brought to the Supreme Court only if the Supreme Court grants leave of appeal.

Until the end of 1993, the lower courts were divided into city courts and rural courts. At the end of 1993, the lower courts were unified, with, in most cases, one professional judge and three lay judges participating in the consideration of each case. When required by the complexity of the case or other factors, the composition of the court can be augmented by an additional professional judge. Cases involving defendants charged with offenses punishable by at most eighteen months imprisonment can be decided by a single judge.

2. Special courts.

* Military courts. The only special criminal court existing in the Finnish system is the military court. Certain lower courts are designated as potential military courts. When deciding a case involving a military offense, the composition of the court will be augmented by one professional judge trained in military criminal law. The charges are brought by a military prosecutor. In all other respects, the procedure followed is the same as in the general courts.

3. Judges.

* Number of judges. At the end of 1990, Finland had 661 professional judges.

* Appointment, training, and qualifications. Lower court judges are appointed by the Supreme Court. Court of Appeal and Supreme Court judges are appointed by the President of the Republic. The basic qualifications are a legal education followed by a minimum of one years' practice as a court clerk and some practice as an apprentice judge.

PENALTIES AND SENTENCING

1. Sentencing process. The sentence is imposed by the court at the end of the trial. No separate sentencing hearings are held. If the defendant is a juvenile and the threatened punishment is imprisonment, a social history report is prepared by the local social welfare board or the Probation and Parole Association.

2. Types of penalties

* Range of penalties. The sanctions that can be imposed by the court include day-fines, community

service, suspended imprisonment, and imprisonment. Day-fines are imposed in between 1 and 120 units, at roughly one-third the gross daily income of the offender. Sentences of imprisonment for up to two years can be suspended; this suspension rarely involves supervision. The general minimum sentence of imprisonment is 14 days, and the general maximum is 12 years. Murder is punishable by life imprisonment.

Of the some 400,000 persons brought to court each year, over 310,000 are sentenced to a fine through summary proceedings, and over 50,000 are sentenced to a fine following full criminal proceedings. Some 17,000 are sentenced to suspended imprisonment, and some 12,000 are sentenced to imprisonment.

In 1991, the median sentence of imprisonment was 3.6 months. Those leaving prison have served a median term of 5.5 months; The discrepancy is due to the additive policy used to sentence recidivists. The sentences of imprisonment are typically imposed for aggravated drunken driving (over 40% of all sentences of imprisonment imposed during a year) and for aggravated theft, theft, and motor vehicle theft (some 30%).

In 1990, only 356 persons were sentenced to imprisonment for 2 years or more; the offenses in question were typically homicide, attempted homicide, aggravated assault, robbery and aggravated theft. The sentence is affected not only by the definition of the offense but also by any aggravating and mitigating factors noted in the general part of the Criminal Code. Among the aggravating factors are the commission of the crime as a member of an organized group, commission of several separate offenses, and a criminal record if it can be shown that the record demonstrates blatant disregard for the law. Among the mitigating factors are sudden pressures on the offender to commit the offense, the youth of the offender, and the attempt of the offender to assist in clearing the offense or limiting the harm caused by the offense.

* Death penalty. Finland has totally abolished the use of capital punishment which was last used in peace time in 1826.

PRISON

1. Description.

* Number of prisons and type. Finland has a network of 15 closed prisons, 21 open prisons or sections of prisons, a juvenile prison, a prison mental hospital, a prison hospital and two social rehabilitation institutes. All prisons are administered by the National Prison Administration, which is subordinate to the Ministry of Justice.

* Number of prison beds. The prisons contain a total of 4,210 beds.

* Number of annual admissions. During 1991, a total of 8,874 persons entered prison.

* Average daily population/Number of prisoners. The daily average population in prison in Finland has been decreasing since the late 1950s. At the end of 1991, the prisons held 3,067 male prisoners and 108

female prisoners over the age of 20. The also held 21 persons who were 20 years of age or younger.

* Actual or estimated proportions of inmates incarcerated for:

Proportion of inmates incarcerated for:

| | |
|-------------------|------|
| Drug offenses | 3% |
| Violent offenses | 24% |
| Property offenses | 36% |
| Drunken driving | 18% |
| Oother offenses | 19% |
| Total | 100% |

2. Administration.

* Number of prison guards. The total prison staff is 2,608 persons (1990 data), of whom 308 are classified as managerial, 1,624 as custodial, 257 as treatment and 419 as "other".

* Training and qualifications. The training is provided by the Prison Training Service. The basic course lasts 13 months, and includes three months of on-the-job training.

* Expenditure on prison system. During the 1990 calendar year, the budget of the prison administration department was 533 million Finnmarks.

3. Prison conditions.

* Remissions. Prisoners who have served a sentence of at least one month are normally granted automatic parole after having served two-thirds of their sentence. First-time prisoners are released on parole after having served one-half of their sentence. Persons on parole are subject to supervision.

* Work/education. Prisoners are required to work, although they may be allowed to study instead.

* Amenities/privileges. By law, the essence of imprisonment is solely the deprivation of liberty. In all other respects, life in prison should be arranged in such a way that it resembles life in free society as much as possible. Prison furloughs (leave) are granted relatively liberally.

EXTRADITION AND TREATIES

* Extradition. Finland has entered into a number of bilateral and multilateral agreements on extradition

and other mutual assistance. The oldest agreements are among the Nordic countries; for example, the 1960 Nordic Agreement on the extradition of offenders and the 1963 Nordic Agreement on the enforcement of sentences were adopted through the enactment of parallel legislation in all the Nordic countries. Finland has also had agreements on legal assistance with the former USSR (1978), Poland (1980) and Hungary (1981) as well as a separate agreement on "skyjacking" with the former USSR (1975). In 1990, Finland became a member of the Council of Europe, and has signed, among others, the European Convention for the Protection of Human Rights and Fundamental Freedoms (1990), the European Convention on Extradition (1971) and the European Convention on Mutual Assistance in Criminal Matters (1981).

Finland refuses to extradite a Finnish national or a person suspected of a military or a political offense, unless such an offense involves homicide or attempted homicide with intent. Finnish law will not allow extradition if there is the danger that the accused will be persecuted on the basis of racial, national, religious, or political grounds, or of allegiance, or political circumstance.

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GENERAL BACKGROUND

The Finnish Penal Code was enacted in 1889. It has undergone extensive revision. The Finnish Code was decisively influenced by the Penal Code of Sweden, of which Finland was part until 1809.

Crimes are usually investigated by the police. Certain offences are investigated by customs and tax authorities. The Ministry of the Interior supervises the police. The results of police investigations are turned over to the prosecutor, who in the cities is a fulltime prosecutor. In the rural areas the prosecution is handled by the district police chief. As prosecutors, all of these officials are under the supervision of the Chancellor of Justice.

Simplified procedures are used in the case of petty crime. Minor traffic offences are dealt with by a "petty fine" set by the police according to a fixed tariff. Petty fines cannot be converted to imprisonment. "Penal orders" can be used for all offences with a maximum punishment of six months of imprisonment or less, provided that the prosecutor only calls for a fine. The penal order sets out the punishment in dayfines. Finland adopted the dayfine system in 1921, as the first Nordic country to do so. The penal order is issued by the police and approved by the court. Most offenders pay the fine immediately but the offender has the option of challenging the penal order in court. Defaulters may be sentenced to prison.

The Finnish system is a very legalistic one with the exercise of discretion being closely circumscribed. The system is based on mandatory prosecution, where the prosecutor is allowed to waive prosecution only on certain conditions stipulated in law. If the offence is a so-called complainant offence, the consent of the complainant is a prerequisite for prosecution. The complainant may in all cases personally institute court proceedings, regardless of the decision of the prosecutor. The minimum age of criminal responsibility is 15 years. Offenders below this age are dealt with solely by the social authorities. If the

offender was under 18 at the time of the offence a more lenient set of penalties is available.

Selected offences

Intentional homicide. The number of homicides has increased in the time period 1981 to 1986. In 1986, 334 cases were recorded; most of these (191) were attempts. The clearance rate was 94 %. In 1986, 61 people were sentenced for a completed offence of intentional homicide and 71 for attempted homicide.

Assault. The assault trend shows a marked rise at the beginning of the time period covered by the survey but has become more stable towards its end. Victimization surveys indicate that the real risk of falling victim to an assault has remained constant over the period. Of the 16 707 offences recorded in 1986, 1 820 were classified as aggravated assault and 12 010 as petty assault. The clearance rate was 77 %. The rate per 100 000 population was 339. 9 113 offenders were convicted of assault in 1986.

Robbery. The robbery trend was downward from 1981 to 1986. 1 584 robberies were recorded in 1986. Robberies are usually committed by young people and are concentrated in the cities. The clearance rate was 55 %. 524 people were convicted of robbery in 1986.

Theft. Theft offences seem to increase in the long run, although with marked annual fluctuations. In 1986 the total number of theft offences (excluding car theft) increased by 3 % to 128 090. This corresponds to a rate of 2 600 per 100 000 population. The clearance rate was 39 %. 24 % of the theft offences were shoplifting or other such petty offences. In 1986 25 821 people were convicted for theft offences.

Clearance rate. The clearance rate in Finland is rather high compared with other Nordic countries. The difference, which is discernible in all major crime categories, cannot be explained by different practices in counting crimes or computing the clearance rate. The powers of the police to hold suspects in custody for a considerable length of time (before the law reform which came into force in 1989) and the "rural elements" of the offence and offender structure have been offered as explanations of the high clearance rate.

STATISTICS --BACKGROUND

CRIMINAL JUSTICE STATISTICS (1970-1980) Background

A. The statistics on reported offenders refer to the number of accused before courts of first instance. Unfortunately, police statistics do not give age or sex breakdowns, as these statistics are based on offences and not offenders, reported to the police. Also, no statistics are available on the sex breakdown of 15 - 20 year olds before the courts. It should be kept in mind that, as the offender data below are based on court statistics, many of the cases deal with offences perpetrated the previous year or even earlier.

B. A rough rule of thumb in estimating the number of "offenders reported" to the police from the number of persons accused before courts of first instance would be that 2/3 of the reported offences lead to a formal accusation before a court. The remainder consist of e.g. a) cases not cleared by the police; b) cases where it is ascertained that no offence has been committed; c) cases where the perpetrator cannot be held criminally liable (e.g. he is a small child); d) the victim withdraws his complaint; and so on.

C. "Fraud and other types of white-collar crime" includes fraud and embezzlement. "White-collar crime" does not exist as a separate category in the statistics.

D. "kidnapping" in the popular sense of the word does not exist as a separate criminalized act. Should it occur, it would probably be dealt with by the courts as a combination of illegal restraint of freedom of movement (penal law chapter 25) and extortion (penal law chapter 31, paragraph 4).

E. "Drunkenness" is no longer criminalized in Finland.

Sanctions - Background

In 1986 353 930 people were prosecuted and 346 331 (including 268 300 people on whom penal orders had been imposed) were sentenced in courts of first instance. These figures include minor traffic violators and those convicted of other petty offences which in Finland are included in the concept of "crime". 11 467 people were sentenced to unconditional prison in 1986, 15 601 received a suspended sentence and 319 074 were fined. On 1 October 1986 the prison population, which has steadily declined since 1975, was 3 998. The average time served for adult prisoners released in 1986 was 2,2 months. There were 25 prisoners serving a life sentence. 540 or 13,5 % of the total prison population were awaiting trial.

In 1986 Finland had 34 prisons including labour colonies and other open institutions. 12 prisons had less than 100 inmates and none had over 400 inmates.

Criminal Justice Personnel and resources - background

Finland reports the following personnel engaged in crime control duties in 1986:

11 589 police officers, of whom 2 562 were female (this figure does not contain the 3 580 semi-military frontier guards); 380 prosecutors, of whom 19 were female; 718 full-time judges dealing with criminal cases and 45 part-time judges dealing with criminal cases (of these, 17 were full-time and 14 part-time lay persons); and 2 337 prison staff, of whom 1 399 were custodial and 198 treatment.

The resources allocated to the various criminal justice agencies in 1986 were as follows:

police 1 511 000 000 FIM (392,7 million USD)
prosecution 18 000 000 FIM (4,7 million USD)

courts 557 000 000 FIM (144,8 million USD)
prisons 536 400 000 FIM (139,4 million USD)
non-instit.services 32 500 000 FIM (8,4 million USD)

The figures refer to the total expenditure of the service in question, including expenditure not related to crime. The crime-related expenditure on the police is estimated to be 375 937 000 marks (97,7 million USD).

SPECIAL ISSUES

Alcohol and drugs. The per capita consumption of alcohol is not particularly high in Finland but drinking habits favour intemperate drinking, which may lead to violence. Most serious crimes of violence are committed under the influence of alcohol. Drug use, on the other hand, is limited. Both crime statistics and anonymous surveys indicate that there are few drug users in Finland compared with other Nordic countries.

Criminal justice. The many reforms designed to reduce the high number of prisoners have begun to have an effect: prison use has been steadily declining since 1975. The total revision of penal legislation, which has been under way since 1972 and which will result in new legislation to be enacted during the early 1990s, can be expected to bring about additional reductions.

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GEOGRAPHY

Location: Northern Europe, bordering the Baltic Sea, Gulf of Bothnia, and Gulf of Finland, between Sweden and Russia

Geographic coordinates: 64 00 N, 26 00 E

Map references: Europe

Area:

total: 337,030 sq km

land: 305,470 sq km

water: 31,560 sq km

Area-comparative: slightly smaller than Montana

Land boundaries:

total: 2,628 km

border countries: Norway 729 km, Sweden 586 km, Russia 1,313 km

Coastline: 1,126 km (excludes islands and coastal indentations)

Maritime claims:

contiguous zone: 6 nm

continental shelf: 200-m depth or to the depth of exploitation

exclusive fishing zone: 12 nm

territorial sea: 12 nm (in the Gulf of Finland-3 nm)

Climate: cold temperate; potentially subarctic, but comparatively mild because of moderating influence of the North Atlantic Current, Baltic Sea, and more than 60,000 lakes

Terrain: mostly low, flat to rolling plains interspersed with lakes and low hills

Elevation extremes:

lowest point: Baltic Sea 0 m

highest point: Haltiatunturi 1,328 m

Natural resources: timber, copper, zinc, iron ore, silver

Land use:

arable land: 8%

permanent crops: NA%

permanent pastures: 0%

forests and woodland: 76%

other: 16% (1993 est.)

Irrigated land: 640 sq km (1993 est.)

Natural hazards: NA

Environment-current issues: air pollution from manufacturing and power plants contributing to acid rain; water pollution from industrial wastes, agricultural chemicals; habitat loss threatens wildlife populations

Environment-international agreements:

party to: Air Pollution, Air Pollution-Nitrogen Oxides, Air Pollution-Sulphur 85, Air Pollution-Volatile Organic Compounds, Antarctic-Environmental Protocol, Antarctic Treaty, Biodiversity, Climate Change, Desertification, Endangered Species, Environmental Modification, Hazardous Wastes, Law of the Sea, Marine

Dumping, Marine Life Conservation, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 83, Tropical Timber 94, Wetlands, Whaling
signed, but not ratified: Air Pollution-Sulphur 94

Geography-note: long boundary with Russia; Helsinki is northernmost national capital on European continent; population concentrated on small southwestern coastal plain

PEOPLE

Population: 5,149,242 (July 1998 est.)

Age structure:

0-14 years: 19% (male 488,974; female 469,343)

15-64 years: 67% (male 1,736,883; female 1,700,466)

65 years and over: 14% (male 284,929; female 468,647) (July 1998 est.)

Population growth rate: 0.2% (1998 est.)

Birth rate: 11.24 births/1,000 population (1998 est.)

Death rate: 9.65 deaths/1,000 population (1998 est.)

Net migration rate: 0.45 migrant(s)/1,000 population (1998 est.)

Sex ratio:

at birth: 1.04 male(s)/female

under 15 years: 1.04 male(s)/female

15-64 years: 1.02 male(s)/female

65 years and over: 0.61 male(s)/female (1998 est.)

Infant mortality rate: 3.82 deaths/1,000 live births (1998 est.)

Life expectancy at birth:

total population: 77.15 years

male: 73.61 years

female: 80.83 years (1998 est.)

Total fertility rate: 1.73 children born/woman (1998 est.)

Nationality:

noun: Finn(s)

adjective: Finnish

Ethnic groups: Finn 93%, Swede 6%, Lapp 0.11%, Gypsy 0.12%, Tatar 0.02%

Religions: Evangelical Lutheran 89%, Greek Orthodox 1%, none 9%, other 1%

Languages: Finnish 93.5% (official), Swedish 6.3% (official), small Lapp- and Russian-speaking minorities

Literacy:

definition: age 15 and over can read and write

total population: 100% (1980 est.)

male: NA%

female: NA%

GOVERNMENT

Country name:

conventional long form: Republic of Finland

conventional short form: Finland

local long form: Suomen Tasavalta

local short form: Suomi

Data code: FI

Government type: republic

National capital: Helsinki

Administrative divisions: 6 provinces (laanit, singular-laani); Aland, Etela-Suomen Laani, Ita-Suomen Lanni, Lansi-Suomen Laani, Lappi, Oulun Laani

Independence: 6 December 1917 (from Russia)

National holiday: Independence Day, 6 December (1917)

Constitution: 17 July 1919

Legal system: civil law system based on Swedish law; Supreme Court may request legislation interpreting or modifying laws; accepts compulsory ICJ

jurisdiction, with reservations

Suffrage: 18 years of age; universal

Executive branch:

chief of state: President Martti AHTISAARI (since 1 March 1994)

head of government: Prime Minister Paavo LIPPONEN (since 13 April 1995) and Deputy Prime Minister Sauli NIINISTO (since 13 April 1995)

cabinet: Council of State or Valtioneuvosto appointed by the president, responsible to Parliament

elections: president elected by popular vote for a six-year term; election last held 31 January-6 February 1994 (next to be held NA January 2000); prime minister

and deputy prime minister appointed by the president

election results: Martti AHTISAARI elected president; percent of vote-Martti AHTISAARI 54%, Elisabeth REHN 46%

Legislative branch: unicameral Parliament or Eduskunta (200 seats; members are elected by popular vote on a proportional basis to serve four-year terms)

elections: last held 19 March 1995 (next to be held NA March 1999)

election results: percent of vote by party-Social Democratic Party 28.3%, Center Party 19.9%, National Coalition (Conservative) Party 17.9%, Leftist Alliance

(Communist) 11.2%, Swedish People's Party 5.1%, Green League 6.5%, Ecology Party 0.3%, Rural 1.3%, Finnish Christian League 3.0%, Liberal People's Party

0.6%, Young Finns 2.8%; seats by party-Social Democratic Party 63, Center Party 44, National Coalition (Conservative) Party 39, Leftist Alliance (Communist)

22, Swedish People's Party 11, Green League 9, Ecology Party 1, Rural 1, Finnish Christian League 7, Young Finns 2, Aaland Islands 1

Judicial branch: Supreme Court or Korkein Oikeus, judges appointed by the president

Political parties and leaders:

government coalition: Social Democratic Party [Paavo LIPPONEN]; National Coalition (conservative) Party [Sauli NIINISTO]; Leftist Alliance (Communist)

composed of People's Democratic League and Democratic Alternative [Claes ANDERSSON]; Swedish People's Party [(Johan) Ole NORRBACK]; Green League [Pekka HAAVISTO]

other: Center Party [Esko AHO]; Finnish Christian League [C. P. Bjarne KALLIS]; Rural Party [Raimo VISTBACKA]; Liberal People's Party [Pekka RYTILA];

Greens Ecological Party or EPV [Eugen PARKATTI]; Young Finns [Risto PENTTILA]

Political pressure groups and leaders: Finnish Communist Party-Unity [Yrjo HAKANEN];

Constitutional Rightist Party; Finnish Pensioners Party; Communist

Workers Party [Timo LAHDENMAKI]

International organization participation: AfDB, AG (observer), AsDB, Australia Group, BIS, CBSS, CCC, CE, CERN, EAPC, EBRD, ECE, EIB, ESA, EU, FAO, G- 9, IADB, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IEA, IFAD, IFC, IFRCs, IHO, ILO, IMF, IMO, Inmarsat, Intelsat, Interpol, IOC, IOM, ISO, ITU, MTCR, NAM (guest), NC, NEA, NIB, NSG, OAS (observer), OECD, OSCE, PCA, PFP, UN, UNCTAD, UNESCO, UNFICYP, UNHCR, UNIDO, UNIFIL, UNIKOM, UNMIBH, UNMOGIP, UNMOP, UNPREDEP, UNTSO, UPU, WEU (observer), WFTU, WHO, WIPO, WMO, WToO, WTrO, ZC

Diplomatic representation in the US:

chief of mission: Ambassador Jaakko Tapani LAAJAVA
 chancery: 3301 Massachusetts Avenue NW, Washington, DC 20008
 telephone: [1] (202) 298-5800
 FAX: [1] (202) 298-6030
 consulate(s) general: Los Angeles and New York

Diplomatic representation from the US:

chief of mission: Ambassador Derek N. SHEARER
 embassy: Itainen Puistotie 14A, FIN-00140, Helsinki
 mailing address: APO AE 09723
 telephone: [358] (9) 171931
 FAX: [358] (9) 174681

Flag description: white with a blue cross that extends to the edges of the flag; the vertical part of the cross is shifted to the hoist side in the style of the Dannebrog

ECONOMY

Economy-overview: Finland has a highly industrialized, largely free-market economy, with per capita output roughly that of the UK, France, Germany, and Italy.

Its key economic sector is manufacturing-principally the wood, metals, and engineering industries.

Trade is important, with the export of goods representing about 30% of GDP. Except for timber and several minerals, Finland depends on imports of raw materials, energy, and some components for manufactured goods.

Because of the climate, agricultural development is limited to maintaining self-sufficiency in basic products. Forestry, an important export earner, provides a secondary occupation for the rural population. The economy has come back from the recession of 1990-92, which had been caused by economic overheating, depressed foreign markets, and the dismantling of the barter system between Finland and the former Soviet Union under which Soviet oil and gas had been exchanged for Finnish manufactured goods. The Finns voted in an October 1994 referendum to enter the EU, and Finland officially joined the Union on 1 January

1995. Attempts to cut the unacceptably high rate of unemployment and increasing integration with Western Europe will dominate the economic picture over the next few years. Despite high unemployment and moderate GDP growth of 3.9% anticipated for 1998, inflation is forecast to rise to 2.5%

GDP: purchasing power parity-\$102.1 billion (1997 est.)

GDP-real growth rate: 4.6% (1997 est.)

GDP-per capita: purchasing power parity-\$20,000 (1997 est.)

GDP-composition by sector:

agriculture: 7%

industry: 37%

services: 56% (1995)

Inflation rate-consumer price index: 1.2% (1997 est.)

Labor force:

total: 2.533 million

by occupation: public services 30.4%, industry 20.9%, commerce 15.0%, finance, insurance, and business services 10.2%, agriculture and forestry 8.6%, transport and communications 7.7%, construction 7.2%

Unemployment rate: 14.6% (1997 est.)

Budget:

revenues: \$33 billion

expenditures: \$40 billion, including capital expenditures of \$NA (1996 est.)

Industries: metal products, shipbuilding, pulp and paper, copper refining, foodstuffs, chemicals, textiles, clothing

Industrial production growth rate: 7.4% (1995)

Electricity-capacity: 14.143 million kW (1995)

Electricity-production: 58.626 billion kWh (1995)

Electricity-consumption per capita: 13,181 kWh (1995)

Agriculture-products: cereals, sugar beets, potatoes; dairy cattle; annual fish catch about 160,000 metric tons

Exports:
total value: \$38.4 billion (f.o.b., 1996)
commodities: paper and pulp, machinery, chemicals, metals, timber
partners: EU 46.5% (Germany 13.4%, UK 10.4%), Sweden 10.1%, US 6.7%, Japan 2.6%, Russia 4.8% (1995)

Imports:
total value: \$29.3 billion (c.i.f., 1996)
commodities: foodstuffs, petroleum and petroleum products, chemicals, transport equipment, iron and steel, machinery, textile yarn and fabrics, fodder grains
partners: EU 44% (Germany 16.6%, UK 8.0%), Sweden 11.7%, US 7.1%, Russia 7.1%, Japan 6.3% (1995)

Debt-external: \$30 billion (December 1993)

Economic aid:
donor: ODA, \$355 million (1993)

Currency: 1 markka (FMk) or Finmark = 100 pennia

Exchange rates: markkaa (FMk) per US\$1-5.4948 (January 19987), 5.1914 (1997), 4.5936 (1996), 4.3667 (1995), 5.2235 (1994), 5.7123 (1993)

Fiscal year: calendar year

COMMUNICATIONS

Telephones: 2.5 million (1995 est.)

Telephone system: good service from cable and microwave radio relay network
domestic: cable and microwave radio relay
international: 1 submarine cable; satellite earth stations-access to Intelsat transmission service via a Swedish satellite earth station, 1 Inmarsat (Atlantic and Indian Ocean regions); note-Finland shares the Inmarsat earth station with the other Nordic countries (Denmark, Iceland, Norway, and Sweden)

Radio broadcast stations: AM 6, FM 105, shortwave 0

Radios: 4.98 million (1991 est.)

Television broadcast stations: 235

Televisions: 1.92 million (1995 est.)

TRANSPORTATION

Railways:

total: 5,859 km

broad gauge: 5,859 km 1.524-m gauge (2,073 km electrified; 480 km double- or more-track) (1996)

Highways:

total: 77,782 km

paved: 49,780 km (including 431 km of expressways)

unpaved: 28,002 km (1996 est.)

Waterways: 6,675 km total (including Saimaa Canal); 3,700 km suitable for steamers

Pipelines: natural gas 580 km

Ports and harbors: Hamina, Helsinki, Kokkola, Kotka, Loviisa, Oulu, Pori, Rauma, Turku, Uusikaupunki, Varkaus

Merchant marine:

total: 93 ships (1,000 GRT or over) totaling 1,069,794 GRT/1,127,087 DWT

ships by type: bulk 8, cargo 22, chemical tanker 5, oil tanker 11, passenger 1, railcar carrier 1, roll-on/roll-off cargo 34, short-sea passenger 11 (1997 est.)

Airports: 158 (1997 est.)

Airports-with paved runways:

total: 69

over 3,047 m: 3

2,438 to 3,047 m: 23

1,524 to 2,437 m: 13

914 to 1,523 m: 21

under 914 m: 9 (1997 est.)

Airports-with unpaved runways:

total: 89

914 to 1,523 m: 5

under 914 m: 84 (1997 est.)

MILITARY

Military branches: Army, Navy, Air Force, Frontier Guard (includes Sea Guard)

Military manpower-military age: 17 years of age

Military manpower-availability: males age 15-49: 1,286,563 (1998 est.)

Military manpower-fit for military service: males: 1,059,657 (1998 est.)

Military manpower-reaching military age annually: males: 33,492 (1998 est.)

Military expenditures-dollar figure: \$1.9 billion (1995)

Military expenditures-percent of GDP: 1.6% (1995)

TRANSNATIONAL ISSUES

Disputes-international: none

Illicit drugs: minor transshipment point for Latin American cocaine for the West European market

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NORWAY



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GENERAL OVERVIEW

1. Political system.

Norway is a unified state in which governmental power is divided between the judiciary, executive and legislative branches, each of which are mutually independent. The executive branch is made up of the King and members of the Cabinet.

Legislative power is vested in the national parliament (Stortinget), which is composed of 157 members who are democratically elected on a geographical basis. Although the parliament is unicameral, it divides into two chambers (the Lagting and Odelsting) for the purpose of passing legislation. Both chambers must approve a bill before it can be passed. The bill must also be approved by the King sitting in council with the Cabinet, although this is a mere formality. In theory, the judiciary can exercise some influence upon the legislative process since it has an unwritten power to set aside any legislation it finds to be unconstitutional. However, this power is rarely exercised. (Administration of Justice in Norway, 1980: 88).

For administrative and political purposes, the country is divided into 19 counties (fylker) and approximately 450 municipalities (kommuner). While the various counties and municipalities are responsible for running a large number of vital welfare services, responsibility for organizing and financing the criminal justice system lies primarily with central government agencies, most notably the Ministry of Justice and Police.

2. Legal system.

It is difficult to classify the Norwegian legal system solely by reference to the various ideal categories of legal systems which are commonly cited. This is because the Norwegian legal system has largely been set up on a national level. The Norwegian system is most similar to the legal systems of the other Nordic countries, particularly those of Denmark and Sweden.

Norway does not have a general codification of private or public law corresponding to the Code Civil or Bürgerliches Gesetzbuch in civil law countries. It instead has comprehensive statutes codifying, among other things, central aspects of the criminal law and the administration of justice.

Norwegian courts do not attach the same weight to judicial precedents as members of the judiciary in common law countries traditionally have done. Neither are Norwegian courts bound by intricate rules concerning the admissibility of evidence; the basic rule is that all evidence is admissible. Court procedure is relatively informal and simple, and there is a strong lay influence in the judicial assessment of criminal matters and, to a lesser extent, civil matters. This lay influence is created through the use of both a jury system and a system whereby lay judges (without formal legal qualifications) sit with professional judges in the hearing of cases.

3. History of the criminal justice system.

The roots of the Norwegian legal system can be traced back more than 1,000 years to the institution of the Allting. This was a public gathering of yeomen, who convened to settle disputes and make laws for the local district. These types of meetings were in existence well before the country was united as one kingdom under King Harald Haarfagre in the late 9th century. During the 10th century, there arose the institution of the Lagting, which was a more formal and less localized body exercising legislative, judicial, and executive powers in relation to a particular area. These bodies were composed of appointed representatives of local communities, officials of the King, and members of the clergy.

In the late 13th century, under the direction of King Magnus Lagabote (Magnus the Lawmender), the regional laws created by the Lagting were gathered together and codified under one national law called the Landslov. The second major codification of Norwegian law took place in 1687, during the period

when Norway was in union with, and ruled by, Denmark. This codification was initiated by the Danish King, Christian V. Upon dissolution of the union with Denmark at the end of the Napoleonic Wars, Norway adopted a Constitution on May 17, 1814. Amongst other things, the Constitution provided for the establishment of a parliamentary democracy and a constitutional monarchy.

Of particular relevance for the administration of criminal justice are Articles 20, 96, 99, and 102 of the Constitution. Article 20 empowers the King to pardon criminals, while Article 96 bans interrogation by torture and holds that no one may be convicted "except according to law", or be punished "except after a court judgement". Article 99 states that no one "may be taken into custody except in the cases determined by law and in the manner prescribed by law", and Article 102 bans the searching of private homes "except in criminal cases." Another relevant constitutional provision is Article 94, which provides for the publication of "a new general civil and criminal code."

The first comprehensive penal code was enacted in 1842. This was replaced by the General Civil Penal Code of May 22, 1902. While this Code is still in force, it is important to note that a Criminal Law Commission was appointed in 1980 to draft a new code. So far, work by the Commission has resulted in several amendments to the existing Code, plus a draft set of general provisions for the proposed new code. The draft set of new general provisions have not yet been sent out for a general hearing. (Almindelig borgerlig Straffelov 22. mai 1902 nr. 10; Ny straffelov - alminnelig bestemmelser, 1992; Oie, 1993).

Special rules on judicial procedure for criminal cases were first codified in statute form in 1887. This statute was replaced by the Act on Rules of Judicial Procedure in Penal Cases, which entered into force on January 1, 1986. Several important changes to this Act have been proposed recently. The bulk of these amendments were approved by Parliament on June 11, 1993 and entered into force in 1994. They were not expected to enter into force until 1994. (Lov om rettergangsmåten i straffesaker 22. mai 1981 nr. 25, the "Criminal Procedure Act"; To-instansbehandling, anke og juryordning i straffesaker, 1992; Oie, 1993).

The Penal Code and Criminal Procedure Act are the two main laws governing the civil administration of criminal justice in Norway. The military administration of criminal justice is governed by two corresponding laws: the Military Penal Code of 1902 (Militær Straffelov 22. mai 1902 nr. 13) and Military Criminal Procedures Act of 1900 (Lov om Rettergangsmaaden i militære Straffesager 29. mars 1900 nr. 2).

CRIME

1. Classification of Crime.

*Legal classification. The Penal Code groups criminal offenses into felonies (forbrytelser) and misdemeanors (forseelser). The Criminal Law Commission, set up to draft a new Penal Code, has proposed the distinction between felonies and misdemeanors be eventually dropped from criminal law. (It is important to note that, unless otherwise specified, all legal references in this report are to laws as they existed on September 1, 1993. [Ny straffelov - alminnelige bestemmelser, 1992: 21]).

Felonies are, with some exceptions, offenses with a maximum penalty exceeding 3 months' imprisonment. The majority of felonies are defined and listed in Part 2 of the Penal Code, such as perjury, arson, racial discrimination, rape, defaulting on obligation to support dependents, slander and

libel, larceny, embezzlement, damaging information and communication systems, murder, blackmail and robbery, fraud and breach of trust. (Penal Code Sect. 2, 163- 165, 167, 148, 135a, 192, 219, 246-248, 257-260, 255-256, 151b, 233, 266-269, 270-278).

Misdemeanors are generally minor offenses carrying a maximum penalty of 3 months' imprisonment. Examples of these types of offenses are found in Part 3 of the Penal Code. All breaches of the Road Traffic Act are defined as misdemeanors irrespective of whether or not they carry a maximum penalty of more than 3 months' imprisonment. (Vegtrafikklov 18. juni 1965 nr. 4; Penal Code, Sect. 31).

*Age of criminal responsibility. The minimum age at which one can be held criminally liable is 15. (Penal Code, Sect.46; Proposed new Penal Code, Sect. 37).

*Drug offenses. Drug offenses are set out in Sections 162 and 162a of the Penal Code and Section 22 and 43 of the Medicinal Goods Act. The drugs covered by these laws are listed in the Narcotics Regulations issued by the Ministry of Social Affairs (Forskrift om narkotika m.v. 30. juni 1978 nr. 8). There are some 250 substances listed; salts and derivatives of the listed substances are also categorized as narcotics.

An ordinary drug offense pursuant to the Penal Code involves the illegal manufacture, introduction, acquisition, storage (as opposed to possession/ besittelse), or transfer of narcotics, and is punished by a fine or imprisonment of up to 2 years. Imprisonment for a serious drug offense (grov narkotikaforbrytelse) can be imposed for a maximum of 10 years. (Lov om legemidler m.v. 20. juni 1964 nr. 5; Penal Code, Sect. 162).

Whether or not a drug offense is judged as serious (grov) depends on the type of drug involved, its quantity and the nature of the offense. If the quantity is "very significant", imprisonment will be imposed for a period of 3 to 15 years. In "particularly aggravating circumstances" (soerdeles skjerpene omstendigheter), an offender can be imprisoned for up to 21 years. (Andenaes and Bratholm, 1991: 289-291; Penal Code, Sect. 162).

A similar hierarchy of sanctions is provided for those who receive or make a profit from a drug offense or who assist other persons in receiving or making such a profit. A drug offense under the Medicinal Goods Act is defined as the illegal possession or use of narcotics, and the purchasing of narcotics under false pretenses. (Penal Code, Sect. 22, 43, 162a).

Note that, prima facie, the laws make no distinction between different kinds of narcotics; marihuana is treated the same as heroin or cocaine. The use of drugs in sport is not encompassed by the above laws. (Andenaes and Bratholm, 1991: 288-289).

2. Crime statistics.

The following crime statistics cover offenses reported to the police in 1991. The statistics are based on information entered into the country's central crime registration system, STRASAK, and on the results of questionnaires completed by police districts which in 1991 were not yet connected to STRASAK. Most of the statistics are taken from Kriminalstatistikk 1991/Criminal Statistics 1991, published in 1993 by the Central Bureau of Statistics. The definitions of the offenses upon which the statistics are based

are taken from provisions of the Penal Code. The total number of reported felonies for 1991 was 252,311. The total number of reported misdemeanors was 99,066. (Criminal Statistics 1991, 1993: 19).

*Murder. In 1991, there were 50 incidents of murder reported to police. (Criminal Statistics 1991, 1993: 19).

A person is guilty of murder (drap) if he or she intentionally "brings about" (forvolder) or "assists in bringing about" (medvirker) the death of another person. (Penal Code, Sect. 233).

*Rape. In 1991, 387 incidents of rape were reported to the police. (Criminal Statistics 1991, 1993: 19).

A person is guilty of rape (voldtekt) if he or she, either by using violence or making someone fear for their life or health, forces someone, or assists in forcing someone, to have "indecent intercourse." The concept of indecent intercourse (utuktig omgang) includes but is not limited to sexual intercourse involving penetration. (Andenaes and Bratholm, 1991: 103; Penal Code, Sect. 192).

*Larceny. In 1991, there were 177,071 incidents of larceny reported to police, accounting for 70.2% of all reported felonies. Of the total number of larcenies, 68,408 were cases of simple/ minor larceny (simpelt tyveri), 85,976 were cases of serious/aggravated larceny (grovt tyveri) and 22,697 were cases of motor-vehicle theft. Motor-vehicle theft is defined in a self-explanatory manner in Section 260 of the Penal Code. (Criminal Statistics 1991, 1993: 19).

A person is guilty of larceny if he or she takes, or assists in taking, an object which, in whole or in part, belongs to another person, with the intention of making an unjustified gain (vinning) for himself or herself or for others. Whether the larceny is simple/minor or serious/aggravated depends on a variety of factors, including the value of the stolen goods, whether or not the larceny took place on public premises, and whether or not it involved burglary, use of weapons, explosives or the like. (Penal Code, Sect. 257-258).

*Serious drug offense. In 1991, there were 13,063 drug-related crimes reported to police, accounting for 5.2% of all reported felonies. Of these, there were 6,780 ordinary drug offenses and 588 serious drug offenses in relation to the Penal Code, while 5,695 incidents constituted drug offenses in relation to the Medicinal Goods Act. The number of reported drug offenses has increased five-fold during the last decade, and twenty-fold since 1970. (Criminal Statistics 1991, 1993: 19; Kriminalitet og rettsvesen, 1992: 25).

*Crime regions. Crime statistics for Norway show that the rate of investigated felonies increases with the rate of population density. This would also appear to be the case with reported felonies. (Kriminalitet og rettsvesen, 1992: 27).

In 1991, Oslo county had the highest rate of investigated felonies, at 124 per 1,000 inhabitants. The counties of Vestfold, Aust-Agder, Buskerud, Vest-Agder and Ostfold had the next highest rates, with figures between 67 and 56 per 1,000 inhabitants. All of these counties have approximately 75% of their

inhabitants living in developed (tettbygde) areas. The counties with the lowest rates of investigated felonies, Sogn-Fjordane (15 felonies per 1,000 inhabitants) and More-Romsdal (18 felonies per 1,000 inhabitants) have only approximately 50% of their population living in developed areas. The average rate of investigated felonies for the country as a whole was 52 per 1,000 inhabitants.

VICTIMS

1. Groups most victimized by crime.

Information on victims of crime has been gathered as part of general surveys on living conditions in Norway (Levekårsundersøkelser). This information is presented in summary form by the Central Bureau of Statistics in its publication, *Kriminalitet og rettsvesen* (2nd ed, 1992) at pages 15-20. All of the data cited below are derived from this publication.

In surveys on living conditions carried out in 1983, 1987 and 1991, a representative sample of the Norwegian population between 16 and 79 years old were asked whether or not they had been subjected to some form of violence or threat of violence during the previous year. Of those asked in 1991, 5%, or approximately 170,000 persons, answered in the affirmative. (The survey figures for 1987 and 1983 were 5% and 4%, respectively.) Approximately a third of those persons answering yes had suffered manifest bodily injury as a result of the violence.

In 1991, approximately 11% of surveyed males between 16 and 24 years old had been subjected to violence or the threat of violence. The equivalent figures for females between 16 and 24 years old, for males over 45 years of age, and for females over 45 years of age were approximately 9%, 3% and 2%, respectively. The figure for those living in urban areas was approximately 7%; it was 2% for those living in rural areas.

Approximately half of those persons who had been subjected to violence or the threat of violence had been subjected to it several times during the year. Women, more than men, were subject to violence in their own home; men, more than women, were subject to violence while out in restaurants, bars, cafes, or other public places.

Murder victims are usually males. In 1990, for example, 35 of the 46 reported murder victims were men; 3 of the victims were under 15 years old. In the age groups of 15-20, 21-30 and 31-40, 8, 12 and 12 persons had become murder victims, respectively. In a third of the cases, the victim and offender were members of the same family or living together. In two-thirds of the cases, both were under the influence of drugs or alcohol. In almost half of the cases, the murder was the result of an argument. In 1991, 14% of the population, or approximately 480,000 persons, reported that they had possessions stolen or damaged during that year. Half of these cases concerned theft: 20%, both theft and damage; 30%, damage only. Of those persons living in large towns, 21% reported having had possessions stolen. The corresponding figure for those living in rural areas was 8%.

There are several weaknesses with these victim surveys. For example, they do not include persons under 16 years old or provide detailed information on the socio-economic status of crime victims. It is worth noting that in 1992, a special committee appointed by the Ministry of Justice and Police to investigate the legal position of crime victims criticized the paucity of detailed crime victim data in Norway. The committee recommended, among other things, that the system whereby statistics are collated on criminal offenses reported to and investigated by the police should be extended to include

essential data on the victims of those offenses. (Sterkere vern og økt støtte for kriminalitetsofre, 1992: 8, 13).

2. Victims' assistance agencies.

As of 1990, there were 46 crisis centers spread throughout Norway offering assistance to women and children who had been subject to rape or other physical or psychological abuse. There were also 41 crisis telephone services for women, along with several telephone services for men who have been the victims of incest. Children who are victims of incest are offered assistance by a support center in Oslo (Stottesenter mot incest), which has been operating since 1986. (Sterkere vern og økt støtte for kriminalitetsofre, 1992: 70).

A national association for victims of violence (Landsforening for voldsofre og motarbeiding av vold) was established in 1989, with the aim of assisting victims and campaigning for measures to reduce the extent of violence in Norwegian society. Very few programs are in place that specialize in providing support for elderly victims of violence. One such program has been initiated in the town of Skien and another in Manglerud, Oslo. (Sterkere vern og økt støtte for kriminalitetsofre, 1992: 70-71).

Most of the above programs are run on a private, voluntary basis. Some funding is provided by the State, such as for the crisis centers for women.

3. Role of victim in prosecution and sentencing.

In Norwegian law, the crime victim plays a peripheral role in the prosecution and sentencing process. It is the State which is accorded the responsibility of prosecuting and sentencing criminal offenders. The victim's role in this process is limited generally to providing, as a witness, evidence on the matter in question. It should be noted that there is presently no system whereby a "Victim Impact Statement" is made out and submitted to the court as a supplement to the pre-sentence report, although the introduction of such a system has recently been recommended. (Sterkere vern og økt støtte for kriminalitetsofre, 1992: 36).

In certain situations, the victim will have extended rights in the prosecution process, such as in cases where the victim institutes a private prosecution or becomes a party to the prosecution. The victim will then have a right, for instance, to examine witnesses. The victim will also have a right to be acquainted with case documents during the main court hearing. Generally, this right is not expressly accorded to victims, even though they do have a right to be acquainted with case documents during the pre-trial investigation. (Criminal Procedures Act, Sect. 242,404,402).

Since 1991, it has been possible for the prosecuting authority to decide that certain criminal matters may be settled out of court through negotiations between the offender and victim, with an extra-judicial body called the Conflict Board (konfliktretten) present as an arbitrator. Several conditions must be fulfilled before this can occur. The offense must not be so serious as to incur imprisonment, the offender must be proved guilty of the alleged offense, and both the offender and victim must consent to the matter being settled out of court in the way described. (Criminal Procedures Act, Sect. 71a).

4. Victims' rights legislation.

There is no victims' rights legislation as such. Rather, provisions giving victims certain rights have been incorporated into more general laws, such as the Criminal Procedures Act (CPA), the Injury

Compensation Act (Lov om skadeserstatning 13. juni 1969 nr. 26) and the Legal Aid Act (Lov om fri rettshjelp 13. juni 1980 nr. 35).

An example of such a provision is Section 456 of the Criminal Procedures Act, which states that a compensation claim ordered to be paid to a victim takes priority over a claim by the State that the offender pay a fine. In addition, Section 107a provides that in cases involving a contravention of Sections 192 to 196 of the Penal Code (sexual offenses), the victim is entitled to the assistance of a lawyer, who is paid by the State. The lawyer is permitted to be present during the main hearing of the case, is given limited rights to assist the victim when he or she is questioned in court, and must be given access to the case documents. In most other cases, it is the victim who must bear the costs of engaging a lawyer to assist him or her during the prosecution process. (Criminal Procedures Act, Sect. 107c,264a). Women who have been mistreated or abused are entitled to free legal advice, irrespective of their assets or income. They are also entitled to the free assistance of a lawyer during the prosecution process, although this lawyer does not have the same rights as those lawyers appointed pursuant to Section 107a of the Criminal Procedures Act. Victims of violence are also allowed free legal advice irrespective of their assets or income (Ministry of Justice, Circulars G-38/89, G-62/87, G-101/83). A victim has the right to demand compensation for losses suffered as a result of being physically or mentally injured by an offender. The type of loss for which compensation can be claimed is usually economic only, although there are certain exceptions noted in the Injury Compensation Act. Compensation can be demanded from the offender, by mounting a civil legal claim, for example, or from the State. (Injury Compensation Act, Sect. 3-2, 3-3, 3-5; State Regulations of January 23, 1981).

POLICE

1. Administration.

There are 5 police regions, among which are 54 police districts. The districts are led by police commissioners (Politimestre), who have as their immediate subordinates, deputy police commissioners (Politiinspektorer), assistant commissioners (Politiadjutanter) and superintendents (Politifullmektiger). Police commissioners and deputy police commissioners are appointed by the King in Council. The other two classes of officials are appointed by the Ministry of Justice and Police. (Kriminalitet og rettsvesen, 1992: 40; Public Prosecution Authorities and Police in Norway, 1992: 4).

The police force is administered directly by the Ministry of Justice and Police. It is also subordinate to the Public Prosecution Authority (den offentlige p?talemyndighet) with regard to the investigation and prosecution of crimes. The police commissioners and their immediate subordinates form the first instance of the Public Prosecution Authority, which is headed by the Director General of Public Prosecutions (Riksadvokaten). (Administration of Justice in Norway, 1980: 51; Criminal Procedures Act, Sect. 55).

The Director General is appointed by, and directly accountable to, the King, independent of the Ministry of Justice. He or she is assisted by 40 Public Prosecutors or State Attorneys (Statsadvokater), 37 of whom are assigned to particular geographical jurisdictions. There are 9 such jurisdictions. In addition, there are 8 Public Prosecutors attached to the recently established Central Unit for the Investigation and Prosecution of Economic and Environmental Crime. All Public Prosecutors or State Attorneys are lawyers and appointed by the King. (Norges Statskalender 1993, 1993: 194-195; Politi og p?

talemyndighet, 1988: 12-13).

In rural areas, police duties are carried out by sheriffs (Lensmenn), each of whom has general administrative authority in relation to a defined district. There are 370 such districts. (Politi og p? talemyndighet, 1988: 28). As a police officer, a sheriff is accountable to the local police commissioner. (Police Act, Sect. 6).

There are several special units to the police force, all of which are administered centrally. These include the National Bureau of Crime Investigation (Kriminalpolitisen - "Kripos"), the Police Security Service (Politiets Overv?kingstjeneste), the Police Computing Service (Politiets Datatjeneste), the Police Equipment Service (Politiets Materielltjeneste) and the Mobile Police (Utrykningspolitiet). There is also a small specialist anti-terror squad based in Oslo. (Public Prosecution Authorities and Police in Norway, 1992: 6-7).

The functions and tasks of the police are many and varied, ranging from the usual maintenance of law and order, the investigation and prevention of crime, to more specialized administrative tasks, such as immigration control and control of lotteries and gambling. The main rules governing the functions and tasks of the police force are found in the Police Act of 1936 (Lov om politiet 13. mars 1936 nr. 3), the Police Instruction of 1990 (Alminnelig tjenesteinstruks for politiet 22. juni 1990), the Surveillance Instruction of 1977 (Overv?kingsinstruks 25. november 1977), the Weapon Instruction of 1989 (V? peninstruks for politiet 1. august 1989), the Criminal Procedures Act of 1981 and the Prosecution Instruction of 1985. (Forskrift om ordningen av p?talemyndigheten 28. juni 1985 nr. 1679).

It should be noted that the fundamental right of police to maintain public order is based on customary law and not set down in statute. However, this right was included in a proposal for a new Police Act, drafted in 1991 and submitted to Parliament in 1994. (Odelstingsproposisjon nr. 83, 1992-1993).

The police are completely independent of the military forces. In certain emergency situations, such as rescue operations and natural catastrophes, the police can seek the assistance of the military when there are insufficient civilian resources to cope with the situation. In such cases, the military forces are under command of the police and must follow the laws which regulate police actions. (Police Instruction, Chapt. 14).

2. Resources.

*Expenditures. In 1993, the police force was allocated NOK 2,857,267,000. The sheriff force was allocated NOK 875,548,000. These sums do not include money allocated to the Norwegian Police Academy or the Police Equipment Service. (Driscoll, 1993).

*Number of police. In 1993, there were 6,827 police officers, including officers serving in the sheriff force.

As of 1991, there were 374 female police/sheriff officers. While there are no figures available on the number of female officers for 1992 and 1993, it is estimated that in 1993 women comprised about 8%-9% of police officers and 4% of sheriff officers. As of 1993, there were 2 female police commissioners. All police officers in 1993 had a Norwegian background, except for one woman from Pakistan. There were also several other officers who were born in other countries but adopted and raised by Norwegian families. (Driscoll, 1993).

3. Technology.

*Availability of police automobiles. As of August 1993, there were approximately 1,620 police automobiles. Approximately 1,000 of these were State-owned; the rest were rented. In addition, there were 86 motorcycles, all of which were State-owned. (Hagen, 1993).

*Electronic equipment. Computer technology is used by the police force for a variety of purposes, including reporting crimes, gathering and processing crime statistics, budgeting, accreditation of officials and fingerprinting. (An Automated Fingerprint Identification System [AFIS] has been in use with the National Bureau of Crime Investigation since the beginning of 1985. [Politiets Datatjeneste, 1993: 25]).

All police and sheriff stations have on-line links to a central computer network maintained by the Police Computing Service. At present, police cars are not mounted with mini-computer terminals, but there are plans to mount a fleet of police cars with such equipment later this year. Mobile telephones, radio equipment and radar guns are also widely used. (Haukaas, 1993; Politiets ?rbok 1991, 1991: 18-21; Politiets Datatjeneste, 1993).

*Weapons. The most common type of weapon with which police arm themselves is a wooden baton. There are 2 main types of guns available for use by ordinary police officers: US carabiners (30 caliber) and Smith & Wesson revolvers (model 10). Machine guns are available to specially selected police units, such as the anti-terror squad. There are light bullet-proof vests for approximately half of the operative police force. They are distributed unequally between the various police districts depending on need. Almost all police officers on patrol in Oslo have bullet-proof vests. There are also approximately 2,000 heavy bullet-proof vests and helmets distributed between the police districts. (Hagen, 1993).

4. Training and qualifications.

Persons seeking to be recruited into the police force as ordinary service personnel must be between 21 and 30 years old, have Norwegian citizenship, and be of good health, character and standing. (Police Act, Sect. 13). They must also have completed a 3-year training course run by the National Police Academy (Politihogskolen) in Oslo. This training course involves 1 year of studies at the academy, followed by 1 year of practical training at police stations, and then a year of further study back at the academy. (Politihogskolen, 1993: 8). At present, there are no compulsory postgraduate courses for service personnel, although such courses have existed in the past. Those seeking to be recruited to the upper echelons of the police force, such as the rank of superintendent, must have completed a university degree in law. (Police Act, Sect. 4).

5. Discretion.

*Use of force. Section 67 of the Criminal Procedures Act provides the police with general authority to investigate and prosecute cases of crime. It also provides the police with authority to seek court permission to apply certain coercive measures, such as arrest and seizure of property, during the

investigation and prosecution process. These coercive measures are described in Chapters 14-17 of the Criminal Procedures Act and amplified in Chapters 8-11 of the Prosecution Instruction of 1985. Rules governing the use of weapons by police are contained in the Weapon Instruction (WI) of 1989 (V? peninstruks for politiet 1. august 1989). The instruction covers the use of guns, explosives, gas and batons. Batons and gas can only be used in "especially dangerous situations" or when police cannot carry through a task without being subject to a risk of injury. (Weapon Instruction, Sect. 17). Guns shall only be used as a "last option", when: (a) police or others are threatened by weapons or violence and the use of guns seems necessary to prevent the loss of human life or serious injury; or (b) it is necessary to immediately apprehend a person who is suspected of, or charged with, a serious violent offense, including attempts at such offenses, or a person who is otherwise seen as being of special danger to national security, to life or health; or (c) it is necessary to prevent serious damage to foreign property, or when especially important interests of society are threatened. (Weapon Instruction, Sect. 19).

Before using weapons, police must consider the danger or risk of injury to which outsiders will be subjected. If circumstances allow, they must initially warn a person that weapons will be used against him or her if he or she does not obey police orders. They must also fire a warning shot. Explosives can only be used in order to gain access to locked or barricaded premises, when the conditions in Section 19 of Weapon Instruction are fulfilled, and upon an order from a police commissioner. (Weapon Instruction, Sect. 20,22).

Police on routine patrol do not carry guns. Police commissioners can authorize that handguns be taken by police when patrolling by car. In such cases, the weapons and ammunition must be kept in locked cabinets in the patrol cars. Special police units can carry other types of weapons, if permitted by the Ministry of Justice. Police are allowed, on a case by case basis, to carry guns in certain dangerous situations. (Weapon Instruction, Sect. 5, Sect. 10-11).

*Decision to arrest. The major legal requirements that must be met before a person can be arrested by the police are provided in Chapter 14 of the Criminal Procedures Act. Generally, the decision to arrest a person must be made by an official of the Public Prosecuting Authority, which includes the higher-ranking police officials, or a court. An ordinary police officer or private citizen may make an arrest on his or her own initiative if delay "entails any risk." However, these sorts of arrests must subsequently be ratified as soon as possible by the Public Prosecuting Authority. (Criminal Procedures Act, Sect.175,176,179). There are no statistics available on the number of arrests made without a warrant. Whether a person is arrested depends primarily on the type of penalty for the offense he or she is suspected of having committed, along with the risk that he or she will try to evade prosecution and/or commit another crime. Section 171 of the Criminal Procedures Act states that any person who is suspected "with just cause" of committing a felony punishable by more than 6 months' imprisonment may be arrested when: (1) "there is reason to fear that he will evade prosecution or the execution of a sentence or other precautions"; (2) "there is an immediate risk that he will interfere with any evidence in the case..."; (3) "it is deemed necessary in order to prevent him from again committing a criminal act punishable by imprisonment for a term exceeding 6 months"; or (4) "he himself requests it for reasons that are found to be satisfactory.[...]." None of these four conditions need to be met in order to arrest a person suspected of a felony punishable by imprisonment of 10 years or more. Such a person may be arrested if he or she confesses to the felony or there are circumstances "that strengthen the suspicion to a

marked degree." (Criminal Procedures Act, Sect.171,172).

Persons "caught in the act" of committing a crime may be arrested irrespective of the penalty the crime incurs. This is also the case when there is "reason to fear" that a suspect will evade prosecution by fleeing abroad. After being arrested, a person must be brought before a court "as soon as possible and as far as possible on the day following the arrest", so that an order can be issued that the person be remanded in custody. (Criminal Procedures Act, Sect. 173,183-184).

It is possible for police to detain a person for up to 4 hours without arresting him or her. This temporary detention can be imposed on persons who "disturb the public peace and order", or who do not comply with a police request to give their name, age and place of residence, or who are found in the vicinity of a place where a felony is "deemed" to have occurred immediately beforehand. Further guidelines on when and how police may detain persons who disturb the public peace and order are provided in Chapt 9 of the Police Instruction. (Criminal Procedures Act, Sect.191).

*Search and seizure. The police may search a person's premises if that person "is with just cause suspected of any act punishable by law with imprisonment." The police may also conduct a bodily search of such a person "if there is reason to assume that it may lead to the discovery of evidence or of objects that may be seized." Pursuant to Sect. 157 of the Criminal Procedures Act, it is also possible to conduct a physical examination of a suspect during a court inquiry. (Criminal Procedures Act, Sect. 192,195)

In certain circumstances, police can search the premises of persons other than the suspect and to conduct bodily searches of these persons. All searches must be made pursuant to a court order, unless the person concerned consents to the search, is "caught in the act" or there is "strong suspicion" of an act punishable by more than 6 months' imprisonment and there is an "immediate risk that the purpose of the search will otherwise be thwarted." Searches should be conducted "as far as possible" in the presence of an independent witness. Upon being arrested, a person may also be searched in order to find and dispossess him or her of anything that may be used for the purpose of violence or escape. (Criminal Procedures Act, Sect. 178,192-195,197,198,199).

Any objects "deemed to be significant as evidence" may be seized. Seizure will normally be the result of a written decision of the Public Prosecution Authority or a court, but a police officer can effect a seizure on his or her own initiative "when carrying out a decision to make an arrest or search, and otherwise when delay entails a risk." Any seizure may be challenged in a court. (Criminal Procedures Act, generally Chapter 17, Sect. 203,205,206,208).

*Confessions. Police have no authority to order any person, including suspects, to make a statement. However, they can record any statements that are made by the suspect. Suspects must be informed that they are not obliged to make any statement, before they are examined. In addition, persons conducting an examination of a suspect, such as the police, prosecuting authority, and court, must not use "promises, false information, threats or coercion", or "any means that reduce the level of consciousness or ability of the person charged to make up his own mind freely." (Criminal Procedures Act, Sect. 92,230,232).

If the suspect admits to having committed a crime, he or she must then be asked whether s/he admits being guilty and liable to a penalty. If an unreserved confession is made, the suspect must be asked whether he or she consents to the case being adjudicated in a court of summary jurisdiction. (Criminal

Procedures Act, Sect. 233).

6. Accountability.

Complaints alleging that police have breached criminal law in carrying out their duties are handled by special investigatory bodies, independent of the Ministry of Justice and Police and subordinate to the Director General of Public Prosecutions (Riksadvokaten). All cases in which police actions have resulted in a person's death and/or serious bodily injury must be investigated by such bodies, irrespective of whether or not a complaint has been made. It is up to the Riksadvokat to decide whether or not to prosecute the police. (Prosecution Instruction; Sect.7-2, 34-6; cf Chapt 34; cf s 34-8).

Allegations of police acting in breach of discipline are handled by special committees (ansettelsesr?d) attached to each police department. Decisions reached by these committees can be appealed to the Ministry of Justice and Police. The Ministry also handles general complaints about police behavior. (Aukrust, 1993).

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

*Rights of the accused. The rights of the accused are described in the Criminal Procedures Act. The accused must be informed of the nature of the charge(s) brought against him or her upon being arrested and attending court for the first time. The accused must also be given the chance to refute the grounds on which the charge is based. (Criminal Procedures Act, Sect.90,92,171).

Although the accused has a general right to attend court proceedings and to summon and examine witnesses, the court can order him or her to leave the courtroom while a witness is being examined "if there is special reason to fear that an unreserved statement will not otherwise be made." The accused must be informed subsequently of the proceedings that occurred in his or her absence. In special circumstances, such as if national security interests are at stake, the accused may be entirely excluded from the proceedings. (Criminal Procedures Act, Sect. 135,245).

The court's verdict must be communicated to the accused as soon as possible, along with information on rights of appeal. Court judgements and orders are to be accompanied by reasons. (Criminal Procedures Act, Sect.39-41,43,52).

The accused has the right to bring appeals against court verdicts, both on questions of fact and questions of law. There are, however, several limitations on the exercise of this right. For example, appeals to the Supreme Court, which is the highest judicial body, can only take place if permitted by the Court's Appeals Selection Committee (Kjoerem?lsutvalget). Moreover, the general rule is that such appeals can only be based on alleged errors of law. In other words, the Supreme Court is unable to try questions of evidence related to the issue of guilt. (Administration of Justice in Norway, 1980: 65-66; Criminal Procedures Act, as amended new Chapt 23, Sect. 323, 1993).

The accused do not have the right to have their cases tried by jury. As a basic rule, however, appeals from verdicts reached by the court of first instance on cases concerning felonies punishable by more than 6 years' imprisonment are dealt with by the High Court (Lagmannsrett). In these cases, there is a

jury (lagrett) present to decide the question of guilt. (Criminal Procedures Act, new Chapt 24, as amended, 1993).

*Assistance to the accused. As a general rule, the accused is entitled to the assistance of defense counsel of his or her choice during all stages of the judicial process. The accused is also provided with the free assistance of defense counsel, chosen by the court, during the main court hearing. There are several exceptions to the latter rule, such as if the case involves a certain minor offense, like driving under the influence of alcohol, or when the accused has made an unreserved confession. However, these exceptions apply only in cases tried by the City or District Court. (Criminal Procedures Act, Sect. 94,96,100,107,262).

2. Procedures.

*Preparatory procedures for bringing a suspect to trial. Once a person has been arrested, he or she is brought before the court of examination and summary jurisdiction (forhørsretten). This court decides whether or not the person shall be remanded in custody. The prosecuting authority then prepares a formal indictment (tiltalebeslutning), which it serves on the accused. The indictment contains information on the time, place and object of the coming trial and legal details on the nature of the charge. (Criminal Procedures Act, Sect. 184,184a).

When the relevant 1993 amendments to the CPA enter into force, all criminal matters will initially be brought to the District and City Courts. Appeals will be brought before the High Court, though in special circumstances they will be able to go directly to the Supreme Court. Previously, the most serious criminal cases were tried by the High Court at first instance. It was also much easier to bring appeals from decisions reached by the District and City Courts directly before the Supreme Court, bypassing the High Court in the process. (Criminal Procedures Act, new as amended, Sect.5,6,8, 1993).

*Official who conducts prosecution. The Public Prosecution Authority is responsible for deciding whether to prosecute and for conducting the prosecution. For very serious felonies, such as murder, the decision to prosecute lies with the Director General of Public Prosecutions. Responsibility for prosecuting most other types of felonies lies with the State attorneys/Public Prosecutors. Police Commissioners and their immediate subordinates are also part of the Public Prosecution Authority and have the power to prosecute more minor cases, which are typically misdemeanors. (Administration of Justice in Norway, 1980: 51-52).

On August 27, 1993, a Royal Resolution was issued, extending police prosecution powers to encompass different types of felonies, such as breaking and entering, falsification of documents, larceny, fraud and vandalism. (Criminal Procedures Act, new as amended, cf newly amended, Sect.67, 1993).

*Alternatives to trial. Minor offenses can be settled by the police serving a writ prescribing payment of an optional fine (forelegg) upon the accused. This type of writ is usually served in minor traffic and customs offenses. If the fine is paid, there are no further judicial proceedings. If the fine is not paid, the matter can be prosecuted in court using simplified proceedings. For instance, a District Court judge could decide the matter summarily. This simplified court procedure is also employed when an accused

person makes an unreserved confession for a crime not punishable by more than 10 years' imprisonment, and the confession is corroborated by evidence. (Criminal Procedures Act, new as amended, Sect. 248, 1993; *Kriminalitet og rettsvesen*, 1992: 42).

An ordinary court trial can also be avoided: (a) in cases where the prosecuting authority decides not to prosecute, often with the condition that the offender undertakes not to engage in further criminal behavior; (b) in cases involving persons under the age of 18, which are left to be decided by municipal child welfare boards; and (c) in cases which can be settled by arbitration through the Conflict Board. (Criminal Procedures Act, Sect. 69; *Kriminalitet og rettsvesen*, 1992: 42).

*Proportion of prosecuted cases going to trial. Investigations of felonies completed by the police in 1991 resulted in 58,600 charges being brought against 22,400 persons; 70% of the charges, and approximately half of the persons charged, ended up in trial. (Criminal Statistics 1991, 1993: 29,144).

Of cases involving felonies which were investigated in 1991, 77% were not cleared up by the end of the year. Only 11% to 14% of cases involving larceny were successfully investigated, while figures for cases involving murder and serious drug offenses were 84% and 89%, respectively. Of those cases which were cleared up in 1991, 19.5% resulted in charges being laid, of which 69.5% went to trial. (Criminal Statistics 1991, 1993: 27,28,51).

Just as the proportion of cases successfully investigated varies by type of offense, so does the proportion of cases going to trial, though often to a smaller extent and not in the same pattern. Approximately 75% to 80% of charges involving larceny went to trial in 1991. The figures for ordinary drug crimes, serious drug crimes and murder were approximately 78%, 97% and 80%, respectively. These percentages were calculated using numerical data from Criminal Statistics 1991. (1993: 53-55).

Pre-trial incarceration conditions. A court of examination and summary jurisdiction (*forhørsretten*) can decide that an arrested person be remanded in custody if any of the conditions set out in Sections 171, 172 or 173 of the Criminal Procedures Act are fulfilled. Pre-trial incarceration shall be "as short as possible and must not exceed 4 weeks", but it can be extended by up to 4 weeks at a time. (Criminal Procedures Acts, Sect. 184, 185).

There is a provision for a person to forgo arrest or be released from custody subsequent to arrest if he or she gives certain guarantees. However, this practice is rarely applied. (Andenaes, 1993: 126; Criminal Procedures Act, Sect. 181,188).

*Proportion of pre-trial offenders incarcerated. In 1991, just over 20% (533 persons) of the total average number of prisoners were in custody awaiting trial. (Criminal Statistics 1991, 1993: 124,128).

JUDICIAL SYSTEM

1. Administration.

At the top of the judicial hierarchy is the Supreme Court (*Hoyesterett*), located in Oslo. Directly below the Supreme Court is the High Court (*Lagmannsrett*). There are 5 High Courts, each covering a separate

but parallel territorial jurisdiction in Eidsivating, Agder, Gulating, Frostating and H?logaland. Below the High Court are the District and City Courts (Herredsrett and Byrett), which function ordinarily as the courts of first instance. There are 98 District and City Courts. (Kriminalitet og rettsvesen, 1992: 72-73). The majority of criminal matters are settled summarily in the forh?rsrett. In 1990, for example, 35,200 criminal matters went to the District and City Courts, of which two-thirds, or 23,800, were settled in the forh?rsrett. Also in 1990, less than 2% of all criminal matters were handled by the High Court at first instance. (Kriminalitet og rettsvesen, 1992: 74).

2. Special courts.

The majority of special courts which have been established hear only particular kinds of civil matters. For instance, there is a Court of Impeachment (Riksretten) to hear criminal charges brought against government ministers, members of parliament and Supreme Court judges, although it is rarely used. (Administration of Justice in Norway, 1980: 88).

There is also the Court Martial which hears criminal charges on members of the military (Krigsretten). This court is made up of one professional judge and 2 military lay judges. (Administration of Justice in Norway, 1980: 83).

3. Judges.

*Number of judges. The Supreme Court is served by a Chief Justice (Justitiarius) and 17 judges. Attached to the High Court are 84 judges (lagdommere), while 238 judges (embetsdommere) and 156 deputy judges (dommerfullmektiger) are employed at the District and City Courts. (Kriminalitet og rettsvesen, 1992: 72-73).

*Appointment and qualifications. All judges are appointed by the King in Council upon the recommendation of the Ministry of Justice. To be appointed, judges must be Norwegian citizens, financially solvent, and have achieved high university grades when studying for their law degree. Jurists from all professional backgrounds can be appointed as judges. There is no formal system of promotion through the court hierarchy. Deputy judges tend to be relatively young and often have just graduated law school. (Administration of Justice in Norway, 1980: 89).

Lay judges can participate in the hearing of cases. Usually one professional judge and two lay judges hear criminal cases at the District and City Courts. Amendments to the CPA in 1993 have made it possible for more serious cases to be heard at first instance by two professional and three lay judges. Previously, these cases went straight to the High Court for a first instance hearing. (Criminal Procedures Act, new as amended, Sect. 276, 1993).

PENALTIES AND SENTENCING

1. Sentencing process.

*Who determines the sentence? Sentences issued by the courts of first instance (District and City

Courts) are determined by a collegium of two lay judges and one professional judge. However, 1993 amendments to the Criminal Procedures Act make it possible for this collegium to be expanded to three lay judges and two professional judges for more serious cases. The 1993 amendments also provide that sentences issued by the High Court are to be determined by three professional and four lay judges. (Lov om domstolene 13. august 1915 nr. 5). (Courts Act, cf Sect. 12,14; Criminal Procedures Act, new as amended, Sect. 276, 332, 1993).

In cases tried by jury, sentences will be determined by the professional judges, the jury foreman and three jury members. Sentences issued by the Supreme Court are always determined by professional judges. If application of the law is upheld, an appeal court cannot alter the sentence, "unless it finds that the penalty is obviously disproportionate to the criminal act committed." (Criminal Procedures Act, new as amended, Sect. 344,376e, 1993).

*Which persons have input into the sentencing process? Courts and the prosecuting authority can order that a social inquiry on the charged person be conducted in order to assist them in determining an appropriate penalty. (Criminal Procedures Act, Chapter 13). There is also provision for the appointment of various experts to serve either in the capacity of witnesses or in the capacity of lay judges. (Criminal Procedures Act, Chapter 11; Criminal Procedures Act, new as amended, Sect. 277,332, 1993).

2. Types of penalties.

*Range of penalties. The main types of penalties for criminal actions are imprisonment, social service, and fines. The maximum prison sentence is 21 years, of which approximately one such sentence is imposed each year. Crimes that are punished by imprisonment of up to 21 years include murder, rape and serious drug offenses. (Kriminalitet og rettsvesen, 1992: 58; Penal Code, Sect. 15; Penal Code, proposed new, Sect. 40).

Offenders can also receive a suspended prison sentence (betinget dom). Suspended prison sentences are usually given to young and/or first-time offenders for lesser crimes. In 1990, 1 in 3 felonies was punished with a suspended prison sentences, either alone or in addition to payment of fines. (Kriminalitet og rettsvesen, 1992: 58).

Community service involves an offender doing unpaid community work for a set time period, with a maximum of 360 hours. It is usually imposed for crimes which can be punished by up to 1 year in prison. It can be combined with payment of fines and, in special circumstances, with a short period of imprisonment. A subsidiary term of imprisonment (subsidiær fengselsstraff) is usually fixed at the same time that a penalty involving community service and/or payment of a fine is imposed. The subsidiary term of imprisonment takes effect if the community service is not carried out satisfactorily or the fine is not paid. (Penal Code, Sect. 28,28a-28c; Penal Code, proposed new, Sect. 40,53,57,61). Another type of penalty is detention (hefte), a form of custodia honesta rarely applied and dropped in the proposed new Penal Code. However, the proposed Code retains the penalty of preventive detention (forvaring). Persons who have repeatedly committed felonies of a serious nature and whom a court suspects will commit such crimes once released from prison can be held back in preventive detention. Other penalties which are retained in the proposed new Code include: forfeiture of public and/or private office; loss of the right to vote and to engage in certain enterprises; and prohibition from entering or staying in certain areas. (Penal Code, Sect. 29-33; Penal Code, proposed new, Chapter 9,10).

*Death penalty. There is no death penalty.

PRISON

1. Description.

*Number of prisons and type. On July 2, 1993, there were 48 prisons, of which 5 were central prisons (landsfengsler) and 43 were regional prisons (kretsfengsler, hjelpefengsler and arbeidskolonier). One of the central prisons (Bredtvedt) was for females only. Most other prisons contained prisoners of both sexes. Larger prisons had special sections just for women. There were no prisons solely used for juveniles. (Fridhov, 1993).

*Number of prison beds. On July 2, 1993, there were 1,831 places for prisoners in closed prison institutions (lukkede anstalter) and 941 places in open institutions (?pne anstalter)(Fridhov, 1993). In open institutions there are no special security measures taken to prevent prisoners escaping, unlike those taken in closed institutions.

*Number of annual admissions. In 1991, there were 11,497 new admissions and 550 re-admissions to penal institutions, indicating a 6% increase from the previous year. (Criminal Statistics 1991, 1993: 123, 129).

*Average daily population/number of prisoners. In 1991, the average daily number of prisoners was 2,548, of which 124, or approximately 5%, were women. A total of 4% of those admitted to prison in 1991 were foreign citizens residing in Norway, of which over half had originally come from Europe (mainly from northern Europe), 9% from America, 14% from Africa and 28% from Asia. A total of 5% of those admitted to prison were of unknown citizenship. (Criminal Statistics 1991, 1993: 125).

*Actual or estimated proportions of inmates incarcerated. The following is the percentage of convicted offenders admitted into prison in 1991 by crime type. (Criminal Statistics 1991, 1993: 126).

| | |
|---|-----|
| Drug Crimes | 9% |
| Violent Crimes (includes sexual offenses, various forms of bodily violence, murder) | 12% |
| Property Crimes (includes theft) | 15% |
| Other Crimes (includes fraud, drunken driving, traffic offenses) | 40% |
| Unknown | 24% |

2. Administration.

*Administration. All prisons in Norway are financed and administered by the State.

*Number of prison guards. On July 2, 1993, there were 1,534 prison guards. (Fridhov, 1993).

*Training and qualifications. Those seeking recruitment as prison officers must be Norwegian citizens, between 21 and 35 years old, and be of good health and character. They must also have successfully completed secondary schooling. (Lov om fengselsvesenet 12. desember 1958 nr. 7; Prison Act, Sect. 6). All recruits must then complete a 2 year course of study at the Norwegian Prison College (Fengselsskolen) in Oslo, followed by one year's compulsory service in the prison system. (Fridhov, 1993).

*Expenditure on prison system. In 1992, approximately NOK 1,200,000,000 was spent on prisons. This sum includes money spent on building and maintaining prison facilities but does not include money spent on education, health and culture programs for prisoners. (Fridhov, 1993).

3. Prison Conditions.

*Remissions. As a general rule, prisoners are released on parole before the period for which they have been sentenced has expired. Normally, they are released once they have served at least two-thirds of their sentence, which must at least be 2 months, including time spent in custody. In special circumstances, a prisoner can be released on parole after half of the sentence has expired, but this rarely occurs. (Andenaes, 1991: 357; Prison Act, Sect. 35,36).

*Work/education. There are compulsory work schemes for prisoners. However, those serving short prison sentences may avoid having to participate in these schemes if it is difficult to find appropriate work activities for them. Prisoners are paid for their work. (Prison Act, Sect. 17,18). Prisoners can participate in programs run by the Ministry of Education. These programs are offered at all educational levels (primary, secondary and tertiary). (Andenaes, 1991: 351).

*Amenities/privileges. Prisoners have visitation rights, postal correspondence rights, the right to lodge written complaints, and the right to be allowed outdoors for at least an hour each day. (Prison Act, Sect. 22-25).

Most prisons have a priest who holds regular church services for prisoners and helps organize social events. At the larger prisons, there are also social workers and sports and recreation advisors whom prisoners can consult. Prisoners are normally allowed to have televisions, radios and magazines in their cells. In special circumstances, they are also allowed to leave prison for short periods, such as to visit a sick relative. (Andenaes, 1991: 352; Prison Act, Sect. 34).

There are no special treatment programs for prisoners beyond ordinary medical services, although it is possible to transfer prisoners to other institutions for special treatment if necessary. It is also possible for a prisoner addicted to drugs to enter into a special contract with the prison authorities. In this contract, the prison authorities can offer and provide more privileges on the condition that the prisoner promises not to use drugs and agrees to undergo regular urine tests to ensure the promise is being kept.

(Fridhov, 1993; Kriminalitet og rettsvesen, 1992: 62; Prison Act, Sect. 12,32).

EXTRADITION AND TREATIES

*Extradition. All of the Nordic countries have enacted national laws giving them mutual extradition rights. (For Norway, see Act of 3 March 1961 on Extradition of Offenders to Denmark, Finland, Iceland and Sweden; for Sweden, see Act of 5 June 1959 on Extradition of Criminal Offenders to Denmark, Finland, Iceland and Norway; for Denmark, see Act of 3 February 1960 on Extradition of Legal Offenders to Finland, Iceland, Norway and Sweden; for Finland, see Act of 3 June 1960 on Extradition of Criminal Offenders between Finland and the other Nordic Countries.) Norway also ratified the Council of Europe Convention of December 13, 1957, giving it mutual extradition rights in relation to Austria, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Switzerland and Turkey. Bilateral extradition treaties have been concluded with Australia (September 9, 1985), Belgium (November 3, 1981), Estonia (April 3, 1930), Latvia (September 12, 1927) and the United States (June 9, 1977).

*Exchange and transfer of prisoners. Norwegian citizens or residents can serve prison sentences that were imposed by the courts in other Nordic countries in Norway, pursuant to Section 3 of the Act of 1963 on Enforcement of Penal Sentences Passed in the Nordic States. Citizens of the other Nordic countries are also allowed to serve Norwegian prison sentences in their respective home countries (Sect. 5). There are also corresponding provisions for serving suspended prison sentences (Chapt 3) and for the supervision of persons released on probation (Chapt 4). (Lov om fullbyrding av nordiske dommer p? straff m.v. 15. november 1963) Norway ratified the European Convention of May 28, 1970 on the International Validity of Criminal Judgements, and the European Convention of March 21, 1983 on the Transfer of Sentenced Persons. The provisions of these conventions are implemented in the Act of 1991 on Transfer of Sentenced Persons, which entered into force on April 1, 1993. This Act provides a legal basis for prisoner transfer arrangements with those European countries which are party to the above conventions. (Lov om overføring av domfelte 20. juli 1991 nr. 67)

*Specified conditions. Conditions for the extradition of foreign nationals from Norway are set out in the Act of 1975 on the Extradition of Offenders (Sect. 26 and 27). This Act does not apply to extradition matters in relation to the Nordic countries, nor does it override international agreements entered into by Norway prior to the Act's entry into force. The Act also provides a legal basis for the extradition of foreigners to countries which have not signed an extradition treaty with Norway. (Lov om utlevering av lovbyrtere m.v. 13. juni 1975 nr. 39).

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GENERAL BACKGROUND

The muchamended Criminal Code of 1902 remains in force, but a substantial revision is being planned. The most recent of the minor amendments came on 1 January 1986, when a new Criminal Procedure Law came into force.

Offences are formally divided into "crimes" and "misdemeanours". In principle, an offence is a crime if it is punishable by more than 3 months imprisonment; otherwise it is only a misdemeanour (although there are some important exceptions). The division is important, since misdemeanour cases are processed differently from crimes, and the statistical data are less complete and reliable for misdemeanours.

Investigations of criminal offences are handled by the police and very rarely by other authorities. When the police have evidence indicating the guilt of a person, cases involving crimes are referred to the prosecutor, while misdemeanours are handled by the local chief of police and his or her legally trained staff. A right exists for police officers "on the beat" to give "warnings" and to "admonish" in cases of infractions, but is not regulated by law. On the prosecutorial level Norway utilizes the principle of opportunity, and prosecution is often waived, especially in respect of juvenile offenders. Most misdemeanour cases are settled either by "ticket fines" or a summary process whereby the offender agrees to pay a fine suggested by the chief of police. The defendant may instead choose to bring the case before the court.

The court system consists of district courts (98), superior courts (5) and the Supreme Court. The district courts usually consist of one professional judge and two lay judges, sitting as a group. The superior courts function partly as courts of first instance in serious cases where the crime in question is subject to more than 6 years imprisonment and partly as courts of second instance for cases referred by the district courts. When acting as courts of first instance they are jury courts, while lay judges participate when the superior courts are acting as courts of second instance. Both the lay judges and the jury members are randomly chosen from a list of citizens from the local community. Norway has no administrative courts. The autonomy of the parts of the criminal justice system is with the exceptions of the courts restricted, since the administration is planned by and responsible to the Ministry of Justice.

The age of criminal responsibility is fourteen years (increased to fifteen years in 1990). Most cases involving Penal Code offences committed by teenagers are referred to the communal (municipal) child welfare board by means of waiver of prosecution. The board members are appointed by local authorities. The district judge participates in those cases where the matter to be decided is whether to place a child in a foster home or institution and the parents oppose such a decision. The system is a part of the social welfare services and is subject to the Ministry of Social Affairs.

Sanctions - Background

In 1986 there were approximately 160 000 cases where a suspect was found guilty of an offence. 12 000 of these cases were crimes and the remaining 148 000 cases were misdemeanours. The criminal courts

handled 9 200 crime and 10 000 misdemeanour cases, while the rest were handled by prosecutors or chiefs of police by means of waiver of prosecution or summary process. Of the 160 000 cases, approximately 85 % resulted in fines, 10 % in probation, suspended sentences, waiver of prosecution etc., and 7 % in unconditional imprisonment. The length of the prison sentences was generally very short: 90 per cent of the unconditional sentences were less than 6 months.

The number of people admitted to Norwegian prisons in 1986 was 12 046, of whom 789 were returned for breaching parole. Of the remainder, 3 417 were awaiting trial, 417 were imprisoned for nonpayment of a fine and 7 423 were admitted under a sentence of imprisonment. The average daily number of people incarcerated per day during 1986 was 2 000. Of these 1 500 were serving a sentence, 46 were in preventive detention (a measure for offenders labelled "dangerous"), 16 were in prison because of nonpayment of a fine, and 432 were in custody awaiting trial.

According to the response to the Third United Nations Survey, in 1986 Norway had 46 prisons of which 38 had a capacity of less than 100 prisoners and 8 between 100 and 500 prisoners. Since 1975 Norway has had no special institution for young offenders. Maladjusted delinquents under the age of eighteen may be cared for by the social welfare services which operate some treatment institutions.

Criminal Justice Personnel and resources - background

Norway reports the following data on personnel for 1986:

Police personnel: 5 996

Prosecutors: 30 (in charge of crimes; the chiefs of police in charge of misdemeanour cases number around 250).

Professional judges: 429. Of these 387 deal with criminal cases as well as civil cases. There are no reliable figure for the number of lay judges and jurors.

Prison personnel: 1 538, of whom 1 003 were classified as custodial and 33 as treatment officers.

The monetary resources were allocated in the following manner in 1986:

| | |
|---|-------------------------------------|
| Police: | NOK 2 113 260 000 (352 210 000 USD) |
| Prosecution
(excluding police chiefs): | NOK 18 852 000 (3 137 500 USD) |
| Courts: | NOK 438 439 000 (73 073 000 USD) |
| Prisons: | NOK 520 600 000 (86 600 000 USD) |
| Community based services: | NOK 49 000 000 (8 200 000 USD) |

Selected Issues

The response to the Third Survey does not include - with one exception - any comments or answers to the questions concerning crime prevention strategies. The exception is a reference to a special bureau within the police, the Norwegian Police Data Processing Service. The response describes the aims and work of this Service and draws attention to the usefulness of a computer-based international system of information.

Norway is experimenting with community service in place of short-term imprisonment, and "conflict resolution boards". However, no figures or other information are presented.

When interpreting the figures concerning the use of imprisonment, attention is drawn to the importance placed on "drunken driving". Of all the sentences to unconditional imprisonment (for both crimes and misdemeanours) almost half were for this offence. However, the statistics may change in the light of changes in the law on drunken driving enacted in 1988.

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GEOGRAPHY

Location: Northern Europe, bordering the North Sea and the North Atlantic Ocean, west of Sweden

Geographic coordinates: 62 00 N, 10 00 E

Map references: Europe

Area:

total: 324,220 sq km

land: 307,860 sq km

water: 16,360 sq km

Area-comparative: slightly larger than New Mexico

Land boundaries:

total: 2,515 km

border countries: Finland 729 km, Sweden 1,619 km, Russia 167 km

Coastline: 21,925 km (includes mainland 3,419 km, large islands 2,413 km, long fjords, numerous small islands, and minor indentations 16,093 km)

Maritime claims:

contiguous zone: 10 nm
continental shelf: 200 nm
exclusive economic zone: 200 nm
territorial sea: 4 nm

Climate: temperate along coast, modified by North Atlantic Current; colder interior; rainy year-round on west coast

Terrain: glaciated; mostly high plateaus and rugged mountains broken by fertile valleys; small, scattered plains; coastline deeply indented by fjords; arctic tundra in north

Elevation extremes:

lowest point: Norwegian Sea 0 m
highest point: Glittertinden 2,472 m

Natural resources: petroleum, copper, natural gas, pyrites, nickel, iron ore, zinc, lead, fish, timber, hydropower

Land use:

arable land: 3%
permanent crops: NA%
permanent pastures: 0%
forests and woodland: 27%
other: 70% (1993 est.)

Irrigated land: 970 sq km (1993 est.)

Natural hazards: NA

Environment-current issues: water pollution; acid rain damaging forests and adversely affecting lakes, threatening fish stocks; air pollution from vehicle emissions

Environment-international agreements:

party to: Air Pollution, Air Pollution-Nitrogen Oxides, Air Pollution-Sulphur 85, Air Pollution-Sulphur 94, Air Pollution-Volatile Organic Compounds, Antarctic-Environmental Protocol, Antarctic Treaty, Biodiversity, Climate Change, Desertification, Endangered Species, Environmental Modification, Hazardous Wastes, Law of the Sea, Marine Dumping, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 83, Tropical Timber 94, Wetlands, Whaling signed, but not ratified: none of the selected agreements

Geography-note: about two-thirds mountains; some 50,000 islands off its much indented coastline; strategic location adjacent to sea lanes and air routes in North Atlantic; one of most rugged and longest coastlines in world; Norway only NATO member having a land boundary with Russia

PEOPLE

Population: 4,419,955 (July 1998 est.)

Age structure:

0-14 years: 20% (male 444,373; female 420,940)

15-64 years: 65% (male 1,454,733; female 1,407,395)

65 years and over: 15% (male 288,056; female 404,458) (July 1998 est.)

Population growth rate: 0.44% (1998 est.)

Birth rate: 12.9 births/1,000 population (1998 est.)

Death rate: 10.17 deaths/1,000 population (1998 est.)

Net migration rate: 1.64 migrant(s)/1,000 population (1998 est.)

Sex ratio:

at birth: 1.06 male(s)/female

under 15 years: 1.06 male(s)/female

15-64 years: 1.03 male(s)/female

65 years and over: 0.71 male(s)/female (1998 est.)

Infant mortality rate: 5.01 deaths/1,000 live births (1998 est.)

Life expectancy at birth:

total population: 78.23 years

male: 75.42 years

female: 81.21 years (1998 est.)

Total fertility rate: 1.8 children born/woman (1998 est.)

Nationality:

noun: Norwegian(s)

adjective: Norwegian

Ethnic groups: Germanic (Nordic, Alpine, Baltic), Lapps (Sami) 20,000

Religions: Evangelical Lutheran 87.8% (state church), other Protestant and Roman Catholic 3.8%, none 3.2%, unknown 5.2% (1980)

Languages: Norwegian (official)
note: small Lapp- and Finnish-speaking minorities

Literacy:
definition: age 15 and over can read and write
total population: 99% (1976 est.)
male: NA%
female: NA%

GOVERNMENT

Country name:
conventional long form: Kingdom of Norway
conventional short form: Norway
local long form: Kongeriket Norge
local short form: Norge

Data code: NO

Government type: constitutional monarchy

National capital: Oslo

Administrative divisions: 19 provinces (fylker, singular-fylke); Akershus, Aust-Agder, Buskerud, Finnmark, Hedmark, Hordaland, More og Romsdal, Nordland, Nord-Trøndelag, Oppland, Oslo, Ostfold, Rogaland, Sogn og Fjordane, Sor-Trøndelag, Telemark, Troms, Vest-Agder, Vestfold

Dependent areas: Bouvet Island, Jan Mayen, Svalbard

Independence: 26 October 1905 (from Sweden)

National holiday: Constitution Day, 17 May (1814)

Constitution: 17 May 1814, modified in 1884

Legal system: mixture of customary law, civil law system, and common law traditions; Supreme Court renders advisory opinions to legislature when asked; accepts compulsory ICJ jurisdiction, with reservations

Suffrage: 18 years of age; universal

Executive branch:

chief of state: King HARALD V (since 17 January 1991); Heir Apparent Crown Prince HAAKON MAGNUS (born 20 July 1973)

head of government: Prime Minister Kjell Magne BONDEVIK (since 15 October 1997)

cabinet: State Council appointed by the king with the approval of the Parliament

elections: none; the king is a hereditary monarch; following parliamentary elections, the leader of the majority party or leader of a majority coalition is usually appointed prime minister by the king with the approval of the Parliament

Legislative branch: modified unicameral Parliament or Storting which, for certain purposes, divides itself into two chambers (165 seats; members are elected by popular vote by proportional representation to serve four-year terms)

elections: last held 15 September 1997 (next to be held NA September 2001)

election results: percent of vote by party-Labor 35%, Center Party 7.9%, Conservatives 14.3%, Christian People's 13.7%, Socialist Left 6%, Progress 15.3%,

Liberal Party 4.4%, other parties 1.6%; seats by party-Labor 65, Center Party 11, Conservatives 23, Christian People's 25, Socialist Left 9, Progress 25, Liberal Party 6, other parties 1

note: for certain purposes, the Parliament divides itself into two chambers and elects one-fourth of its membership to an upper house or Lagting; the 39-member Saami assembly has advisory functions on regional control of natural resources and decision-making capacity on matters relating to the preservation of the Saami culture

Judicial branch: Supreme Court or Hoyesterett, justices appointed by the king

Political parties and leaders: Labor Party [Thorbjorn JAGLAND]; Conservative Party [Jan PETERSEN]; Center Party [Anne ENGER LAHNSTEIN];

Christian People's Party [Valgerd HAUGLAND]; Socialist Left [Kjellbjoerg LUNDE]; Norwegian Communist [Kare Andre NILSEN]; Progress Party [Carl I. HAGEN]; Liberal [Odd Einar DORUM]; Left Party; Red Electoral Alliance [Erling FOLKVORD]

International organization participation: AfDB, AsDB, Australia Group, BIS, CBSS, CCC, CE, CERN, EAPC, EBRD, ECE, EFTA, ESA, FAO, IADB, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IEA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, Inmarsat, Intelsat, Interpol, IOC, IOM, ISO, ITU, MONUA, MTCR, NAM

(guest), NATO, NC, NEA, NIB, NSG, OECD, OSCE, PCA, UN, UNCRO, UNCTAD, UNESCO, UNHCR, UNIDO, UNIFIL, UNMIBH, UNMOP, UNPREDEP, UNTSO, UPU, WEU (associate), WHO, WIPO, WMO, WTrO, ZC

Diplomatic representation in the US:

chief of mission: Ambassador Tom-Erik VRAALSON

chancery: 2720 34th Street NW, Washington, DC 20008

telephone: [1] (202) 333-6000

FAX: [1] (202) 337-0870

consulate(s) general: Houston, Miami, Minneapolis, New York, and San Francisco

Diplomatic representation from the US:

chief of mission: Ambassador David HERMELIN

embassy: Drammensveien 18, 0244 Oslo

mailing address: PSC 69, Box 1000, APO AE 09707

telephone: [47] 22 44 85 50

FAX: [47] 22 44 33 63

Flag description: red with a blue cross outlined in white that extends to the edges of the flag; the vertical part of the cross is shifted to the hoist side in the style of the Dannebrog (Danish flag)

ECONOMY

Economy-overview: Norway is a prosperous bastion of welfare capitalism. The economy consists of a combination of free market activity and government intervention. The government controls key areas, such as the vital petroleum sector (through large-scale state enterprises), and extensively subsidizes agriculture, fishing, and areas with sparse resources. Norway maintains an extensive welfare system that helps propel public sector expenditures to more than 50% of GDP and results in one of the highest average tax levels in the world. A small country with a high dependence on international trade, Norway is basically an exporter of raw materials and semiprocessed goods, with an abundance of small- and medium-sized firms, and is ranked among the major shipping nations. The country is richly endowed with natural resources-petroleum, hydropower, fish, forests, and minerals-and is highly dependent on its oil sector. Only Saudi Arabia exports more oil than Norway. Norway imports more than half its food needs. Oslo opted to stay out of the EU during a referendum in November 1994. Economic growth in 1998 should be about the same as in 1997. Inflation probably will move up toward 3% because of tightness in labor markets. Despite their high per capita income-outstripped among major nations only by the US-and their generous welfare benefits, Norwegians worry about that time in the 21st century when the oil

and gas run out.

GDP: purchasing power parity-\$120.5 billion (1997 est.)

GDP-real growth rate: 3.5% (1997 est.)

GDP-per capita: purchasing power parity-\$27,400 (1997 est.)

GDP-composition by sector:

agriculture: 2.9%

industry: 34.7%

services: 62.4% (1991)

Inflation rate-consumer price index: 2% (1997 est.)

Labor force:

total: 2.13 million

by occupation: services 71%, industry 23%, agriculture, forestry, and fishing 6% (1993)

Unemployment rate: 2.6% (yearend 1997)

Budget:

revenues: \$48.6 billion

expenditures: \$53 billion, including capital expenditures of \$NA (1994 est.)

Industries: petroleum and gas, food processing, shipbuilding, pulp and paper products, metals, chemicals, timber, mining, textiles, fishing

Industrial production growth rate: 3% (1996 est.)

Electricity-capacity: 26.431 million kW (1995)

Electricity-production: 121.375 billion kWh (1995)

Electricity-consumption per capita: 26,547 kWh (1995)

Agriculture-products: oats, other grains; beef, milk; livestock output exceeds value of crops; among world's top 10 fishing nations; fish catch of 2.33 million metric tons in 1994

Exports:

total value: \$49.3 billion (f.o.b., 1996)

commodities: petroleum and petroleum products 43%, metals and products 11%, foodstuffs (mostly fish) 9%, chemicals and raw materials 25%, natural gas 6.0%, ships 5.4%

partners: EU 77.2% (UK 19.8%, Germany 12.7%, Netherlands 9.1%, France 7.8%, Sweden 9.8%), US 6.0% (1995)

Imports:

total value: \$35.1 billion (c.i.f., 1996)

commodities: machinery and equipment and manufactured consumer goods 54%, chemicals and other industrial inputs 39%, foodstuffs 6%

partners: EU 71.0% (Sweden 15.4%, Germany 13.8%, UK 9.7%, Denmark 7.5%, Netherlands 4.4%), US 6.6% (1995)

Debt-external: \$NA

Economic aid:

donor: ODA, \$1.014 billion (1993)

Currency: 1 Norwegian krone (Nkr) = 100 oere

Exchange rates: Norwegian kroner (Nkr) per US\$1-7.4875 (January 1998), 7.0734 (1997), 6.4498 (1996), 6.3352 (1995), 7.0576 (1994), 7.0941 (1993)

Fiscal year: calendar year

COMMUNICATIONS

Telephones: 2.39 million (1994 est.); 470,000 mobile phones in use in 1994

Telephone system: high-quality domestic and international telephone, telegraph, and telex services

domestic: NA domestic satellite earth stations

international: 2 buried coaxial cable systems; 4 coaxial submarine cables; satellite earth stations-NA

Eutelsat, NA Intelsat (Atlantic Ocean), and 1 Inmarsat

(Atlantic and Indian Ocean regions); note-Norway shares the Inmarsat earth station with the other Nordic countries (Denmark, Finland, Iceland, and Sweden)

Radio broadcast stations: AM 46, FM 493 (350 private and 143 government), shortwave 0

Radios: 3.3 million (1993 est.)

Television broadcast stations: 54 (repeaters 2,100)

Televisions: 1.5 million (1993 est.)

TRANSPORTATION

Railways:

total: 4,023 km

standard gauge: 4,023 km 1.435-m gauge (2,422 km electrified; 96 km double track) (1996)

Highways:

total: 91,323 km

paved: 65,753 km (including 106 km of expressways)

unpaved: 25,570 km (1996 est.)

Waterways: 1,577 km along west coast; 2.4 m draft vessels maximum

Pipelines: refined products 53 km

Ports and harbors: Bergen, Drammen, Floro, Hammerfest, Harstad, Haugesund, Kristiansand, Larvik, Narvik, Oslo, Porsgrunn, Stavanger, Tromso, Trondheim

Merchant marine:

total: 762 ships (1,000 GRT or over) totaling 21,042,709 GRT/33,839,476 DWT

ships by type: bulk 102, cargo 128, chemical tanker 91, combination bulk 9, combination ore/oil 38, container 18, liquefied gas tanker 91, multi-function large load

carrier 1, oil tanker 145, passenger 13, passenger-cargo 1, refrigerated cargo 13, roll-on/roll-off cargo 52, short-sea passenger 23, vehicle carrier 37

note: the government has created an internal register, the Norwegian International Ship register (NIS), as a subset of the Norwegian register; ships on the NIS

enjoy many benefits of flags of convenience and do not have to be crewed by Norwegians (1997 est.)

Airports: 102 (1997 est.)

Airports-with paved runways:

total: 65

over 3,047 m: 1

2,438 to 3,047 m: 11

1,524 to 2,437 m: 14

914 to 1,523 m: 11

under 914 m: 28 (1997 est.)

Airports-with unpaved runways:

total: 37
914 to 1,523 m: 5
under 914 m: 32 (1997 est.)

Heliports: 1 (1997 est.)

MILITARY

Military branches: Norwegian Army, Royal Norwegian Navy (includes Coast Artillery and Coast Guard), Royal Norwegian Air Force, Home Guard

Military manpower-military age: 20 years of age

Military manpower-availability:
males age 15-49: 1,107,727 (1998 est.)

Military manpower-fit for military service:
males: 921,368 (1998 est.)

Military manpower-reaching military age annually:
males: 27,406 (1998 est.)

Military expenditures-dollar figure: \$3.7 billion (1995)

Military expenditures-percent of GDP: 2.9% (1995)

TRANSNATIONAL ISSUES

Disputes-international: territorial claim in Antarctica (Queen Maud Land); Svalbard is the focus of a maritime boundary dispute in the Barents Sea between Norway and Russia

Illicit drugs: minor transshipment point for drugs shipped via the CIS and Baltic states for the European market; increasing domestic consumption of cannabis and amphetamines

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NORWAY INTELLIGENCE AGENCIES

Control Committee for the Intelligence and Security Services

Kontrollutvalget for overvåkings- og sikkerhetstjenesten

Police Intelligence Service
Politiets overvåkingstjeneste

Joint Defense Security Service
Forsvarets sikkerhetstjeneste

Joint Defense Intelligence Service
Forsvarets etterretningstjeneste

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SWEDEN



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Swedish Intelligence Services

[Underrättelsetjänst](#) (*in Swedish*)

Military Intelligence and Security Agency or Militarens Underattelse och Sakerhetstjnst (MUST)

Security Police or Saekerhets Polisen (SPO)

Swedish Armed Forces Headquarters

Swedish Armed Forces Headquarters

107 86 STOCKHOLM

SWEDEN

tel.: +46 8 7889012

fax.: +46 8 7889009

visiting hours Mon-Fri 8-16 CET

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GENERAL OVERVIEW

1. Political system.

Sweden is a Scandinavian country located in Northern Europe. The population of Sweden in 1993 was 8,745,109 inhabitants. The land area of Sweden is roughly the same size of France. Sweden is a constitutional monarchy with a parliamentary form of government. According to the Constitution, all public power derives from the people. Sweden's head of state, the King, has only ceremonial functions. The preeminent branch of the national government is the Parliament, or Riksdagen, which has 349 members in one chamber. The biggest political party is the Social Democratic Party which received 46% of the votes in the 1994 general election.

The Parliament must approve all national taxes, annual budgets and legislation. The decision-making powers of parliament are without limitation, beyond those based on specific rules in the Constitution, such as protection of free speech, the ban on capital punishment, and the independence of the court and State civil service in enforcing laws.

2. Legal system.

The Swedish legal system is accusatorial with a prosecutor representing the state and a defense attorney representing the defendant. However, the majority of crimes and offenses, in particular traffic offenses, are sanctioned by police officers or prosecutors in the form of summary fines.

Primary responsibility for the enforcement of legal rules devolves upon the courts and the various administrative authorities. The general courts enforce civil law and criminal law legislation.

3. History of the criminal justice system.

Swedish legislation is based on a strong domestic tradition of Germanic law, but it has also been influenced by foreign law. Swedish law is based to a considerable extent on written law, while case law plays a smaller though important role. The first penal law in Sweden came in 1734. This penal law was replaced in 1864 with a new penal law that was in turn replaced in 1965.

CRIME

1. Classification of Crimes.

*Legal classification. The Swedish Penal code does not differentiate between crimes and infractions. The classification of crime in the official crime statistics is based on the legal crime definitions given in the Penal Code. However, main groups of crimes are divided into sub-categories. These divisions are not systematic but are guided by general principles. The subdivisions have developed over a long period and have been determined from a pragmatic point of view. It is important to note that the Swedish crime statistics show all crimes reported to the police whether or not they turn out to be "founded" or not after investigation.

*Age of criminal responsibility. The age of criminal responsibility is 15. However, special rules in regards to sanctioning apply until the age of 21. Only if there are special grounds may an offender below the age of 18 be sentenced to imprisonment. Imprisonment for offenders below the age of 18 is uncommon. For offenders aged 18 but not yet 21 the courts may sentence the offender to imprisonment only if there are special grounds regarding the culpability of the crime or other special reasons.

*Drug offenses. According to Swedish law it is illegal to enter the country, to have in possession, or to buy or use narcotics. The use of narcotics was criminalized in 1988. The list of prohibited drugs involve all common types of narcotics, including cannabis, and the number of drugs on the list totals around 170. In an international perspective, Sweden has a very restrictive drug policy.

2. Crime statistics.

*Murder. The Swedish crime statistics include attempts but completed and attempted homicides are also shown separately. The definition of a completed homicide is all criminal cases causing the death of the victim regardless of whether they are charged as murder, manslaughter or assault combined with causing another persons death. In 1992 there were a total of 174 completed criminal homicides. The corresponding figure for 1993 was 173. However, a special analysis of all homicides recorded in 1992 showed that almost one third of the cases appearing in the statistics as completed homicides, in fact, were not. The accurate figure should be around 120 cases. This probably also holds for the 1993 figure. The level of homicide has been fairly constant in Sweden since the mid 1970s, fluctuating between 120 to 140 homicides annually.

*Rape. In 1993 there were 2,153 police recorded crimes of rape; of these 1,608 were completed; the rest were attempts. According to Swedish law a rape is defined as follows; if a person, by violence or by threat involving, or appearing to the threatened person as involving, imminent danger, forces the latter to copulate or have comparable sexual intercourse, he or she shall be sentenced for rape. Penetration of the woman's body is not necessary for a case to constitute a rape. Since 1984 a female can be charged with rape but such cases have been extremely rare.

*Theft. Serious property crimes are defined as burglaries and car thefts. In 1993 there were 155,704 recorded crimes of burglary and of these 20,200 were residential burglaries. Since the mid-1970s the level of recorded burglaries has fluctuated around a level of 130,000 to 150,000 crimes per year although during the three last years, 1991 to 1993, the level has been close to 155,000. The number of recorded car thefts in 1993 was 61,141 and of these 18,300 were attempts. During the 1980s the number of recorded thefts of cars has doubled from 34,301 in 1980 to 69,003 in 1989. However, in the last three years this crime has decreased from roughly 70,000 in 1991 to roughly 61,000 in 1993.

*Drug offenses. In 1993, 40,700 violations of the Narcotic Drugs Act were reported to the police. This figure is 40% higher than in 1990. Due to the method of counting drug offenses and the fact that this is

a crime category highly dependent on the level of police activity, it is difficult to draw any conclusion about the actual amount of crime and or about changes over time.

*Crime regions. Studies of regional crime trends since 1975 show that crime is increasingly concentrated in the big-city areas, and in particular in Stockholm, which is the area with the highest rate of crime. Although crime has increased since 1975 in all Swedish regions the rate of increase is much faster in the big-city regions.

VICTIMS

1. Groups most victimized by crime.

The largest empirical study of victims of crime in Sweden is the Study of Living Conditions (ULF). The study has been carried out annually since the mid 1970s. The result of the ULF Study shows that 7% of those questioned aged 16-74 stated that during the last 12 months (the study relates to the years 1990/91) they were subject to violence or threat of violence; 1% of those questioned stated that their injuries were so serious that they led to a visit to the doctor. The ULF also found that 29% of the people surveyed had suffered a theft in the last year. The results show that three groups are considered more vulnerable than others: (1) young men exposed to street violence, (2) single mothers of young children who are subject to violence in the home, (3) certain professional groups such as police officers, restaurant staff or medical staff who are subject to violence at work.

Regarding fear of crime, 15% of the adult population (16-84 years) stated that at some time during the past year they had refrained from going out in the evening because they were anxious about being assaulted, robbed or molested in some other way. The proportion was greatest among the elderly, among women and among those who live in big cities.

The development trends (from the end of the 1970s up to and including the end of the 1980s) for registered crime statistics and the results of the victim studies show two quite different patterns. While registered crime increased relatively sharply, the proportion of people stating in the victim study that they had been subject to various crimes of violence did not increase. In 1990 and 1991, however, the proportion of persons who, according to the victim study, stated they had been subject to crimes of violence also increased.

More than one fourth (29%) of those questioned stated that they had been subject to some form of the listed crimes of theft or damage during the past year (1990/1991). The results show that over 10% were subject to theft of and/or damage to bicycle, moped or motorcycle, that just under 9% were subject to theft of and/or damage to something in or on a car, that 6% had been subject to car theft and 2%, to theft and/or damage in the home.

The results also show that the risk of being subject to theft and/or damage is much greater in the big cities. Around 40% of those who reside in the big city regions stated that they had been subject to theft and/or damage. Also, more single persons with children had been subject to theft and/or damage. This may largely be explained by the fact that to a large extent they live in high-risk areas (blocks of flats in big cities). Foreign nationals also stated that they were subject to crimes of theft more frequently;

this may also be explained by different dwelling environments. More white-collar than blue-collar workers stated that they had been subject to theft and/or damage.

Again, regarding fear of crime, 22% of those questioned stated that they were anxious about being burgled. Anxiety is more common among women than among men, and among those who live in Stockholm than those who live in the north of Sweden. Those who are anxious about being subject to crimes of violence are also more anxious about being subject to theft and/or damage than others. There is a certain correlation between the results of the victim study and the crime statistics when crimes against property are considered; this was not the case with crimes of violence. Above all, increases may be seen in vehicle-related crimes, car thefts and thefts from and/or damage to items in or on the car both in victim data and the crime statistics.

2. Victims' assistance agencies.

A proposed victims' authority will administrate the new victims' fund and be responsible for supplying information concerning victims of crime. The victim or plaintiff may demand damages from the perpetrator. Compensation to the victim or plaintiff may also be paid by the government. Victims of crime are also entitled to one hour's free legal advice in accordance with the Legal Aid Act. The National Association of Victims' Assistance Agencies was founded in 1988 and the objective is that there should be one agency in each police district. As of 1993 there are 66 local agencies throughout the country. The agencies train support persons and help victims of crime and keep in contact with the municipal social services, social welfare officers, psychiatric clinics, insurance companies, the police, and lock and alarm experts. There are also around 125 women's agencies who work to help and protect women and children that have been subject to ill-treatment or sexual offenses.

3. Role of victim in prosecution and sentencing.

The victim or plaintiff has no actual function within the legal process. The only function of the victim or plaintiff is that of injured party or witness and he or she must not influence the investigation in any other manner.

4. Victims' rights legislation.

In accordance with a recent bill the Government proposed to form a victims' authority. The new authority will take over part of the responsibility of the Criminal Damage Board as regards considering cases for compensation on grounds of crime, known as criminal damage compensation.

According to the Social Services Act, the municipal social services are responsible for ensuring that those who live within the municipality obtain the help they need.

Victims of crime, above all women subject to crimes of violence or sexual offenses by former partners, have in recent years been given opportunities for protection. For example they may have bodyguards or what is known as a security package which consists of a mobile phone and an assault alarm. The prosecutor has also been given powers to impose restrictive orders on individuals who pose a threat to specific women in order to prevent events from being repeated or exacerbated.

POLICE

1. Administration.

The organization of the police system according to organization and administration report for budget year 1992/1993:

The Government and the Ministry of Justice

The National Police Board and The National Forensic Laboratory

County administrative boards (24)

County police commissioners (24)

Police authorities and police areas (117)

The areas of activity of the National Police Board are: (1)The National Police Board's central administrative authority, (2)The National Criminal Investigation Department, and (3)The National Police College. The National Police Board is also the governing authority for the National Forensic Laboratory (SKL).

In its role as a central administrative authority it is the task of the National Police Board to communicate the Government's priorities and guidelines for operation as well as following up and inspecting the police system. The Board should strive for sound methods as well as coordination and rationalization of police work. In its capacity as a central administrative authority, the Board also has the role of service body for the local police organization.

The National Police Board (RPS) manages certain police activities. This applies mainly to serious crime with national or international ramifications.

The management of police activities carried on by RPS is performed by the National Criminal Investigation Department. The National Investigation Department also provides reinforcements for local police organizations; reinforcement of other police authorities is around 75% of the National Investigation Department's operation. It may be a case of providing assistance in investigation work in connection with murder investigations and other serious crimes of violence, drug offenses or organized car theft for export. The National Investigation Department is also responsible for Swedish UN police activities as well as Interpol activities.

The National Forensic Laboratory (SKL) is the central Swedish laboratory for forensic investigations. SKL mainly carries out laboratory investigations when there is suspicion of crime.

The National Police Board is responsible for the activities of the National Police College. The Police College provides basic training of police officers, police management training, advanced courses, contract courses, research and development work.

The Security Police report directly to the National Police Commissioner. The security police gather information on situations that may be important for the external or internal safety of the nation and for combating terrorism.

The local police organization is divided into 117 police authorities or police areas. Beginning with the fiscal year 92/93 the funds of the local police organizations will be distributed between 26 secondary budgets, one for each county (24) as well as one for joint requirements and one for crime investigation activities. The overall responsibility for both activities and finances within the county's police force rests with the county administrative board.

Special areas outside the local organization are the marine police that maintain order and safety at sea. The marine police cooperate with customs and coast guard to guard the frontier and restricted areas. The marine police also assist in rescue assignments. The cost of the operation was SEK 31 millions for fiscal year 92/93.

The activities of the police force as regards aliens consist of basic investigation and exclusion or deportation. Other matters concerning aliens include nationality cases and extension of residence permits. Since 1992 investigations of applications for asylum have been dealt with by the National Immigration Board. Frontier control and airport guarding are, on the other hand, matters for the customs and police.

2. Resources.

*Expenditures. The total police expenditure for budget year 1992/1993 10,281,200,000 crowns. This is the budget for the police force in fiscal year 1992/93 net outcome in million crowns (SEK).

| | |
|--|----------|
| The National Police Board | 348,9 |
| The National Criminal Investigation Department | 205,6 |
| Total National Polive Board | 554,5 |
| The Police College | 0,001 |
| The National Forensic Laboratory | 42,9 |
| Total county budgets | 8,190.6 |
| Joint requirements within the policde force | 1,278 |
| Crime investigation costs | 123,1 |
| Total local police organization | 9,951.7 |
| Extra costs for European Soccer Cup | 34.4 |
| Equipment etc. | 57.6 |
| otal subsidy for the police system | 10,281.2 |

The cost for the Police College in budget year 92/93 amounted to SEK 186 millions. All training is paid for by funds from the local police organization.

*Number of police. On the last day of June 1993, a total of 27,045 persons were employed within the police system, including just under 2,000 trainees. Statistics on recruitment show that in budget year 92/93, 9% of those hired were of foreign origin. For the budget year 93/94 the equivalent proportion is 10%. Previously the proportion had been around 5%. Of the police personnel within the county organization, 15% are women. Of personnel within the National Police Board including the National Investigation Department, 6% are women.

This is the number of persons in the various parts of the police organization in the budget year 93/94. This list also includes trainee police commissioners, trainee police officers and personnel employed with subsidized salaries.

| | |
|--|--------|
| The National Police Board | 352 |
| The National Criminal Investigation Department | 349 |
| The Police College | 200 |
| SKL | 114 |
| The county organization, in total of whom: | 24,647 |
| police personnel | 17,812 |
| other personnel | 6,835 |

3. Technology.

*Availability of police automobiles. Vehicles within the police system are the responsibility of the various county organizations according to the new organization. Therefore there are no central statistics on this. Figures for 1991 show that there was a total of 2,654 vehicles reported within the police system. Of these 1,568 belonged to the uniformed and traffic police and are largely marked vehicles. In addition there are 800 unmarked vehicles belonging to the plain-clothes police as well as just under 300 other unmarked vehicles.

*Electronic equipment. The police system is at present expanding several communication systems. It is impossible to obtain any overall picture of all the technical equipment since it is the responsibility of various county authorities. Certain systems are being expanded centrally, e.g. the communication systems E 80 and RAR (Rational reporting routine). The RAR system is being expanding gradually and in June of 1994 around 20 police authorities were connected to the system.

*Weapons. The weapons available include pistols, tear-gas, sub-machine guns, shotguns, and hunting weapons. There is no information gathered centrally regarding other equipment such as protective vests.

4. Training and qualifications.

The Swedish training of police is carried out by the National Police College in Stockholm. There are basically two careers: one for uniformed police officers and one for criminal investigators. The qualifications for a new police officer recruit includes Swedish citizenship, a high school education, a minimum of one year work experience outside the police, good health and a suitable body for police work, a drivers license, the ability to swim, and having reached the age of 20 by or during the year of application. In August 1994, 5,812 persons applied for police officer training and of these 191 were

accepted, 51 of whom were females.

For a position as a criminal investigator a university degree in law is required. In 1991 700 persons applied to the police commissioner training program and 30 were accepted.

The training for police officer recruits is for three years including 10 months basic training at the police college, followed by 18 months as a trainee at one of the 117 police districts, and concluded with five months final training at the police college.

The training for police commissioner recruits lasts three years and includes theoretical studies at the Police College covering police work, analysis and planning, administration and workplace psychology. It also entails working as a trainee in all areas of the criminal justice system including the police, courts and prosecutors.

5. Discretion.

*Use of force. One of the powers of police officers in accordance with the Police Act, is use of force. A policeman may, to the extent other means are inadequate and when defensible in the circumstances, use force to carry out an action in the course of his duty, if (1) he is faced with violence or threat of violence, (2) someone who is to be detained, arrested or otherwise deprived of his freedom with the support of the law tries to escape or the policeman is otherwise faced with resistance when he is to deprive a person of freedom in this manner (3) it is a question of warding off a punishable act or danger to life, health or valuable property or extensive damage to the environment, (4) a policeman, with the support of the law, is to expel or remove a person from a certain area or space or execute or assist in a personal search or other similar measure in connection with confiscation or other retention of property or in connection with the type of search referred to in the Code of Judicial Procedure, (5) the policeman must in some other manner and with the support of the law gain access to, cordon off, seal, or evacuate a building, room or area, assist someone in the exercise of authority by means of such an action or a similar one or in the case of foreclosure, in accordance with procedure, or (6) the measure, in another case, is unavoidably necessary for maintenance of general order or safety and it is obvious that this cannot be carried out without force(1984:387).

*Stop/apprehend a suspect. Any person, who on probable grounds, is suspected of a crime for which one year's imprisonment or more is prescribed, may be detained if, taking into account the nature of the crime, the situation of the suspect or some other circumstance, there is a risk that he will abscond or otherwise evade legal proceedings, remove evidence or hinder the investigation, or continue his criminal activity. Suspects cannot be detained for crimes for which it is assumed that the suspect will be sentenced to pay a fine, other than in special cases, such as the suspect refusing to give his name, giving a false name or having no residence in the country and where it may be assumed that he might leave the country. An unknown person who it may be assumed is wanted by the police may be taken in for identification. The Code of Judicial Procedure chapter 24 is the source of this information.

*Decision to arrest. When a policeman receives information about a crime that falls under general prosecution, he must submit a report on this to his supervisor as soon as possible. A policeman may grant report concession in certain cases in accordance with rules announced by the Government. This applies in the first place to crimes where the sanctions would be no harsher than fines and the crime is of

an insignificant character.

*Search and seizure. Searches may take place if it may be suspected that a crime has been committed for which one year's imprisonment may be the punishment and objects are to be searched for that are to be confiscated or otherwise used in the investigation. The search is announced by the head of investigation, the prosecutor or the court. A policeman may undertake a search without a decision as above, if there is danger. A policeman may also perform a body search of the suspect if 1) crime has been committed that may lead to imprisonment, or 2) an object may be confiscated which may have significance for the investigation. A body search may take place if it may be assumed that the suspect possesses weapons or other dangerous objects, or in order to confirm his identity. For specific statutory guidelines see the Code of Judicial Procedure, chapter 28.

*Confessions. Confession is never binding. All alleged offenders must stand trial.

6. Accountability.

If there is a complaint about the police, it is reported to a police authority. The matter is investigated not by the police but is transferred to the office of the public prosecutor for investigation. If the matter is not considered to be a crime, it goes back to the police authority where the personnel disciplinary board decides whether disciplinary action is to be taken.

In the Stockholm police district the Section for Internal Investigations (CU), investigates reports that are directed against employees at the police authorities in Stockholm County, Gotland County and the National Police Board. The investigations are led by chief prosecutors at the Regional Prosecuting Authority in Stockholm and the prosecuting authority in Stockholm. The CU also deals with issues concerning suspension and dismissal of employees of the police authorities in Stockholm County; it consists of one chief superintendent, nine superintendents and eight administrative employees.

In 1993 a total of 1,048 reports were recorded against employees of the police authorities in Stockholm County. Of these 162 were reports of ill treatment. During this period just under 40,000 persons were deprived of their freedom in accordance with the investigative routine. Recently the Stockholm police have been trying out a system of citizen witnesses, i.e. laymen who observe work at the police station.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

*Rights of the accused at trial. It is the task of the prosecutor to prove that the accused is guilty beyond reasonable doubt. The accused do not need to prove that they are innocent.

There are no jury trials. A decision to prosecute cannot be taken unless the suspect and his counsel has been informed of the suspicion and have had an opportunity to read and comment on the records as long as this can be done without harming the investigation.

The accused are initially tried by a panel of a professional judge, who always is a trained jurist or

lawyer, and three or five lay judges. In higher courts all panels consist of professional judges.

*Assistance to the accused. If necessary the court is required to ensure that the accused is provided with the assistance of a public defense counsel. Such a counsel is appointed by the court. Counsel for the defense must be a trained lawyer and a member of the Swedish Bar Association and is remunerated for his assistance to the defendant out of public funds. However, if the defendant is well off, he or she may be ordered to pay these costs if convicted. The defendant may, if he or she wishes, appoint a private counsel. There is no requirement that private counsel have legal training.

2. Procedures.

*Preparatory procedures for bringing a suspect to trial. The basic prosecutorial and judicial process can be described in the following stages. If there are reasons to believe that a criminal offense under public prosecution has been committed, a pre-trial investigation should be initiated to find out who is reasonably suspected of the crime and if there is sufficient evidence to prosecute him or her. The police or the public prosecutor initiate the pre-trial investigation. During the investigation every fact must be taken into consideration, whether it is in a suspect's favor or against. Normally the police carry out the pre-trial investigation, but, as soon as someone is reasonably suspected of the crime, the prosecutor takes over the case. However, the prosecutor has the right to assume control of the case at any stage in the pre-trial investigation if it is deemed advisable.

*Official who conducts prosecution. When the pre-trial investigation has been completed the public prosecutor decides whether to press charges or not. It is the prosecutor's duty to prosecute everyone who is reasonably suspected of having committed a crime and the prosecutor's judgement is that there is enough evidence to expect the court to find the suspect guilty.

*Alternatives to trial. Exceptions will often be made for juvenile offenders but in these cases, before a waiver of prosecution, the prosecutor is normally required to get in touch with the social welfare authorities and see to it that appropriate action will be taken. Also, for less serious offenses the prosecutor may decide, if the offender agrees to this, that the case will be resolved by a summary fine and not taken to trial. There is no plea bargaining and the accused cannot plead guilty to a lesser offence.

*Proportion of prosecuted cases going to trial. Since there is no plea bargaining, all persons prosecuted for a crime that carries a prison sentence must stand trial.

*Pre-trial incarceration conditions. The public prosecutor decides whether a suspect is to be kept under arrest. Twelve hours is the maximum period for which a suspect can be held without a warrant of arrest. The statutory maximum time for arrest is 48 hours. A request for a pre-trial detention order is normally made the same day as the arrest but in extreme cases this time may be extended to, but no longer than, the third day after the arrest.

Decisions to retain a person in detention are made by the court after hearing the issue at hand; the suspect, his counsel and the prosecutor are all present at this hearing. Normally, following a request for

pre-trial detention, the court should, on the same day hold a session to decide on detention but never more than four days should pass from the day the suspect was arrested. If the court decides to remand someone in custody it shall at the same time set a date on which the person shall be presented to the court.

A person can be detained only if he or she is suspected of an offense punishable by imprisonment for a year or more and it is likely that he or she will either flee or destroy evidence. An exception can be made to these requirements for detention if the suspect is not domiciled in Sweden and there is a risk that he or she will flee the country.

*Bail procedures. Sweden has no bail.

JUDICIAL SYSTEM

1. Administration.

Sweden has a three-tiered hierarchy of general courts; the district courts, the courts of appeal and the Supreme Court. Appeals against judgements of district courts can normally be carried to a court of appeal. Appeals against the decision of courts of appeal can be carried to the Supreme Court. However, the possibility of having an appeal heard in the Supreme Court is subject to special permission, such permission being given only if it is important for enforcement of the law that the appeal should be heard by the Supreme Court.

2. Judges.

*Number of judges. The number of judges in Sweden by level of general court:

| | | |
|-----------------|-----|-------|
| Supreme Court | 59 | (23) |
| Appeal Courts | 386 | (151) |
| District Courts | 609 | (489) |

The figures within brackets refer to the number of judges with a permanent position.

3. Special Courts.

In addition to the general courts there are administrative courts including the Supreme Administrative Court, the Administrative Courts of Appeal, the County Administrative Courts, the Labor Court, the Market Court and the Rent and Leasehold Tribunals.

4. Procedure.

The majority of cases are resolved by summary sentences and fines.

PENALTIES AND SENTENCES

1. Sentencing process.

*Who determines the sentence? The sentence is determined by the court upon a finding of guilt.

*Is there a special sentencing hearing? After the main hearing involving the presentation of the case, questioning of the suspect and witnesses, the court holds private discussions to consider the aggravating and mitigating circumstances. This discussion leads to a final decision on the case. The decision must be based only on facts that come to light at the main hearing. In general the decision and punishment or other sanctions are announced directly after the discussions.

*Which persons have input into the sentencing process? The prosecutor may decide on special measures before the case comes to court; for example, that the social services should deal with the case. In cases where the suspect may be assumed to be mentally disturbed, the court decides whether he should undergo examination by a forensic psychiatrist. If the examination reveals mental disorder, the court may choose to sentence the defendant to psychiatric treatment, with or without special consideration of discharge. Children and young people, addicts and mentally disturbed perpetrators may be handed over for special treatment.

2. Types of Penalties.

*Range of penalties. The Criminal Code lists the punishments and other sanctions a court may prescribe in a sentence. The term "punishment" refers to fines and imprisonment and the term "other consequences" refers mainly to suspended sentences, probation or special treatment.

Imprisonment may be prescribed for a specific period, from 14 days to 10 years. Longer sentences of up to 16 years may be imposed for several crimes. Life imprisonment is usually converted to a specific length of punishment of around 14-16 years.

The sanction is determined on several different bases. The seriousness of the crime, and the age and mental state of the perpetrator are all factors that are important. One general principle is that imprisonment should be avoided as far as possible. Thus, it is not possible in any unified manner to say that the normal punishment for a certain crime is a certain type of sanction; more serious forms of crime lead to more severe punishment.

These are the punishments meted out depending on the severity of the crime:

Conditional release usually takes place now after 2/3 of the sentence has been served. Between 1 July 1983 and 1 July 1993 general conditional release after half the sentence had been served applied.

Persons under 18 may not be sentenced to imprisonment in other than exceptional cases.

Psychiatric treatment is prescribed for crimes for which the sanction must be more severe than a fine and the defendant is suffering from a serious mental disorder.

Probation may be prescribed for crimes for which the sanction must be more severe than a fine.

Probation may be combined with special regulations such as contract care or community service program.

Conditional sentences may be prescribed for crimes for which the sanction must be more severe than a fine. A conditional sentence may be perceived as a conditional concession with a trial period of two years. The main rule now is that this sanction should be combined with a fine. A person who at the time of sentencing is under 21 years may be placed in the care of the social services. This sanction may be combined with a fine.

A person may be sentenced to treatment under the Care of Alcoholics and Drug Abusers Act if the crime would not lead to more severe punishment than one year's imprisonment. The person sentenced must be a drug abuser to the extent that he is a danger to himself or a close relative. Day-fines are calculated on the basis of how serious the crime is and the financial situation of the guilty party. Day-fines are prescribed by number and magnitude. The number must be no less than 30 and no more than 150 or, as joint punishment for several crimes, a maximum of 200. The size of the day-fine varies according to the financial situation of the defendant and varies between 30 SEK and 1,000 SEK.

Monetary fines are set at a minimum of 100 and a maximum of 2,000 SEK. The fine is used primarily for less serious forms of crime, e.g. traffic offenses.

The Prosecutor-General, and the National Police Board decide which crimes lead to on-the-spot fines. The fines are imposed directly by the police and the maximum fine is 1,200 SEK.

Standardized crimes are determined on a very special basis and are used a few times a year (around 20) exclusively for crimes against the Fisheries Ordinance.

An order of summary punishment is a form of fine that is issued by the prosecutor without court proceedings, usually for simpler forms of crime that would lead to a fine or in certain cases six months imprisonment. This sanction requires that the defendant approves the order, i.e. admits to the crime.

The prosecutor may decide not to prosecute a person even though he has committed a crime. This sanction is used primarily for young people (under 18) and in certain cases for drug abusers if they agree to treatment instead. If a person is already under supervision and commits more (minor) crimes, the prosecutor may decide not to prosecute if the sanction would be the same as what has already been imposed.

Forfeiture means that property falls to the state if it relates to profits of crime, tools of crime or objects produced by means of crime, e.g. forged bank notes. Instead of the property, its value may be declared forfeited. Expulsion means that a person who is not a Swedish national is forced to leave the country and is forbidden to return. If the guilty party has caused personal injury or destroyed property, he may be liable to pay damages to the plaintiff. In the case of serious traffic offenses or repeated minor traffic offenses, the guilty party's driving license may be withdrawn. Decisions on withdrawal of driving license are announced by the county administrative court not the district court.

Use of various sanctions in 1993 is shown in the table below. Usually a person brought to court has one sanction imposed on him. In 82% of all court cases in 1993, sanctions were decided on.

| Sanction | Number |
|--------------------------------|--------|
| Prison | 15,872 |
| Psychiatric treatment | 372 |
| Probation | 6,274 |
| with contract care | 620 |
| with community service program | 310 |

| | |
|-------------------------------------|---------|
| Conditional sentence | 11,916 |
| reatment within the social services | 1,480 |
| Fines | 111,560 |
| Day and monetary fings | 35,808 |
| Summary punishment | 75,752 |
| Failure to prosecute | 13,942 |
| Other sanctions | 2,964 |

Total persons santioned or prosecuted 164,380

To this may be added:

| | |
|-------------------|---------|
| On-the-spot fines | 199,144 |
|-------------------|---------|

*Death penalty. The death penalty was abolished in Sweden in 1921 for peace time and in 1973 also for war time (Hoflund 1993 p. 26).

PRISON

1. Description.

*Number of prisons and type. There are 77 Swedish prisons which are divided into national and local prisons. The national prisons mainly receive people with prison sentences of at least one year or who require extra security. The national prisons also include some that are high-security. The local institutions are primarily for those with prison sentences of up to one year although those with longer sentences are often transferred to local prison at the end of their prison term. As of July 1, 1994 the following number of prisons and prison beds applied.

*Number of prison beds.

| Type of prison | Number | Number of prison beds |
|----------------|--------|-----------------------|
| National | 17 | 1,904 |
| Local | 60 | 2,885 |

In addition to these prisons there are also a number of remand prisons.

*Average daily/number of prisoners. The average number of prisoners for the fiscal year 1992/1993 was 3,830.

*Number of annual admissions. The number of annual admissions for the year 1992 was 13,836. As of March 1, 1993, 26.8 % of the prisoners were foreign citizens and 5% were female.

* Actual or estimated proportion of inmates incarcerated. The distribution of the 1992 prisoners by

crime type is shown in the table below:

| Crime | Annual Admissions | As of
March 1, 1993 |
|-----------------|-------------------|------------------------|
| Violent crimes | 2,368 (17.1%) | 843 (19.6%) |
| Sex crimes | 270 (2.0%) | 200 (4.6%) |
| Property crimes | 3,139 (22.7%) | 848 (19.7%) |
| Robbery | 417 (3.0%) | 335 (7.8%) |
| Fraud | 1,139 (8.2%) | 415 (9.7%) |
| Drunken driving | 2,562 (18.5%) | 332 (7.7%) |
| Other traffic | 532 (3.8%) | 70 (1.6%) |
| Drug offenses | 1,298 (9.4%) | 826 (19.2%) |
| Other | 2,111 (15.3%) | 432 (10.0%) |

2. Administration.

*Administration. All Swedish prisons are state prisons.

*Prison guards. The number of prison guards as of March 1, 1994 was 4,126; 23% of whom were female.

*Training and qualifications. The requirement for prison guard recruits is that they either have at least two years of high school education or that they are at least 26 years of age and have four years of work experience. In addition they are required to have at least two years of high school training in English, Swedish and Social Science. Appointment decisions are based on personal interviews.

*Expenditures on the prison system. The total annual expenditures for the prison system were 3,377 million crowns (SEK) for the fiscal year 1992/1993.

*Number of prisoners awaiting trial. The annual average number of prisoners awaiting trial in the fiscal year 1992/1993 was 1,058.

3. Prison conditions.

*Remissions. No information obtained.

*Work/education. No information obtained.

*Amenities/privileges. No information obtained.

EXTRADITION AND TREATIES

*Extradition. A person who is suspected, accused or found guilty of a punishable act by a foreign state and is staying in Sweden may, by government decision, be extradited to that state in accordance with the act 1957:668. According to this act, the crime must have been perpetrated wholly or partly in Sweden. The act must be equivalent to a crime for which Swedish law prescribes at least one year's imprisonment. Swedish nationals may not be extradited, nor may persons who have committed political crimes or who risk being subject to persecution owing to political or religious affiliation.

According to the European Extradition Convention agreements apply between the following countries: Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, The Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey, UK, Israel.

Otherwise the following extradition agreements apply between Sweden and Belgium and Sweden and non-European countries: USA, Australia, Canada and areas under the responsibility of the UK.

*Specific conditions. Within the Nordic countries special agreements apply. Swedish citizens may under certain circumstances be extradited to another Nordic country in accordance with act 1959:254 and for political crimes if the act has any equivalent in Swedish law.

In principle these European conventions apply:

The European Extradition Convention of 13 Dec. 1957.

The European Convention of 28 May 1970 on the international legal consequences of criminal sentences.

Transfer of legal proceedings in criminal cases, act 15 May 1972.

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GEOGRAPHY

Location: Northern Europe, bordering the Baltic Sea, Gulf of Bothnia, Kattegat, and Skagerrak, between Finland and Norway

Geographic coordinates: 62 00 N, 15 00 E

Map references: Europe

Area:

total: 449,964 sq km

land: 410,928 sq km

water: 39,036 sq km

Area-comparative: slightly larger than California

Land boundaries:

total: 2,205 km

border countries: Finland 586 km, Norway 1,619 km

Coastline: 3,218 km

Maritime claims:

continental shelf: 200-m depth or to the depth of exploitation

exclusive economic zone: agreed boundaries or midlines

territorial sea: 12 nm (adjustments made to return a portion of straits to high seas)

Climate: temperate in south with cold, cloudy winters and cool, partly cloudy summers; subarctic in north

Terrain: mostly flat or gently rolling lowlands; mountains in west

Elevation extremes:

lowest point: Baltic Sea 0 m

highest point: Kebnekaise 2,111 m

Natural resources: zinc, iron ore, lead, copper, silver, timber, uranium, hydropower potential

Land use:

arable land: 7%

permanent crops: 0%

permanent pastures: 1%

forests and woodland: 68%

other: 24% (1993 est.)

Irrigated land: 1,150 sq km (1993 est.)

Natural hazards: ice floes in the surrounding waters, especially in the Gulf of Bothnia, can interfere with maritime traffic

Environment-current issues: acid rain damaging soils and lakes; pollution of the North Sea and the Baltic Sea

Environment-international agreements:

party to: Air Pollution, Air Pollution-Nitrogen Oxides, Air Pollution-Sulphur 85, Air Pollution-Sulphur 94, Air Pollution-Volatile Organic Compounds,

Antarctic-Environmental Protocol, Antarctic Treaty, Biodiversity, Climate Change, Desertification, Endangered Species, Environmental Modification, Hazardous

Wastes, Law of the Sea, Marine Dumping, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 83, Tropical Timber 94, Wetlands
signed, but not ratified: none of the selected agreements

Geography-note: strategic location along Danish Straits linking Baltic and North Seas

PEOPLE

Population: 8,886,738 (July 1998 est.)

Age structure:

0-14 years: 19% (male 852,520; female 808,600)

15-64 years: 64% (male 2,885,783; female 2,792,964)

65 years and over: 17% (male 653,631; female 893,240) (July 1998 est.)

Population growth rate: 0.26% (1998 est.)

Birth rate: 11.7 births/1,000 population (1998 est.)

Death rate: 10.78 deaths/1,000 population (1998 est.)

Net migration rate: 1.69 migrant(s)/1,000 population (1998 est.)

Sex ratio:

at birth: 1.05 male(s)/female

under 15 years: 1.05 male(s)/female

15-64 years: 1.03 male(s)/female

65 years and over: 0.73 male(s)/female (1998 est.)

Infant mortality rate: 3.93 deaths/1,000 live births (1998 est.)

Life expectancy at birth:

total population: 79.19 years

male: 76.52 years

female: 82 years (1998 est.)

Total fertility rate: 1.76 children born/woman (1998 est.)

Nationality:

noun: Swede(s)

adjective: Swedish

Ethnic groups: white, Lapp (Sami), foreign-born or first-generation immigrants 12% (Finns, Yugoslavs, Danes, Norwegians, Greeks, Turks)

Religions: Evangelical Lutheran 94%, Roman Catholic 1.5%, Pentecostal 1%, other 3.5% (1987)

Languages: Swedish

note: small Lapp- and Finnish-speaking minorities

Literacy:

definition: age 15 and over can read and write

total population: 99% (1979 est.)

male: NA%

female: NA%

GOVERNMENT

Country name:

conventional long form: Kingdom of Sweden

conventional short form: Sweden

local long form: Konungariket Sverige

local short form: Sverige

Data code: SW

Government type: constitutional monarchy

National capital: Stockholm

Administrative divisions: 24 provinces (lan, singular and plural); Alvsborgs Lan, Blekinge Lan, Gavleborgs Lan, Goteborgs och Bohus Lan, Gotlands Lan, Hallands Lan, Jamtlands Lan, Jonkopings Lan, Kalmar Lan, Kopparbergs Lan, Kristianstads Lan, Kronobergs Lan, Malmohus Lan, Norrbottens Lan, Orebro Lan, Ostergotlands Lan, Skaraborgs Lan, Sodermanlands Lan, Stockholms Lan, Uppsala Lan, Varmlands Lan, Vasterbottens Lan, Vasternorrlands Lan, Vastmanlands Lan

Independence: 6 June 1523, Gustav VASA was elected king; 6 June 1809, a constitutional monarchy was established

National holiday: Day of the Swedish Flag, 6 June

Constitution: 1 January 1975

Legal system: civil law system influenced by customary law; accepts compulsory ICJ jurisdiction, with reservations

Suffrage: 18 years of age; universal

Executive branch:

chief of state: King CARL XVI GUSTAF (since 19 September 1973); Heir Apparent Princess VICTORIA Ingrid Alice Desiree, daughter of the king (born 14 July 1977)

head of government: Prime Minister Goran PERSSON (since 21 March 1996)

cabinet: Cabinet appointed by the prime minister

elections: the king is a constitutional monarch; prime minister elected by the Parliament; election last held NA March 1996 (next to be held NA 1998)

election results: Goran PERSSON elected prime minister; percent of parliamentary vote - 183 votes out of 349

Legislative branch: unicameral Parliament or Riksdag (349 seats; members are elected by popular vote on a proportional representation basis to serve four-year terms)

elections: last held 18 September 1994 (next to be held 20 September 1998)

election results: percent of vote by party-Social Democrats 45.4%, Moderate Party (Conservatives) 22.3%, Center Party 7.7%, Liberals 7.2%, Left Party 6.2%,

Greens 5.8%, Christian Democrats 4.1%, New Democracy Party 1.2%; seats by party-Social Democrats 162, Moderate Party (Conservatives) 80, Center Party 27, Liberals 26, Left Party 22, Greens 18, Christian Democrats 14; note-the New Democracy Party did not receive a seat because parties require a minimum of 4.0% of votes for a seat in parliament

Judicial branch: Supreme Court or Hogsta Domstolen, judges are appointed by the government (prime minister and cabinet)

Political parties and leaders: Social Democratic Party [Goran PERSSON]; Moderate Party (conservative) [Carl BILDT]; Liberal People's Party [Maria LEISSNER]; Center Party; Christian Democratic Party [Alf SVENSSON]; New Democracy Party [Vivianne FRANZEN]; Left Party or VP (Communist) [Gudrun SCHYMAN]; Communist Workers' Party [Rolf HAGEL]; Green Party [no formal leader but party spokesperson is Briger SCHLAUG]

International organization participation: AfDB, AG (observer), AsDB, Australia Group, BIS, CBSS, CCC, CE, CERN, EAPC, EBRD, ECE, EIB, ESA, EU,

FAO, G- 6, G- 8, G- 9, G-10, IADB, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IEA, IFAD, IFC, IFRCs, IHO, ILO, IMF, IMO, Inmarsat, Intelsat, Interpol, IOC, IOM, ISO, ITU, MINUGUA, MONUA, MTCR, NAM (guest), NC, NEA, NIB, NSG, OECD, OSCE, PCA, PFP, UN, UN Security Council (temporary), UNCTAD, UNESCO, UNHCR, UNIDO, UNIKOM, UNMIBH, UNMOGIP, UNMOP, UNOMIG, UNPREDEP, UNTSO, UPU, WEU (observer), WFTU, WHO, WIPO, WMO, WTrO, ZC

Diplomatic representation in the US:

chief of mission: Ambassador Rolf EKEUS
 chancery: 1501 M Street NW, Washington, DC 20005-1702
 telephone: [1] (202) 467-2600
 FAX: [1] (202) 467-2699
 consulate(s) general: New York

Diplomatic representation from the US:

chief of mission: Ambassador Lyndon Lowell OLSON, Jr.
 embassy: Strandvagen 101, S-115 89 Stockholm
 mailing address: use embassy street address
 telephone: [46] (8) 783 53 00
 FAX: [46] (8) 661 19 64

Flag description: blue with a yellow cross that extends to the edges of the flag; the vertical part of the cross is shifted to the hoist side in the style of the Dannebrog (Danish flag)

ECONOMY

Economy-overview: Aided by peace and neutrality for the whole twentieth century, Sweden has achieved an enviable standard of living under a mixed system of high-tech capitalism and extensive welfare benefits. It has a modern distribution system, excellent internal and external communications, and a skilled labor force. Timber, hydropower, and iron ore constitute the resource base of an economy heavily oriented toward foreign trade. Privately owned firms account for about 90% of industrial output, of which the engineering sector accounts for 50% of output and exports. Agriculture accounts for only 2% of GDP and 2% of the jobs. In recent years, however, this extraordinarily favorable picture has been clouded by budgetary difficulties, inflation, high unemployment, and a gradual loss of competitiveness in international markets. To curb the budget deficit and bolster confidence in the economy, the government adopted an adjustment program in November 1994 that aims to eliminate the government budget deficit and to stabilize the debt to GDP ratio. Sweden has harmonized its economic policies with

those of the EU, which it joined at the start of 1995. Sweden has decided not to join the EMU (European Monetary Union). Annual GDP growth should edge up to 2.5% in 1998-99.

GDP: purchasing power parity-\$176.2 billion (1997 est.)

GDP-real growth rate: 2.1% (1997 est.)

GDP-per capita: purchasing power parity-\$19,700 (1997 est.)

GDP-composition by sector:

agriculture: 2%

industry: 27%

services: 71% (1993)

Inflation rate-consumer price index: 2% (1997 est.)

Labor force:

total: 4.552 million (84% unionized, 1992)

by occupation: community, social and personal services 38.3%, mining and manufacturing 21.2%, commerce, hotels, and restaurants 14.1%, banking, insurance

9.0%, communications 7.2%, construction 7.0%, agriculture, fishing, and forestry 3.2% (1991)

Unemployment rate: 6.6% plus about 5% in training programs (1997 est.)

Budget:

revenues: \$109.4 billion

expenditures: \$146.1 billion, including capital expenditures of \$NA (FY95/96)

Industries: iron and steel, precision equipment (bearings, radio and telephone parts, armaments), wood pulp and paper products, processed foods, motor vehicles

Industrial production growth rate: 2.6% (1996)

Electricity-capacity: 35.462 million kW (1995)

Electricity-production: 142.913 billion kWh (1995)

Electricity-consumption per capita: 15,996 kWh (1995)

Agriculture-products: grains, sugar beets, potatoes; meat, milk

Exports:
total value: \$84.5 billion (f.o.b., 1996)
commodities: machinery, motor vehicles, paper products, pulp and wood, iron and steel products, chemicals, petroleum and petroleum products
partners: EU 59.1% (Germany 13.2%, UK 10.2%, Denmark 6.9%, France 5.1%), Norway 8.1%, Finland 4.8%, US 8.0% (1994)

Imports:
total value: \$66.6 billion (c.i.f., 1996)
commodities: machinery, petroleum and petroleum products, chemicals, motor vehicles, foodstuffs, iron and steel, clothing
partners: EU 62.6% (Germany 18.4%, UK 9.5%, Denmark 6.6%, France 5.5%), Finland 6.3%, Norway 6.1%, US 8.5% (1994)

Debt-external: \$66.5 billion (1994)

Economic aid:
donor: ODA, \$1.769 billion (1993)

Currency: 1 Swedish krona (SKr) = 100 oere

Exchange rates: Swedish kronor (SKr) per US\$1-8.0085 (January 1998), 7.6349 (1997), 6.7060 (1996), 7.1333 (1995), 7.7160 (1994), 7.7834 (1993)

Fiscal year: 1 January-31 December (Sweden changed its fiscal year from 1 July - 30 June in 1995)

COMMUNICATIONS

Telephones: 13 million (1996 est.)

Telephone system: excellent domestic and international facilities; automatic system
domestic: coaxial and multiconductor cable carry most voice traffic; parallel microwave radio relay network carries some additional telephone channels
international: 5 submarine coaxial cables; satellite earth stations-1 Intelsat (Atlantic Ocean), 1 Eutelsat, and 1 Inmarsat (Atlantic and Indian Ocean regions); note
- Sweden shares the Inmarsat earth station with the other Nordic countries (Denmark, Finland, Iceland, and Norway)

Radio broadcast stations: AM 5, FM 360 (mostly repeaters), shortwave 0

Radios: 7.272 million (1993 est.)

Television broadcast stations: 880 (mostly repeaters)

Televisions: 3.5 million

TRANSPORTATION

Railways:

total: 11,837 km (includes 1,955 km of privately-owned railways)

standard gauge: 11,837 km 1.435-m gauge (7,317 km electrified and 1,152 km double track) (1996)

Highways:

total: 138,000 km

paved: 105,018 km (including 1,330 km of expressways)

unpaved: 32,982 km (1996 est.)

Waterways: 2,052 km navigable for small steamers and barges

Pipelines: natural gas 84 km

Ports and harbors: Gavle, Goteborg, Halmstad, Helsingborg, Hudiksvall, Kalmar, Karlshamn, Malmo, Solvesborg, Stockholm, Sundsvall

Merchant marine:

total: 164 ships (1,000 GRT or over) totaling 2,036,831 GRT/1,919,367 DWT

ships by type: bulk 7, cargo 33, chemical tanker 27, combination ore/oil 1, liquefied gas tanker 1, oil tanker 29, railcar carrier 1, refrigerated cargo 1, roll-on/roll-off

cargo 41, short-sea passenger 7, specialized tanker 4, vehicle carrier 12 (1997 est.)

Airports: 255 (1997 est.)

Airports-with paved runways:

total: 145

over 3,047 m: 2

2,438 to 3,047 m: 9

1,524 to 2,437 m: 83

914 to 1,523 m: 27

under 914 m: 24 (1997 est.)

Airports-with unpaved runways:

total: 110
914 to 1,523 m: 5
under 914 m: 105 (1997 est.)

Heliports: 1 (1997 est.)

MILITARY

Military branches: Swedish Army, Royal Swedish Navy, Swedish Air Force

Military manpower-military age: 19 years of age

Military manpower-availability:
males age 15-49: 2,088,061 (1998 est.)

Military manpower-fit for military service:
males: 1,827,336 (1998 est.)

Military manpower-reaching military age annually:
males: 52,208 (1998 est.)

Military expenditures-dollar figure: \$5.8 billion (FY94/95)

Military expenditures-percent of GDP: 2.5% (FY94/95)

TRANSNATIONAL ISSUES

Disputes-international: none

Illicit drugs: minor transshipment point for and consumer of narcotics shipped via the CIS and Baltic states; increasing consumer of European amphetamines

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Unabomber's Manifesto

The following is full text of the Unabomber's Manifesto.

INTRODUCTION

1. The Industrial Revolution and its consequences have been a disaster for the human race. They have greatly increased the life-expectancy of those of us who live in "advanced" countries, but they have destabilized society, have made life unfulfilling, have subjected human beings to indignities, have led to widespread psychological suffering (in the Third World to physical suffering as well) and have inflicted severe damage on the natural world. The continued development of technology will worsen the situation. It will certainly subject human beings to greater indignities and inflict greater damage on the natural world, it will probably lead to greater social disruption and psychological suffering, and it may lead to increased physical suffering even in "advanced" countries.

2. The industrial-technological system may survive or it may break down. If it survives, it MAY eventually achieve a low level of physical and psychological suffering, but only after passing through a long and very painful period of adjustment and only at the cost of permanently reducing human beings and many other living organisms to engineered products and mere cogs in the social machine. Furthermore, if the system survives, the consequences will be inevitable: There is no way of reforming or modifying the system so as to prevent it from depriving people of dignity and autonomy.

3. If the system breaks down the consequences will still be very painful. But the bigger the system grows the more disastrous the results of its breakdown will be, so if it is to break down it had best break down sooner rather than later.

4. We therefore advocate a revolution against the industrial system. This revolution may or may not make use of violence: it may be sudden or it may be a relatively gradual process spanning a few decades. We can't predict any of that. But we do outline in a very general way the measures that those who hate the industrial system should take in order to prepare the way for a revolution against that form of society. This is not to be a POLITICAL revolution. Its object will be to overthrow not governments but the economic and technological basis of the present society.

5. In this article we give attention to only some of the negative developments that have grown out of the industrial-technological system. Other such developments we mention only briefly or ignore altogether. This does not mean that we regard these other developments as unimportant. For practical reasons we have to confine our discussion to areas that have received insufficient public attention or in which we

have something new to say. For example, since there are well-developed environmental and wilderness movements, we have written very little about environmental degradation or the destruction of wild nature, even though we consider these to be highly important.

THE PSYCHOLOGY OF MODERN LEFTISM

6. Almost everyone will agree that we live in a deeply troubled society. One of the most widespread manifestations of the craziness of our world is leftism, so a discussion of the psychology of leftism can serve as an introduction to the discussion of the problems of modern society in general.

7. But what is leftism? During the first half of the 20th century leftism could have been practically identified with socialism. Today the movement is fragmented and it is not clear who can properly be called a leftist. When we speak of leftists in this article we have in mind mainly socialists, collectivists, "politically correct" types, feminists, gay and disability activists, animal rights activists and the like. But not everyone who is associated with one of these movements is a leftist. What we are trying to get at in discussing leftism is not so much a movement or an ideology as a psychological type, or rather a collection of related types. Thus, what we mean by "leftism" will emerge more clearly in the course of our discussion of leftist psychology (Also, see paragraphs 227-230.)

8. Even so, our conception of leftism will remain a good deal less clear than we would wish, but there doesn't seem to be any remedy for this. All we are trying to do is indicate in a rough and approximate way the two psychological tendencies that we believe are the main driving force of modern leftism. We by no means claim to be telling the WHOLE truth about leftist psychology. Also, our discussion is meant to apply to modern leftism only. We leave open the question of the extent to which our discussion could be applied to the leftists of the 19th and early 20th century.

9. The two psychological tendencies that underlie modern leftism we call "feelings of inferiority" and "oversocialization." Feelings of inferiority are characteristic of modern leftism as a whole, while oversocialization is characteristic only of a certain segment of modern leftism; but this segment is highly influential.

FEELINGS OF INFERIORITY

10. By "feelings of inferiority" we mean not only inferiority feelings in the strictest sense but a whole spectrum of related traits: low self-esteem, feelings of powerlessness, depressive tendencies, defeatism, guilt, self-hatred, etc. We argue that modern leftists tend to have such feelings (possibly more or less repressed) and that these feelings are decisive in determining the direction of modern leftism.

11. When someone interprets as derogatory almost anything that is said about him (or about groups with whom he identifies) we conclude that he has inferiority feelings or low self-esteem. This tendency is pronounced among minority rights advocates, whether or not they belong to the minority groups whose rights they defend. They are hypersensitive about the words used to designate minorities. The terms "negro," "oriental," "handicapped" or "chick" for an African, an Asian, a disabled person or a woman originally had no derogatory connotation. "Broad" and "chick" were merely the feminine equivalents of "guy," "dude" or "fellow." The negative connotations have been attached to these terms by the activists themselves. Some animal rights advocates have gone so far as to reject the word "pet" and insist on its replacement by "animal companion." Leftist anthropologists go to great lengths to avoid saying anything about primitive peoples that could conceivably be interpreted as negative. They want to replace the word "primitive" by "nonliterate." They seem almost paranoid about anything that might suggest that any primitive culture is inferior to our own. (We do not mean to imply that primitive cultures ARE inferior to ours. We merely point out the hypersensitivity of leftist anthropologists.)

12. Those who are most sensitive about "politically incorrect" terminology are not the average black ghetto-dweller, Asian immigrant, abused woman or disabled person, but a minority of activists, many of whom do not even belong to any "oppressed" group but come from privileged strata of society. Political correctness has its stronghold among university professors, who have secure employment with comfortable salaries, and the majority of whom are heterosexual, white males from middle-class families.

13. Many leftists have an intense identification with the problems of groups that have an image of being weak (women), defeated (American Indians), repellent (homosexuals), or otherwise inferior. The leftists themselves feel that these groups are inferior. They would never admit it to themselves that they have such feelings, but it is precisely because they do see these groups as inferior that they identify with their problems. (We do not suggest that women, Indians, etc., ARE inferior; we are only making a point about leftist psychology).

14. Feminists are desperately anxious to prove that women are as strong as capable as men. Clearly they are nagged by a fear that women may NOT be as strong and as capable as men.

15. Leftists tend to hate anything that has an image of being strong, good and successful. They hate America, they hate Western civilization, they hate white males, they hate rationality. The reasons that leftists give for hating the West, etc. clearly do not correspond with their real motives. They SAY they hate the West because it is warlike, imperialistic, sexist, ethnocentric and so forth, but where these same faults appear in socialist countries or in primitive cultures, the leftist finds excuses for them, or at best he GRUDGINGLY admits that they exist; whereas he ENTHUSIASTICALLY points out (and often greatly exaggerates) these faults where they appear in Western civilization. Thus it is clear that these faults are not the leftist's real motive for hating America and the West. He hates America and the West because they are strong and successful.

16. Words like "self-confidence," "self-reliance," "initiative", "enterprise," "optimism," etc. play little

role in the liberal and leftist vocabulary. The leftist is anti-individualistic, pro-collectivist. He wants society to solve everyone's needs for them, take care of them. He is not the sort of person who has an inner sense of confidence in his own ability to solve his own problems and satisfy his own needs. The leftist is antagonistic to the concept of competition because, deep inside, he feels like a loser.

17. Art forms that appeal to modern leftist intellectuals tend to focus on sordidness, defeat and despair, or else they take an orgiastic tone, throwing off rational control as if there were no hope of accomplishing anything through rational calculation and all that was left was to immerse oneself in the sensations of the moment.

18. Modern leftist philosophers tend to dismiss reason, science, objective reality and to insist that everything is culturally relative. It is true that one can ask serious questions about the foundations of scientific knowledge and about how, if at all, the concept of objective reality can be defined. But it is obvious that modern leftist philosophers are not simply cool-headed logicians systematically analyzing the foundations of knowledge. They are deeply involved emotionally in their attack on truth and reality. They attack these concepts because of their own psychological needs. For one thing, their attack is an outlet for hostility, and, to the extent that it is successful, it satisfies the drive for power. More importantly, the leftist hates science and rationality because they classify certain beliefs as true (i.e., successful, superior) and other beliefs as false (i.e. failed, inferior). The leftist's feelings of inferiority run so deep that he cannot tolerate any classification of some things as successful or superior and other things as failed or inferior. This also underlies the rejection by many leftists of the concept of mental illness and of the utility of IQ tests. Leftists are antagonistic to genetic explanations of human abilities or behavior because such explanations tend to make some persons appear superior or inferior to others. Leftists prefer to give society the credit or blame for an individual's ability or lack of it. Thus if a person is "inferior" it is not his fault, but society's, because he has not been brought up properly.

19. The leftist is not typically the kind of person whose feelings of inferiority make him a braggart, an egotist, a bully, a self-promoter, a ruthless competitor. This kind of person has not wholly lost faith in himself. He has a deficit in his sense of power and self-worth, but he can still conceive of himself as having the capacity to be strong, and his efforts to make himself strong produce his unpleasant behavior. [1] But the leftist is too far gone for that. His feelings of inferiority are so ingrained that he cannot conceive of himself as individually strong and valuable. Hence the collectivism of the leftist. He can feel strong only as a member of a large organization or a mass movement with which he identifies himself.

20. Notice the masochistic tendency of leftist tactics. Leftists protest by lying down in front of vehicles, they intentionally provoke police or racists to abuse them, etc. These tactics may often be effective, but many leftists use them not as a means to an end but because they PREFER masochistic tactics. Self-hatred is a leftist trait.

21. Leftists may claim that their activism is motivated by compassion or by moral principle, and moral principle does play a role for the leftist of the oversocialized type. But compassion and moral principle cannot be the main motives for leftist activism. Hostility is too prominent a component of leftist

behavior; so is the drive for power. Moreover, much leftist behavior is not rationally calculated to be of benefit to the people whom the leftists claim to be trying to help. For example, if one believes that affirmative action is good for black people, does it make sense to demand affirmative action in hostile or dogmatic terms? Obviously it would be more productive to take a diplomatic and conciliatory approach that would make at least verbal and symbolic concessions to white people who think that affirmative action discriminates against them. But leftist activists do not take such an approach because it would not satisfy their emotional needs. Helping black people is not their real goal. Instead, race problems serve as an excuse for them to express their own hostility and frustrated need for power. In doing so they actually harm black people, because the activists' hostile attitude toward the white majority tends to intensify race hatred.

22. If our society had no social problems at all, the leftists would have to INVENT problems in order to provide themselves with an excuse for making a fuss.

23. We emphasize that the foregoing does not pretend to be an accurate description of everyone who might be considered a leftist. It is only a rough indication of a general tendency of leftism.

OVERSOCIALIZATION

24. Psychologists use the term "socialization" to designate the process by which children are trained to think and act as society demands. A person is said to be well socialized if he believes in and obeys the moral code of his society and fits in well as a functioning part of that society. It may seem senseless to say that many leftists are over-socialized, since the leftist is perceived as a rebel. Nevertheless, the position can be defended. Many leftists are not such rebels as they seem.

25. The moral code of our society is so demanding that no one can think, feel and act in a completely moral way. For example, we are not supposed to hate anyone, yet almost everyone hates somebody at some time or other, whether he admits it to himself or not. Some people are so highly socialized that the attempt to think, feel and act morally imposes a severe burden on them. In order to avoid feelings of guilt, they continually have to deceive themselves about their own motives and find moral explanations for feelings and actions that in reality have a non-moral origin. We use the term "oversocialized" to describe such people. [2]

26. Oversocialization can lead to low self-esteem, a sense of powerlessness, defeatism, guilt, etc. One of the most important means by which our society socializes children is by making them feel ashamed of behavior or speech that is contrary to society's expectations. If this is overdone, or if a particular child is especially susceptible to such feelings, he ends by feeling ashamed of HIMSELF. Moreover the thought and the behavior of the oversocialized person are more restricted by society's expectations than are those of the lightly socialized person. The majority of people engage in a significant amount of naughty behavior. They lie, they commit petty thefts, they break traffic laws, they goof off at work, they hate

someone, they say spiteful things or they use some underhanded trick to get ahead of the other guy. The oversocialized person cannot do these things, or if he does do them he generates in himself a sense of shame and self-hatred. The oversocialized person cannot even experience, without guilt, thoughts or feelings that are contrary to the accepted morality; he cannot think "unclean" thoughts. And socialization is not just a matter of morality; we are socialized to conform to many norms of behavior that do not fall under the heading of morality. Thus the oversocialized person is kept on a psychological leash and spends his life running on rails that society has laid down for him. In many oversocialized people this results in a sense of constraint and powerlessness that can be a severe hardship. We suggest that oversocialization is among the more serious cruelties that human beings inflict on one another.

27. We argue that a very important and influential segment of the modern left is oversocialized and that their oversocialization is of great importance in determining the direction of modern leftism. Leftists of the oversocialized type tend to be intellectuals or members of the upper-middle class. Notice that university intellectuals (3) constitute the most highly socialized segment of our society and also the most left-wing segment.

28. The leftist of the oversocialized type tries to get off his psychological leash and assert his autonomy by rebelling. But usually he is not strong enough to rebel against the most basic values of society. Generally speaking, the goals of today's leftists are NOT in conflict with the accepted morality. On the contrary, the left takes an accepted moral principle, adopts it as its own, and then accuses mainstream society of violating that principle. Examples: racial equality, equality of the sexes, helping poor people, peace as opposed to war, nonviolence generally, freedom of expression, kindness to animals. More fundamentally, the duty of the individual to serve society and the duty of society to take care of the individual. All these have been deeply rooted values of our society (or at least of its middle and upper classes (4) for a long time. These values are explicitly or implicitly expressed or presupposed in most of the material presented to us by the mainstream communications media and the educational system. Leftists, especially those of the oversocialized type, usually do not rebel against these principles but justify their hostility to society by claiming (with some degree of truth) that society is not living up to these principles.

29. Here is an illustration of the way in which the oversocialized leftist shows his real attachment to the conventional attitudes of our society while pretending to be in rebellion against it. Many leftists push for affirmative action, for moving black people into high-prestige jobs, for improved education in black schools and more money for such schools; the way of life of the black "underclass" they regard as a social disgrace. They want to integrate the black man into the system, make him a business executive, a lawyer, a scientist just like upper-middle-class white people. The leftists will reply that the last thing they want is to make the black man into a copy of the white man; instead, they want to preserve African American culture. But in what does this preservation of African American culture consist? It can hardly consist in anything more than eating black-style food, listening to black-style music, wearing black-style clothing and going to a black-style church or mosque. In other words, it can express itself only in superficial matters. In all ESSENTIAL respects more leftists of the oversocialized type want to make the black man conform to white, middle-class ideals. They want to make him study technical subjects, become an executive or a scientist, spend his life climbing the status ladder to prove that black people

are as good as white. They want to make black fathers "responsible." they want black gangs to become nonviolent, etc. But these are exactly the values of the industrial-technological system. The system couldn't care less what kind of music a man listens to, what kind of clothes he wears or what religion he believes in as long as he studies in school, holds a respectable job, climbs the status ladder, is a "responsible" parent, is nonviolent and so forth. In effect, however much he may deny it, the oversocialized leftist wants to integrate the black man into the system and make him adopt its values.

30. We certainly do not claim that leftists, even of the oversocialized type, NEVER rebel against the fundamental values of our society. Clearly they sometimes do. Some oversocialized leftists have gone so far as to rebel against one of modern society's most important principles by engaging in physical violence. By their own account, violence is for them a form of "liberation." In other words, by committing violence they break through the psychological restraints that have been trained into them. Because they are oversocialized these restraints have been more confining for them than for others; hence their need to break free of them. But they usually justify their rebellion in terms of mainstream values. If they engage in violence they claim to be fighting against racism or the like.

31. We realize that many objections could be raised to the foregoing thumb-nail sketch of leftist psychology. The real situation is complex, and anything like a complete description of it would take several volumes even if the necessary data were available. We claim only to have indicated very roughly the two most important tendencies in the psychology of modern leftism.

32. The problems of the leftist are indicative of the problems of our society as a whole. Low self-esteem, depressive tendencies and defeatism are not restricted to the left. Though they are especially noticeable in the left, they are widespread in our society. And today's society tries to socialize us to a greater extent than any previous society. We are even told by experts how to eat, how to exercise, how to make love, how to raise our kids and so forth.

THE POWER PROCESS

33. Human beings have a need (probably based in biology) for something that we will call the "power process." This is closely related to the need for power (which is widely recognized) but is not quite the same thing. The power process has four elements. The three most clear-cut of these we call goal, effort and attainment of goal. (Everyone needs to have goals whose attainment requires effort, and needs to succeed in attaining at least some of his goals.) The fourth element is more difficult to define and may not be necessary for everyone. We call it autonomy and will discuss it later (paragraphs 42-44).

34. Consider the hypothetical case of a man who can have anything he wants just by wishing for it. Such a man has power, but he will develop serious psychological problems. At first he will have a lot of fun, but by and by he will become acutely bored and demoralized. Eventually he may become clinically depressed. History shows that leisured aristocracies tend to become decadent. This is not true of fighting

aristocracies that have to struggle to maintain their power. But leisured, secure aristocracies that have no need to exert themselves usually become bored, hedonistic and demoralized, even though they have power. This shows that power is not enough. One must have goals toward which to exercise one's power.

35. Everyone has goals; if nothing else, to obtain the physical necessities of life: food, water and whatever clothing and shelter are made necessary by the climate. But the leisured aristocrat obtains these things without effort. Hence his boredom and demoralization.

36. Nonattainment of important goals results in death if the goals are physical necessities, and in frustration if nonattainment of the goals is compatible with survival. Consistent failure to attain goals throughout life results in defeatism, low self-esteem or depression.

37. Thus, in order to avoid serious psychological problems, a human being needs goals whose attainment requires effort, and he must have a reasonable rate of success in attaining his goals.

SURROGATE ACTIVITIES

38. But not every leisured aristocrat becomes bored and demoralized. For example, the emperor Hirohito, instead of sinking into decadent hedonism, devoted himself to marine biology, a field in which he became distinguished. When people do not have to exert themselves to satisfy their physical needs they often set up artificial goals for themselves. In many cases they then pursue these goals with the same energy and emotional involvement that they otherwise would have put into the search for physical necessities. Thus the aristocrats of the Roman Empire had their literary pretensions; many European aristocrats a few centuries ago invested tremendous time and energy in hunting, though they certainly didn't need the meat; other aristocracies have competed for status through elaborate displays of wealth; and a few aristocrats, like Hirohito, have turned to science.

39. We use the term "surrogate activity" to designate an activity that is directed toward an artificial goal that people set up for themselves merely in order to have some goal to work toward, or let us say, merely for the sake of the "fulfillment" that they get from pursuing the goal. Here is a rule of thumb for the identification of surrogate activities. Given a person who devotes much time and energy to the pursuit of goal X, ask yourself this: If he had to devote most of his time and energy to satisfying his biological needs, and if that effort required him to use his physical and mental facilities in a varied and interesting way, would he feel seriously deprived because he did not attain goal X? If the answer is no, then the person's pursuit of a goal X is a surrogate activity. Hirohito's studies in marine biology clearly constituted a surrogate activity, since it is pretty certain that if Hirohito had had to spend his time working at interesting non-scientific tasks in order to obtain the necessities of life, he would not have felt deprived because he didn't know all about the anatomy and life-cycles of marine animals. On the other hand the pursuit of sex and love (for example) is not a surrogate activity, because most people,

even if their existence were otherwise satisfactory, would feel deprived if they passed their lives without ever having a relationship with a member of the opposite sex. (But pursuit of an excessive amount of sex, more than one really needs, can be a surrogate activity.)

40. In modern industrial society only minimal effort is necessary to satisfy one's physical needs. It is enough to go through a training program to acquire some petty technical skill, then come to work on time and exert very modest effort needed to hold a job. The only requirements are a moderate amount of intelligence, and most of all, simple OBEDIENCE. If one has those, society takes care of one from cradle to grave. (Yes, there is an underclass that cannot take physical necessities for granted, but we are speaking here of mainstream society.) Thus it is not surprising that modern society is full of surrogate activities. These include scientific work, athletic achievement, humanitarian work, artistic and literary creation, climbing the corporate ladder, acquisition of money and material goods far beyond the point at which they cease to give any additional physical satisfaction, and social activism when it addresses issues that are not important for the activist personally, as in the case of white activists who work for the rights of nonwhite minorities. These are not always pure surrogate activities, since for many people they may be motivated in part by needs other than the need to have some goal to pursue. Scientific work may be motivated in part by a drive for prestige, artistic creation by a need to express feelings, militant social activism by hostility. But for most people who pursue them, these activities are in large part surrogate activities. For example, the majority of scientists will probably agree that the "fulfillment" they get from their work is more important than the money and prestige they earn.

41. For many if not most people, surrogate activities are less satisfying than the pursuit of real goals (that is, goals that people would want to attain even if their need for the power process were already fulfilled). One indication of this is the fact that, in many or most cases, people who are deeply involved in surrogate activities are never satisfied, never at rest. Thus the money-maker constantly strives for more and more wealth. The scientist no sooner solves one problem than he moves on to the next. The long-distance runner drives himself to run always farther and faster. Many people who pursue surrogate activities will say that they get far more fulfillment from these activities than they do from the "mundane" business of satisfying their biological needs, but that it is because in our society the effort needed to satisfy the biological needs has been reduced to triviality. More importantly, in our society people do not satisfy their biological needs AUTONOMOUSLY but by functioning as parts of an immense social machine. In contrast, people generally have a great deal of autonomy in pursuing their surrogate activities. have a great deal of autonomy in pursuing their surrogate activities.

AUTONOMY

42. Autonomy as a part of the power process may not be necessary for every individual. But most people need a greater or lesser degree of autonomy in working toward their goals. Their efforts must be undertaken on their own initiative and must be under their own direction and control. Yet most people do not have to exert this initiative, direction and control as single individuals. It is usually enough to act as a member of a SMALL group. Thus if half a dozen people discuss a goal among themselves and

make a successful joint effort to attain that goal, their need for the power process will be served. But if they work under rigid orders handed down from above that leave them no room for autonomous decision and initiative, then their need for the power process will not be served. The same is true when decisions are made on a collective bases if the group making the collective decision is so large that the role of each individual is insignificant [5]

43. It is true that some individuals seem to have little need for autonomy. Either their drive for power is weak or they satisfy it by identifying themselves with some powerful organization to which they belong. And then there are unthinking, animal types who seem to be satisfied with a purely physical sense of power (the good combat soldier, who gets his sense of power by developing fighting skills that he is quite content to use in blind obedience to his superiors).

44. But for most people it is through the power process—having a goal, making an AUTONOMOUS effort and attaining t the goal—that self-esteem, self-confidence and a sense of power are acquired. When one does not have adequate opportunity to go throughout the power process the consequences are (depending on the individual and on the way the power process is disrupted) boredom, demoralization, low self-esteem, inferiority feelings, defeatism, depression, anxiety, guilt, frustration, hostility, spouse or child abuse, insatiable hedonism, abnormal sexual behavior, sleep disorders, eating disorders, etc. [6]

SOURCES OF SOCIAL PROBLEMS

45. Any of the foregoing symptoms can occur in any society, but in modern industrial society they are present on a massive scale. We aren't the first to mention that the world today seems to be going crazy. This sort of thing is not normal for human societies. There is good reason to believe that primitive man suffered from less stress and frustration and was better satisfied with his way of life than modern man is. It is true that not all was sweetness and light in primitive societies. Abuse of women and common among the Australian aborigines, transexuality was fairly common among some of the American Indian tribes. But it does appear that GENERALLY SPEAKING the kinds of problems that we have listed in the preceding paragraph were far less common among primitive peoples than they are in modern society.

46. We attribute the social and psychological problems of modern society to the fact that that society requires people to live under conditions radically different from those under which the human race evolved and to behave in ways that conflict with the patterns of behavior that the human race developed while living under the earlier conditions. It is clear from what we have already written that we consider lack of opportunity to properly experience the power process as the most important of the abnormal conditions to which modern society subjects people. But it is not the only one. Before dealing with disruption of the power process as a source of social problems we will discuss some of the other sources.

47. Among the abnormal conditions present in modern industrial society are excessive density of population, isolation of man from nature, excessive rapidity of social change and the break-down of

natural small-scale communities such as the extended family, the village or the tribe.

48. It is well known that crowding increases stress and aggression. The degree of crowding that exists today and the isolation of man from nature are consequences of technological progress. All pre-industrial societies were predominantly rural. The industrial Revolution vastly increased the size of cities and the proportion of the population that lives in them, and modern agricultural technology has made it possible for the Earth to support a far denser population than it ever did before. (Also, technology exacerbates the effects of crowding because it puts increased disruptive powers in people's hands. For example, a variety of noise-making devices: power mowers, radios, motorcycles, etc. If the use of these devices is unrestricted, people who want peace and quiet are frustrated by the noise. If their use is restricted, people who use the devices are frustrated by the regulations... But if these machines had never been invented there would have been no conflict and no frustration generated by them.)

49. For primitive societies the natural world (which usually changes only slowly) provided a stable framework and therefore a sense of security. In the modern world it is human society that dominates nature rather than the other way around, and modern society changes very rapidly owing to technological change. Thus there is no stable framework.

50. The conservatives are fools: They whine about the decay of traditional values, yet they enthusiastically support technological progress and economic growth. Apparently it never occurs to them that you can't make rapid, drastic changes in the technology and the economy of a society without causing rapid changes in all other aspects of the society as well, and that such rapid changes inevitably break down traditional values.

51. The breakdown of traditional values to some extent implies the breakdown of the bonds that hold together traditional small-scale social groups. The disintegration of small-scale social groups is also promoted by the fact that modern conditions often require or tempt individuals to move to new locations, separating themselves from their communities. Beyond that, a technological society HAS TO weaken family ties and local communities if it is to function efficiently. In modern society an individual's loyalty must be first to the system and only secondarily to a small-scale community, because if the internal loyalties of small-scale communities were stronger than loyalty to the system, such communities would pursue their own advantage at the expense of the system.

52. Suppose that a public official or a corporation executive appoints his cousin, his friend or his co-religionist to a position rather than appointing the person best qualified for the job. He has permitted personal loyalty to supersede his loyalty to the system, and that is "nepotism" or "discrimination," both of which are terrible sins in modern society. Would-be industrial societies that have done a poor job of subordinating personal or local loyalties to loyalty to the system are usually very inefficient. (Look at Latin America.) Thus an advanced industrial society can tolerate only those small-scale communities that are emasculated, tamed and made into tools of the system. [7]

53. Crowding, rapid change and the breakdown of communities have been widely recognized as sources

of social problems. but we do not believe they are enough to account for the extent of the problems that are seen today.

54. A few pre-industrial cities were very large and crowded, yet their inhabitants do not seem to have suffered from psychological problems to the same extent as modern man. In America today there still are uncrowded rural areas, and we find there the same problems as in urban areas, though the problems tend to be less acute in the rural areas. Thus crowding does not seem to be the decisive factor.

55. On the growing edge of the American frontier during the 19th century, the mobility of the population probably broke down extended families and small-scale social groups to at least the same extent as these are broken down today. In fact, many nuclear families lived by choice in such isolation, having no neighbors within several miles, that they belonged to no community at all, yet they do not seem to have developed problems as a result.

56. Furthermore, change in American frontier society was very rapid and deep. A man might be born and raised in a log cabin, outside the reach of law and order and fed largely on wild meat; and by the time he arrived at old age he might be working at a regular job and living in an ordered community with effective law enforcement. This was a deeper change than that which typically occurs in the life of a modern individual, yet it does not seem to have led to psychological problems. In fact, 19th century American society had an optimistic and self-confident tone, quite unlike that of today's society. [8]

57. The difference, we argue, is that modern man has the sense (largely justified) that change is IMPOSED on him, whereas the 19th century frontiersman had the sense (also largely justified) that he created change himself, by his own choice. Thus a pioneer settled on a piece of land of his own choosing and made it into a farm through his own effort. In those days an entire county might have only a couple of hundred inhabitants and was a far more isolated and autonomous entity than a modern county is. Hence the pioneer farmer participated as a member of a relatively small group in the creation of a new, ordered community. One may well question whether the creation of this community was an improvement, but at any rate it satisfied the pioneer's need for the power process.

58. It would be possible to give other examples of societies in which there has been rapid change and/or lack of close community ties without the kind of massive behavioral aberration that is seen in today's industrial society. We contend that the most important cause of social and psychological problems in modern society is the fact that people have insufficient opportunity to go through the power process in a normal way. We don't mean to say that modern society is the only one in which the power process has been disrupted. Probably most if not all civilized societies have interfered with the power ' process to a greater or lesser extent. But in modern industrial society the problem has become particularly acute. Leftism, at least in its recent (mid-to-late -20th century) form, is in part a symptom of deprivation with respect to the power process.

DISRUPTION OF THE POWER PROCESS IN MODERN SOCIETY

59. We divide human drives into three groups: (1) those drives that can be satisfied with minimal effort; (2) those that can be satisfied but only at the cost of serious effort; (3) those that cannot be adequately satisfied no matter how much effort one makes. The power process is the process of satisfying the drives of the second group. The more drives there are in the third group, the more there is frustration, anger, eventually defeatism, depression, etc.

60. In modern industrial society natural human drives tend to be pushed into the first and third groups, and the second group tends to consist increasingly of artificially created drives.

61. In primitive societies, physical necessities generally fall into group 2: They can be obtained, but only at the cost of serious effort. But modern society tends to guaranty the physical necessities to everyone [9] in exchange for only minimal effort, hence physical needs are pushed into group 1. (There may be disagreement about whether the effort needed to hold a job is "minimal"; but usually, in lower- to middle-level jobs, whatever effort is required is merely that of obedience. You sit or stand where you are told to sit or stand and do what you are told to do in the way you are told to do it. Seldom do you have to exert yourself seriously, and in any case you have hardly any autonomy in work, so that the need for the power process is not well served.)

62. Social needs, such as sex, love and status, often remain in group 2 in modern society, depending on the situation of the individual. [10] But, except for people who have a particularly strong drive for status, the effort required to fulfill the social drives is insufficient to satisfy adequately the need for the power process.

63. So certain artificial needs have been created that fall into group 2, hence serve the need for the power process. Advertising and marketing techniques have been developed that make many people feel they need things that their grandparents never desired or even dreamed of. It requires serious effort to earn enough money to satisfy these artificial needs, hence they fall into group 2. (But see paragraphs 80-82.) Modern man must satisfy his need for the power process largely through pursuit of the artificial needs created by the advertising and marketing industry [11], and through surrogate activities.

64. It seems that for many people, maybe the majority, these artificial forms of the power process are insufficient. A theme that appears repeatedly in the writings of the social critics of the second half of the 20th century is the sense of purposelessness that afflicts many people in modern society. (This purposelessness is often called by other names such as "anomic" or "middle-class vacuity.") We suggest that the so-called "identity crisis" is actually a search for a sense of purpose, often for commitment to a suitable surrogate activity. It may be that existentialism is in large part a response to the purposelessness of modern life. [12] Very widespread in modern society is the search for "fulfillment." But we think that for the majority of people an activity whose main goal is fulfillment (that is, a surrogate activity) does not bring completely satisfactory fulfillment. In other words, it does not fully satisfy the need for the power process. (See paragraph 41.) That need can be fully satisfied only through activities that have

some external goal, such as physical necessities, sex, love, status, revenge, etc.

65. Moreover, where goals are pursued through earning money, climbing the status ladder or functioning as part of the system in some other way, most people are not in a position to pursue their goals AUTONOMOUSLY. Most workers are someone else's employee as, as we pointed out in paragraph 61, must spend their days doing what they are told to do in the way they are told to do it. Even most people who are in business for themselves have only limited autonomy. It is a chronic complaint of small-business persons and entrepreneurs that their hands are tied by excessive government regulation. Some of these regulations are doubtless unnecessary, but for the most part government regulations are essential and inevitable parts of our extremely complex society. A large portion of small business today operates on the franchise system. It was reported in the Wall Street Journal a few years ago that many of the franchise-granting companies require applicants for franchises to take a personality test that is designed to EXCLUDE those who have creativity and initiative, because such persons are not sufficiently docile to go along obediently with the franchise system. This excludes from small business many of the people who most need autonomy.

66. Today people live more by virtue of what the system does FOR them or TO them than by virtue of what they do for themselves. And what they do for themselves is done more and more along channels laid down by the system. Opportunities tend to be those that the system provides, the opportunities must be exploited in accord with the rules and regulations [13], and techniques prescribed by experts must be followed if there is to be a chance of success.

67. Thus the power process is disrupted in our society through a deficiency of real goals and a deficiency of autonomy in pursuit of goals. But it is also disrupted because of those human drives that fall into group 3: the drives that one cannot adequately satisfy no matter how much effort one makes. One of these drives is the need for security. Our lives depend on decisions made by other people; we have no control over these decisions and usually we do not even know the people who make them. ("We live in a world in which relatively few people - maybe 500 or 1,00 - make the important decisions" - Philip B. Heymann of Harvard Law School, quoted by Anthony Lewis, New York Times, April 21, 1995.) Our lives depend on whether safety standards at a nuclear power plant are properly maintained; on how much pesticide is allowed to get into our food or how much pollution into our air; on how skillful (or incompetent) our doctor is; whether we lose or get a job may depend on decisions made by government economists or corporation executives; and so forth. Most individuals are not in a position to secure themselves against these threats to more [than] a very limited extent. The individual's search for security is therefore frustrated, which leads to a sense of powerlessness.

68. It may be objected that primitive man is physically less secure than modern man, as is shown by his shorter life expectancy; hence modern man suffers from less, not more than the amount of insecurity that is normal for human beings. but psychological security does not closely correspond with physical security. What makes us FEEL secure is not so much objective security as a sense of confidence in our ability to take care of ourselves. Primitive man, threatened by a fierce animal or by hunger, can fight in self-defense or travel in search of food. He has no certainty of success in these efforts, but he is by no means helpless against the things that threaten him. The modern individual on the other hand is

threatened by many things against which he is helpless; nuclear accidents, carcinogens in food, environmental pollution, war, increasing taxes, invasion of his privacy by large organizations, nationwide social or economic phenomena that may disrupt his way of life.

69. It is true that primitive man is powerless against some of the things that threaten him; disease for example. But he can accept the risk of disease stoically. It is part of the nature of things, it is no one's fault, unless is the fault of some imaginary, impersonal demon. But threats to the modern individual tend to be MAN-MADE. They are not the results of chance but are IMPOSED on him by other persons whose decisions he, as an individual, is unable to influence. Consequently he feels frustrated, humiliated and angry.

70. Thus primitive man for the most part has his security in his own hands (either as an individual or as a member of a SMALL group) whereas the security of modern man is in the hands of persons or organizations that are too remote or too large for him to be able personally to influence them. So modern man's drive for security tends to fall into groups 1 and 3; in some areas (food, shelter, etc.) his security is assured at the cost of only trivial effort, whereas in other areas he CANNOT attain security. (The foregoing greatly simplifies the real situation, but it does indicate in a rough, general way how the condition of modern man differs from that of primitive man.)

71. People have many transitory drives or impulses that are necessary frustrated in modern life, hence fall into group 3. One may become angry, but modern society cannot permit fighting. In many situations it does not even permit verbal aggression. When going somewhere one may be in a hurry, or one may be in a mood to travel slowly, but one generally has no choice but to move with the flow of traffic and obey the traffic signals. One may want to do one's work in a different way, but usually one can work only according to the rules laid down by one's employer. In many other ways as well, modern man is strapped down by a network of rules and regulations (explicit or implicit) that frustrate many of his impulses and thus interfere with the power process. Most of these regulations cannot be disposed with, because they are necessary for the functioning of industrial society.

72. Modern society is in certain respects extremely permissive. In matters that are irrelevant to the functioning of the system we can generally do what we please. We can believe in any religion we like (as long as it does not encourage behavior that is dangerous to the system). We can go to bed with anyone we like (as long as we practice "safe sex"). We can do anything we like as long as it is UNIMPORTANT. But in all IMPORTANT matters the system tends increasingly to regulate our behavior.

73. Behavior is regulated not only through explicit rules and not only by the government. Control is often exercised through indirect coercion or through psychological pressure or manipulation, and by organizations other than the government, or by the system as a whole. Most large organizations use some form of propaganda [14] to manipulate public attitudes or behavior. Propaganda is not limited to "commercials" and advertisements, and sometimes it is not even consciously intended as propaganda by the people who make it. For instance, the content of entertainment programming is a powerful form of

propaganda. An example of indirect coercion: There is no law that says we have to go to work every day and follow our employer's orders. Legally there is nothing to prevent us from going to live in the wild like primitive people or from going into business for ourselves. But in practice there is very little wild country left, and there is room in the economy for only a limited number of small business owners. Hence most of us can survive only as someone else's employee.

74. We suggest that modern man's obsession with longevity, and with maintaining physical vigor and sexual attractiveness to an advanced age, is a symptom of unfulfillment resulting from deprivation with respect to the power process. The "mid-life crisis" also is such a symptom. So is the lack of interest in having children that is fairly common in modern society but almost unheard-of in primitive societies.

75. In primitive societies life is a succession of stages. The needs and purposes of one stage having been fulfilled, there is no particular reluctance about passing on to the next stage. A young man goes through the power process by becoming a hunter, hunting not for sport or for fulfillment but to get meat that is necessary for food. (In young women the process is more complex, with greater emphasis on social power; we won't discuss that here.) This phase having been successfully passed through, the young man has no reluctance about settling down to the responsibilities of raising a family. (In contrast, some modern people indefinitely postpone having children because they are too busy seeking some kind of "fulfillment." We suggest that the fulfillment they need is adequate experience of the power process -- with real goals instead of the artificial goals of surrogate activities.) Again, having successfully raised his children, going through the power process by providing them with the physical necessities, the primitive man feels that his work is done and he is prepared to accept old age (if he survives that long) and death. Many modern people, on the other hand, are disturbed by the prospect of death, as is shown by the amount of effort they expend trying to maintain their physical condition, appearance and health. We argue that this is due to unfulfillment resulting from the fact that they have never put their physical powers to any use, have never gone through the power process using their bodies in a serious way. It is not the primitive man, who has used his body daily for practical purposes, who fears the deterioration of age, but the modern man, who has never had a practical use for his body beyond walking from his car to his house. It is the man whose need for the power process has been satisfied during his life who is best prepared to accept the end of that life.

76. In response to the arguments of this section someone will say, "Society must find a way to give people the opportunity to go through the power process." For such people the value of the opportunity is destroyed by the very fact that society gives it to them. What they need is to find or make their own opportunities. As long as the system GIVES them their opportunities it still has them on a leash. To attain autonomy they must get off that leash.

HOW SOME PEOPLE ADJUST

77. Not everyone in industrial-technological society suffers from psychological problems. Some people even profess to be quite satisfied with society as it is. We now discuss some of the reasons why people differ so greatly in their response to modern society.
78. First, there doubtless are differences in the strength of the drive for power. Individuals with a weak drive for power may have relatively little need to go through the power process, or at least relatively little need for autonomy in the power process. These are docile types who would have been happy as plantation darkies in the Old South. (We don't mean to sneer at "plantation darkies" of the Old South. To their credit, most of the slaves were NOT content with their servitude. We do sneer at people who ARE content with servitude.)
79. Some people may have some exceptional drive, in pursuing which they satisfy their need for the power process. For example, those who have an unusually strong drive for social status may spend their whole lives climbing the status ladder without ever getting bored with that game.
80. People vary in their susceptibility to advertising and marketing techniques. Some people are so susceptible that, even if they make a great deal of money, they cannot satisfy their constant craving for the shiny new toys that the marketing industry dangles before their eyes. So they always feel hard-pressed financially even if their income is large, and their cravings are frustrated.
81. Some people have low susceptibility to advertising and marketing techniques. These are the people who aren't interested in money. Material acquisition does not serve their need for the power process.
82. People who have medium susceptibility to advertising and marketing techniques are able to earn enough money to satisfy their craving for goods and services, but only at the cost of serious effort (putting in overtime, taking a second job, earning promotions, etc.) Thus material acquisition serves their need for the power process. But it does not necessarily follow that their need is fully satisfied. They may have insufficient autonomy in the power process (their work may consist of following orders) and some of their drives may be frustrated (e.g., security, aggression). (We are guilty of oversimplification in paragraphs 80-82 because we have assumed that the desire for material acquisition is entirely a creation of the advertising and marketing industry. Of course it's not that simple.
83. Some people partly satisfy their need for power by identifying themselves with a powerful organization or mass movement. An individual lacking goals or power joins a movement or an organization, adopts its goals as his own, then works toward these goals. When some of the goals are attained, the individual, even though his personal efforts have played only an insignificant part in the attainment of the goals, feels (through his identification with the movement or organization) as if he had gone through the power process. This phenomenon was exploited by the fascists, nazis and communists. Our society uses it, too, though less crudely. Example: Manuel Noriega was an irritant to the U.S. (goal: punish Noriega). The U.S. invaded Panama (effort) and punished Noriega (attainment of goal). The U.S. went through the power process and many Americans, because of their identification with the U.S., experienced the power process vicariously. Hence the widespread public approval of the Panama

invasion; it gave people a sense of power. [15] We see the same phenomenon in armies, corporations, political parties, humanitarian organizations, religious or ideological movements. In particular, leftist movements tend to attract people who are seeking to satisfy their need for power. But for most people identification with a large organization or a mass movement does not fully satisfy the need for power.

84. Another way in which people satisfy their need for the power process is through surrogate activities. As we explained in paragraphs 38-40, a surrogate activity that is directed toward an artificial goal that the individual pursues for the sake of the "fulfillment" that he gets from pursuing the goal, not because he needs to attain the goal itself. For instance, there is no practical motive for building enormous muscles, hitting a little ball into a hole or acquiring a complete series of postage stamps. Yet many people in our society devote themselves with passion to bodybuilding, golf or stamp collecting. Some people are more "other-directed" than others, and therefore will more readily attach importance to a surrogate activity simply because the people around them treat it as important or because society tells them it is important. That is why some people get very serious about essentially trivial activities such as sports, or bridge, or chess, or arcane scholarly pursuits, whereas others who are more clear-sighted never see these things as anything but the surrogate activities that they are, and consequently never attach enough importance to them to satisfy their need for the power process in that way. It only remains to point out that in many cases a person's way of earning a living is also a surrogate activity. Not a PURE surrogate activity, since part of the motive for the activity is to gain the physical necessities and (for some people) social status and the luxuries that advertising makes them want. But many people put into their work far more effort than is necessary to earn whatever money and status they require, and this extra effort constitutes a surrogate activity. This extra effort, together with the emotional investment that accompanies it, is one of the most potent forces acting toward the continual development and perfecting of the system, with negative consequences for individual freedom (see paragraph 131). Especially, for the most creative scientists and engineers, work tends to be largely a surrogate activity. This point is so important that it deserves a separate discussion, which we shall give in a moment (paragraphs 87-92).

85. In this section we have explained how many people in modern society do satisfy their need for the power process to a greater or lesser extent. But we think that for the majority of people the need for the power process is not fully satisfied. In the first place, those who have an insatiable drive for status, or who get firmly "hooked" on a surrogate activity, or who identify strongly enough with a movement or organization to satisfy their need for power in that way, are exceptional personalities. Others are not fully satisfied with surrogate activities or by identification with an organization (see paragraphs 41, 64). In the second place, too much control is imposed by the system through explicit regulation or through socialization, which results in a deficiency of autonomy, and in frustration due to the impossibility of attaining certain goals and the necessity of restraining too many impulses.

86. But even if most people in industrial-technological society were well satisfied, we (FC) would still be opposed to that form of society, because (among other reasons) we consider it demeaning to fulfill one's need for the power process through surrogate activities or through identification with an organization, rather than through pursuit of real goals.

THE MOTIVES OF SCIENTISTS

87. Science and technology provide the most important examples of surrogate activities. Some scientists claim that they are motivated by "curiosity," that notion is simply absurd. Most scientists work on highly specialized problem that are not the object of any normal curiosity. For example, is an astronomer, a mathematician or an entomologist curious about the properties of isopropyltrimethylmethane? Of course not. Only a chemist is curious about such a thing, and he is curious about it only because chemistry is his surrogate activity. Is the chemist curious about the appropriate classification of a new species of beetle? No. That question is of interest only to the entomologist, and he is interested in it only because entomology is his surrogate activity. If the chemist and the entomologist had to exert themselves seriously to obtain the physical necessities, and if that effort exercised their abilities in an interesting way but in some nonscientific pursuit, then they couldn't give a damn about isopropyltrimethylmethane or the classification of beetles. Suppose that lack of funds for postgraduate education had led the chemist to become an insurance broker instead of a chemist. In that case he would have been very interested in insurance matters but would have cared nothing about isopropyltrimethylmethane. In any case it is not normal to put into the satisfaction of mere curiosity the amount of time and effort that scientists put into their work. The "curiosity" explanation for the scientists' motive just doesn't stand up.

88. The "benefit of humanity" explanation doesn't work any better. Some scientific work has no conceivable relation to the welfare of the human race - most of archaeology or comparative linguistics for example. Some other areas of science present obviously dangerous possibilities. Yet scientists in these areas are just as enthusiastic about their work as those who develop vaccines or study air pollution. Consider the case of Dr. Edward Teller, who had an obvious emotional involvement in promoting nuclear power plants. Did this involvement stem from a desire to benefit humanity? If so, then why didn't Dr. Teller get emotional about other "humanitarian" causes? If he was such a humanitarian then why did he help to develop the H-bomb? As with many other scientific achievements, it is very much open to question whether nuclear power plants actually do benefit humanity. Does the cheap electricity outweigh the accumulating waste and risk of accidents? Dr. Teller saw only one side of the question. Clearly his emotional involvement with nuclear power arose not from a desire to "benefit humanity" but from a personal fulfillment he got from his work and from seeing it put to practical use.

89. The same is true of scientists generally. With possible rare exceptions, their motive is neither curiosity nor a desire to benefit humanity but the need to go through the power process: to have a goal (a scientific problem to solve), to make an effort (research) and to attain the goal (solution of the problem.) Science is a surrogate activity because scientists work mainly for the fulfillment they get out of the work itself.

90. Of course, it's not that simple. Other motives do play a role for many scientists. Money and status for example. Some scientists may be persons of the type who have an insatiable drive for status (see paragraph 79) and this may provide much of the motivation for their work. No doubt the majority of scientists, like the majority of the general population, are more or less susceptible to advertising and marketing techniques and need money to satisfy their craving for goods and services. Thus science is not

a PURE surrogate activity. But it is in large part a surrogate activity.

91. Also, science and technology constitute a mass power movement, and many scientists gratify their need for power through identification with this mass movement (see paragraph 83).

92. Thus science marches on blindly, without regard to the real welfare of the human race or to any other standard, obedient only to the psychological needs of the scientists and of the government officials and corporation executives who provide the funds for research.

THE NATURE OF FREEDOM

93. We are going to argue that industrial-technological society cannot be reformed in such a way as to prevent it from progressively narrowing the sphere of human freedom. But because "freedom" is a word that can be interpreted in many ways, we must first make clear what kind of freedom we are concerned with.

94. By "freedom" we mean the opportunity to go through the power process, with real goals not the artificial goals of surrogate activities, and without interference, manipulation or supervision from anyone, especially from any large organization. Freedom means being in control (either as an individual or as a member of a SMALL group) of the life-and-death issues of one's existence; food, clothing, shelter and defense against whatever threats there may be in one's environment. Freedom means having power; not the power to control other people but the power to control the circumstances of one's own life. One does not have freedom if anyone else (especially a large organization) has power over one, no matter how benevolently, tolerantly and permissively that power may be exercised. It is important not to confuse freedom with mere permissiveness (see paragraph 72).

95. It is said that we live in a free society because we have a certain number of constitutionally guaranteed rights. But these are not as important as they seem. The degree of personal freedom that exists in a society is determined more by the economic and technological structure of the society than by its laws or its form of government. [16] Most of the Indian nations of New England were monarchies, and many of the cities of the Italian Renaissance were controlled by dictators. But in reading about these societies one gets the impression that they allowed far more personal freedom than our society does. In part this was because they lacked efficient mechanisms for enforcing the ruler's will: There were no modern, well-organized police forces, no rapid long-distance communications, no surveillance cameras, no dossiers of information about the lives of average citizens. Hence it was relatively easy to evade control.

96. As for our constitutional rights, consider for example that of freedom of the press. We certainly don't mean to knock that right: it is very important tool for limiting concentration of political power and for keeping those who do have political power in line by publicly exposing any misbehavior on their part.

But freedom of the press is of very little use to the average citizen as an individual. The mass media are mostly under the control of large organizations that are integrated into the system. Anyone who has a little money can have something printed, or can distribute it on the Internet or in some such way, but what he has to say will be swamped by the vast volume of material put out by the media, hence it will have no practical effect. To make an impression on society with words is therefore almost impossible for most individuals and small groups. Take us (FC) for example. If we had never done anything violent and had submitted the present writings to a publisher, they probably would not have been accepted. If they had been accepted and published, they probably would not have attracted many readers, because it's more fun to watch the entertainment put out by the media than to read a sober essay. Even if these writings had had many readers, most of these readers would soon have forgotten what they had read as their minds were flooded by the mass of material to which the media expose them. In order to get our message before the public with some chance of making a lasting impression, we've had to kill people.

97. Constitutional rights are useful up to a point, but they do not serve to guarantee much more than what could be called the bourgeois conception of freedom. According to the bourgeois conception, a "free" man is essentially an element of a social machine and has only a certain set of prescribed and delimited freedoms; freedoms that are designed to serve the needs of the social machine more than those of the individual. Thus the bourgeois's "free" man has economic freedom because that promotes growth and progress; he has freedom of the press because public criticism restrains misbehavior by political leaders; he has a rights to a fair trial because imprisonment at the whim of the powerful would be bad for the system. This was clearly the attitude of Simon Bolivar. To him, people deserved liberty only if they used it to promote progress (progress as conceived by the bourgeois). Other bourgeois thinkers have taken a similar view of freedom as a mere means to collective ends. Chester C. Tan, "Chinese Political Thought in the Twentieth Century," page 202, explains the philosophy of the Kuomintang leader Hu Han-min: "An individual is granted rights because he is a member of society and his community life requires such rights. By community Hu meant the whole society of the nation." And on page 259 Tan states that according to Carsum Chang (Chang Chun-mai, head of the State Socialist Party in China) freedom had to be used in the interest of the state and of the people as a whole. But what kind of freedom does one have if one can use it only as someone else prescribes? FC's conception of freedom is not that of Bolivar, Hu, Chang or other bourgeois theorists. The trouble with such theorists is that they have made the development and application of social theories their surrogate activity. Consequently the theories are designed to serve the needs of the theorists more than the needs of any people who may be unlucky enough to live in a society on which the theories are imposed.

98. One more point to be made in this section: It should not be assumed that a person has enough freedom just because he SAYS he has enough. Freedom is restricted in part by psychological control of which people are unconscious, and moreover many people's ideas of what constitutes freedom are governed more by social convention than by their real needs. For example, it's likely that many leftists of the oversocialized type would say that most people, including themselves are socialized too little rather than too much, yet the oversocialized leftist pays a heavy psychological price for his high level of socialization.

SOME PRINCIPLES OF HISTORY

99. Think of history as being the sum of two components: an erratic component that consists of unpredictable events that follow no discernible pattern, and a regular component that consists of long-term historical trends. Here we are concerned with the long-term trends.

100. **FIRST PRINCIPLE.** If a **SMALL** change is made that affects a long-term historical trend, then the effect of that change will almost always be transitory - the trend will soon revert to its original state. (Example: A reform movement designed to clean up political corruption in a society rarely has more than a short-term effect; sooner or later the reformers relax and corruption creeps back in. The level of political corruption in a given society tends to remain constant, or to change only slowly with the evolution of the society. Normally, a political cleanup will be permanent only if accompanied by widespread social changes; a **SMALL** change in the society won't be enough.) If a small change in a long-term historical trend appears to be permanent, it is only because the change acts in the direction in which the trend is already moving, so that the trend is not altered but only pushed a step ahead.

101. The first principle is almost a tautology. If a trend were not stable with respect to small changes, it would wander at random rather than following a definite direction; in other words it would not be a long-term trend at all.

102. **SECOND PRINCIPLE.** If a change is made that is sufficiently large to alter permanently a long-term historical trend, then it will alter the society as a whole. In other words, a society is a system in which all parts are interrelated, and you can't permanently change any important part without change all the other parts as well.

103. **THIRD PRINCIPLE.** If a change is made that is large enough to alter permanently a long-term trend, then the consequences for the society as a whole cannot be predicted in advance. (Unless various other societies have passed through the same change and have all experienced the same consequences, in which case one can predict on empirical grounds that another society that passes through the same change will be like to experience similar consequences.)

104. **FOURTH PRINCIPLE.** A new kind of society cannot be designed on paper. That is, you cannot plan out a new form of society in advance, then set it up and expect it to function as it was designed to.

105. The third and fourth principles result from the complexity of human societies. A change in human behavior will affect the economy of a society and its physical environment; the economy will affect the environment and vice versa, and the changes in the economy and the environment will affect human behavior in complex, unpredictable ways; and so forth. The network of causes and effects is far too complex to be untangled and understood.

106. **FIFTH PRINCIPLE.** People do not consciously and rationally choose the form of their society.

Societies develop through processes of social evolution that are not under rational human control.

107. The fifth principle is a consequence of the other four.

108. To illustrate: By the first principle, generally speaking an attempt at social reform either acts in the direction in which the society is developing anyway (so that it merely accelerates a change that would have occurred in any case) or else it only has a transitory effect, so that the society soon slips back into its old groove. To make a lasting change in the direction of development of any important aspect of a society, reform is insufficient and revolution is required. (A revolution does not necessarily involve an armed uprising or the overthrow of a government.) By the second principle, a revolution never changes only one aspect of a society; and by the third principle changes occur that were never expected or desired by the revolutionaries. By the fourth principle, when revolutionaries or utopians set up a new kind of society, it never works out as planned.

109. The American Revolution does not provide a counterexample. The American "Revolution" was not a revolution in our sense of the word, but a war of independence followed by a rather far-reaching political reform. The Founding Fathers did not change the direction of development of American society, nor did they aspire to do so. They only freed the development of American society from the retarding effect of British rule. Their political reform did not change any basic trend, but only pushed American political culture along its natural direction of development. British society, of which American society was an off-shoot, had been moving for a long time in the direction of representative democracy. And prior to the War of Independence the Americans were already practicing a significant degree of representative democracy in the colonial assemblies. The political system established by the Constitution was modeled on the British system and on the colonial assemblies. With major alteration, to be sure - there is no doubt that the Founding Fathers took a very important step. But it was a step along the road the English-speaking world was already traveling. The proof is that Britain and all of its colonies that were populated predominantly by people of British descent ended up with systems of representative democracy essentially similar to that of the United States. If the Founding Fathers had lost their nerve and declined to sign the Declaration of Independence, our way of life today would not have been significantly different. Maybe we would have had somewhat closer ties to Britain, and would have had a Parliament and Prime Minister instead of a Congress and President. No big deal. Thus the American Revolution provides not a counterexample to our principles but a good illustration of them.

110. Still, one has to use common sense in applying the principles. They are expressed in imprecise language that allows latitude for interpretation, and exceptions to them can be found. So we present these principles not as inviolable laws but as rules of thumb, or guides to thinking, that may provide a partial antidote to naive ideas about the future of society. The principles should be borne constantly in mind, and whenever one reaches a conclusion that conflicts with them one should carefully reexamine one's thinking and retain the conclusion only if one has good, solid reasons for doing so.

INDUSTRIAL-TECHNOLOGICAL SOCIETY CANNOT BE REFORMED

111. The foregoing principles help to show how hopelessly difficult it would be to reform the industrial system in such a way as to prevent it from progressively narrowing our sphere of freedom. There has been a consistent tendency, going back at least to the Industrial Revolution for technology to strengthen the system at a high cost in individual freedom and local autonomy. Hence any change designed to protect freedom from technology would be contrary to a fundamental trend in the development of our society.

Consequently, such a change either would be a transitory one -- soon swamped by the tide of history -- or, if large enough to be permanent would alter the nature of our whole society. This by the first and second principles. Moreover, since society would be altered in a way that could not be predicted in advance (third principle) there would be great risk. Changes large enough to make a lasting difference in favor of freedom would not be initiated because it would be realized that they would gravely disrupt the system. So any attempts at reform would be too timid to be effective. Even if changes large enough to make a lasting difference were initiated, they would be retracted when their disruptive effects became apparent. Thus, permanent changes in favor of freedom could be brought about only by persons prepared to accept radical, dangerous and unpredictable alteration of the entire system. In other words, by revolutionaries, not reformers.

112. People anxious to rescue freedom without sacrificing the supposed benefits of technology will suggest naive schemes for some new form of society that would reconcile freedom with technology. Apart from the fact that people who make suggestions seldom propose any practical means by which the new form of society could be set up in the first place, it follows from the fourth principle that even if the new form of society could be once established, it either would collapse or would give results very different from those expected.

113. So even on very general grounds it seems highly improbably that any way of changing society could be found that would reconcile freedom with modern technology. In the next few sections we will give more specific reasons for concluding that freedom and technological progress are incompatible.

RESTRICTION OF FREEDOM IS UNAVOIDABLE IN INDUSTRIAL SOCIETY

114. As explained in paragraph 65-67, 70-73, modern man is strapped down by a network of rules and regulations, and his fate depends on the actions of persons remote from him whose decisions he cannot influence. This is not accidental or a result of the arbitrariness of arrogant bureaucrats. It is necessary and inevitable in any technologically advanced society. The system HAS TO regulate human behavior closely in order to function. At work, people have to do what they are told to do, otherwise production

would be thrown into chaos. Bureaucracies HAVE TO be run according to rigid rules. To allow any substantial personal discretion to lower-level bureaucrats would disrupt the system and lead to charges of unfairness due to differences in the way individual bureaucrats exercised their discretion. It is true that some restrictions on our freedom could be eliminated, but GENERALLY SPEAKING the regulation of our lives by large organizations is necessary for the functioning of industrial-technological society. The result is a sense of powerlessness on the part of the average person. It may be, however, that formal regulations will tend increasingly to be replaced by psychological tools that make us want to do what the system requires of us. (Propaganda [14], educational techniques, "mental health" programs, etc.)

115. The system HAS TO force people to behave in ways that are increasingly remote from the natural pattern of human behavior. For example, the system needs scientists, mathematicians and engineers. It can't function without them. So heavy pressure is put on children to excel in these fields. It isn't natural for an adolescent human being to spend the bulk of his time sitting at a desk absorbed in study. A normal adolescent wants to spend his time in active contact with the real world. Among primitive peoples the things that children are trained to do are in natural harmony with natural human impulses. Among the American Indians, for example, boys were trained in active outdoor pursuits -- just the sort of things that boys like. But in our society children are pushed into studying technical subjects, which most do grudgingly.

116. Because of the constant pressure that the system exerts to modify human behavior, there is a gradual increase in the number of people who cannot or will not adjust to society's requirements: welfare leeches, youth-gang members, cultists, anti-government rebels, radical environmentalist saboteurs, dropouts and resisters of various kinds.

117. In any technologically advanced society the individual's fate MUST depend on decisions that he personally cannot influence to any great extent. A technological society cannot be broken down into small, autonomous communities, because production depends on the cooperation of very large numbers of people and machines. Such a society MUST be highly organized and decisions HAVE TO be made that affect very large numbers of people. When a decision affects, say, a million people, then each of the affected individuals has, on the average, only a one-millionth share in making the decision. What usually happens in practice is that decisions are made by public officials or corporation executives, or by technical specialists, but even when the public votes on a decision the number of voters ordinarily is too large for the vote of any one individual to be significant. [17] Thus most individuals are unable to influence measurably the major decisions that affect their lives. There is no conceivable way to remedy this in a technologically advanced society. The system tries to "solve" this problem by using propaganda to make people WANT the decisions that have been made for them, but even if this "solution" were completely successful in making people feel better, it would be demeaning.

118 Conservatives and some others advocate more "local autonomy." Local communities once did have autonomy, but such autonomy becomes less and less possible as local communities become more enmeshed with and dependent on large-scale systems like public utilities, computer networks, highway systems, the mass communications media, the modern health care system. Also operating against

autonomy is the fact that technology applied in one location often affects people at other locations far away. Thus pesticide or chemical use near a creek may contaminate the water supply hundreds of miles downstream, and the greenhouse effect affects the whole world.

119. The system does not and cannot exist to satisfy human needs. Instead, it is human behavior that has to be modified to fit the needs of the system. This has nothing to do with the political or social ideology that may pretend to guide the technological system. It is the fault of technology, because the system is guided not by ideology but by technical necessity. [18] Of course the system does satisfy many human needs, but generally speaking it does this only to the extent that it is to the advantage of the system to do it. It is the needs of the system that are paramount, not those of the human being. For example, the system provides people with food because the system couldn't function if everyone starved; it attends to people's psychological needs whenever it can CONVENIENTLY do so, because it couldn't function if too many people became depressed or rebellious. But the system, for good, solid, practical reasons, must exert constant pressure on people to mold their behavior to the needs of the system. Too much waste accumulating? The government, the media, the educational system, environmentalists, everyone inundates us with a mass of propaganda about recycling. Need more technical personnel? A chorus of voices exhorts kids to study science. No one stops to ask whether it is inhumane to force adolescents to spend the bulk of their time studying subjects most of them hate. When skilled workers are put out of a job by technical advances and have to undergo "retraining," no one asks whether it is humiliating for them to be pushed around in this way. It is simply taken for granted that everyone must bow to technical necessity and for good reason: If human needs were put before technical necessity there would be economic problems, unemployment, shortages or worse. The concept of "mental health" in our society is defined largely by the extent to which an individual behaves in accord with the needs of the system and does so without showing signs of stress.

120. Efforts to make room for a sense of purpose and for autonomy within the system are no better than a joke. For example, one company, instead of having each of its employees assemble only one section of a catalogue, had each assemble a whole catalogue, and this was supposed to give them a sense of purpose and achievement. Some companies have tried to give their employees more autonomy in their work, but for practical reasons this usually can be done only to a very limited extent, and in any case employees are never given autonomy as to ultimate goals -- their "autonomous" efforts can never be directed toward goals that they select personally, but only toward their employer's goals, such as the survival and growth of the company. Any company would soon go out of business if it permitted its employees to act otherwise. Similarly, in any enterprise within a socialist system, workers must direct their efforts toward the goals of the enterprise, otherwise the enterprise will not serve its purpose as part of the system. Once again, for purely technical reasons it is not possible for most individuals or small groups to have much autonomy in industrial society. Even the small-business owner commonly has only limited autonomy. Apart from the necessity of government regulation, he is restricted by the fact that he must fit into the economic system and conform to its requirements. For instance, when someone develops anew technology, the small-business person often has to use that technology whether he wants to or not, in order to remain competitive.

THE 'BAD' PARTS OF TECHNOLOGY CANNOT BE SEPARATED FROM THE 'GOOD' PARTS

121. A further reason why industrial society cannot be reformed in favor of freedom is that modern technology is a unified system in which all parts are dependent on one another. You can't get rid of the "bad" parts of technology and retain only the "good" parts. Take modern medicine, for example. Progress in medical science depends on progress in chemistry, physics, biology, computer science and other fields. Advanced medical treatments require expensive, high-tech equipment that can be made available only by a technologically progressive, economically rich society. Clearly you can't have much progress in medicine without the whole technological system and everything that goes with it.

122. Even if medical progress could be maintained without the rest of the technological system, it would by itself bring certain evils. Suppose for example that a cure for diabetes is discovered. People with a genetic tendency to diabetes will then be able to survive and reproduce as well as anyone else. Natural selection against genes for diabetes will cease and such genes will spread throughout the population. (This may be occurring to some extent already, since diabetes, while not curable, can be controlled through the use of insulin.) The same thing will happen with many other diseases susceptibility to which is affected by genetic degradation of the population. The only solution will be some sort of eugenics program or extensive genetic engineering of human beings, so that man in the future will no longer be a creation of nature, or of chance, or of God (depending on your religious or philosophical opinions), but a manufactured product.

123. If you think that big government interferes in your life too much NOW, just wait till the government starts regulating the genetic constitution of your children. Such regulation will inevitably follow the introduction of genetic engineering of human beings, because the consequences of unregulated genetic engineering would be disastrous. [19]

124. The usual response to such concerns is to talk about "medical ethics." But a code of ethics would not serve to protect freedom in the face of medical progress; it would only make matters worse. A code of ethics applicable to genetic engineering would be in effect a means of regulating the genetic constitution of human beings. Somebody (probably the upper-middle class, mostly) would decide that such and such applications of genetic engineering were "ethical" and others were not, so that in effect they would be imposing their own values on the genetic constitution of the population at large. Even if a code of ethics were chosen on a completely democratic basis, the majority would be imposing their own values on any minorities who might have a different idea of what constituted an "ethical" use of genetic engineering. The only code of ethics that would truly protect freedom would be one that prohibited ANY genetic engineering of human beings, and you can be sure that no such code will ever be applied in a technological society. No code that reduced genetic engineering to a minor role could stand up for long, because the temptation presented by the immense power of biotechnology would be irresistible, especially since to the majority of people many of its applications will seem obviously and

unequivocally good (eliminating physical and mental diseases, giving people the abilities they need to get along in today's world). Inevitably, genetic engineering will be used extensively, but only in ways consistent with the needs of the industrial-technological system. [20]

TECHNOLOGY IS A MORE POWERFUL SOCIAL FORCE THAN THE ASPIRATION FOR FREEDOM

125. It is not possible to make a **LASTING** compromise between technology and freedom, because technology is by far the more powerful social force and continually encroaches on freedom through **REPEATED** compromises. Imagine the case of two neighbors, each of whom at the outset owns the same amount of land, but one of whom is more powerful than the other. The powerful one demands a piece of the other's land. The weak one refuses. The powerful one says, "OK, let's compromise. Give me half of what I asked." The weak one has little choice but to give in. Some time later the powerful neighbor demands another piece of land, again there is a compromise, and so forth. By forcing a long series of compromises on the weaker man, the powerful one eventually gets all of his land. So it goes in the conflict between technology and freedom.

126. Let us explain why technology is a more powerful social force than the aspiration for freedom.

127. A technological advance that appears not to threaten freedom often turns out to threaten freedom often turns out to threaten it very seriously later on. For example, consider motorized transport. A walking man formerly could go where he pleased, go at his own pace without observing any traffic regulations, and was independent of technological support-systems. When motor vehicles were introduced they appeared to increase man's freedom. They took no freedom away from the walking man, no one had to have an automobile if he didn't want one, and anyone who did choose to buy an automobile could travel much faster than the walking man. But the introduction of motorized transport soon changed society in such a way as to restrict greatly man's freedom of locomotion. When automobiles became numerous, it became necessary to regulate their use extensively. In a car, especially in densely populated areas, one cannot just go where one likes at one's own pace one's movement is governed by the flow of traffic and by various traffic laws. One is tied down by various obligations: license requirements, driver test, renewing registration, insurance, maintenance required for safety, monthly payments on purchase price. Moreover, the use of motorized transport is no longer optional. Since the introduction of motorized transport the arrangement of our cities has changed in such a way that the majority of people no longer live within walking distance of their place of employment, shopping areas and recreational opportunities, so that they **HAVE TO** depend on the automobile for transportation. Or else they must use public transportation, in which case they have even less control over their own movement than when driving a car. Even the walker's freedom is now greatly restricted. In the city he continually has to stop and wait for traffic lights that are designed mainly to serve auto traffic. In the country, motor traffic makes it dangerous and unpleasant to walk along the highway. (Note the important point we have illustrated with the case of motorized transport: When a new item of technology is introduced as an option that an individual can accept or not as he chooses, it does not necessarily **REMAIN** optional. In many cases the new technology changes society in such a way that people eventually find themselves **FORCED** to use it.)

128. While technological progress AS A WHOLE continually narrows our sphere of freedom, each new technical advance CONSIDERED BY ITSELF appears to be desirable. Electricity, indoor plumbing, rapid long-distance communications . . . how could one argue against any of these things, or against any other of the innumerable technical advances that have made modern society? It would have been absurd to resist the introduction of the telephone, for example. It offered many advantages and no disadvantages. Yet as we explained in paragraphs 59-76, all these technical advances taken together have created world in which the average man's fate is no longer in his own hands or in the hands of his neighbors and friends, but in those of politicians, corporation executives and remote, anonymous technicians and bureaucrats whom he as an individual has no power to influence. [21] The same process will continue in the future. Take genetic engineering, for example. Few people will resist the introduction of a genetic technique that eliminates a hereditary disease. It does no apparent harm and prevents much suffering. Yet a large number of genetic improvements taken together will make the human being into an engineered product rather than a free creation of chance (or of God, or whatever, depending on your religious beliefs).

129 Another reason why technology is such a powerful social force is that, within the context of a given society, technological progress marches in only one direction; it can never be reversed. Once a technical innovation has been introduced, people usually become dependent on it, unless it is replaced by some still more advanced innovation. Not only do people become dependent as individuals on a new item of technology, but, even more, the system as a whole becomes dependent on it. (Imagine what would happen to the system today if computers, for example, were eliminated.) Thus the system can move in only one direction, toward greater technologization. Technology repeatedly forces freedom to take a step back -- short of the overthrow of the whole technological system.

130. Technology advances with great rapidity and threatens freedom at many different points at the same time (crowding, rules and regulations, increasing dependence of individuals on large organizations, propaganda and other psychological techniques, genetic engineering, invasion of privacy through surveillance devices and computers, etc.) To hold back any ONE of the threats to freedom would require a long different social struggle. Those who want to protect freedom are overwhelmed by the sheer number of new attacks and the rapidity with which they develop, hence they become pathetic and no longer resist. To fight each of the threats separately would be futile. Success can be hoped for only by fighting the technological system as a whole; but that is revolution not reform.

131. Technicians (we use this term in its broad sense to describe all those who perform a specialized task that requires training) tend to be so involved in their work (their surrogate activity) that when a conflict arises between their technical work and freedom, they almost always decide in favor of their technical work. This is obvious in the case of scientists, but it also appears elsewhere: Educators, humanitarian groups, conservation organizations do not hesitate to use propaganda or other psychological techniques to help them achieve their laudable ends. Corporations and government agencies, when they find it useful, do not hesitate to collect information about individuals without regard to their privacy. Law enforcement agencies are frequently inconvenienced by the constitutional rights of suspects and often of

completely innocent persons, and they do whatever they can do legally (or sometimes illegally) to restrict or circumvent those rights. Most of these educators, government officials and law officers believe in freedom, privacy and constitutional rights, but when these conflict with their work, they usually feel that their work is more important.

132. It is well known that people generally work better and more persistently when striving for a reward than when attempting to avoid a punishment or negative outcome. Scientists and other technicians are motivated mainly by the rewards they get through their work. But those who oppose technological invasions of freedom are working to avoid a negative outcome, consequently there are a few who work persistently and well at this discouraging task. If reformers ever achieved a signal victory that seemed to set up a solid barrier against further erosion of freedom through technological progress, most would tend to relax and turn their attention to more agreeable pursuits. But the scientists would remain busy in their laboratories, and technology as it progresses would find ways, in spite of any barriers, to exert more and more control over individuals and make them always more dependent on the system.

133. No social arrangements, whether laws, institutions, customs or ethical codes, can provide permanent protection against technology. History shows that all social arrangements are transitory; they all change or break down eventually. But technological advances are permanent within the context of a given civilization. Suppose for example that it were possible to arrive at some social arrangements that would prevent genetic engineering from being applied to human beings, or prevent it from being applied in such a way as to threaten freedom and dignity. Still, the technology would remain waiting. Sooner or later the social arrangement would break down. Probably sooner, given that pace of change in our society. Then genetic engineering would begin to invade our sphere of freedom, and this invasion would be irreversible (short of a breakdown of technological civilization itself). Any illusions about achieving anything permanent through social arrangements should be dispelled by what is currently happening with environmental legislation. A few years ago it seemed that there were secure legal barriers preventing at least SOME of the worst forms of environmental degradation. A change in the political wind, and those barriers begin to crumble.

134. For all of the foregoing reasons, technology is a more powerful social force than the aspiration for freedom. But this statement requires an important qualification. It appears that during the next several decades the industrial-technological system will be undergoing severe stresses due to economic and environmental problems, and especially due to problems of human behavior (alienation, rebellion, hostility, a variety of social and psychological difficulties). We hope that the stresses through which the system is likely to pass will cause it to break down, or at least weaken it sufficiently so that a revolution occurs and is successful, then at that particular moment the aspiration for freedom will have proved more powerful than technology.

135. In paragraph 125 we used an analogy of a weak neighbor who is left destitute by a strong neighbor who takes all his land by forcing on him a series of compromises. But suppose now that the strong neighbor gets sick, so that he is unable to defend himself. The weak neighbor can force the strong one to give him his land back, or he can kill him. If he lets the strong man survive and only forces him to give his land back, he is a fool, because when the strong man gets well he will again take all the land for

himself. The only sensible alternative for the weaker man is to kill the strong one while he has the chance. In the same way, while the industrial system is sick we must destroy it. If we compromise with it and let it recover from its sickness, it will eventually wipe out all of our freedom.

SIMPLER SOCIAL PROBLEMS HAVE PROVED INTRACTABLE

136. If anyone still imagines that it would be possible to reform the system in such a way as to protect freedom from technology, let him consider how clumsily and for the most part unsuccessfully our society has dealt with other social problems that are far more simple and straightforward. Among other things, the system has failed to stop environmental degradation, political corruption, drug trafficking or domestic abuse.

137. Take our environmental problems, for example. Here the conflict of values is straightforward: economic expedience now versus saving some of our natural resources for our grandchildren [22] But on this subject we get only a lot of blather and obfuscation from the people who have power, and nothing like a clear, consistent line of action, and we keep on piling up environmental problems that our grandchildren will have to live with. Attempts to resolve the environmental issue consist of struggles and compromises between different factions, some of which are ascendant at one moment, others at another moment. The line of struggle changes with the shifting currents of public opinion. This is not a rational process, or is it one that is likely to lead to a timely and successful solution to the problem. Major social problems, if they get "solved" at all, are rarely or never solved through any rational, comprehensive plan. They just work themselves out through a process in which various competing groups pursuing their own usually short-term) self-interest [23] arrive (mainly by luck) at some more or less stable modus vivendi. In fact, the principles we formulated in paragraphs 100-106 make it seem doubtful that rational, long-term social planning can EVER be successful. 138. Thus it is clear that the human race has at best a very limited capacity for solving even relatively straightforward social problems. How then is it going to solve the far more difficult and subtle problem of reconciling freedom with technology? Technology presents clear-cut material advantages, whereas freedom is an abstraction that means different things to different people, and its loss is easily obscured by propaganda and fancy talk.

139. And note this important difference: It is conceivable that our environmental problems (for example) may some day be settled through a rational, comprehensive plan, but if this happens it will be only because it is in the long-term interest of the system to solve these problems. But it is NOT in the interest of the system to preserve freedom or small-group autonomy. On the contrary, it is in the interest of the system to bring human behavior under control to the greatest possible extent. Thus, while practical considerations may eventually force the system to take a rational, prudent approach to environmental problems, equally practical considerations will force the system to regulate human behavior ever more closely (preferably by indirect means that will disguise the encroachment on freedom.) This isn't just our opinion. Eminent social scientists (e.g. James Q. Wilson) have stressed the importance of "socializing" people more effectively.

REVOLUTION IS EASIER THAN REFORM

140. We hope we have convinced the reader that the system cannot be reformed in a such a way as to reconcile freedom with technology. The only way out is to dispense with the industrial-technological system altogether. This implies revolution, not necessarily an armed uprising, but certainly a radical and fundamental change in the nature of society.

141. People tend to assume that because a revolution involves a much greater change than reform does, it is more difficult to bring about than reform is. Actually, under certain circumstances revolution is much easier than reform. The reason is that a revolutionary movement can inspire an intensity of commitment that a reform movement cannot inspire. A reform movement merely offers to solve a particular social problem. A revolutionary movement offers to solve all problems at one stroke and create a whole new world; it provides the kind of ideal for which people will take great risks and make great sacrifices. For this reasons it would be much easier to overthrow the whole technological system than to put effective, permanent restraints on the development of application of any one segment of technology, such as genetic engineering, but under suitable conditions large numbers of people may devote themselves passionately to a revolution against the industrial-technological system. As we noted in paragraph 132, reformers seeking to limite certain aspects of technology would be working to avoid a negative outcome. But revolutionaries work to gain a powerful reward -- fulfillment of their revolutionary vision -- and therefore work harder and more persistently than reformers do.

142. Reform is always restrainde by the fear of painful consequences if changes go too far. But once a revolutionary fever has taken hold of a society, people are willing to undergo unlimited hardships for the sake of their revolution. This was clearly shown in the French and Russian Revolutions. It may be that in such cases only a minority of the population is really committed to the revolution, but this minority is sufficiently large and active so that it becomes the dominant force in society. We will have more to say about revolution in paragraphs 180-205.

CONTROL OF HUMAN BEHAVIOR

143. Since the beginning of civilization, organized societies have had to put pressures on human beings of the sake of the functioning of the social organism. The kinds of pressures vary greatly from one society to another. Some of the pressures are physical (poor diet, excessive labor, environmental pollution), some are psychological (noise, crowding, forcing humans behavior into the mold that society requires). In the past, human nature has been approximately constant, or at any rate has varied only within certain bounds. Consequently, societies have been able to push people only up to certain limits. When the limit of human endurance has been passed, things start going rong: rebellion, or crime, or corruption, or evasion of work, or depression and other mental problems, or an elevated death rate, or a

declining birth rate or something else, so that either the society breaks down, or its functioning becomes too inefficient and it is (quickly or gradually, through conquest, attrition or evolution) replaced by some more efficient form of society.

[25]

144. Thus human nature has in the past put certain limits on the development of societies. People could be pushed only so far and no farther. But today this may be changing, because modern technology is developing way of modifying human beings.

145. Imagine a society that subjects people to conditions that make them terribly unhappy, then gives them the drugs to take away their unhappiness. Science fiction? It is already happening to some extent in our own society. It is well known that the rate of clinical depression had been greatly increasing in recent decades. We believe that this is due to disruption of the power process, as explained in paragraphs 59-76. But even if we are wrong, the increasing rate of depression is certainly the result of SOME conditions that exist in today's society. Instead of removing the conditions that make people depressed, modern society gives them antidepressant drugs. In effect, antidepressants are a means of modifying an individual's internal state in such a way as to enable him to tolerate social conditions that he would otherwise find intolerable. (Yes, we know that depression is often of purely genetic origin. We are referring here to those cases in which environment plays the predominant role.)

146. Drugs that affect the mind are only one example of the methods of controlling human behavior that modern society is developing. Let us look at some of the other methods.

147. To start with, there are the techniques of surveillance. Hidden video cameras are now used in most stores and in many other places, computers are used to collect and process vast amounts of information about individuals. Information so obtained greatly increases the effectiveness of physical coercion (i.e., law enforcement).[26] Then there are the methods of propaganda, for which the mass communication media provide effective vehicles. Efficient techniques have been developed for winning elections, selling products, influencing public opinion. The entertainment industry serves as an important psychological tool of the system, possibly even when it is dishing out large amounts of sex and violence. Entertainment provides modern man with an essential means of escape. While absorbed in television, videos, etc., he can forget stress, anxiety, frustration, dissatisfaction. Many primitive peoples, when they don't have work to do, are quite content to sit for hours at a time doing nothing at all, because they are at peace with themselves and their world. But most modern people must be constantly occupied or entertained, otherwise they get "bored," i.e., they get fidgety, uneasy, irritable.

148. Other techniques strike deeper than the foregoing. Education is no longer a simple affair of paddling a kid's behind when he doesn't know his lessons and patting him on the head when he does know them. It is becoming a scientific technique for controlling the child's development. Sylvan Learning Centers, for example, have had great success in motivating children to study, and psychological techniques are also used with more or less success in many conventional schools. "Parenting" techniques that are taught

to parents are designed to make children accept fundamental values of the system and behave in ways that the system finds desirable. "Mental health" programs, "intervention" techniques, psychotherapy and so forth are ostensibly designed to benefit individuals, but in practice they usually serve as methods for inducing individuals to think and behave as the system requires. (There is no contradiction here; an individual whose attitudes or behavior bring him into conflict with the system is up against a force that is too powerful for him to conquer or escape from, hence he is likely to suffer from stress, frustration, defeat. His path will be much easier if he thinks and behaves as the system requires. In that sense the system is acting for the benefit of the individual when it brainwashes him into conformity.) Child abuse in its gross and obvious forms is disapproved in most if not all cultures. Tormenting a child for a trivial reason or no reason at all is something that appalls almost everyone. But many psychologists interpret the concept of abuse much more broadly. Is spanking, when used as part of a rational and consistent system of discipline, a form of abuse? The question will ultimately be decided by whether or not spanking tends to produce behavior that makes a person fit in well with the existing system of society. In practice, the word "abuse" tends to be interpreted to include any method of child-rearing that produces behavior inconvenient for the system. Thus, when they go beyond the prevention of obvious, senseless cruelty, programs for preventing "child abuse" are directed toward the control of human behavior of the system.

149. Presumably, research will continue to increase the effectiveness of psychological techniques for controlling human behavior. But we think it is unlikely that psychological techniques alone will be sufficient to adjust human beings to the kind of society that technology is creating. Biological methods probably will have to be used. We have already mentioned the use of drugs in this connection. Neurology may provide other avenues of modifying the human mind. Genetic engineering of human beings is already beginning to occur in the form of "gene therapy," and there is no reason to assume the such methods will not eventually be used to modify those aspects of the body that affect mental functioning.

150. As we mentioned in paragraph 134, industrial society seems likely to be entering a period of severe stress, due in part to problems of human behavior and in part to economic and environmental problems. And a considerable proportion of the system's economic and environmental problems result from the way human beings behave. Alienation, low self-esteem, depression, hostility, rebellion; children who won't study, youth gangs, illegal drug use, rape, child abuse, other crimes, unsafe sex, teen pregnancy, population growth, political corruption, race hatred, ethnic rivalry, bitter ideological conflict (i.e., pro-choice vs. pro-life), political extremism, terrorism, sabotage, anti-government groups, hate groups. All these threaten the very survival of the system. The system will be FORCED to use every practical means of controlling human behavior.

151. The social disruption that we see today is certainly not the result of mere chance. It can only be a result of the conditions of life that the system imposes on people. (We have argued that the most important of these conditions is disruption of the power process.) If the system succeeds in imposing sufficient control over human behavior to assure its own survival, a new watershed in human history will have passed. Whereas formerly the limits of human endurance have imposed limits on the development of societies (as we explained in paragraphs 143, 144), industrial-technological society will be able to pass those limits by modifying human beings, whether by psychological methods or biological

methods or both. In the future, social systems will not be adjusted to suit the needs of human beings. Instead, human being will be adjusted to suit the needs of the system.

[27] 152. Generally speaking, technological control over human behavior will probably not be introduced with a totalitarian intention or even through a conscious desire to restrict human freedom. [28] Each new step in the assertion of control over the human mind will be taken as a rational response to a problem that faces society, such as curing alcoholism, reducing the crime rate or inducing young people to study science and engineering. In many cases, there will be humanitarian justification. For example, when a psychiatrist prescribes an anti-depressant for a depressed patient, he is clearly doing that individual a favor. It would be inhumane to withhold the drug from someone who needs it. When parents send their children to Sylvan Learning Centers to have them manipulated into becoming enthusiastic about their studies, they do so from concern for their children's welfare. It may be that some of these parents wish that one didn't have to have specialized training to get a job and that their kid didn't have to be brainwashed into becoming a computer nerd. But what can they do? They can't change society, and their child may be unemployable if he doesn't have certain skills. So they send him to Sylvan.

153. Thus control over human behavior will be introduced not by a calculated decision of the authorities but through a process of social evolution (RAPID evolution, however). The process will be impossible to resist, because each advance, considered by itself, will appear to be beneficial, or at least the evil involved in making the advance will appear to be beneficial, or at least the evil involved in making the advance will seem to be less than that which would result from not making it (see paragraph 127). Propaganda for example is used for many good purposes, such as discouraging child abuse or race hatred. [14] Sex education is obviously useful, yet the effect of sex education (to the extent that it is successful) is to take the shaping of sexual attitudes away from the family and put it into the hands of the state as represented by the public school system.

154. Suppose a biological trait is discovered that increases the likelihood that a child will grow up to be a criminal and suppose some sort of gene therapy can remove this trait. [29] Of course most parents whose children possess the trait will have them undergo the therapy. It would be inhumane to do otherwise, since the child would probably have a miserable life if he grew up to be a criminal. But many or most primitive societies have a low crime rate in comparison with that of our society, even though they have neither high-tech methods of child-rearing nor harsh systems of punishment. Since there is no reason to suppose that more modern men than primitive men have innate predatory tendencies, the high crime rate of our society must be due to the pressures that modern conditions put on people, to which many cannot or will not adjust. Thus a treatment designed to remove potential criminal tendencies is at least in part a way of re-engineering people so that they suit the requirements of the system.

155. Our society tends to regard as a "sickness" any mode of thought or behavior that is inconvenient for the system, and this is plausible because when an individual doesn't fit into the system it causes pain to the individual as well as problems for the system. Thus the manipulation of an individual to adjust him to the system is seen as a "cure" for a "sickness" and therefore as good.

156. In paragraph 127 we pointed out that if the use of a new item of technology is INITIALLY optional, it does not necessarily REMAIN optional, because the new technology tends to change society in such a way that it becomes difficult or impossible for an individual to function without using that technology. This applies also to the technology of human behavior. In a world in which most children are put through a program to make them enthusiastic about studying, a parent will almost be forced to put his kid through such a program, because if he does not, then the kid will grow up to be, comparatively speaking, an ignoramus and therefore unemployable. Or suppose a biological treatment is discovered that, without undesirable side-effects, will greatly reduce the psychological stress from which so many people suffer in our society. If large numbers of people choose to undergo the treatment, then the general level of stress in society will be reduced, so that it will be possible for the system to increase the stress-producing pressures. In fact, something like this seems to have happened already with one of our society's most important psychological tools for enabling people to reduce (or at least temporarily escape from) stress, namely, mass entertainment (see paragraph 147). Our use of mass entertainment is "optional": No law requires us to watch television, listen to the radio, read magazines. Yet mass entertainment is a means of escape and stress-reduction on which most of us have become dependent. Everyone complains about the trashiness of television, but almost everyone watches it. A few have kicked the TV habit, but it would be a rare person who could get along today without using ANY form of mass entertainment. (Yet until quite recently in human history most people got along very nicely with no other entertainment than that which each local community created for itself.) Without the entertainment industry the system probably would not have been able to get away with putting as much stress-producing pressure on us as it does.

157. Assuming that industrial society survives, it is likely that technology will eventually acquire something approaching complete control over human behavior. It has been established beyond any rational doubt that human thought and behavior have a largely biological basis. As experimenters have demonstrated, feelings such as hunger, pleasure, anger and fear can be turned on and off by electrical stimulation of appropriate parts of the brain. Memories can be destroyed by damaging parts of the brain or they can be brought to the surface by electrical stimulation. Hallucinations can be induced or moods changed by drugs. There may or may not be an immaterial human soul, but if there is one it clearly is less powerful than the biological mechanisms of human behavior. For if that were not the case then researchers would not be able so easily to manipulate human feelings and behavior with drugs and electrical currents.

158. It presumably would be impractical for all people to have electrodes inserted in their heads so that they could be controlled by the authorities. But the fact that human thoughts and feelings are so open to biological intervention shows that the problem of controlling human behavior is mainly a technical problem; a problem of neurons, hormones and complex molecules; the kind of problem that is accessible to scientific attack. Given the outstanding record of our society in solving technical problems, it is overwhelmingly probable that great advances will be made in the control of human behavior.

159. Will public resistance prevent the introduction of technological control of human behavior? It certainly would if an attempt were made to introduce such control all at once. But since technological control will be introduced through a long sequence of small advances, there will be no rational and

effective public resistance. (See paragraphs 127,132, 153.)

160. To those who think that all this sounds like science fiction, we point out that yesterday's science fiction is today's fact. The Industrial Revolution has radically altered man's environment and way of life, and it is only to be expected that as technology is increasingly applied to the human body and mind, man himself will be altered as radically as his environment and way of life have been.

HUMAN RACE AT A CROSSROADS

161. But we have gotten ahead of our story. It is one thing to develop in the laboratory a series of psychological or biological techniques for manipulating human behavior and quite another to integrate these techniques into a functioning social system. The latter problem is the more difficult of the two. For example, while the techniques of educational psychology doubtless work quite well in the "lab schools" where they are developed, it is not necessarily easy to apply them effectively throughout our educational system. We all know what many of our schools are like. The teachers are too busy taking knives and guns away from the kids to subject them to the latest techniques for making them into computer nerds. Thus, in spite of all its technical advances relating to human behavior the system to date has not been impressively successful in controlling human beings. The people whose behavior is fairly well under the control of the system are those of the type that might be called "bourgeois." But there are growing numbers of people who in one way or another are rebels against the system: welfare leaches, youth gangs cultists, satanists, nazis, radical environmentalists, militiamen, etc..

162. The system is currently engaged in a desperate struggle to overcome certain problems that threaten its survival, among which the problems of human behavior are the most important. If the system succeeds in acquiring sufficient control over human behavior quickly enough, it will probably survive. Otherwise it will break down. We think the issue will most likely be resolved within the next several decades, say 40 to 100 years.

163. Suppose the system survives the crisis of the next several decades. By that time it will have to have solved, or at least brought under control, the principal problems that confront it, in particular that of "socializing" human beings; that is, making people sufficiently docile so that their behavior no longer threatens the system. That being accomplished, it does not appear that there would be any further obstacle to the development of technology, and it would presumably advance toward its logical conclusion, which is complete control over everything on Earth, including human beings and all other important organisms. The system may become a unitary, monolithic organization, or it may be more or less fragmented and consist of a number of organizations coexisting in a relationship that includes elements of both cooperation and competition, just as today the government, the corporations and other large organizations both cooperate and compete with one another. Human freedom mostly will have vanished, because individuals and small groups will be impotent vis-a-vis large organizations armed with supertechnology and an arsenal of advanced psychological and biological tools for manipulating

human beings, besides instruments of surveillance and physical coercion. Only a small number of people will have any real power, and even these probably will have only very limited freedom, because their behavior too will be regulated; just as today our politicians and corporation executives can retain their positions of power only as long as their behavior remains within certain fairly narrow limits.

164. Don't imagine that the systems will stop developing further techniques for controlling human beings and nature once the crisis of the next few decades is over and increasing control is no longer necessary for the system's survival. On the contrary, once the hard times are over the system will increase its control over people and nature more rapidly, because it will no longer be hampered by difficulties of the kind that it is currently experiencing. Survival is not the principal motive for extending control. As we explained in paragraphs 87-90, technicians and scientists carry on their work largely as a surrogate activity; that is, they satisfy their need for power by solving technical problems. They will continue to do this with unabated enthusiasm, and among the most interesting and challenging problems for them to solve will be those of understanding the human body and mind and intervening in their development. For the "good of humanity," of course.

165. But suppose on the other hand that the stresses of the coming decades prove to be too much for the system. If the system breaks down there may be a period of chaos, a "time of troubles" such as those that history has recorded: at various epochs in the past. It is impossible to predict what would emerge from such a time of troubles, but at any rate the human race would be given a new chance. The greatest danger is that industrial society may begin to reconstitute itself within the first few years after the breakdown. Certainly there will be many people (power-hungry types especially) who will be anxious to get the factories running again.

166. Therefore two tasks confront those who hate the servitude to which the industrial system is reducing the human race. First, we must work to heighten the social stresses within the system so as to increase the likelihood that it will break down or be weakened sufficiently so that a revolution against it becomes possible. Second, it is necessary to develop and propagate an ideology that opposes technology and the industrial society if and when the system becomes sufficiently weakened. And such an ideology will help to assure that, if and when industrial society breaks down, its remnants will be smashed beyond repair, so that the system cannot be reconstituted. The factories should be destroyed, technical books burned, etc.

HUMAN SUFFERING

167. The industrial system will not break down purely as a result of revolutionary action. It will not be vulnerable to revolutionary attack unless its own internal problems of development lead it into very serious difficulties. So if the system breaks down it will do so either spontaneously, or through a process that is in part spontaneous but helped along by revolutionaries. If the breakdown is sudden, many people will die, since the world's population has become so overblown that it cannot even feed itself any longer

without advanced technology. Even if the breakdown is gradual enough so that reduction of the population can occur more through lowering of the birth rate than through elevation of the death rate, the process of de-industrialization probably will be very chaotic and involve much suffering. It is naive to think it likely that technology can be phased out in a smoothly managed orderly way, especially since the technophiles will fight stubbornly at every step. Is it therefore cruel to work for the breakdown of the system? Maybe, but maybe not. In the first place, revolutionaries will not be able to break the system down unless it is already in deep trouble so that there would be a good chance of its eventually breaking down by itself anyway; and the bigger the system grows, the more disastrous the consequences of its breakdown will be; so it may be that revolutionaries, by hastening the onset of the breakdown will be reducing the extent of the disaster.

168. In the second place, one has to balance the struggle and death against the loss of freedom and dignity. To many of us, freedom and dignity are more important than a long life or avoidance of physical pain. Besides, we all have to die some time, and it may be better to die fighting for survival, or for a cause, than to live a long but empty and purposeless life.

169. In the third place, it is not all certain that the survival of the system will lead to less suffering than the breakdown of the system would. The system has already caused, and is continuing to cause, immense suffering all over the world. Ancient cultures, that for hundreds of years gave people a satisfactory relationship with each other and their environment, have been shattered by contact with industrial society, and the result has been a whole catalogue of economic, environmental, social and psychological problems. One of the effects of the intrusion of industrial society has been that over much of the world traditional controls on population have been thrown out of balance. Hence the population explosion, with all that it implies. Then there is the psychological suffering that is widespread throughout the supposedly fortunate countries of the West (see paragraphs 44, 45). No one knows what will happen as a result of ozone depletion, the greenhouse effect and other environmental problems that cannot yet be foreseen. And, as nuclear proliferation has shown, new technology cannot be kept out of the hands of dictators and irresponsible Third World nations. Would you like to speculate about what Iraq or North Korea will do with genetic engineering?

170. "Oh!" say the technophiles, "Science is going to fix all that! We will conquer famine, eliminate psychological suffering, make everybody healthy and happy!" Yeah, sure. That's what they said 200 years ago. The Industrial Revolution was supposed to eliminate poverty, make everybody happy, etc. The actual result has been quite different. The technophiles are hopelessly naive (or self-deceiving) in their understanding of social problems. They are unaware of (or choose to ignore) the fact that when large changes, even seemingly beneficial ones, are introduced into a society, they lead to a long sequence of other changes, most of which are impossible to predict (paragraph 103). The result is disruption of the society. So it is very probable that in their attempt to end poverty and disease, engineer docile, happy personalities and so forth, the technophiles will create social systems that are terribly troubled, even more so than the present one. For example, the scientists boast that they will end famine by creating new, genetically engineered food plants. But this will allow the human population to keep expanding indefinitely, and it is well known that crowding leads to increased stress and aggression. This is merely one example of the PREDICTABLE problems that will arise. We emphasize that, as past

experience has shown, technical progress will lead to other new problems for society far more rapidly than it has been solving old ones. Thus it will take a long difficult period of trial and error for the technophiles to work the bugs out of their Brave New World (if they ever do). In the meantime there will be great suffering. So it is not all clear that the survival of industrial society would involve less suffering than the breakdown of that society would. Technology has gotten the human race into a fix from which there is not likely to be any easy escape.

THE FUTURE

171. But suppose now that industrial society does survive the next several decade and that the bugs do eventually get worked out of the system, so that it functions smoothly. What kind of system will it be? We will consider several possibilities.

172. First let us postulate that the computer scientists succeed in developing intelligent machines that can do all things better than human beings can do them. In that case presumably all work will be done by vast, highly organized systems of machines and no human effort will be necessary. Either of two cases might occur. The machines might be permitted to make all of their own decisions without human oversight, or else human control over the machines might be retained.

173. If the machines are permitted to make all their own decisions, we can't make any conjectures as to the results, because it is impossible to guess how such machines might behave. We only point out that the fate of the human race would be at the mercy of the machines. It might be argued that the human race would never be foolish enough to hand over all the power to the machines. But we are suggesting neither that the human race would voluntarily turn power over to the machines nor that the machines would willfully seize power. What we do suggest is that the human race might easily permit itself to drift into a position of such dependence on the machines that it would have no practical choice but to accept all of the machines decisions. As society and the problems that face it become more and more complex and machines become more and more intelligent, people will let machines make more of their decision for them, simply because machine-made decisions will bring better result than man-made ones. Eventually a stage may be reached at which the decisions necessary to keep the system running will be so complex that human beings will be incapable of making them intelligently. At that stage the machines will be in effective control. People won't be able to just turn the machines off, because they will be so dependent on them that turning them off would amount to suicide.

174. On the other hand it is possible that human control over the machines may be retained. In that case the average man may have control over certain private machines of his own, such as his car or his personal computer, but control over large systems of machines will be in the hands of a tiny elite -- just as it is today, but with two difference. Due to improved techniques the elite will have greater control over the masses; and because human work will no longer be necessary the masses will be superfluous, a useless burden on the system. If the elite is ruthless they may simply decide to exterminate the mass of

humanity. If they are humane they may use propaganda or other psychological or biological techniques to reduce the birth rate until the mass of humanity becomes extinct, leaving the world to the elite. Or, if the elite consist of soft-hearted liberals, they may decide to play the role of good shepherds to the rest of the human race. They will see to it that everyone's physical needs are satisfied, that all children are raised under psychologically hygienic conditions, that everyone has a wholesome hobby to keep him busy, and that anyone who may become dissatisfied undergoes "treatment" to cure his "problem." Of course, life will be so purposeless that people will have to be biologically or psychologically engineered either to remove their need for the power process or to make them "sublimate" their drive for power into some harmless hobby. These engineered human beings may be happy in such a society, but they most certainly will not be free. They will have been reduced to the status of domestic animals.

175. But suppose now that the computer scientists do not succeed in developing artificial intelligence, so that human work remains necessary. Even so, machines will take care of more and more of the simpler tasks so that there will be an increasing surplus of human workers at the lower levels of ability. (We see this happening already. There are many people who find it difficult or impossible to get work, because for intellectual or psychological reasons they cannot acquire the level of training necessary to make themselves useful in the present system.) On those who are employed, ever-increasing demands will be placed; They will need more and more training, more and more ability, and will have to be ever more reliable, conforming and docile, because they will be more and more like cells of a giant organism. Their tasks will be increasingly specialized so that their work will be, in a sense, out of touch with the real world, being concentrated on one tiny slice of reality. The system will have to use any means that I can, whether psychological or biological, to engineer people to be docile, to have the abilities that the system requires and to "sublimate" their drive for power into some specialized task. But the statement that the people of such a society will have to be docile may require qualification. The society may find competitiveness useful, provided that ways are found of directing competitiveness into channels that serve that needs of the system. We can imagine into channels that serve the needs of the system. We can imagine a future society in which there is endless competition for positions of prestige and power. But no more than a very few people will ever reach the top, where the only real power is (see end of paragraph 163). Very repellent is a society in which a person can satisfy his needs for power only by pushing large numbers of other people out of the way and depriving them of THEIR opportunity for power.

176. Once can envision scenarios that incorporate aspects of more than one of the possibilities that we have just discussed. For instance, it may be that machines will take over most of the work that is of real, practical importance, but that human beings will be kept busy by being given relatively unimportant work. It has been suggested, for example, that a great development of the service of industries might provide work for human beings. Thus people will would spend their time shinning each others shoes, driving each other around inn taxicab, making handicrafts for one another, waiting on each other's tables, etc. This seems to us a thoroughly contemptible way for the human race to end up, and we doubt that many people would find fulfilling lives in such pointless busy-work. They would seek other, dangerous outlets (drugs, , crime, "cults," hate groups) unless they were biological or psychologically engineered to adapt them to such a way of life.

177. Needless to day, the scenarios outlined above do not exhaust all the possibilities. They only indicate

the kinds of outcomes that seem to us most likely. But we can envision no plausible scenarios that are any more palatable than the ones we've just described. It is overwhelmingly probable that if the industrial-technological system survives the next 40 to 100 years, it will by that time have developed certain general characteristics: Individuals (at least those of the "bourgeois" type, who are integrated into the system and make it run, and who therefore have all the power) will be more dependent than ever on large organizations; they will be more "socialized" than ever and their physical and mental qualities to a significant extent (possibly to a very great extent) will be those that are engineered into them rather than being the results of chance (or of God's will, or whatever); and whatever may be left of wild nature will be reduced to remnants preserved for scientific study and kept under the supervision and management of scientists (hence it will no longer be truly wild). In the long run (say a few centuries from now) it is likely that neither the human race nor any other important organisms will exist as we know them today, because once you start modifying organisms through genetic engineering there is no reason to stop at any particular point, so that the modifications will probably continue until man and other organisms have been utterly transformed.

178. Whatever else may be the case, it is certain that technology is creating for human beings a new physical and social environment radically different from the spectrum of environments to which natural selection has adapted the human race physically and psychologically. If man is not adjusted to this new environment by being artificially re-engineered, then he will be adapted to it through a long and painful process of natural selection. The former is far more likely than the latter.

179. It would be better to dump the whole stinking system and take the consequences.

STRATEGY

180. The technophiles are taking us all on an utterly reckless ride into the unknown. Many people understand something of what technological progress is doing to us yet take a passive attitude toward it because they think it is inevitable. But we (FC) don't think it is inevitable. We think it can be stopped, and we will give here some indications of how to go about stopping it.

181. As we stated in paragraph 166, the two main tasks for the present are to promote social stress and instability in industrial society and to develop and propagate an ideology that opposes technology and the industrial system. When the system becomes sufficiently stressed and unstable, a revolution against technology may be possible. The pattern would be similar to that of the French and Russian Revolutions. French society and Russian society, for several decades prior to their respective revolutions, showed increasing signs of stress and weakness. Meanwhile, ideologies were being developed that offered a new world view that was quite different from the old one. In the Russian case, revolutionaries were actively working to undermine the old order. Then, when the old system was put under sufficient additional stress (by financial crisis in France, by military defeat in Russia) it was swept away by revolution. What we propose is something along the same lines.

182. It will be objected that the French and Russian Revolutions were failures. But most revolutions have two goals. One is to destroy an old form of society and the other is to set up the new form of society envisioned by the revolutionaries. The French and Russian revolutionaries failed (fortunately!) to create the new kind of society of which they dreamed, but they were quite successful in destroying the existing form of society.

183. But an ideology, in order to gain enthusiastic support, must have a positive ideals well as a negative one; it must be FOR something as well as AGAINST something. The positive ideal that we propose is Nature. That is , WILD nature; those aspects of the functioning of the Earth and its living things that are independent of human management and free of human interference and control. And with wild nature we include human nature, by which we mean those aspects of the functioning of the human individual that are not subject to regulation by organized society but are products of chance, or free will, or God (depending on your religious or philosophical opinions).

184. Nature makes a perfect counter-ideal to technology for several reasons. Nature (that which is outside the power of the system) is the opposite of technology (which seeks to expand indefinitely the power of the system). Most people will agree that nature is beautiful; certainly it has tremendous popular appeal. The radical environmentalists ALREADY hold an ideology that exalts nature and opposes technology. [30] It is not necessary for the sake of nature to set up some chimerical utopia or any new kind of social order. Nature takes care of itself: It was a spontaneous creation that existed long before any human society, and for countless centuries many different kinds of human societies coexisted with nature without doing it an excessive amount of damage. Only with the Industrial Revolution did the effect of human society on nature become really devastating. To relieve the pressure on nature it is not necessary to create a special kind of social system, it is only necessary to get rid of industrial society. Granted, this will not solve all problems. Industrial society has already done tremendous damage to nature and it will take a very long time for the scars to heal. Besides, even pre-industrial societies can do significant damage to nature. Nevertheless, getting rid of industrial society will accomplish a great deal. It will relieve the worst of the pressure on nature so that the scars can begin to heal. It will remove the capacity of organized society to keep increasing its control over nature (including human nature). Whatever kind of society may exist after the demise of the industrial system, it is certain that most people will live close to nature, because in the absence of advanced technology there is not other way that people CAN live. To feed themselves they must be peasants or herdsman or fishermen or hunter, etc., And, generally speaking, local autonomy should tend to increase, because lack of advanced technology and rapid communications will limit the capacity of governments or other large organizations to control local communities.

185. As for the negative consequences of eliminating industrial society -- well, you can't eat your cake and have it too. To gain one thing you have to sacrifice another.

186. Most people hate psychological conflict. For this reason they avoid doing any serious thinking about difficult social issues, and they like to have such issues presented to them in simple, black-and-white terms: THIS is all good and THAT is all bad. The revolutionary ideology should therefore be

developed on two levels.

187. On the more sophisticated level the ideology should address itself to people who are intelligent, thoughtful and rational. The object should be to create a core of people who will be opposed to the industrial system on a rational, thought-out basis, with full appreciation of the problems and ambiguities involved, and of the price that has to be paid for getting rid of the system. It is particularly important to attract people of this type, as they are capable people and will be instrumental in influencing others. These people should be addressed on as rational a level as possible. Facts should never intentionally be distorted and intemperate language should be avoided. This does not mean that no appeal can be made to the emotions, but in making such appeal care should be taken to avoid misrepresenting the truth or doing anything else that would destroy the intellectual respectability of the ideology.

188. On a second level, the ideology should be propagated in a simplified form that will enable the unthinking majority to see the conflict of technology vs. nature in unambiguous terms. But even on this second level the ideology should not be expressed in language that is so cheap, intemperate or irrational that it alienates people of the thoughtful and rational type. Cheap, intemperate propaganda sometimes achieves impressive short-term gains, but it will be more advantageous in the long run to keep the loyalty of a small number of intelligently committed people than to arouse the passions of an unthinking, fickle mob who will change their attitude as soon as someone comes along with a better propaganda gimmick. However, propaganda of the rabble-rousing type may be necessary when the system is nearing the point of collapse and there is a final struggle between rival ideologies to determine which will become dominant when the old world-view goes under.

189. Prior to that final struggle, the revolutionaries should not expect to have a majority of people on their side. History is made by active, determined minorities, not by the majority, which seldom has a clear and consistent idea of what it really wants. Until the time comes for the final push toward revolution [31], the task of revolutionaries will be less to win the shallow support of the majority than to build a small core of deeply committed people. As for the majority, it will be enough to make them aware of the existence of the new ideology and remind them of it frequently; though of course it will be desirable to get majority support to the extent that this can be done without weakening the core of seriously committed people.

190. Any kind of social conflict helps to destabilize the system, but one should be careful about what kind of conflict one encourages. The line of conflict should be drawn between the mass of the people and the power-holding elite of industrial society (politicians, scientists, upper-level business executives, government officials, etc.). It should NOT be drawn between the revolutionaries and the mass of the people. For example, it would be bad strategy for the revolutionaries to condemn Americans for their habits of consumption. Instead, the average American should be portrayed as a victim of the advertising and marketing industry, which has suckered him into buying a lot of junk that he doesn't need and that is very poor compensation for his lost freedom. Either approach is consistent with the facts. It is merely a matter of attitude whether you blame the advertising industry for manipulating the public or blame the public for allowing itself to be manipulated. As a matter of strategy one should generally avoid blaming the public.

191. One should think twice before encouraging any other social conflict than that between the power-holding elite (which wields technology) and the general public (over which technology exerts its power). For one thing, other conflicts tend to distract attention from the important conflicts (between power-elite and ordinary people, between technology and nature); for another thing, other conflicts may actually tend to encourage technologization, because each side in such a conflict wants to use technological power to gain advantages over its adversary. This is clearly seen in rivalries between nations. It also appears in ethnic conflicts within nations. For example, in America many black leaders are anxious to gain power for African Americans by placing back individuals in the technological power-elite. They want there to be many black government officials, scientists, corporation executives and so forth. In this way they are helping to absorb the African American subculture into the technological system. Generally speaking, one should encourage only those social conflicts that can be fitted into the framework of the conflicts of power--elite vs. ordinary people, technology vs nature.

192. But the way to discourage ethnic conflict is NOT through militant advocacy of minority rights (see paragraphs 21, 29). Instead, the revolutionaries should emphasize that although minorities do suffer more or less disadvantage, this disadvantage is of peripheral significance. Our real enemy is the industrial-technological system, and in the struggle against the system, ethnic distinctions are of no importance.

193. The kind of revolution we have in mind will not necessarily involve an armed uprising against any government. It may or may not involve physical violence, but it will not be a POLITICAL revolution. Its focus will be on technology and economics, not politics. [32]

194. Probably the revolutionaries should even AVOID assuming political power, whether by legal or illegal means, until the industrial system is stressed to the danger point and has proved itself to be a failure in the eyes of most people. Suppose for example that some "green" party should win control of the United States Congress in an election. In order to avoid betraying or watering down their own ideology they would have to take vigorous measures to turn economic growth into economic shrinkage. To the average man the results would appear disastrous: There would be massive unemployment, shortages of commodities, etc. Even if the grosser ill effects could be avoided through superhumanly skillful management, still people would have to begin giving up the luxuries to which they have become addicted. Dissatisfaction would grow, the "green" party would be voted out of office and the revolutionaries would have suffered a severe setback. For this reason the revolutionaries should not try to acquire political power until the system has gotten itself into such a mess that any hardships will be seen as resulting from the failures of the industrial system itself and not from the policies of the revolutionaries. The revolution against technology will probably have to be a revolution by outsiders, a revolution from below and not from above.

195. The revolution must be international and worldwide. It cannot be carried out on a nation-by-nation basis. Whenever it is suggested that the United States, for example, should cut back on technological progress or economic growth, people get hysterical and start screaming that if we fall behind in

technology the Japanese will get ahead of us. Holy robots The world will fly off its orbit if the Japanese ever sell more cars than we do! (Nationalism is a great promoter of technology.) More reasonably, it is argued that if the relatively democratic nations of the world fall behind in technology while nasty, dictatorial nations like China, Vietnam and North Korea continue to progress, eventually the dictators may come to dominate the world. That is why the industrial system should be attacked in all nations simultaneously, to the extent that this may be possible. True, there is no assurance that the industrial system can be destroyed at approximately the same time all over the world, and it is even conceivable that the attempt to overthrow the system could lead instead to the domination of the system by dictators. That is a risk that has to be taken. And it is worth taking, since the difference between a "democratic" industrial system and one controlled by dictators is small compared with the difference between an industrial system and a non-industrial one. [33] It might even be argued that an industrial system controlled by dictators would be preferable, because dictator-controlled systems usually have proved inefficient, hence they are presumably more likely to break down. Look at Cuba.

196. Revolutionaries might consider favoring measures that tend to bind the world economy into a unified whole. Free trade agreements like NAFTA and GATT are probably harmful to the environment in the short run, but in the long run they may perhaps be advantageous because they foster economic interdependence between nations. I will be eaier to destroy the industrial system on a worldwide basis if he world economy is so unified that its breakdown in any on major nation will lead to its breakdwon in al industrialized nations.

the long run they may perhaps be advantageous because they foster economic interdependence between nations. It will be easier to destroy the industrial system on a worldwide basis if the world economy is so unified that its breakdown in any one major nation will lead to its breakdown in all industrialized nations.

197. Some people take the line that modern man has too much power, too much control over nature; they argue for a more passive attitude on the part of the human race. At best these people are expressing themselves unclearly, because they fail to distinguish between power for LARGE ORGANIZATIONS and power for INDIVIDUALS and SMALL GROUPS. It is a mistake to argue for powerlessness and passivity, because people NEED power. Modern man as a collective entity--that is, the industrial system--has immense power over nature, and we (FC) regard this as evil. But modern INDIVIDUALS and SMALL GROUPS OF INDIVIDUALS have far less power than primitive man ever did. Generally speaking, the vast power of "modern man" over nature is exercised not by individuals or small groups but by large organizations. To the extent that theaverage modern INDIVIDUAL can wield the power of technology, he is permitted to do so only within narrow limits and only under the supervision and control of the system. (You need a license for everything and with the license come rules and regulations). The individual has only those technological powers with which the system chooses to provide him. His PERSONAL power over nature is slight.

198. Primitive INDIVIDUALS and SMALL GROUPS actually had considerable power over nature; or maybe it would be better to say power WITHIN nature. When primitive man needed food he knew how to find and prepare edible roots, how to track game and take it with homemade weapons. He knew how

to protect himself from heat, cold, rain, dangerous animals, etc. But primitive man did relatively little damage to nature because the COLLECTIVE power of primitive society was negligible compared to the COLLECTIVE power of industrial society.

199. Instead of arguing for powerlessness and passivity, one should argue that the power of the INDUSTRIAL SYSTEM should be broken, and that this will greatly INCREASE the power and freedom of INDIVIDUALS and SMALL GROUPS.

200. Until the industrial system has been thoroughly wrecked, the destruction of that system must be the revolutionaries' ONLY goal. Other goals would distract attention and energy from the main goal. More importantly, if the revolutionaries permit themselves to have any other goal than the destruction of technology, they will be tempted to use technology as a tool for reaching that other goal. If they give in to that temptation, they will fall right back into the technological trap, because modern technology is a unified, tightly organized system, so that, in order to retain SOME technology, one finds oneself obliged to retain MOST technology, hence one ends up sacrificing only token amounts of technology.

201. Suppose for example that the revolutionaries took "social justice" as a goal. Human nature being what it is, social justice would not come about spontaneously; it would have to be enforced. In order to enforce it the revolutionaries would have to retain central organization and control. For that they would need rapid long-distance transportation and communication, and therefore all the technology needed to support the transportation and communication systems. To feed and clothe poor people they would have to use agricultural and manufacturing technology. And so forth. So that the attempt to insure social justice would force them to retain most parts of the technological system. Not that we have anything against social justice, but it must not be allowed to interfere with the effort to get rid of the technological system.

202. It would be hopeless for revolutionaries to try to attack the system without using SOME modern technology. If nothing else they must use the communications media to spread their message. But they should use modern technology for only ONE purpose: to attack the technological system.

203. Imagine an alcoholic sitting with a barrel of wine in front of him. Suppose he starts saying to himself, "Wine isn't bad for you if used in moderation. Why, they say small amounts of wine are even good for you! It won't do me any harm if I take just one little drink..." Well you know what is going to happen. Never forget that the human race with technology is just like an alcoholic with a barrel of wine.

204. Revolutionaries should have as many children as they can. There is strong scientific evidence that social attitudes are to a significant extent inherited. No one suggests that a social attitude is a direct outcome of a person's genetic constitution, but it appears that personality traits tend, within the context of our society, to make a person more likely to hold this or that social attitude. Objections to these findings have been raised, but objections are feeble and seem to be ideologically motivated. In any event, no one denies that children tend on the average to hold social attitudes similar to those of their parents. From our point of view it doesn't matter all that much whether the attitudes are passed on

genetically or through childhood training. In either case the ARE passed on.

205. The trouble is that many of the people who are inclined to rebel against the industrial system are also concerned about the population problems, hence they are apt to have few or no children. In this way they may be handing the world over to the sort of people who support or at least accept the industrial system. To insure the strength of the next generation of revolutionaries the present generation must reproduce itself abundantly. In doing so they will be worsening the population problem only slightly. And the most important problem is to get rid of the industrial system, because once the industrial system is gone the world's population necessarily will decrease (see paragraph 167); whereas, if the industrial system survives, it will continue developing new techniques of food production that may enable the world's population to keep increasing almost indefinitely.

206. With regard to revolutionary strategy, the only points on which we absolutely insist are that the single overriding goal must be the elimination of modern technology, and that no other goal can be allowed to compete with this one. For the rest, revolutionaries should take an empirical approach. If experience indicates that some of the recommendations made in the foregoing paragraphs are not going to give good results, then those recommendations should be discarded.

TWO KINDS OF TECHNOLOGY

207. An argument likely to be raised against our proposed revolution is that it is bound to fail, because (it is claimed) throughout history technology has always progressed, never regressed, hence technological regression is impossible. But this claim is false.

208. We distinguish between two kinds of technology, which we will call small-scale technology and organization-dependent technology. Small-scale technology is technology that can be used by small-scale communities without outside assistance. Organization-dependent technology is technology that depends on large-scale social organization. We are aware of no significant cases of regression in small-scale technology. But organization-dependent technology DOES regress when the social organization on which it depends breaks down. Example: When the Roman Empire fell apart the Romans' small-scale technology survived because any clever village craftsman could build, for instance, a water wheel, any skilled smith could make steel by Roman methods, and so forth. But the Romans' organization-dependent technology DID regress. Their aqueducts fell into disrepair and were never rebuilt. Their techniques of road construction were lost. The Roman system of urban sanitation was forgotten, so that until rather recent times did the sanitation of European cities that of Ancient Rome.

209. The reason why technology has seemed always to progress is that, until perhaps a century or two before the Industrial Revolution, most technology was small-scale technology. But most of the technology developed since the Industrial Revolution is organization-dependent technology. Take the refrigerator for example. Without factory-made parts or the facilities of a post-industrial machine shop it

would be virtually impossible for a handful of local craftsmen to build a refrigerator. If by some miracle they did succeed in building one it would be useless to them without a reliable source of electric power. So they would have to dam a stream and build a generator. Generators require large amounts of copper wire. Imagine trying to make that wire without modern machinery. And where would they get a gas suitable for refrigeration? It would be much easier to build an icehouse or preserve food by drying or picking, as was done before the invention of the refrigerator.

210. So it is clear that if the industrial system were once thoroughly broken down, refrigeration technology would quickly be lost. The same is true of other organization-dependent technology. And once this technology had been lost for a generation or so it would take centuries to rebuild it, just as it took centuries to build it the first time around. Surviving technical books would be few and scattered. An industrial society, if built from scratch without outside help, can only be built in a series of stages: You need tools to make tools to make tools to make tools A long process of economic development and progress in social organization is required. And, even in the absence of an ideology opposed to technology, there is no reason to believe that anyone would be interested in rebuilding industrial society. The enthusiasm for "progress" is a phenomenon particular to the modern form of society, and it seems not to have existed prior to the 17th century or thereabouts.

211. In the late Middle Ages there were four main civilizations that were about equally "advanced": Europe, the Islamic world, India, and the Far East (China, Japan, Korea). Three of those civilizations remained more or less stable, and only Europe became dynamic. No one knows why Europe became dynamic at that time; historians have their theories but these are only speculation. At any rate, it is clear that rapid development toward a technological form of society occurs only under special conditions. So there is no reason to assume that long-lasting technological regression cannot be brought about.

212. Would society EVENTUALLY develop again toward an industrial-technological form? Maybe, but there is no use in worrying about it, since we can't predict or control events 500 or 1,000 years in the future. Those problems must be dealt with by the people who will live at that time.

THE DANGER OF LEFTISM

213. Because of their need for rebellion and for membership in a movement, leftists or persons of similar psychological type are often unattracted to a rebellious or activist movement whose goals and membership are not initially leftist. The resulting influx of leftish types can easily turn a non-leftist movement into a leftist one, so that leftist goals replace or distort the original goals of the movement.

214. To avoid this, a movement that exalts nature and opposes technology must take a resolutely anti-leftist stance and must avoid all collaboration with leftists. Leftism is in the long run inconsistent with wild nature, with human freedom and with the elimination of modern technology. Leftism is collectivist; it seeks to bind together the entire world (both nature and the human race) into a unified whole. But this

implies management of nature and of human life by organized society, and it requires advanced technology. You can't have a united world without rapid transportation and communication, you can't make all people love one another without sophisticated psychological techniques, you can't have a "planned society" without the necessary technological base. Above all, leftism is driven by the need for power, and the leftist seeks power on a collective basis, through identification with a mass movement or an organization. Leftism is unlikely ever to give up technology, because technology is too valuable a source of collective power.

215. The anarchist [34] too seeks power, but he seeks it on an individual or small-group basis; he wants individuals and small groups to be able to control the circumstances of their own lives. He opposes technology because it makes small groups dependent on large organizations.

216. Some leftists may seem to oppose technology, but they will oppose it only so long as they are outsiders and the technological system is controlled by non-leftists. If leftism ever becomes dominant in society, so that the technological system becomes a tool in the hands of leftists, they will enthusiastically use it and promote its growth. In doing this they will be repeating a pattern that leftism has shown again and again in the past. When the Bolsheviks in Russia were outsiders, they vigorously opposed censorship and the secret police, they advocated self-determination for ethnic minorities, and so forth; but as soon as they came into power themselves, they imposed a tighter censorship and created a more ruthless secret police than any that had existed under the tsars, and they oppressed ethnic minorities at least as much as the tsars had done. In the United States, a couple of decades ago when leftists were a minority in our universities, leftist professors were vigorous proponents of academic freedom, but today, in those universities where leftists have become dominant, they have shown themselves ready to take away from everyone else's academic freedom. (This is "political correctness.") The same will happen with leftists and technology: They will use it to oppress everyone else if they ever get it under their own control.

217. In earlier revolutions, leftists of the most power-hungry type, repeatedly, have first cooperated with non-leftist revolutionaries, as well as with leftists of a more libertarian inclination, and later have double-crossed them to seize power for themselves. Robespierre did this in the French Revolution, the Bolsheviks did it in the Russian Revolution, the communists did it in Spain in 1938 and Castro and his followers did it in Cuba. Given the past history of leftism, it would be utterly foolish for non-leftist revolutionaries today to collaborate with leftists.

218. Various thinkers have pointed out that leftism is a kind of religion. Leftism is not a religion in the strict sense because leftist doctrine does not postulate the existence of any supernatural being. But for the leftist, leftism plays a psychological role much like that which religion plays for some people. The leftist **NEEDS** to believe in leftism; it plays a vital role in his psychological economy. His beliefs are not easily modified by logic or facts. He has a deep conviction that leftism is morally Right with a capital R, and that he has not only a right but a duty to impose leftist morality on everyone. (However, many of the people we are referring to as "leftists" do not think of themselves as leftists and would not describe their system of beliefs as leftism. We use the term "leftism" because we don't know of any better words to designate the spectrum of related creeds that includes the feminist, gay rights, political correctness, etc.,

movements, and because these movements have a strong affinity with the old left. See paragraphs 227-230.)

219. Leftism is totalitarian force. Wherever leftism is in a position of power it tends to invade every private corner and force every thought into a leftist mold. In part this is because of the quasi-religious character of leftism; everything contrary to leftists beliefs represents Sin. More importantly, leftism is a totalitarian force because of the leftists' drive for power. The leftist seeks to satisfy his need for power through identification with a social movement and he tries to go through the power process by helping to pursue and attain the goals of the movement (see paragraph 83). But no matter how far the movement has gone in attaining its goals the leftist is never satisfied, because his activism is a surrogate activity (see paragraph 41). That is, the leftist's real motive is not to attain the ostensible goals of leftism; in reality he is motivated by the sense of power he gets from struggling for and then reaching a social goal. [35]

Consequently the leftist is never satisfied with the goals he has already attained; his need for the power process leads him always to pursue some new goal. The leftist wants equal opportunities for minorities. When that is attained he insists on statistical equality of achievement by minorities. And as long as anyone harbors in some corner of his mind a negative attitude toward some minority, the leftist has to re-educate him. And ethnic minorities are not enough; no one can be allowed to have a negative attitude toward homosexuals, disabled people, fat people, old people, ugly people, and on and on and on. It's not enough that the public should be informed about the hazards of smoking; a warning has to be stamped on every package of cigarettes. Then cigarette advertising has to be restricted if not banned. The activists will never be satisfied until tobacco is outlawed, and after that it will be also hot then junk food, etc. Activists have fought gross child abuse, which is reasonable. But now they want to stop all spanking. When they have done that they will want to ban something else they consider unwholesome, then another thing and then another. They will never be satisfied until they have complete control over all child rearing practices. And then they will move on to another cause.

220. Suppose you asked leftists to make a list of ALL the things that were wrong with society, and then suppose you instituted EVERY social change that they demanded. It is safe to say that within a couple of years the majority of leftists would find something new to complain about, some new social "evil" to correct because, once again, the leftist is motivated less by distress at society's ills than by the need to satisfy his drive for power by imposing his solutions on society.

221. Because of the restrictions placed on their thoughts and behavior by their high level of socialization, many leftists of the over-socialized type cannot pursue power in the ways that other people do. For them the drive for power has only one morally acceptable outlet, and that is in the struggle to impose their morality on everyone.

222. Leftists, especially those of the oversocialized type, are True Believers in the sense of Eric Hoffer's book, "The True Believer." But not all True Believers are of the same psychological type as leftists. Presumably a truebelieving nazi, for instance is very different psychologically from a truebelieving

leftist. Because of their capacity for single-minded devotion to a cause, True Believers are a useful, perhaps a necessary, ingredient of any revolutionary movement. This presents a problem with which we must admit we don't know how to deal. We aren't sure how to harness the energies of the True Believer to a revolution against technology. At present all we can say is that no True Believer will make a safe recruit to the revolution unless his commitment is exclusively to the destruction of technology. If he is committed also to another ideal, he may want to use technology as a tool for pursuing that other ideal (see paragraphs 220, 221).

223. Some readers may say, "This stuff about leftism is a lot of crap. I know John and Jane who are leftish types and they don't have all these totalitarian tendencies." It's quite true that many leftists, possibly even a numerical majority, are decent people who sincerely believe in tolerating others' values (up to a point) and wouldn't want to use high-handed methods to reach their social goals. Our remarks about leftism are not meant to apply to every individual leftist but to describe the general character of leftism as a movement. And the general character of a movement is not necessarily determined by the numerical proportions of the various kinds of people involved in the movement.

224. The people who rise to positions of power in leftist movements tend to be leftists of the most power-hungry type because power-hungry people are those who strive hardest to get into positions of power. Once the power-hungry types have captured control of the movement, there are many leftists of a gentler breed who inwardly disapprove of many of the actions of the leaders, but cannot bring themselves to oppose them. They NEED their faith in the movement, and because they cannot give up this faith they go along with the leaders. True, SOME leftists do have the guts to oppose the totalitarian tendencies that emerge, but they generally lose, because the power-hungry types are better organized, are more ruthless and Machiavellian and have taken care to build themselves a strong power base.

225. These phenomena appeared clearly in Russia and other countries that were taken over by leftists. Similarly, before the breakdown of communism in the USSR, leftish types in the West would seldom criticize that country. If prodded they would admit that the USSR did many wrong things, but then they would try to find excuses for the communists and begin talking about the faults of the West. They always opposed Western military resistance to communist aggression. Leftish types all over the world vigorously protested the U.S. military action in Vietnam, but when the USSR invaded Afghanistan they did nothing. Not that they approved of the Soviet actions; but because of their leftist faith, they just couldn't bear to put themselves in opposition to communism. Today, in those of our universities where "political correctness" has become dominant, there are probably many leftish types who privately disapprove of the suppression of academic freedom, but they go along with it anyway.

226. Thus the fact that many individual leftists are personally mild and fairly tolerant people by no means prevents leftism as a whole from having a totalitarian tendency.

227. Our discussion of leftism has a serious weakness. It is still far from clear what we mean by the word "leftist." There doesn't seem to be much we can do about this. Today leftism is fragmented into a whole spectrum of activist movements. Yet not all activist movements are leftist, and some activist

movements (e.g., radical environmentalism) seem to include both personalities of the leftist type and personalities of thoroughly un-leftist types who ought to know better than to collaborate with leftists. Varieties of leftists fade out gradually into varieties of non-leftists and we ourselves would often be hard-pressed to decide whether a given individual is or is not a leftist. To the extent that it is defined at all, our conception of leftism is defined by the discussion of it that we have given in this article, and we can only advise the reader to use his own judgment in deciding who is a leftist.

228. But it will be helpful to list some criteria for diagnosing leftism. These criteria cannot be applied in a cut and dried manner. Some individuals may meet some of the criteria without being leftists, some leftists may not meet any of the criteria. Again, you just have to use your judgment.

229. The leftist is oriented toward largescale collectivism. He emphasizes the duty of the individual to serve society and the duty of society to take care of the individual. He has a negative attitude toward individualism. He often takes a moralistic tone. He tends to be for gun control, for sex education and other psychologically "enlightened" educational methods, for planning, for affirmative action, for multiculturalism. He tends to identify with victims. He tends to be against competition and against violence, but he often finds excuses for those leftists who do commit violence. He is fond of using the common catch-phrases of the left like "racism," "sexism," "homophobia," "capitalism," "imperialism," "neocolonialism," "genocide," "social change," "social justice," "social responsibility." Maybe the best diagnostic trait of the leftist is his tendency to sympathize with the following movements: feminism, gay rights, ethnic rights, disability rights, animal rights political correctness. Anyone who strongly sympathizes with ALL of these movements is almost certainly a leftist. [36]

230. The more dangerous leftists, that is, those who are most power-hungry, are often characterized by arrogance or by a dogmatic approach to ideology. However, the most dangerous leftists of all may be certain oversocialized types who avoid irritating displays of aggressiveness and refrain from advertising their leftism, but work quietly and unobtrusively to promote collectivist values, "enlightened" psychological techniques for socializing children, dependence of the individual on the system, and so forth. These crypto-leftists (as we may call them) approximate certain bourgeois types as far as practical action is concerned, but differ from them in psychology, ideology and motivation. The ordinary bourgeois tries to bring people under control of the system in order to protect his way of life, or he does so simply because his attitudes are conventional. The crypto-leftist tries to bring people under control of the system because he is a True Believer in a collectivistic ideology. The crypto-leftist is differentiated from the average leftist of the oversocialized type by the fact that his rebellious impulse is weaker and he is more securely socialized. He is differentiated from the ordinary well-socialized bourgeois by the fact that there is some deep lack within him that makes it necessary for him to devote himself to a cause and immerse himself in a collectivity. And maybe his (well-sublimated) drive for power is stronger than that of the average bourgeois.

FINAL NOTE

231. Throughout this article we've made imprecise statements and statements that ought to have had all

sorts of qualifications and reservations attached to them; and some of our statements may be flatly false. Lack of sufficient information and the need for brevity made it impossible for us to formulate our assertions more precisely or add all the necessary qualifications. And of course in a discussion of this kind one must rely heavily on intuitive judgment, and that can sometimes be wrong. So we don't claim that this article expresses more than a crude approximation to the truth.

232. All the same we are reasonably confident that the general outlines of the picture we have painted here are roughly correct. We have portrayed leftism in its modern form as a phenomenon peculiar to our time and as a symptom of the disruption of the power process. But we might possibly be wrong about this. Oversocialized types who try to satisfy their drive for power by imposing their morality on everyone have certainly been around for a long time. But we THINK that the decisive role played by feelings of inferiority, low self-esteem, powerlessness, identification with victims by people who are not themselves victims, is a peculiarity of modern leftism. Identification with victims by people not themselves victims can be seen to some extent in 19th century leftism and early Christianity but as far as we can make out, symptoms of low self-esteem, etc., were not nearly so evident in these movements, or in any other movements, as they are in modern leftism. But we are not in a position to assert confidently that no such movements have existed prior to modern leftism. This is a significant question to which historians ought to give their attention.

NOTES

1. (Paragraph 19) We are asserting that ALL, or even most, bullies and ruthless competitors suffer from feelings of inferiority.
2. (Paragraph 25) During the Victorian period many oversocialized people suffered from serious psychological problems as a result of repressing or trying to repress their sexual feelings. Freud apparently based his theories on people of this type. Today the focus of socialization has shifted from sex to aggression.
3. (Paragraph 27) Not necessarily including specialists in engineering "hard" sciences.
4. (Paragraph 28) There are many individuals of the middle and upper classes who resist some of these values, but usually their resistance is more or less covert. Such resistance appears in the mass media only to a very limited extent. The main thrust of propaganda in our society is in favor of the stated values.

The main reasons why these values have become, so to speak, the official values of our society is that they are useful to the industrial system. Violence is discouraged because it disrupts the functioning of the system. Racism is discouraged because ethnic conflicts also disrupt the system, and discrimination wastes the talent of minority-group members who could be useful to the system. Poverty must be "cured" because the underclass causes problems for the system and contact with the underclass lowers the moral of the other classes. Women are encouraged to have careers because their talents are useful to the system and, more importantly because by having regular jobs women become better integrated into

the system and tied directly to it rather than to their families. This helps to weaken family solidarity. (The leaders of the system say they want to strengthen the family, but they really mean is that they want the family to serve as an effective tool for socializing children in accord with the needs of the system. We argue in paragraphs 51,52 that the system cannot afford to let the family or other small-scale social groups be strong or autonomous.)

5. (Paragraph 42) It may be argued that the majority of people don't want to make their own decisions but want leaders to do their thinking for them. There is an element of truth in this. People like to make their own decisions in small matters, but making decisions on difficult, fundamental questions require facing up to psychological conflict, and most people hate psychological conflict. Hence they tend to lean on others in making difficult decisions. The majority of people are natural followers, not leaders, but they like to have direct personal access to their leaders and participate to some extent in making difficult decisions. At least to that degree they need autonomy.

6. (Paragraph 44) Some of the symptoms listed are similar to those shown by caged animals.

To explain how these symptoms arise from deprivation with respect to the power process:

Common-sense understanding of human nature tells one that lack of goals whose attainment requires effort leads to boredom and that boredom, long continued, often leads eventually to depression. Failure to obtain goals leads to frustration and lowering of self-esteem. Frustration leads to anger, anger to aggression, often in the form of spouse or child abuse. It has been shown that long-continued frustration commonly leads to depression and that depression tends to cause guilt, sleep disorders, eating disorders and bad feelings about oneself. Those who are tending toward depression seek pleasure as an antidote; hence insatiable hedonism and excessive sex, with perversions as a means of getting new kicks. Boredom too tends to cause excessive pleasure-seeking since, lacking other goals, people often use pleasure as a goal. See accompanying diagram. The foregoing is a simplification. Reality is more complex, and of course deprivation with respect to the power process is not the ONLY cause of the symptoms described. By the way, when we mention depression we do not necessarily mean depression that is severe enough to be treated by a psychiatrist. Often only mild forms of depression are involved. And when we speak of goals we do not necessarily mean long-term, thought out goals. For many or most people through much of human history, the goals of a hand-to-mouth existence (merely providing oneself and one's family with food from day to day) have been quite sufficient.

7. (Paragraph 52) A partial exception may be made for a few passive, inward looking groups, such as the Amish, which have little effect on the wider society. Apart from these, some genuine small-scale communities do exist in America today. For instance, youth gangs and "cults". Everyone regards them as dangerous, and so they are, because the members of these groups are loyal primarily to one another rather than to the system, hence the system cannot control them. Or take the gypsies. The gypsies commonly get away with theft and fraud because their loyalties are such that they can always get other gypsies to give testimony that "proves" their innocence. Obviously the system would be in serious trouble if too many people belonged to such groups. Some of the early-20th century Chinese thinkers

who were concerned with modernizing China recognized the necessity of breaking down small-scale social groups such as the family: "(According to Sun Yat-sen) The Chinese people needed a new surge of patriotism, which would lead to a transfer of loyalty from the family to the state. . .(According to Li Huang) traditional attachments, particularly to the family had to be abandoned if nationalism were to develop to China." (Chester C. Tan, *Chinese Political Thought in the Twentieth Century*," page 125, page 297.)

8. (Paragraph 56) Yes, we know that 19th century America had its problems, and serious ones, but for the sake of brevity we have to express ourselves in simplified terms.

9. (Paragraph 61) We leave aside the underclass. We are speaking of the mainstream.

10. (Paragraph 62) Some social scientists, educators, "mental health" professionals and the like are doing their best to push the social drives into group 1 by trying to see to it that everyone has a satisfactory social life.

11. (Paragraphs 63, 82) Is the drive for endless material acquisition really an artificial creation of the advertising and marketing industry? Certainly there is no innate human drive for material acquisition. There have been many cultures in which people have desired little material wealth beyond what was necessary to satisfy their basic physical needs (Australian aborigines, traditional Mexican peasant culture, some African cultures). On the other hand there have also been many pre-industrial cultures in which material acquisition has played an important role. So we can't claim that today's acquisition-oriented culture is exclusively a creation of the advertising and marketing industry. But it is clear that the advertising and marketing industry has had an important part in creating that culture. The big corporations that spend millions on advertising wouldn't be spending that kind of money without solid proof that they were getting it back in increased sales. One member of FC met a sales manager a couple of years ago who was frank enough to tell him, "Our job is to make people buy things they don't want and don't need." He then described how an untrained novice could present people with the facts about a product, and make no sales at all, while a trained and experienced professional salesman would make lots of sales to the same people. This shows that people are manipulated into buying things they don't really want.

12. (Paragraph 64) The problem of purposelessness seems to have become less serious during the last 15 years or so, because people now feel less secure physically and economically than they did earlier, and the need for security provides them with a goal. But purposelessness has been replaced by frustration over the difficulty of attaining security. We emphasize the problem of purposelessness because the liberals and leftists would wish to solve our social problems by having society guarantee everyone's security; but if that could be done it would only bring back the problem of purposelessness. The real issue is not whether society provides well or poorly for people's security; the trouble is that people are dependent on the system for their security rather than having it in their own hands. This, by the way, is part of the reason why some people get worked up about the right to bear arms; possession of a gun puts that aspect of their security in their own hands.

13. (Paragraph 66) Conservatives' efforts to decrease the amount of government regulation are of little benefit to the average man. For one thing, only a fraction of the regulations can be eliminated because most regulations are necessary. For another thing, most of the deregulation affects business rather than the average individual, so that its main effect is to take power from the government and give it to private corporations. What this means for the average man is that government interference in his life is replaced by interference from big corporations, which may be permitted, for example, to dump more chemicals that get into his water supply and give him cancer. The conservatives are just taking the average man for a sucker, exploiting his resentment of Big Government to promote the power of Big Business.

14. (Paragraph 73) When someone approves of the purpose for which propaganda is being used in a given case, he generally calls it "education" or applies to it some similar euphemism. But propaganda is propaganda regardless of the purpose for which it is used.

15. (Paragraph 83) We are not expressing approval or disapproval of the Panama invasion. We only use it to illustrate a point.

16. (Paragraph 95) When the American colonies were under British rule there were fewer and less effective legal guarantees of freedom than there were after the American Constitution went into effect, yet there was more personal freedom in pre-industrial America, both before and after the War of Independence, than there was after the Industrial Revolution took hold in this country. We quote from "Violence in America: Historical and Comparative perspectives," edited by Hugh Davis Graham and Ted Robert Gurr, Chapter 12 by Roger Lane, pages 476-478: "The progressive heightening of standards of property, and with it the increasing reliance on official law enforcement (in 19th century America). . . were common to the whole society. . . [T]he change in social behavior is so long term and so widespread as to suggest a connection with the most fundamental of contemporary social processes; that of industrial urbanization itself. . ." "Massachusetts in 1835 had a population of some 660,940, 81 percent rural, overwhelmingly preindustrial and native born. Its citizens were used to considerable personal freedom. Whether teamsters, farmers or artisans, they were all accustomed to setting their own schedules, and the nature of their work made them physically dependent on each other. . . Individual problems, sins or even crimes, were not generally cause for wider social concern. . ." "But the impact of the twin movements to the city and to the factory, both just gathering force in 1835, had a progressive effect on personal behavior throughout the 19th century and into the 20th. The factory demanded regularity of behavior, a life governed by obedience to the rhythms of clock and calendar, the demands of foreman and supervisor. In the city or town, the needs of living in closely packed neighborhoods inhibited many actions previously unobjectionable.

Both blue- and white-collar employees in larger establishments were mutually dependent on their fellows. as one man's work fit into another's, so one man's business was no longer his own. "The results of the new organization of life and work were apparent by 1900, when some 76 percent of the 2,805,346 inhabitants of Massachusetts were classified as urbanites. Much violent or irregular behavior which had been tolerable in a casual, independent society was no longer acceptable in the more formalized, cooperative atmosphere of the later period. . . The move to the cities had, in short, produced a more

tractable, more socialized, more 'civilized' generation than its predecessors."

17. (Paragraph 117) Apologists for the system are fond of citing cases in which elections have been decided by one or two votes, but such cases are rare.

18. (Paragraph 119) "Today, in technologically advanced lands, men live very similar lives in spite of geographical, religious and political differences. The daily lives of a Christian bank clerk in Chicago, a Buddhist bank clerk in Tokyo, a Communist bank clerk in Moscow are far more alike than the life any one of them is like that of any single man who lived a thousand years ago. These similarities are the result of a common technology. . ." L. Sprague de Camp, "The Ancient Engineers," Ballentine edition, page 17.

The lives of the three bank clerks are not IDENTICAL. Ideology does have SOME effect. But all technological societies, in order to survive, must evolve along APPROXIMATELY the same trajectory.

19. (Paragraph 123) Just think an irresponsible genetic engineer might create a lot of terrorists.

20. (Paragraph 124) For a further example of undesirable consequences of medical progress, suppose a reliable cure for cancer is discovered. Even if the treatment is too expensive to be available to any but the elite, it will greatly reduce their incentive to stop the escape of carcinogens into the environment.

21. (Paragraph 128) Since many people may find paradoxical the notion that a large number of good things can add up to a bad thing, we will illustrate with an analogy. Suppose Mr. A is playing chess with Mr. B. Mr. C, a Grand Master, is looking over Mr. A's shoulder. Mr. A of course wants to win his game, so if Mr. C points out a good move for him to make, he is doing Mr. A a favor. But suppose now that Mr. C tells Mr. A how to make ALL of his moves. In each particular instance he does Mr. A a favor by showing him his best move, but by making ALL of his moves for him he spoils the game, since there is not point in Mr. A's playing the game at all if someone else makes all his moves.

The situation of modern man is analogous to that of Mr. A. The system makes an individual's life easier for him in innumerable ways, but in doing so it deprives him of control over his own fate.

22. (Paragraph 137) Here we are considering only the conflict of values within the mainstream. For the sake of simplicity we leave out of the picture "outsider" values like the idea that wild nature is more important than human economic welfare.

23. (Paragraph 137) Self-interest is not necessarily MATERIAL self-interest. It can consist in fulfillment of some psychological need, for example, by promoting one's own ideology or religion.

24. (Paragraph 139) A qualification: It is in the interest of the system to permit a certain prescribed degree of freedom in some areas. For example, economic freedom (with suitable limitations and restraints) has proved effective in promoting economic growth. But only planned, circumscribed, limited

freedom is in the interest of the system. The individual must always be kept on a leash, even if the leash is sometimes long(see paragraphs 94, 97).

25. (Paragraph 143) We don't mean to suggest that the efficiency or the potential for survival of a society has always been inversely proportional to the amount of pressure or discomfort to which the society subjects people. That is certainly not the case. There is good reason to believe that many primitive societies subjected people to less pressure than the European society did, but European society proved far more efficient than any primitive society and always won out in conflicts with such societies because of the advantages conferred by technology.

26. (Paragraph 147) If you think that more effective law enforcement is unequivocally good because it suppresses crime, then remember that crime as defined by the system is not necessarily what YOU would call crime. Today, smoking marijuana is a "crime," and, in some places in the U.S., so is possession of ANY firearm, registered or not, may be made a crime, and the same thing may happen with disapproved methods of child-rearing, such as spanking. In some countries, expression of dissident political opinions is a crime, and there is no certainty that this will never happen in the U.S., since no constitution or political system lasts forever.

If a society needs a large, powerful law enforcement establishment, then there is something gravely wrong with that society; it must be subjecting people to severe pressures if so many refuse to follow the rules, or follow them only because forced. Many societies in the past have gotten by with little or no formal law-enforcement.

27. (Paragraph 151) To be sure, past societies have had means of influencing behavior, but these have been primitive and of low effectiveness compared with the technological means that are now being developed.

28. (Paragraph 152) However, some psychologists have publicly expressed opinions indicating their contempt for human freedom. And the mathematician Claude Shannon was quoted in Omni (August 1987) as saying, "I visualize a time when we will be to robots what dogs are to humans, and I'm rooting for the machines."

29. (Paragraph 154) This is no science fiction! After writing paragraph 154 we came across an article in Scientific American according to which scientists are actively developing techniques for identifying possible future criminals and for treating them by a combination of biological and psychological means. Some scientists advocate compulsory application of the treatment, which may be available in the near future. (See "Seeking the Criminal Element", by W. Wayt Gibbs, Scientific American, March 1995.) Maybe you think this is OK because the treatment would be applied to those who might become drunk drivers (they endanger human life too), then perhaps to peel who spank their children, then to environmentalists who sabotage logging equipment, eventually to anyone whose behavior is inconvenient for the system.

30. (Paragraph 184) A further advantage of nature as a counter-ideal to technology is that, in many people, nature inspires the kind of reverence that is associated with religion, so that nature could perhaps be idealized on a religious basis. It is true that in many societies religion has served as a support and justification for the established order, but it is also true that religion has often provided a basis for rebellion. Thus it may be useful to introduce a religious element into the rebellion against technology, the more so because Western society today has no strong religious foundation.

Religion, nowadays either is used as cheap and transparent support for narrow, short-sighted selfishness (some conservatives use it this way), or even is cynically exploited to make easy money (by many evangelists), or has degenerated into crude irrationalism (fundamentalist Protestant sects, "cults"), or is simply stagnant (Catholicism, main-line Protestantism). The nearest thing to a strong, widespread, dynamic religion that the West has seen in recent times has been the quasi-religion of leftism, but leftism today is fragmented and has no clear, unified inspiring goal.

Thus there is a religious vacuum in our society that could perhaps be filled by a religion focused on nature in opposition to technology. But it would be a mistake to try to concoct artificially a religion to fill this role. Such an invented religion would probably be a failure. Take the "Gaia" religion for example. Do its adherents REALLY believe in it or are they just play-acting? If they are just play-acting their religion will be a flop in the end.

It is probably best not to try to introduce religion into the conflict of nature vs. technology unless you REALLY believe in that religion yourself and find that it arouses a deep, strong, genuine response in many other people.

31. (Paragraph 189) Assuming that such a final push occurs. Conceivably the industrial system might be eliminated in a somewhat gradual or piecemeal fashion. (see paragraphs 4, 167 and Note 4).

32. (Paragraph 193) It is even conceivable (remotely) that the revolution might consist only of a massive change of attitudes toward technology resulting in a relatively gradual and painless disintegration of the industrial system. But if this happens we'll be very lucky. It's far more probably that the transition to a nontechnological society will be very difficult and full of conflicts and disasters.

33. (Paragraph 195) The economic and technological structure of a society are far more important than its political structure in determining the way the average man lives (see paragraphs 95, 119 and Notes 16, 18).

34. (Paragraph 215) This statement refers to our particular brand of anarchism. A wide variety of social attitudes have been called "anarchist," and it may be that many who consider themselves anarchists would not accept our statement of paragraph 215. It should be noted, by the way, that there is a nonviolent anarchist movement whose members probably would not accept FC as anarchist and certainly would not approve of FC's violent methods.

35. (Paragraph 219) Many leftists are motivated also by hostility, but the hostility probably results in part from a frustrated need for power.

36. (Paragraph 229) It is important to understand that we mean someone who sympathizes with these MOVEMENTS as they exist today in our society. One who believes that women, homosexuals, etc., should have equal rights is not necessarily a leftist. The feminist, gay rights, etc., movements that exist in our society have the particular ideological tone that characterizes leftism, and if one believes, for example, that women should have equal rights it does not necessarily follow that one must sympathize with the feminist movement as it exists today.

If copyright problems make it impossible for this long quotation to be printed, then please change Note 16 to read as follows:

16. (Paragraph 95) When the American colonies were under British rule there were fewer and less effective legal guarantees of freedom than there were after the American Constitution went into effect, yet there was more personal freedom in pre-industrial America, both before and after the War of Independence, than there was after the Industrial Revolution took hold in this country. In "Violence in America: Historical and Comparative Perspectives," edited by Hugh Davis Graham and Ted Robert Gurr, Chapter 12 by Roger Lane, it is explained how in pre-industrial America the average person had greater independence and autonomy than he does today, and how the process of industrialization necessarily led to the restriction of personal freedom.

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THE BALTIMORE NEWS-POST, MONDAY DECEMBER 8, 1941

Sees U. S.-Britain Union For Peace

CHICAGO, Dec. 7 - (U. P.)

A noted student of international law foresees a post-war world confederation in which Anglo-American sea power will insure peace and freedom of commerce.

Dr. Quincy Wright of the University of Chicago predicts that if Hitler is defeated, the Nazi Chief's projected "new order" will be replaced by a [world organization](#) patterned in many respects after the League of Nations - but immeasurably strengthened by American participation and the use of the British and United States navies to enforce its edicts. He said:

"The main tasks of the world system will be to maintain freedom of the seas, moderate freedom of commerce and to prevent aggression."

Wright is the author of numerous works on international law, including an essay, "The Future of Neutrality," in which he

chiefly through limitation of national [tariffs](#) and it will act promptly against aggressors. Its chief weapon will be naval power provided largely by Britain and the United States.

Wright said American participation in the new world order is highly probable. He said:

"The American people have seen that their aloofness contributed to the death of the League of Nations. The strength of the isolationists has declined sharply since the first world war."

CONTINENTAL SYSTEM

Wright also expects the rise of several continental systems, subject to the world league, but with more extensive powers over their numbers and more closely-knit organization. Among these, he believes will be a "[United States of Europe](#)," an [Asiatic system](#) and a [Pan-American union](#). Russia probably will remain outside of all the continental systems, he said.

Each of the continental systems probably will have a [common air force](#), with national air forces

predicted in 1928 that the traditional policy of neutrality for non-belligerent nations in event of war would be abandoned in favor of common action against aggression.

FOUR FREEDOMS

Wright believes the new world league will formulate a "basic declaration of the rights of man," including President Roosevelt's "four freedoms." To protect those rights, he predicted, the system will have the power to deal with and punish individuals in some cases. At present [international law](#) technically is concerned only with states leaving regulation of individuals to national authorities.

Like the old League of Nations, Wright thinks, the new confederation will have three branches: a council or legislative body, an administrative authority and a world court which will arbitrate disputes between nations and questions of international law. It will promote world prosperity,

outlawed or greatly reduced, according to Wright. Members of these air forces will owe sole allegiance to their respective system and to no nation. By means of its exclusive command of air power, each continental organization will be able to preserve the independence of small nations adjoining large and powerful neighbors.

Sovereignty and independence of individual nations will be retained, subject to limitations necessary to operation of the continental and world systems, Wright predicted.

The universal confederation will enforce [peace](#) among the continental systems.

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Bilderbergs (BB)

John J. McCloy used his position as coordinator of information for the US government to build the framework of what was to become the Office of Strategic Services (OSS) headed by Bill Donovan. During 1947, the OSS was rolled into a new group called the Central Intelligence Agency (CIA) by the 1947 National Security Act, which made the activities of the CIA immune to all civil and criminal laws. In 1950 General Walter Bedel Smith became Director of the CIA. The CIA helped organize and sponsored the formation and operation of the Bilderberg Conferences.

Kai Bird's excellent account in *The Chairman, John J. McCoy, The Making of the American Establishment*, states:

"In late 1952, Retinger went to America to try the idea out on his American contacts. Among others, he saw such old friends as Averell Harriman, David Rockefeller, Bedell Smith, then director of the CIA. After Retinger explained his proposal, Smith said, 'Why the hell didn't you come to me in the first place?' He quickly referred Retinger to C. D. Jackson, who was about to become Eisenhower's special assistant for psychological warfare. It took a while for Jackson to organize the American wing of the group, but finally, in May 1954, the first conference was held in the Hotel de Bilderberg, a secluded hotel in Holland, near the German border. Prince Bernhard and Retinger drew up the list of invitees from the European countries, while Jackson controlled the American list."

Prince Bernhard, of The Netherlands, became the first Chairman, and served in this post until scandal forced him to resign in 1974. Dr. Retinger became the first Secretary.

Liberty Lobby, Inc., 300 Independence Ave., SE, Washington, D.C. 20003, publishes a weekly newspaper, titled "The Spotlight". At my request, they sent me a reprint of a summary of Bilderberg information, titled "Spotlight On The Bilderbergers, Irresponsible Power", published mid- June, 1975. Page 6 of this document reveals:

"The Congressional Record - U.S. Senate, April 11, 1964, states:

(Speaking) - Mr. (Jacob) Javits - 'Mr. President, the 13 th in a series of Bilderberg meetings on international affairs, in which I participated, was held in Williamsburg, VA, on March 20, 21, and 22. I ask unanimous consent to have printed in the Record a background paper entitled - The Bilderberg Meetings.'

The Bilderberg Meetings

The idea of the Bilderberg meetings originated in the early fifties. Changes had taken place on the international political and economic scene after World War II. The countries of the Western World felt the need for closer collaboration to protect their moral and ethical values, their democratic institutions, and their independence against the growing Communist threat. The Marshall plan and NATO were

examples of collective efforts of Western countries to join hands in economic and military matters after World War II.

In the early 1950 's, a number of people on both sides of the Atlantic sought a means of bringing together leading citizens, not necessarily connected with government, for informal discussions of problems facing the Atlantic community. Such meetings, they felt, would create a better understanding of the forces and trends affecting Western nations, in particular. They believed that direct exchanges could help to clear up differences and misunderstandings that might weaken the West.

One of the men who saw the need for such discussions was the late Dr. Joseph Hieronim Retinger. (as a matter of interest, the name Hieronim is literally translated as meaning "MEMBER OF THE OCCULT"). In 1952, he approached His Royal Highness, Prince Bernhard of The Netherlands, with the suggestion of informal and unofficial meetings to discuss the problems facing the Atlantic community. Others in Europe wholeheartedly supported the idea, and proposals were submitted to American friends to join in the undertaking. A number of Americans, including C. D. Jackson, the late General Walter Bedell Smith, and the late John Coleman, agreed to cooperate.

The first meeting that brought Americans and Europeans together took place under the chairmanship of Prince Bernhard (of The Netherlands) at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Ever since, the meetings have been called Bilderberg meetings. *---

No Strict Rules of Procedure

From the outset, it was the intentions of the Bilderberg founders and participants that no strict rules of procedure govern the meetings. Every effort was made to create a relaxed, informal atmosphere conducive to free and frank discussions. Bilderberg is in no sense a policy-making body. No conclusions are reached. There is no voting, and no resolutions are passed. The meetings are off- the- record. Only the participants themselves may attend the meetings.

Participants

It was obvious from the first that the success of the meetings would depend primarily on the level of the participants. Leading figures from many fields - industry, labor, education, government, etc. - are invited, who, through their special knowledge or experience, can help to further Bilderberg objectives. Representatives of governments attend in a personal, and not an official capacity. An attempt is made to include participants representing many political parties and points of view. American participation has included Members of Congress of both parties.

Over the years, Bilderberg participants have come from the NATO countries, Switzerland, Sweden, Austria, and Finland, and have included prominent individuals such as Dean Rusk, Christian A. Herter, Maurice Faure, Franz-Josef Strauss, Amintore Fanfani, Panayotis Pipinelis, Reginald Maudling, the late Hugh Gaitskell, Omer Becu, Guy Mollet, the late Michael Ross, Herman Abs, C. L. Sulzberger, Joseph

Harsch, and T. M. Terkelsen. Individuals with international responsibilities have also participated, among them being Gen. Alfred Gruenther, Lord Ismay, Eugene Black, Gen. Lyman Lemnitzer, Paul-Henry Spaak, and the late Per Jacobsson.

The Meetings

Bilderberg meetings are held at irregular intervals, but have taken place once or twice a year since 1954. All the early conferences were held in Europe, but a meeting is now held on this side of the Atlantic every few years to provide a convenient opportunity for American and Canadian participants to attend."

The above is what they want you to believe. Below is much closer to the real truth.

"The Spotlight" reports that the Bilderberg meetings are highly secret, and are held at random times each year, and rarely at the same location, for security reasons. The responsibility for security for these meetings is in the hands of the government of the country in which the meetings are held. They must supply military security, secret service, national and local police and private security personnel to protect the privacy and safety of these very powerful international Elite members who are not required to conform to regulations that private citizens are subjected- to, such as customs searches, visas requirements, or public notice of their meetings. When they meet, no outsiders are allowed in or near the building. They bring their own food, cooks, waiters, telephone operators, housekeepers and bodyguards.

The Bilderberg membership is made up of Kings, Queens, Princes, Chancellors, Prime Ministers, Presidents, Ambassadors, Secretaries of State, Wall Street investors, international bankers, news media executives, and wealthy industrialist. Their meetings are by invitation only, and no outsiders in the news media are allowed, except by special invitation.

However, the news media are always present at these meetings such as: Peter Jennings (BB and Anchor & Senior Editor of ABC News, World News Tonight), Joseph C. Harsch (BB, CFR and former Commentator for NBC, Inc.), Bill D. Moyers (BB and Executive Director of Public Affairs TV, Inc. and former Director of the CFR), William F. Buckley, Jr. (BB, CFR and Editor-in-Chief of "National Review" and host of PBS's Firing Line), Gerald Piel (BB, CFR and former Chairman of Scientific America, Inc.), Henry Anatole Grunwald (BB, CFR and former Editor-in-Chief of "Time, Inc."), Mortimer B. Zuckerman (BB, CFR and Chairman & Editor - in - Chief of the "US News and World Report", "New York Daily News "and "Atlantic Monthly"), Robert L. Bartley (BB, CFR, TC and Vice President of the "Wall Street Journal"), Peter Robert Kann (BB, CFR and Chairman & CEO of Dow Jones & Company, and husband of Karen E. House, CFR), William Kristol (BB and Editor & Publisher of the new "The Weekly Standard" magazine), Donald (Don) C. Cook (BB, CFR and former European Diplomatic Correspondent for the "Los Angeles Times"), Robert Leroy Bartley (BB, CFR, TC and Vice President of the "Wall Street Journal"), Albert J. Wohlstetter (BB, CFR and writer for the "Wall Street Journal"), Thomas L. Friedman (BB, CFR, TC and columnist for the "New York Times"), and the "Queen" of the Elite - Katharine Graham (BB, CFR, TC and Owner and Chairwoman of the Executive Committee of the "Washington Post"). Even though these media moguls attend the secret meetings, they

do not file reports about the Elite Bilderberg activities during their meetings, nor do they allow their reporters to write about these meetings.

A couple of weeks before the 1996 BB meeting, "The Spotlight" sent over 600 notices to key members of all forms of news media, including Rush Limbaugh, Tom Brokaw, Dan Rather, Peter Jennings, and other prominent members of news magazines, newspapers, television and radio, advising them of the pending meeting, telling the date, time and place that the meeting would take place and a list of probable attendees. Only four newspapers showed up, the "Toronto Sun", "Toronto Star", "Globe & Mail", and "The Spotlight". The word is that Katherine Graham put the word out that this meeting was "NOT" to be covered by any news media for "ANY" reason. I personally called the editor of "USA Today" to warn him of this meeting at least a week prior to this meeting. A couple of weeks later, when asked why they did not attend, the answer was "We had more important news to cover during this period."

The Bilderberg's addresses are:

US

Charles W. Muller
Phone: 1-212-879-0545
American Friends of Bilderbergs, Inc.
477 Madison Ave., 6 th Floor
New York, NY 10022

Europe

Maja Banck-Polderman
Phone: 31 20 625 0252
Fax: 31 20 624 4299
Bilderberg Meetings
Amstel 216
1017 AJ Amsterdam
The Netherlands

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The Bilderberg Group and the project of European unification

- *From Lobster 32*

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The Bilderberg Group and the project of European unification

Mike Peters

Introduction

Despite their reputation for 'empiricism', British academics have tended to treat political power by means of abstract concepts rather than empirical information about the actions of determinate individuals and groups (e.g. Giddens, 1984, 1985; Scott, 1986). After a brief efflorescence of empirical studies of the so-called 'Establishment' in the early 1960s, sociologists in Britain became diverted from empirical investigation of power, as the study of national and international power-structures became conducted under the aegis of increasingly abstract theoretical categories derived from Marxism, and in particular by a wave of concepts based on Poulantzas's 'structuralist' critique of Miliband, and was followed by ever more esoteric discussions of the 'theory' of the state (e.g. Jessop, 1990), culminating in the hegemony of a post-Marxist version of Gramsci's conception of 'hegemony' - in which 'struggle' is posited without any identifiable human beings as its active protagonists, and with the stakes reduced to ideas rather than concrete interests.

This was in sharp contrast with the USA, where the impetus of C. Wright Mills's pioneering study of the network of interests involved in the Cold War (Mills, 1956) was continued by a flourishing group of scholars. There has been nothing in Britain of comparable scope or detail to the work conducted in the USA by G. W. Domhoff, Thomas Dye, Mark Mizruchi or Noam Chomsky, etc.

The present article is concerned with one specific facet of American power-structure research which, I

believe, has important implications for the study of power in the UK. This is the subject of power-elite networks and forums, conceptualised as arenas for the conduct of intra-capitalist and inter-corporate strategic debates and long-range social planning, from which wider 'democratic' interference is carefully excluded.

The particular institution about which I will present information is the so-called 'Bilderberg Group', which is an interesting example of this kind of power-elite forum. It is one among a number of little-publicised institutions which have played an important role providing a means for debates and discussions to take place amongst different capitalist groups and different national governments over long-term planning issues and, especially, in Co-ordinating strategic policy at an international level. Other such bodies on this trans-national scale include the Council on Foreign Relations (CFR) in the USA, with its UK sister organisation, the Royal Institute of International Affairs (otherwise known simply as Chatham House) and the Trilateral Commission (which itself grew out of Bilderberg meetings and has been essentially a more globalist version of the latter, since it incorporates Japanese representatives). Each of these bodies will be mentioned in what follows.

One of the 'functions' such institutions appear to serve is that of 'mediating' between the economic interests of private capital and the requirement of a general interest on the part of the capitalist class as a whole. I shall suggest that much of the theorising about the 'state' in the tradition of structural Marxism since the 1970s has confused this relation between capital and national governments, owing to the tendency to reify the abstraction called 'the state' and posit it as enjoying a virtual autonomy vis-à-vis capital; whereas the empirical evidence lends more support to the rather hastily dismissed (and often grotesquely caricatured) model called 'instrumentalism'.

To anticipate what will be said later, I believe that one of the key assumptions often made by structural Marxists, namely that the capitalist class is always divided into competing fractions which have no mechanisms for co-ordination other than the state, is not empirically sustainable. Part of this misconception, it could be said, derives from an over-literal understanding of the concept of the 'market' as constituting the only social relation amongst different fractions of capital. At least as far as the very large, and above all, the international (or as we would say in today's jargon, the 'global') corporations are concerned, this is definitely not the case: very sophisticated organs do exist whereby these capitalist interests can and do hammer out common lines of strategy. Bilderberg is one of these mechanisms.

The Context

As the second world war drew to a close, the capitalist class in Western Europe was under severe threat from an upsurge of working class radicalism, the management of which required a strategy more sophisticated than conventional repression, and the first steps were taken, by political panes of both left and right, to develop 'corporatist' programmes based on a kind of national protectionism. By contrast, in the USA, the war had brought to dominance an internationally-oriented capitalist class who saw very clearly that their interests lay in a thorough 'liberalisation' (1) of the world market, abolition of tariffs etc.. Only the false wisdom of hindsight could make the eventual Atlantic Alliance system that emerged

by 1950 seem preordained by 'objective' historical forces. Indeed, so used have we become to hearing phrases like 'American imperialism' and witnessing US interventions throughout the world that we can forget just how difficult it was for this internationally oriented fraction of the American capitalist class to impose its agenda upon the US state: the deep-rooted tendency of American political culture has always been what Europeans call 'Isolationist' and it took extensive political work to drag the Americans into these foreign entanglements. In this paper I will not be looking in any detail at how these interests influenced the US government during and after the Second World War, but rather at how they succeeded in effecting the integration of the Western European capitalist class into a new Atlantic alliance system

The period 1945-50 is highly complex and debate still rages over the origin and nature of the 'Cold War': for example over the degree to which the US was acting offensively or defensively against a (real or imagined) Soviet threat, as well as over the relation between the external or geopolitical aspect of the Cold War on the one hand and its domestic, ideological or 'class' aspect. And the recent work of Alan Milward, for example, has thrown into question many of the received assumptions about the causes and consequences of the 'supranational' institutions created in Europe in the aftermath of the war (Milward, 1984 and 1994; Anderson, 1996).

The beginnings of a clarification of these events were made with the pioneering analysis of Kees Van der Pijl, in conjunction with other Dutch Marxist scholars (Fennema, Overbeek etc.) ten years ago, together with the detailed empirical work of US power-researchers (e.g. the journal *Critical Sociology*). With the collapse of the USSR and the subsequent 'coming out' of veteran anti-Communists now prepared to open up some of their dubious accomplishments to outside scrutiny (Peter Coleman, Brian Crozier e.g.), more direct documentary evidence of the scope and intensity of covert US involvement in European politics in the post-war period is now available.

The Marshall Plan and NATO

The official version of the history of the creation of the Atlantic system reads like the 'lives and teachings of saints' (Milward, 1992). In these school textbook accounts, each of the pillars of the post-war world order has its great founding father, whose photographs invariably appear in magazine articles:

- * the IMF and the World Bank are the work of Keynes
- * European economic recovery is the work of General Marshall
- * NATO is the work of Ernest Bevin, and
- * the European Community is the work of Jean Monnet (with his faithful disciple Schuman)

These are not just myths; they are, in intelligence parlance, more like 'cover stories'.

The Marshall Plan is named after the speech on June 5 1947 by US Secretary of State Marshall, which

invited European countries to join in a co-operative plan for economic reconstruction, with explicit requirements for trade liberalisation and increases in productivity. Over the next ten months there emerged the Foreign Assistance Act of 1948, which set up the Economic Co-operation Agency (ECA) to administer the European Recovery Programme (ERP) - the so-called 'Marshall Aid' - which gave \$13 billion in aid to 16 western European states. In four years, the ECA was superseded by the Mutual Security Agency (MSA) in 1951 which in turn was transformed into the Foreign Operations Agency (FOA) in 1954, later the International Co-operation Agency (ICA) in 1955 and finally the Agency for International Development (AID) in 1961 (Carew 1987 p. 6ff). It is generally recognised that this aid had a decidedly militaristic purpose, being essentially a prerequisite for the development of NATO. (2)

It is less generally acknowledged, however, that this unprecedented exercise of international generosity (dubbed by Churchill the 'most unsordid act in history') served direct economic purposes for the internationally oriented US corporations which promoted it. William Clayton, for example, the Under-secretary for Economic Affairs, whose tour of Europe and letters sent back to Washington played a key role in preparing the plan, and who pushed it through Congress, personally profited to the tune of \$700,000 a year; and his own company, Anderson, Clayton & Co. secured \$10 million of Marshall Plan orders up to the summer of 1949. (Schuman 1954 p. 240). General Motors similarly got \$5.5 million worth of orders between July 1950 and 1951 (14.7% of the total) and the Ford Motor Company got \$1 million (4.2% of the total).

Roots in the Council on Foreign Relations

The origins of the Marshall Plan are in fact to be found in the 'War and Peace Study Groups' instituted by the Council on Foreign Relations (CFR) in 1939. (For the details see Shoup & Minter p. 117 ff). On December 6 1939 the Rockefeller Foundation granted the Council nearly \$50,000 to finance the first year of the project. Well over 120 influential individuals (academics and business leaders), at least 5 cabinet levels departments and 12 separate government agencies, bureaux or offices were involved in this. There were altogether 362 meetings and no less than 682 separate documents produced. I find it frankly astonishing that virtually none of the British academic scholarship on this period even acknowledges the existence of the CFR, let alone the War and Peace Study Groups. Evidence is surely required to show that they had no influence, if that is what scholars believe.

The plan which Marshall presented in his speech had already been outlined in the proposals of a CFR study group of 1946 headed by the lawyer Charles M. Spofford and David Rockefeller, entitled 'Reconstruction in Western Europe'; and the specific proposal for unifying the Western European coal and steel basin as a bulwark against the USSR was made by John Foster Dulles in January 1947.

To trace the origin of the movement for European unification, however, requires that we go back to May 8 1946 and an address given at Chatham House by a Pole named Joseph Retinger. In this talk he outlined a plan for a federal Europe in which the states would relinquish part of their sovereignty. At the time, Retinger was secretary general of the Independent League for European Co-operation (ILEC), run by the Belgian Prime Minister Paul van Zeeland. During the war Retinger worked closely with van

Zeeland and other exile leaders who would become prominent in the Bilderberg network, (including Paul Rijkens, whom we will meet again shortly). (3) Out of these connections was born in 1942-3 the Benelux customs union, a kind of prototype of the Common Market.

The ideas adumbrated by Retinger were not new: there is a whole history of such projects for European unification and for even larger global schemes. One might just note here the assumption of the need for a 'great power' status as well as the almost taken-for-granted racism which informed Retinger's thinking:

'The end of the period during which the white man spread his activities over the whole globe saw the Continent itself undergoing a process of internal disruption..... there are no big powers left in continental Europe..... [whose] inhabitants after all, represent the most valuable human element in the world.' (Retinger 1946, p. 7)

Shortly after this speech, Retinger was invited by the US ambassador, Averell Harriman, to the USA to secure American support for ILEC.

'I found in America a unanimous approval for our ideas among financiers, businessmen and politicians. Mr Leffingwell, senior partner in J. P. Morgan's [bank], Nelson and David Rockefeller, Alfred Sloan [chair of General Motors], Charles Hook, President of the American Rolling Mills Company, Sir William Wiseman, [British SIS and] partner in Kuhn Loeb [New York investment bank], George Franklin and especially my old friend Adolf Berle Jr [CFR], were all in favour, and Berle agreed to lead the American section [of ILEC]. John Foster Dulles also agreed to help. (Pomian 1972, p. 212)

Thus was formed the European Movement (whose first congress at the Hague in 1948 is- the origin of the Council of Europe), which received substantial contributions from US government secret funds as well as private sources via the American Committee for a United Europe (ACUE). The names mentioned above are significant in the present context: Leffingwell preceded John McCloy and David Rockefeller as CFR chair, 1946-53, and had been a CFR director since 1927, while Franklin was executive director of the CFR 1953-7 and was later a Trilateral Commission Co-ordinator: also, incidentally an in-law of the Rockefellers.

US funding for the European Movement extended beyond 1952, most of it going to the European Youth Campaign, initiated by John McCloy, whose own career virtually personifies the Atlantic ruling class as a whole: a corporate lawyer of relatively humble origins, he became, through his contacts at Harvard, assistant Secretary of War 1941-45 and first President of the World Bank (IBRD), which he revamped to suit the interests of Wall Street; and then US High Commissioner for Germany 1949-52 (where, among other things, he enabled Krupp to regain control of his steel companies, advising on the establishment of the Krupp-Stiftung, modelled on the Ford Foundation - he was connected to Adenauer through his German wife, whose sister married Lewis Douglas, J. P. Morgan financier and later US ambassador to Britain), after which he became a director of both the Chase Manhattan Bank and the Ford Foundation in 1953. He was also an active member of the Bilderberg Group, becoming chair of the Council on Foreign Relations itself.

As for ACUE, its chair was William Donovan (who ran OSS - forerunner of the CIA during the war) and its vice-chair was Allen Dulles (who was a leading figure in the CFR War and Peace Study Group during the early part of the war, and later the director of the CIA); and it was run in Europe by another CIA executive, Thomas W. Braden.

The Bilderberg Group

'The Treaty of Rome [1957], which brought the Common Market into being, was nurtured at Bilderberg meetings.' (George McGhee, former US ambassador to West Germany)

'Bilderberg' takes its name from the hotel, belonging to Prince Bernhard of the Netherlands, near Arnhem, where, in May 1954 the first meeting took place of what has ever since been called the Bilderberg Group. While the name persisted, its meetings are held at different locations. Prince Bernhard himself (who, incidentally, was actually German not Dutch) was chair until 1976 when he was forced to resign because of the Lockheed bribery scandal. The possible significance of this group may be gleaned from the status of its participants: the membership comprises those individuals who would, on most definitions, be regarded as members of the 'ruling class' in Western Europe and North America-In particular, the conferences brought together important figures in most of the largest international corporations with leading politicians and prominent intellectuals (in both academia and journalism).

Moreover, virtually all the European institutions we take for granted today, or treat as if they 'emerged' as a matter of course, from the ECSC, EEC and Euratom down to the present European Union, were conceived, designed and brought into existence through the agency of the people involved in Bilderberg.

Secrecy

What Gill has referred to, with disarming brevity, as its 'almost completely secretive' character (Gill 1990, p. 129) is neither incidental nor superficial but integral to its functioning. It is essential that these discussions be kept out of the public sphere. The lengths to which the organisers go are quite astonishing. An entire hotel is taken over in advance (existing guests being moved out) and a whole caravanserai, including special catering staff and armed security guards, descend on the site several days in advance. I recommend the amusing account by Robert Eringer - to my knowledge the only journalistic investigation yet conducted (Eringer 1980). The maintenance of this secrecy has been remarkably effective. In 1967, Cecil King, then chair of the International Publishing Corporation (at the time the press group with the largest circulation in the UK) and chair of the Newspaper Proprietors Association, formally requested his fellow proprietors to see to it that 'on no account should any report or even speculation about the content of the conferences be printed' (quoted in Sklar 1980, p. 178).

On one of the few occasions when Bilderberg meetings were mentioned in a major British newspaper, the outcome was quite interesting. In the 'Lombard' column of the Financial Times, C. Gordon Tether wrote on May 6 1975: 'If the Bilderberg Group is not a conspiracy of some sort, it is conducted in such a way as to give a remarkably good imitation of one.' In a column written almost a year later, for the

March 3 1976 edition, Tether wrote: 'The Bilderbergers have always insisted upon clothing their comings and goings in the closest secrecy. Until a few years back, this was carried to such lengths that their annual conclave went entirely unmarked in the world's press. In the more recent past, the veil has been raised to the extent of letting it be known that the meetings were taking place. But the total ban on the reporting of what went on has remained in force....Any conspiratologist who has the Bilderbergers in his sights will proceed to ask why it is that, if there is so little to hide, so much effort is devoted to hiding it.'

This column never appeared: it was censored by the Financial Times editor Mark Fisher (himself a member of the Trilateral Commission), and Tether was finally dismissed from the 'Lombard' column in August 1976.

What goes on at Bilderberg?

It is important at the outset to distinguish the active, on-going membership from the various people who are occasionally invited to attend. Many of those invited to come along, perhaps to report on matters pertaining to their expertise, have little idea there is a formally constituted group at all, let alone one with its own grand agenda. Hence the rather dismissive remarks by people like sixties media guru Marshall McLuhan, who attended a Bilderberg meeting in 1969 in Denmark, that he was 'nearly suffocated at the banality and irrelevance,' describing them as 'uniformly nineteenth century minds pretending to relate to the twentieth century'. Another of those who have attended, Christopher Price, then Labour MP for Lewisham West, found it 'all very fatuous.... icing on the cake with nothing to do with the cake.' (Eringer 1980, p. 26). Denis Healey, on the other hand, who was in from the beginning and later acted as British convenor, says that 'the most valuable [meetings] to me while I was in opposition were the Bilderberg Conferences'. (Healey 1990, p. 195)

Bilderberg from the beginning has been administered by a small core group, constituted since 1956 as a steering committee, consisting of a permanent chair, a US chair, European and North American secretaries and a treasurer. Invitations are 'only sent to important and generally respected people who through their special knowledge or experience, their personal contacts and their influence in national and international circles can further the aims set by Bilderberg.' (Retinger, cited in Sklar p. 168)

John Pomian, Retinger's secretary observed that:

'...during the first 3 or 4 years the all-important selection of participants was a delicate and difficult task. This was particularly so as regards politicians. It was not easy to persuade the top office holders to come Retinger displayed great skill and an uncanny ability to pick out people who in a few years time were to accede to the highest offices in their respective countries today there are very few figures among governments on both sides of the Atlantic who have not attended at least one of these meetings.' (Pomian, pp. 254-5)

The Bilderberg discussions are organised on the principle of reaching consensus rather than through formal resolutions and voting. Such is the influence and standing of the active members that, if

consensus for action is arrived at, one might expect this to be carried out and the resulting decision to be implemented in the West as a whole. But the exact position of the group, and that of other such groups, is only discernible by a close scrutiny of the specific careers and connections of the individual participants. Here, one has to say that social theorists seem convinced of the irrelevance of this kind of information, which would be called 'prosopographic' (i.e. data pertaining to concrete individuals, which companies they represent, their family connections etc.). This is somewhat contradictory, of course, because in their every-day roles, social theorists are just as interested in this kind of information as anyone else, and display a keen sense of its political relevance when it comes to conducting their own careers: but it has nonetheless become almost a matter of principle to denounce use of this kind of data in social science itself. This tendency seems to come from a reification of the concept of 'roles' (as if these were real rather than constructs) and possibly from a functionalist assumption that social systems are subject to laws; with concrete human actors having no significance in shaping outcomes.

Origins of Bilderberg

The initiative for the first convocation came from Joseph Retinger, in conjunction with Paul Rijkens, President of Unilever. Retinger has already been introduced; and the significance of Unilever needs to be examined briefly. Unilever is one of the largest and most powerful multinational corporations in the world and one of the top European capitalist companies. In the 1950's the advisory directors of Unilever were as follows (and I'm drawing attention to the links with the Rotterdam Bank and Philips, the electrical firm):

- H.M. Hirschfield: also on the board of Philips and Rotterdam Bank and with the Dutch Ministry of Economic Affairs during the war, and after it Commissioner for the Marshall Plan in the Netherlands;
- K.P. Van der Mandel, also on the board of Rotterdam Bank;
- Paul Rijkens: also on the board of Rotterdam Bank;
- H.L. Wolterson: also chair of Philips and on the board of Heldring and Pearson (linked with the Rotterdam Bank);
- P S.F Otten: also President of Philips (and married to a member of the Philips family)

One of the unusual features of Unilever is its bi-national structure (Stokman et al, 1985): it is a jointly-owned AngloDutch company, with a 50/50 structure and a unitary board. This was a very useful device during the war, when operations could be shifted easily from the Netherlands to the UK. Philips had a similar arrangement under a Dutch law called the Corvo Law, whereby in an emergency it could divide itself into two parts, which it did when the Germans invaded: one with its HQ in Germany and the other American. Both these parts got large military contracts during the war, playing a role on both sides (Aaronovitch 1961, pp. 110-11). Unilever's financial advisers are the US investment bank Lazard Freres, which handles the private financial affairs of many of the world's wealthy families, including the

Agnellis of Fiat. (See Koenig, 1990, Reich, 1983, Business Week June 18 1984).

Unilever's chief adviser on international affairs was David Mitrany, whose book, *A Working Peace System*, published in 1943, secured him this post. (He also worked for Chatham House). It was Mitrany who coined the term 'functionalism' to refer to the strategy of supra-national integration through a series of sectoral processes of internationalisation, designed to set in motion an autonomous logic, making inevitable further integration and ultimately making national states obsolete (Groom and Taylor p. 125 ff.). In the post-war period there were three basic models for European union: alongside the 'functionalists' (in this sense), were the 'inter-governmentalists' (e.g. Spaak) and the 'federalists' (e.g. Monnet himself). In the 1960s the functionalists used the slogan 'Atlantic Partnership' as the framework for the integration or synchronisation of US and European interests.

The immediate chain of events leading to the setting up of the first conference was as follows. Prince Bernhard set off for the USA in 1952 to visit his old friend Walter Bedell Smith, director of the newly-formed CIA. Smith put the organisation of the American end into the hands of Charles D. Jackson (special assistant for psychological warfare to the US President), who appointed John S. Coleman (president of the Burroughs Corporation, and a member of the Committee for a National Trade Policy), who in turn briefly became US chair of Bilderberg.

Charles Jackson was president of the Committee for a Free Europe (forerunner of the Congress for Cultural Freedom (CCF) whose extensive operations financing and organising anti-Communist social democratic political intellectuals has only recently been fully documented (see Coleman 1989); and ran the CIA-financed Radio Free Europe in Germany. Earlier he had been publisher of *Fortune* magazine and managing director of *Time/Life*, and during the war was deputy head of psychological warfare for Eisenhower. At the time of Bernhard's visit he was working with a committee of businessmen on both sides of the Atlantic which approved the European Payments Union.

It was thus a European initiative, and its aim was, in official bland language, to 'strengthen links' between Western Europe and the USA. A selected list of people to be invited to the first conference was drawn up by Retinger, with Prince Bernhard and Rijkens, from the European countries of NATO plus Sweden. The resulting group consisted of the Belgian and Italian prime ministers, Paul van Zeeland and Alcide de Gasperi (CDU), from France both the right wing prime minister Antoine Pinay and the Socialist leader Guy Mollet; diplomats like Pietro Quaroni of Italy and Panavotis Pipinelis of Greece; top German corporate lawyer Rudolf Miller and the industrialist Otto Wolff von Amerongen and the Danish foreign minister Ole Bjorn Kraft (publisher of Denmark's top daily newspaper); and from England came Denis Healey and Hugh Gaitskell from the Labour Party, Robert Boothby from the Conservative Party, Sir Oliver Franks from the British state, and Sir Colin Gubbins, who had headed the Special Operations Executive (SOL) during the war.

On the American side, the members of the first Bilderberg assembly included:

- George Ball, who was head of Lehman Brothers, a former high State Department official, where he

was architect of the policy of Atlantic Partnership, and later member of the Trilateral Commission. Ball was closely associated with Jean Monnet, owing to his work as legal counsel for the ECSC and the French delegation to the Schuman Plan negotiations.

- David Rockefeller was the key American member of Bilderberg. Space only permits the briefest sketch of his direct economic and political involvements: head of the Chase Manhattan Bank, member of the Council on Foreign Relations, member of the Business Council, the US council of the International Chamber of Commerce, and, of course, the founder of the Trilateral Commission.
- Dean Rusk: US Secretary of State 1961-69, earlier President of the Rockefeller Foundation 1952-60, having succeeded John Foster Dulles, himself an earlier Secretary of State and - this is not at all a coincidence - a close personal friend of Jean Monnet whom he had first met at Versailles in 1918 as well as of Dean Acheson, Truman's Secretary of State and the true author of the Marshall Plan.

The final list was 67. Since then, the group enlarged somewhat, but the steering group remained the same size. (4)

After Retinger's death in 1960, the role of secretary was taken over by E. H. van der Beugel, who had headed the Dutch bureau for the Marshall Plan and later became president of KLM airlines and the International Institute for Strategic Studies in London. After the resignation of Prince Bernhard, the role of chair was taken by British ex-prime minister Lord Home.

The status of the group and its meetings is ostensibly 'private'. Gill names it simply 'a private international relations council', but nothing could be more misleading than this name private, unless in its sense of 'secret'. When political leaders gather together with a view to arriving at consensus, in conjunction with leaders of industry and finance and press magnates and leading journalists, then this is not the same kind of thing as an assembly of ordinary private citizens. The vocabulary of pluralist political science ('lobbies', 'non-governmental organisations' etc.) systematically distorts the actual power relations at work in these different kinds of associations. It is even questionable whether Bilderberg meetings are really 'private' in the legal sense of non-governmental. Robert Eringer, for example, having received an official reply that 'government officials attend in a personal and not an official capacity', found that in fact officials had attended Bilderberg conferences at government expense and in their official capacity. The British Foreign Office responded to his queries by saying 'we can find no trace of the Bilderberg Group in any of our reference works on international organisations', while he later learnt that the Foreign Office had paid for British members to attend Bilderberg conferences.

Van der Pijl's assessment of the role of Bilderberg seems about as accurate as the available information would allow:

'Rather than constituting an all-powerful secret Atlantic directorate, Bilderberg served, at best, as the environment for developing ideas in that direction, and secrecy was necessary for allowing the articulation of differences rather than for keeping clear-cut projects from public knowledge. In this sense

Bilderberg functioned as the testing ground for new initiatives for Atlantic unity.' (Van der Pijl p. 183)

But on occasions the group is known to have exerted real power. An (unnamed) German participant at the 1974 conference held six months after the Arab Israeli War at Edmond de Rothschild's hotel at Megeve in France, commented:

'Half a dozen knowledgeable people had managed, in effect, to set the world's monetary system wolfing again [after OPEC's quadrupling of oil prices], and it was important to try to knit together our networks of personal contacts. We had to resist institutionalism, bureaucratic red-tape, and the creation of new procedures and committees. Official bodies should be put in the position of ratifying what had been jointly prepared in advance.' (Sklar, p. 171)

The European 'Community'

The Treaty of Rome signed on March 25 1957 created the 'common market' (the European Economic Community) and its roots were laid down in the ECSC (the European Coal and Steel Community) established on April 18 1951, based on the Schuman Plan of May 9 1950 (Vaughan 1976, Milward 1984). It is not implausible to suggest that the route from the one to the other in fact passed through the first five Bilderberg conferences, May 1954 at Oosterbeek (Netherlands), March 1955 at Barbizon (France), September the same year at Garmisch (Germany), May 1956 at Fredensborg (Denmark) and finally in February 1957 at St. Simon's Island (Georgia, USA); and that these secret meetings played a decisive role in overcoming the opposing, centrifugal tendencies symbolised by the collapse of the European Defence Community in 1954, the Hungarian revolution and its suppression and the fiasco of the Anglo-French adventure at Suez in 1956 - the last gasp of independent European imperialism.

Even more important the 'protectionism' implicit in the European unification project was successfully subordinated to the 'liberalising' hegemony of the Americans, through the close involvement of the key US players at every stage. The evidence for this is entirely circumstantial, and this hypothesis must remain speculative, but I believe there is a prima facie case to launch an investigation. It should be clear from the details recounted earlier that not all the possible roads led to the Rome Treaty, and that there is far more to the politics of European 'integration' than the legislative enactments already known about.

Monnet's network

Monnet himself, who mentions neither Retinger nor Bilderberg in his memoirs (Monnet 1978), cannot have been unaware of the activities of these crucial constituents of his programme. However much he may be portrayed in the hagiographies as a far-sighted idealist, Monnet was, first and foremost, an international financier, with an extensive network of connections on both sides of the Atlantic, occupying a particular place in the configuration of capitalist interests forming what Van der Pijl calls the Atlantic circuit of money capital (Van der Pijl 1984). He was, for example, a close friend of all the key figures in the US power structure; but, more importantly, his network centred around the New York investment banks Lazard Freres (run by Andre Meyer who was also on the board of Rockefeller's Chase

International Bank), and Goldman Sachs, which, after the war gravitated into the Rockefeller orbit. Monnet's right-hand man, Pierre Uri, was European director of Lehman Brothers; and Robert Marjolin, one of Monnet's assistants in the first modernisation plan, subsequently joined the board of the Chase Manhattan Bank. Uri and Marjolin were also active in Bilderberg.

When Monnet resigned from his position of 'High Authority' in the ECSC in 1955 to run his Action Committee for a United States of Europe (ACUSE), his secretary at ECSC, Max Kohnstamm who had earlier been private secretary to Queen Wilhelmina, (i.e. Prince Bernhard's mother-in-law), and then Dutch representative in the Schuman Plan negotiations, became the vice-president of ACUSE, which had extensive overlaps with Bilderberg. Kohnstamm, for example, later became a member of the Executive Committee of the Trilateral Commission, and Georges Berthoin, who was Monnet's private secretary at the ECSC 1951-55, took over Kohnstamm's place on the Trilateral Commission in 1975. Francois Duchene and Paul Delouvner, who both worked for ECSC in the fifties (and joined the Trilateral Commission in the 1970s), Guy Mollet and Antoine Pinay were in the Bilderberg network (5)

Europe since the fifties

It would be simply too large and complex a matter to trace the twists and turns in the politics of European unification since the period from the fifties to the present. Too much water has flowed under the bridge, and it is doubtful that it is any longer even the same bridge, so many times has Europe' or the European idea' had to be periodically 'relaunched'. Instead of even attempting this in broad outline, I will draw attention very briefly to the role played by secretive and unaccountable organisations of members of the European economic and political elites.

One little-reported group, for example, which seems to wield immense influence is the European Round Table of Industrialists (ERT). To my knowledge there have only been two or three reports of this group in the British press, and yet in articulating the demands and interests of the largest and most powerful European multinational corporations, it surely calls for close study. I suspect this is the same group as that mentioned in passing in Charles Grant's biography of Jacques Delors. Delors' arrival as European Commissioner in 1985, he says, could not have occurred at a more propitious moment: he had spent the autumn of 1984 searching for a 'Big Idea' to relaunch the EEC.

'That autumn, in Brussels, Delors had met a group of officials and industrialists brought together by Max Kohnstamm, who had been Monnet's chief assistant. After Monnet's death in 1979, Kohnstamm had become one of the guardians of the sacred name of federalism. The Kohnstamm group advised Delors to make the internal market his priority and to lay down a timetable of eight years (the life of two Commissions) for its achievement..... At the same time Wisse Dekker, the chairman of Philips, made several speeches calling for the EEC to remove its internal barriers by 1990.' (Grant 1994, p. 66)

If this is in fact referring to the same group as that known as the European Round Table of Industrialists (ERT), then we have an example of a continuity between the fifties and today. This ERT comprises the chairs/CEOs of the leading European multinational corporations and it is by no means a mere assembly

of dignitaries. This is an extremely powerful body. According to research conducted by the ASEED collective, its reports feed directly into the European Commission decision making process. One of its first reports, for example, entitled 'Missing Links', urged the immediate construction of a series of large-scale transport projects, including the Channel Tunnel. As well as Dekker of Philips, other leading figures in the ERT are Agnelli of Fiat, Gyllenhammer of Volvo, and Denys Henderson of ICI.

Theoretical Excursus

A persistent problem with theories of power over the last 20 years has been their lack of engagement with empirical evidence, compounded by the demonstrable empirical ignorance of theorists. It is as if every academic feels able to develop theories about power, and engage in debates it, without any requirement for relevant information, or at any rate with a tacit assumption that everyone at has such information.

One possible place to start an attempt to 'theorise' the role of Bilderberg and other international power-elite forums, might be to re-enter an old debate at the beginning of the present century: this is the debate between Lenin and Kautsky over imperialism.

Lenin's theory of imperialism sought to explain the first world war by reference to what he called inter-imperialist rivalries. While this theory has had an enormous influence during this century (it under-pins, for example, much contemporary discussion of the relations between 'the West' and the 'Developing World, in which it is assumed that power operates between geographically-defined regions, and that nation-states act at the behest of nationally-based capitalist classes), it is nevertheless demonstrably false in a number of crucial particulars. For example, one of the difficulties in Lenin's theory is reconciling it with the increasing interpenetration of national economies by trans-national capitalist blocs. To put this issue simply: wars take place between states, but inter-capitalist rivalries do not necessarily coincide with the territories between states, especially where international or trans-national corporations have developed. The material presented here, I would suggest, is of just this kind: it shows an inter-penetration of capitalist interests between the USA and Western Europe, and indicates a field of 'political struggle' within and between states, entirely outside that of the public sphere.

What is far less well-known today, however, is Kautsky's alternative conception which explicitly addressed this issue, and can be summed up by his notion of ultra-imperialism (Fennema, 1982). The simple hypothesis is that rival capitalist interests may, at least for a time, be able to coalesce into a relatively unified hegemonic bloc. Now this idea of a tendency towards stabilisation on a global scale may sound unrealistic today, but arguably this was what was achieved for fifty years, at least in the American-dominated half of the world, after 1945. It could even be said that the demise of the other half permits its universalization. Where are the 'inter-imperialist rivalries in the world today'?

Silence of the Academics

When first asked for a title for this paper, I briefly entertained the idea of using the above sub-heading,

(paraphrasing a recent film-title), and I do believe it is important to ask why certain topics rather than others are deemed worthy of investigation. The material presented here is certainly 'dated' and therefore unfashionable, but similar information about the present could be investigated. It is surprising and somewhat depressing that such investigations no longer seem to be being carried out in universities today. (6) Academics often represent themselves somewhat flatteringly as 'critical' intellectuals, independent from or even determinedly opposed to the established systems of power in society, willing to face personal or professional risks in the pursuit of truth. Maybe they are more like lambs.

Footnotes

(1) The term 'liberal' signifies policies opposed to restrictions on international trade. The distinction between 'free trade' and 'protectionism' in international trade does not correspond exactly with the theoretical opposition of 'competition' and 'monopoly'. None of these concepts have straightforward empirical reference. The 1992 NAFTA (North American Free Trade Agreement) for example, is in fact profoundly 'protectionist' in relation to such matters as intellectual property rights (software, patents for seeds, drugs etc.) with elaborate 'rules of origin' designed to keep out foreign competitors etc. see Dawkins 1993.

(2) If the Marshall Plan had military objectives (containment of Soviet influence) as much as economic ones (creation of markets for US industry), then NATO has a civilian, political and ideological role as much as a military one. NATO has been relatively neglected by students of 'supranational' organisations, and it is often presumed to be just a treaty rather than a quasigovernmental organisation in its own right. Its highest political body, the North Atlantic Council, covers foreign policy issues as well as strictly military questions, and the North Atlantic Assembly works to influence the parliamentary members of individual countries. It falls within the brief of NATO to conduct propaganda and defend states the 'infiltration of ideas'. Few citizens of NATO countries are aware of the whole apparatus to which membership commits them - e.g. Plans 10 G and 100-1 under which in 'emergency situations' special US units would be activated to suppress any movement 'threatening to US strategic interests'.

(3) It is extremely difficult to define the exact status of Retinger. One Polish war-time exile leader has been quoted as saying that Retinger was 'suspected of being in close touch not so much with British politics as with certain of its discrete institutions'. Presumably SIS. See Korbonski p. 20.

(4) Later American participants included Robert MacNamara, US Secretary of Defence under Kennedy and Johnson (earlier chair of the Ford Motor Company, and later President of the World Bank); and McGeorge Bundy, who worked on the Marshall Plan, was US National Security Adviser and later special foreign policy adviser to Kennedy and Johnson 1960-65, and became President of the Ford Foundation 1966-79. His brother, William Bundy, was with the CIA 1951-61 and later managed the CFR journal Foreign Affairs from 1979, after working at the Pentagon 1964-69. He married Dean Acheson's daughter. Finally, all three Directors of the CIA in this period were also members of Bilderberg: Allen Dulles (John Foster Dulles's brother), John McCone and Richard Helms. Needless to say, all these figures were also members of the CFR. For more details of participants see the essay by

Thompson in Sklar ed. 1980, and Eringer 1980.

(5) Pinay, who was French Prime Minister in 1951, figures rather allusively in Brian Crozier's memoirs (Crozier, 1993 ch. XV) as the eminence grise of the controversial 'Pinay Cercle', an anti-communist intelligence outfit in the 1970s and 80s (Ramsay & Dorril 1986, p. 39 and Teacher 1989).

(6) It is ironic that while the initial research which discovered the existence of the Bilderberg network and explored its ramifications within the power structure of Atlantic capitalism came entirely from Marxist and left-inclined scholars in the USA, the whole subject has now been virtually taken over by the US far right as the centre piece of its own bizarre world-view. These writers of the far right (Anthony Sutton, Lyndon La Rouche, Spool and the Liberty Lobby etc.) have added virtually nothing to our understanding or knowledge of the phenomenon, and accordingly, are not referenced in the bibliography below. They have, however, contaminated the topic with their confusion. Since around the mid-1980s, the American Left has dropped the whole issue like a hot potato. For a singular exception see Brandt 1993, which is essentially a response to Berlet, 1992.

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Contact: Robin Ramsay (Dept. W)
214 Westbourne Avenue
Hull HU5 3JB
United Kingdom

UK tel: 01482 447558
Int'l tel: +44 1482 447558

Email: robin@lobster.karoo.co.uk

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The Bilderberg Group: Planning the World's Future Behind Closed Doors

by Charles Overbeck

Matrix Editor

easterisle@parascope.com

The date is May 14, 1998. The attendees -- 120 representatives of the Western political, financial and corporate elite -- cruise through the untamed Scottish countryside in black limousines on their way to the swank Turnberry Hotel in Ayrshire. The discussions they will engage in, and the consensus they reach, will influence the course of Western civilization and the future of the entire planet. This meeting will take place behind closed doors in total secrecy, protected by a phalanx of armed guards.

The Bilderberg is about to get busy once again. According to a Bilderberg Society press release, the 46th Bilderberg meeting was an informal discussion "to discuss the Atlantic relationship in a time of change. Among others the Conference will discuss NATO, Asian Crisis, EMU, Growing Military Disparity, Japan, Multilateral Organizations, Europe's social model, Turkey, EU/US Market Place Those who attend Bilderberg meetings do so in a private rather than official capacity. From former CIA director John Deutch to New Jersey Governor Christine Todd Whitman, each guest attendee is hand-picked by the Bilderberg's organizing committee to join in secret deliberations about the propagation of Western hegemony in the New World Order.

All Bilderberg discussions are conducted in absolute secrecy. To guarantee solitude, the Group customarily books an entire hotel in a secluded location. The hotel is protected by a tight security grid of heavily armed guards from the U.S. Secret Service, various European secret service agencies and the local police.

Although some reporters and many media owners are present at these meetings, you will hear nothing about the Bilderberg in the news. According to the Bilderberg's [press release](#), "Participants have agreed not to give interviews to the press during the meeting. In contacts with the news media after the conference it is an established rule that no attribution should be made to individual participants of what was discussed during the meeting."

A source close to the Turnberry conference told *The Scotsman*: "I cannot comment officially on whether this is a conference of the Bilderberg group... This is a strictly private non-governmental conference, one of a series of such meetings. Their purpose is the discuss most informally and confidentially topics of current concern to the democracies of Europe and America." Bilderberg proponents argue that this cloak of secrecy is vital to ensuring an honest and vigorous debate.

"Some of the delegates are politicians, but everyone is here privately," the Turnberry conference source told *The Scotsman*. "It inspires frothing at the mouth of conspiracy theories, but the purpose of the privacy is to allow delegates to have a frank and constructive debate and get to the heart of things knowing that they are not going to be reported."

Of course, this secrecy also guarantees that the vast majority of the world's citizenry is kept completely in the dark regarding Bilderberg deliberations, even though the consensus of the Group may affect national and international government and commerce.

The extremes to which the Bilderberg goes to achieve this level of secrecy raises serious suspicions about the Group's motives in the minds of many. Critics of the Bilderberg say:

- * The Group perceives itself as being supra-governmental. Indeed, Bilderberg founder Prince Bernhard himself once said, "It is difficult to re-educate people who have been brought up on nationalism to the idea of relinquishing part of their sovereignty to a supra-national body." (Alden Hatch, *H. R. H. Prince Bernhard of the Netherlands: An Authorized Biography*, G. G. Harrap & Co., 1962.)

- * The Group coercively manipulates global finances and establishes rigid and binding monetary rates around the world.

- * The Group selects political figures whom the Bilderberg determines should become rulers, and targets those whom it wants removed from power.

- * Rather than pursuing an agenda which would work to solve global health, energy, environmental and agricultural problems, the Group pursues an agenda which guarantees the propagation of its own power and the enrichment of its members, at the expense of human rights and environmental degradation worldwide.

As Bilderberg critic Tony Gosling wrote, "One cannot help but be a little suspicious when priorities for the future of mankind are being considered, by those who have real influence over that future, in total secret."

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Origins of the Bilderberg

After World War II, the east/west schism between the forces of communism and capitalism solidified into the Cold War. According to a [report](#) entered into the Congressional Record by Bilderberg attendee Senator Jacob Javits in 1964, "The countries of the Western World felt the need for closer collaboration to protect their moral and ethical values, their democratic institutions, and their independence against the

growing Communist threat."

This "collaboration" would soon focus on one key objective: to ensure that the United States, Canada and Western Europe maintained oligarchic control of a global system of export-based capitalism.

According to Bilderberg founder Prince Bernhard:

"If we could all agree beforehand in principle it would result, without doubt, not in Utopia, but in an extremely strong and healthy Europe. This in turn would bring the United States into the economic community. It would encourage a great deal of free trade throughout the world.

"Now, the more free trade you have the more difficult you will make it for the new countries of Africa and Asia to set up an autarchy and live in economic isolation, to adopt trade barriers and quotas which after a hundred years or more we are finding out don't pay. From sheer necessity these people will have to join in free trade. And once you get that you can help an underdeveloped country much more easily than if there are a hundred and fifty thousand restrictions. Also it would be easier for them -- their national pride -- to accept help. That to my mind is the best possible guaranty against Communist influence."

(Alden Hatch, *H. R. H. Prince Bernhard of the Netherlands: An Authorized Biography*, G. G. Harrap & Co. [London], 1962.)

The Bilderberg Group was actually the brainchild of Joseph Retinger, an American whose high-profile career brought him into contact with many high-ranking military and political leaders worldwide. Retinger had a dream: to unite the world in peace -- a peace brokered by powerful supra-national organizations which he believed would be less susceptible to the to the short-term ideological whims of national governments.

Economics were a secondary matter, as far as Retinger was concerned. Retinger believed that multinational organizations could create and enforce unity between nations by dictating and enforcing consistent and effective economic and military policies.

In his [Congressional Record](#) report, Senator Javits wrote: "In 1952 [Retinger] approached H.R.H. Prince Bernhard of the Netherlands with the suggestion of informal and unofficial meetings to discuss the problems facing the Atlantic community. Others in Europe wholeheartedly supported the idea, and proposals were submitted to American friends to join in the undertaking. A number of Americans, including C.D. Jackson, the late General Walter Bedell Smith, and the late John Coleman, agreed to cooperate."

(C.D. Jackson was a prominent member of the [Council on Foreign Relations](#), another secretive think-tank whose members are drawn from the American political and economic elite. Like the Bilderberg Group, the CFR meets behind closed doors, and although many working journalists fill the group's

ranks, deliberations and records are kept secret from the public. At the time of the Bilderberg's founding, General Smith was director of the CIA.)

Once Retinger had successfully drummed up a strong showing of interest, the first meeting was organized under Prince Bernhard's aegis. According to Senator Javits' Congressional Record report, "The first meeting that brought Americans and Europeans together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Ever since, the meetings have been called Bilderberg meetings."

According to Senator Javits, who attended the Bilderberg's 1964 meeting in Williamsburg, Virginia, "Bilderberg meetings are held at irregular intervals but have taken place once or twice a year since 1954. All the early conferences were held in Europe, but a meeting is now held on this side of the Atlantic every few years to provide a convenient opportunity for American and Canadian participants to attend."

Bilderberg attendees represent the elite establishment of every Western nation: bankers, industrialists, politicians, CEOs of transnational corporations, European monarchs, chancellors, presidents, prime ministers, key ambassadors, ministers of finance, secretaries of state, representatives of the World Bank, the World Trade Organization and the International Monetary Fund, media executives, and military leaders. Each meeting typically consists of 120 delegates. Approximately two thirds of the attendees are from Europe, and the rest come from North America.

Bilderberg debates go unreported, and any consensus reached is unknown to those outside the Group. Records of the meetings are reportedly kept, but are held in secret as "strictly confidential." Furthermore, according to Alden Hatch's book *H. R. H. Prince Bernhard of the Netherlands: An Authorized Biography*, there is an "unwritten rule that anybody who has ever been to a Bilderberg Conference should be able to feel that he can, in a private capacity, call on any former member he has met. To this end a list of names and addresses is maintained to which all participants have access. This makes possible an expanding continuation of association for people who might not otherwise have met."

Security is always extremely tight at Bilderberg meetings. According to *H. R. H. Prince Bernhard of the Netherlands*, at the first meeting in 1954:

There was absolutely no publicity. The hotel was ringed by security guards, so that not a single journalist got within a mile of the place. The participants were pledged not to repeat publicly what was said in the discussions. Every person present -- Prime Ministers, Foreign Ministers, leaders of political parties, heads of great banks and industrial companies, and representatives of such international organizations as the European Coal and Steel Community, as well as academicians -- was magically stripped of his office as he entered the door, and became a simple citizen of his country for the duration of the conference. Thus everybody could and did say what he really thought without fear of international, political, or financial repercussions.

Thus the Bilderberg Group was born in secrecy. And secrecy breeds suspicion. If the Bilderberg's purposes are truly benevolent, the Group could stand to be a little more open about its activities. It is

little surprise that people often react with "frothing conspiracy theories" to the Bilderberg's general attitude of aloof secrecy, protected by armed guards.

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The Bilderberg Elite

According to founder Prince Bernhard, each Bilderberg attendee is "magically stripped of his office" upon entering the meeting, becoming "a simple citizen of his country for the duration of the conference.

"When these representatives of the Western establishment leave a Bilderberg meeting, however, they carry the Group's consensus with them. The high-powered Bilderberg debates are intended to build unity by resolving differences, and therefore certainly have a significant influence on attendees.

One also must note a significant overlap between the Bilderberg Group and other elitist think-tanks. Many members of the Group are also members of the Council on Foreign Relations, the Trilateral Commission, and other secretive supra-national planning forums. Topics on the Bilderberg's agenda have been smoothly integrated into discussions at G-8 meetings, at the World Economic Forum's [annual conference in Davos](#), Switzerland, and at other global policy venues. The seeds of consensus from these various meetings are then carried home to national governments and corporate boardrooms.

The Bilderberg's advisory committee includes luminaries such as Chase-Manhattan chairman David Rockefeller; Henry Kissinger and Vernon E. Jordan, Jr., are listed among the Group's steering committee. Past attendees include President Clinton (who attended in 1991 just before entering the scene as a possible White House contender), World Bank president James Wolfensohn, U.S. Secretary of Defense William Perry, International Monetary Fund managing director Stanley Fischer, and Ford Motor Company president Alexander Trotman, to name just a few participants.

Shhhhhhhh.... It's a Secret!

Because Bilderberg debates are held in total secrecy, there is no way to definitively gauge how much impact these deliberations have on the participants' actions. While the Bilderberg portrays itself as a think-tank for perpetuating free democratic institutions, the Group's complete removal from any democratic process contradicts its purported motivations.

Although occasional leaks occur, Bilderberg members generally do their part to preserve the shroud of secrecy surrounding the Group's activities. When questioned, Bilderbergers offer vague responses with only the most basic and mundane details of their meetings.

A search of the British House of Parliament's "[Commons Written Answers](#)" revealed an interesting recent example of how Bilderberg attendees protect the Group's secrecy. On July 10, 1998, Conservative Party member Christopher Gill inquired: "To ask the Secretary of State for Defense what mode of transport he used to attend the recent Bilderberg meeting at Turnberry; and what was the cost to public

funds." [46988]

Defense Secretary George Robertson responded: "I flew to Scotland on Friday 14 May in an aircraft of the RAF Communications Fleet, accompanied by the Secretary General of NATO, Snr. Solana. I left the following day in an Army helicopter for a further official engagement. The estimated value of the use of Departmental assets for these flights is £3,840."

On July 20, Liberal Democrat Party member Paul Keetch dug deeper into the matter, inquiring, "To ask the Secretary of State for Defense if he will make a statement on his attendance at the Bilderberg Conference in Ayrshire on 14 and 15 May." [49581]

Robertson offered little in his response: "I attended part of the Bilderberg Conference in Ayrshire last May to contribute to one of the discussions relevant to my Ministerial responsibilities."

Gill pressed the matter further on July 23, querying: "To ask the Secretary of State for Defense... if he will list the main topics discussed at the meeting and place copies of (a) the agenda and (b) the minutes of the meeting in the Library." [51550]

Robertson replied flatly: "I have no Ministerial responsibility for the agenda or production of a record of the Bilderberg meeting which I attended in May this year."

And there you have it. With no compelling level of public accountability, Robertson had no duty to elaborate. After all, Bilderberg attendees are "magically stripped of their office," as Prince Bernhard said, upon entering the meetings. This loophole allows attendees to deflect public scrutiny. It is also the quintessential example of how elite groups such as the Bilderberg deliberately and arrogantly elevate themselves beyond the reach of public scrutiny.

It is quite natural that such a secretive modus operandi would raise ominous clouds of suspicion among the Group's critics. As long as the actions of individual Bilderberg attendees have an impact on key issues of public policy, the public has a right to know how much influence this secretive organization actually exerts.

Who Gives a Dam?

Take, for example, Kenneth W. Dam, an expert in American and foreign law at the University of Chicago Law School who has written extensively on international trade treaties such as GATT. Dam was the chairman of a private National Research Council committee appointed in 1994 to study national cryptographic policy. In 1996, Dam's committee issued a key report in the debate over cryptography, titled "[Cryptography's Role in Securing the Information Society](#)" (also known by its acronym, CRISIS). The report spurred significant shifts in Clinton administration policy. (Not long after the report was released, President Clinton signed Executive Order 13010, the notorious "Critical Infrastructure Protection" directive.) The report also drew a great deal of attention in the media.

The NRC report states in its introduction: "For most of history, cryptography -- the art and science of secret writing -- has belonged to governments concerned about protecting their own secrets and about asserting their prerogatives for access to information relevant to national security and public safety."

The report goes on to state: "In pursuing this study, the committee has adopted the position that some secrets are still legitimate in today's global environment, but that its role is to illuminate as much as possible without compromising those legitimate interests. Thus, the committee has tried to act as a surrogate for well-intentioned and well-meaning people who fear that the worst is hiding behind the wall of secrecy..."

What does all this have to do with the Bilderberg? Well, it just so happens that Kenneth Dam is a [national representative](#) of the Bilderberg Group, who attended the 1995, 1996 and 1997 meetings.

Now, before your heart stops beating, it should be noted that the report was well-received by many because of its fairly critical evaluation of key escrow encryption as proposed by the Clinton Administration. The report also advocated the widespread adoption of 56-bit DES encryption.

Dam's NRC committee "believed and stated that key escrow is a promising technology," but agreed with critics that key escrow was presently too vulnerable to safely implement. Therefore, Dam wrote in a University of Chicago Law School Paper, "we should proceed with all due caution and prudence in the development of key escrow mechanisms."

The conclusions reached by Dam's private NRC committee were downright enlightened compared to the Clinton administration's proposed policy at the time, which included the dreaded Clipper Chip. However, the NRC committee's recommendations were not exactly a ringing endorsement of the citizen's rights in the information era. The committee concluded that although the concerns of civil libertarians were legitimate, the concerns of law enforcement and intelligence agencies were *equally* legitimate.

Perhaps it is a flawed or naive assumption to think that the rights of living citizens in a democratic government supersede the concerns of global trade and the National Security establishment. Yet one might argue that when the rights of the citizenry are compromised, national security is also compromised, if power is truly derived from the governed.

Regardless, Dam has, as a matter of record, influenced national debate over encryption in the United States, and he is also a key member of the Bilderberg. Those outside the Group's closed circle have no way to determine the exact significance of this connection. We can merely stab in the dark for clues. For instance, Dam comments rather cynically on the ineffectiveness of public committees, asserting that private committees such as his NRC group are more effective at producing realistic policy recommendations:

Surely there was not a single member who came out of that process with exactly the same views he came in with. In my view, committees cannot make convincing driving recommendations that will command respect if they merely meet to paper over their entering differences. Unfortunately, that is what happens in most public committees and study groups, and the result is, as Churchill put it, "a pudding."

("The Role of Private Groups in Public Policy: Cryptography and the National Research Council," by Kenneth W. Dam.)

Do we hear an echo of Dam's experiences with the Bilderberg in this statement? With no public access to Bilderberg deliberations, we have no way to be certain. Yet citizens' access to robust, secure encryption is a crucial issue in the information economy. It cuts deep to the core of individual autonomy in a technological society. Our level of control over our own personal data could easily become a litmus test for freedom in the 21st century. The Bilderberg has no right to covertly influence U.S. cryptography policy in any way, and if it is capable of doing so, we definitely have a right to know about it. If the Bilderberg network can exert such influence in total secrecy, then it is, quite literally, acting in the capacity of a "shadow world government."

Ironically, Dam touches on the issue of secret debates and restricted information in "The Role of Private Groups in Public Policy":

"In my view, the intelligence community delivered on its promise to tell us everything that was in any way relevant to our inquiry.... We concluded that we were able to say, based on this experience with the intelligence community, that *it was not necessary to have access to classified information in order to make a judgment about the proper disposition of the public policy issues*.... This conclusion lifted the fog that had obscured public discussion because, so often, the impression was left with outsiders that they were being told by government officials that "*if you knew what we know you would agree with us.*" [Emphasis added]

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Planetary Puppetmasters?

In its curt public statements, the Bilderberg attempts to present itself as an informal forum intended to foster "better understanding of the forces and trends affecting Western nations." Charles Muller, an administrator of American Friends of the Bilderberg, Incorporated, wrote to author Robert Eringer, "Bilderberg is a high-ranking and flexible international forum in which opposing viewpoints can be brought closer together and mutual understanding furthered."

Sounds harmless enough. Bilderberg proponents assert that the Group has no actual governing power of its own, and therefore is incapable of directly influencing global events. In the real world, however, such

assertions are laughable. Even its members concede that Bilderberg debates do have a global impact on political, economic and military policies.

"No policy is made here; it is all talk, some of it banal and platitudinous," said London *Observer* editor Will Hutton, who attended the [1997 Bilderberg meeting](#). "But the consensus established is the backdrop against which policy is made worldwide."

These policies are often profound developments on the global political and economic scene. Bilderberg attendee Jack Sheinkman, chairman of the Amalgamated Bank in the United States, told *The Scotsman*, "in some cases [Bilderberg] discussions do have an impact.... The idea of a common European currency was discussed before it became policy, as did the establishment of U.S.-China diplomatic relations before Richard Nixon became involved."

According to *H. R. H. Prince Bernhard of the Netherlands: An Authorized Biography*:

When asked for an example of a Bilderberg accomplishment [former U.S. ambassador to West Germany] George McGhee said, "I believe you could say the Treaty of Rome, which brought the Common Market into being, was nurtured at these meetings and aided by the main stream of our discussions there. Prince Bernhard is a great catalyst."

Critics have also charged that the Bilderberg laid the foundations for a [European "Round Table" group](#) of 45 business magnates which was established in 1981 to influence events in the European Union.

Retired academic and Bilderberg researcher Andrew Lockhart Walker told *The Scotsman*, "Bilderberg did all the groundwork for the group which is running Europe behind the scenes. They've had a backroom boy role for a very long time."

But if the Bilderberg is able to harness dramatic shifts in global politics and economics, one would expect to hear some mention of the Group in the media. The [World Economic Forum](#) at Davos, for instance, receives extensive media coverage every year. So why the Bilderberg blackout?

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Bilderberg Media Blackout

With the exception of special guest reporters, journalists are barred from Bilderberg meetings. The secret services of the United States and several European nations coordinate with local police to enforce a strict "no-go" area around Bilderberg venues such as the Turnberry Hotel in Scotland. Since the Group's first meeting in 1954, its security network has been specifically used to prevent reporters from sneaking into the forum.

Critics have suggested that the media have been slow to investigate and report on the Bilderberg because many corporate news executives and journalists are members of the Group. Like all other Bilderberg attendees, these individuals have agreed to remain silent about the meetings, in

spite of their responsibilities as high-ranking members of the national and international media. "Guests of the Bilderberg Society are bound by the same rules as members of the Bilderberg Society -- not to write about the proceedings," conservative columnist William F. Buckley wrote six months after attending the Bilderberg's 1975 meeting.

Some of the Bilderberg's past "guests" from the corporate media include:

- * News Corporation director Andrew Knight;
- * Reuters CEO Peter Job;
- * Henry Anatole Grunwald, former editor-in-chief of Time and Council on Foreign Relations member;
- * Mortimer B. Zuckerman, chairman and editor-in-chief of U.S. News and World Report, New York Daily News, and Atlantic Monthly, also a Council on Foreign Relations member;
- * Robert L. Bartley, vice president of the Wall Street Journal and member of both the Council on Foreign Relations and the Trilateral Commission;
- * Peter Robert Kann, Chairman and CEO of Dow Jones and Company, and member of the Council on Foreign Relations;
- * Katharine Graham, owner and chairwoman of the executive committee of the Washington Post, also a member of both the Council on Foreign Relations and the Trilateral Commission;
- * Jim Hoagland, associate editor, of the Washington Post;
- * New York Times editor and Council on Foreign Relations member Arthur Sulzberger;
- * Former Newsweek editor Osborn Eliot;
- * London Observer editor Will Hutton;
- * Canadian press baron Conrad Black;
- * Peter Jennings, anchor and senior editor of ABC's World News Tonight;
- * Lesley R. Stahl, CBS national affairs correspondent;
- * WETA-TV president and CEO Sharon Percy Rockefeller;
- * William F. Buckley, Jr., editor-in-chief of the National Review, host of PBS's Firing Line and Council on Foreign Relations member;
- * Prominent political columnists Joseph Kraft, James Reston, Joseph Harsch, George Will, and Flora Lewis;
- * Donald C. Cook, former European diplomatic correspondent for the Los Angeles Times and Council on Foreign Relations member;
- * Albert J. Wohlstetter, Wall Street Journal correspondent and Council on Foreign Relations member;
- * Thomas L. Friedman, New York Times columnist and member of both the Council on Foreign Relations and the Trilateral Commission;

- * New York Times book critic Richard Bernstein;
- * Hedley Donovan, Henry Grunwald, and Ralph Davidson of Time;
- * Joseph C. Harsch, former NBC commentator and Council on Foreign Relations member;
- * Bill Moyers, executive director of Public Affairs TV and former Director of the Council on Foreign Relations;
- * Gerald Piel, former chairman of Scientific American and Council on Foreign Relations member;
- * William Kristol, editor and publisher of the British Weekly Standard magazine;
- * Toger Seidenfaden, editor in chief of Denmark's Politiken A/S.

Censorship and Harassmen

Journalists and newspeople outside the Bilderberg's elite inner circle rarely pay much attention to the Group's activities, usually because they are unaware of them. In recent years, citizen media activists have had a small measure of success in getting the local media to cover Bilderberg meetings when they occur. These reports have little impact in the national and international media, but thanks to the Internet, detailed information from coverage by local and regional newspapers is now available to the public worldwide. Without this information, the report you are now reading could not have been written.

Although underground information activists have managed to pierce the local media bubbles and gather useful information about the Bilderberg's meetings, scrutiny of the Group in the establishment press is still forbidden.

For example, there is the case of C. Gordon Tether, who for years wrote the prestigious and influential column "Lombard" for the London *Financial Times*. In his May 6, 1975 column, Tether wrote: "If the Bilderberg Group is not a conspiracy of some sort, it is conducted in such a way as to give a remarkably good imitation of one."

This would be Tether's last reference to the Bilderberg. He continued to write articles mentioning the Group, but editorial management barred every single one of them from publication. After battling this censorship for two years, Tether was finally dismissed by the *Financial Times*. It may be more than a mere coincidence that Max Henry Fisher, the *Financial Times* editor who quashed Tether's Bilderberg reports, was a member of the [Trilateral Commission](#).

Freelance journalist Campbell Thomas also saw the ugly side of Bilderberg secrecy when he attempted to cover the 1998 conference for the Daily Mail. Thomas is a reporter with eight years' experience, and he happens to be a special constable as well. Like other journalists at the conference, Thomas remained outside the police security ring surrounding the Turnberry Hotel.

[graphic] Hoping to get neighbors' reactions to the conference, Thomas entered a block of flats through an open door about 500 yards away. At the first door he knocked on, the young woman who answered

informed Thomas that he was in the hotel's staff quarters, and that he should not be there. He left immediately.

A short while later, two Strathclyde Police officers approached Thomas and told him that he was being detained. Even though Thomas showed the policemen his special constable warrant card, he was handcuffed and kept in custody for eight hours. "I was treated in an appallingly heavy-handed way, like a common criminal," Thomas told the *UK Press Gazette*. "The holding cell I was put in was in a disgusting state, with excrement on every wall, and I was in that cell for the best part of five hours."

Thomas was then questioned and charged with a breach of the peace for putting the young woman he spoke to in a "state of fear and alarm," according to the *UK Press Gazette*. "I wasn't allowed to speak to my wife," Thomas said. "They took my shoes, my belt, my glasses, even the wedding ring off my finger. The whole thing was ridiculous."

Although Scottish prosecutors declined to proceed with the charge against Thomas, the event left him shaken and angry, and he has sought the advice of his union, the Chartered Institute of Journalists. CIoJ secretary Chris Underwood agreed that Thomas received "scandalous treatment," and said that the institute would back any action that Thomas decided to take.

Jim Bogusz reported similar harassment from the Strathclyde Police while gathering information on the Bilderberg's 1998 conference for his web site. Bogusz, who stood as a Referendum Party Candidate during the 1997 General Election, wrote:

"Security at Turnberry was very tight. Even though I had actually driven into the Police Compound informing them that I was there to register my protest and identifying myself, I was still later apprehended by two armed guards who requested my identification and personal details again. I expressed my concern at the extent of the security in view of the fact that police forces are allegedly under-funded. They refused to give details of how the security was being funded. I was pursued by four police motorcyclists when I went to the local Post Office to buy a newspaper and refreshment."

Bogusz attempted to obtain information from police headquarters on the source and amount of funding for the massive security effort. "They have replied saying that they cannot reveal any details about the funding of the security at Turnberry," Bogusz reported. "I challenged them that as a force which is accountable to the Public they are duty bound to reveal what resources are deployed on their activities.... It is very clear that we are having information unjustly withheld from us and that we must continue to insist on the disclosure of information which reveals in full the dealings of our Police Forces and our Elected Representatives.

The Strathclyde Police telephone number is 0141-532-2658.

The rock-hard wall of secrecy which encloses Bilderberg gatherings is more than an impediment to public knowledge; it is symbolic of the Group's aloof elitism towards the "great unwashed." We are

simply not meant to be privy to their discussions. Those who cross the threshold get their knuckles sharply rapped. Like the Group's secrecy policies, the harassment and arrest of reporters who attempt to cover Bilderberg meetings raises justified suspicions about the organization's hidden discussions.

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NWO for the People?

The Bilderberg's 1998 meeting was held alongside the G8 summit from May 15-17 in Birmingham, England. Immediately afterwards, the World Trade Organization hosted its 50th anniversary celebrations in Geneva from May 18-20.

While the elite celebrated their domination of the world economy, an estimated 5,000 demonstrators took to the streets in Geneva to peacefully protest a free trade system which they blamed for increasing global poverty and financial instability. The demonstrators equated the cause of these problems with the WTO's efforts to lower trade barriers and usher in the exploitative free markets of the New World Order.

Following the march, enraged youths burned cars and broke store windows. According to police and eyewitnesses, these youths were "casseurs," or "smashers" -- *agents provocateur* who used the peaceful march as an excuse to go on a violent rampage. Masked youths reportedly hurled stones at cars and restaurants, at one point overturning a limousine belonging to a WTO envoy. After the demonstrators dispersed, these "casseurs" continued their rampage throughout the city, smashing more storefronts, looting a supermarket and hurling Molotov cocktails.

Police responded with a tear gas assault and tightened a barricade-and-barbed-wire blockade around Geneva's international sites, which would be visited by various world leaders the following week. Police in full riot gear stood ready to quell any further insurrections.

Meanwhile, in Prague, Czech Republic, a demonstration turned ugly which started out as a protest against the impact of multinational corporations on the environment. An estimated 2,000 radical youths took part in "Global Street Party 98." Many turned to violence to express their dissent, overturning a police car, throwing stones into two fast-food restaurants, and injuring 22 of the riot police called in to disperse the crowd.

Obviously, just because the global elite is shoving the New World Order down our throats doesn't mean we have to like it. The policies of the World Bank and the World Trade Organization are causing real harm to real people. It is not the elite who bear the burdens of globalization; those at the bottom of the pyramid carry its weight. "Informal" forums such as the Bilderberg Group may not literally decide and implement policy, but the ideas test-marketed at the Bilderberg are often sold wholesale to international organs which do create and implement policy.

"With such an array of the wealthy and powerful in the same place, these issues could be dealt with and

decisions made that would bring hope and life to millions of poverty-stricken and dying people the world over," writes Bilderberg critic Tony Gosling, a volunteer land rights worker and former BBC Radio reporter. "But instead this time they were believed to be discussing ways to increase the groups secrecy, possibly by changing its name; fast tracking austerity measures and EMU; and extending the influence of the transnational corporations and banks over Western politicians."

"The unhappy result," Gosling writes, "is a picture of Western democracy subverted, with decision makers getting together not for reasons important to ordinary people -- social justice, common interest, and quality of life -- but to strengthen economic austerity and bring even more private gain for the world's political and corporate elite. Bilderbergers talk openly of centralizing power in their own interests, which leaves the man in the street ever further away from controlling his own destiny.

"So what vision, if any, is being pursued? We all have a right, indeed in an age of mass-starvation and with the continued threat of global destruction, a need to know."

But what is the best way to assert the rights of the world's citizenry in the New World Order? Among critics of global neo-colonialism, there is an ongoing debate over the actual significance of groups like the Bilderberg in the grand scheme of things.

Peoples Global Action Secretariat Sergio Hernandez recently wrote, "If international capitalism would exist only because of the Trilateral Commission, all what you would need would be applying the "final solution" to the Rockefellers, Rothschilds and similar capitalists (funny enough, many of them Jew or Mason) and that would be all. Unfortunately things are not so easy, as we know, but anti-corporate-rule activism often seems to convey this message.... It is neither the Bilderberg nor the Trilaterals that can impose patents on life almost all over the world." (Hernandez stated that his personal opinions do not speak for the opinions of Peoples Global Action.)

Tony Gosling, who views secretive elite groups as a powerful forces in global politics, noted, "Nationalism is certainly not an alternative, but it is only one of the voices that criticize the world elites. Nationalism is equally narrow minded as globalization. International solidarity around a charter of human and environmental rights -- such as access to culture through radio and TV, and the right to land -- seems like a common sense way forward."

Norio Hayakawa, webmaster of the online magazine Groomwatch and outspoken critic of the Bilderberg and other elitist groups, made a lot of sense in a recent Internet post: "We can turn things around by learning to fight smart using the system our forefathers gave us that has held us for so long. Violence is not the answer: unity, dedication and commitment are our weapons."

Well said, Norio. Our own government has not completely slipped out of our grasp, and people are starting to figure it out. In 1997, bipartisan protectionist forces in Congress scored a major victory by denying President Clinton's request for "fast-track authority" to negotiate global trade agreements. Resistance is still possible. But progress is a neglected issue.

The New World Order is happening; nothing will stop it at this point. But we can still influence it. There is nothing to stop us from creating a "Bilderberg for the People" to address the issues that the global elite ignore. We can still assert our rights, and expand them in ways we may never have conceived of before. And while the future may at times seem uncertain, just think of how boring it would be if you already knew how it would all turn out. We've got to at least give the global puppetmasters a run for their money, right?

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<http://www.4rie.com/rie%204.html#anchor1207707>

Council on Foreign Relations (CFR)

Let's start with the smoke and mirrors furnished by the CFR in several of their Annual Reports. Then we will provide the other-side-of-the-coin, as observed by quite a number of independent researchers and writers.

The CFR's Annual Report for July 1, 1993 - June 30, 1994, page 4, states: *"The Council on Foreign Relations is a nonprofit and nonpartisan membership organization dedicated to improving the understanding of U.S. foreign policy and international affairs through the exchange of ideas.*

The Council was founded in 1921 shortly after the end of World War I. Several of the American participants in the Paris Peace Conference decided that it was time for more private American citizens to become familiar with the increasing international responsibilities and obligations of the United States. This decision led to the creation of an organization dedicated to the continuous study of U.S. foreign policy for the benefit of both its members and a wider audience of interested Americans."

"The New World Order", by Pat Robertson, Copyright 1991, by Word, Inc., Dallas, Texas. All rights reserved, page 66-67, states:

"This august body of 'wise men' has effectively dominated the making of foreign policy by the United States government since before World War II. The CFR has included virtually every key national security and foreign policy adviser of this nation for the past seventy years." (in 1990)

Page 96: *"In government policy, the most visible expression of the Establishment is the Council on Foreign Relations and its publication, Foreign Affairs. Out of some twenty- nine hundred members, at least five hundred are very powerful, another five hundred are from centers of influence, and the rest are influential in academia, the media, business and finance, the military, or government. A few are token conservatives."*

Page 97: *"According to a man who had been a member for fifteen years, Rear Admiral Chester Ward, former judge advocate general of the Navy from 1956 to 1960:*

'The purpose of promoting disarmament and submergence of U.S. sovereignty and national independence into an all- powerful one-world government is the only objective revealed to about 95 percent of 1,551 members [in 1975]. There are two other ulterior purposes the CFR influence is being used to promote; but it is improbable that they are known to more than 75 members, or that these purposes ever have even been identified in writing.'

The goals of the Establishment are somewhat strange, and we will discuss them in detail. At the central core is a belief in the superiority of their own skill (they often refer to themselves as **THE BEST** and **THE BRIGHTEST**) to form a world system in which enlightened monopolistic capitalism can bring all of the diverse currencies, banking systems, credit, manufacturing, and raw materials into one government-supervised whole, policed of course by their own world army." (Could this be the army of the United Nations?)

CFR membership is made up of present and past Presidents, Ambassadors, Secretaries of State, Wall Street investors, international bankers, foundation executives, think tank executives, lobbyist lawyers, NATO and Pentagon military leaders, wealthy industrialist, media owners and executives, university presidents and key professors, select Senators and Congressmen, Supreme Court Justices, Federal Judges, and wealthy entrepreneurs.

They hold regular secret meetings including members and very select guests. Occasionally they will hold a public meeting and invite the open press, in order to give the impression that they are a harmless group engaged only in social activities. Newt Gingrich (CFR) was asked by a TV reporter if he was a member of the CFR. His response was that "Yes, I am a member. About 40 years ago the CFR was probably a **very dangerous organization**, but today it is simply a place for college professors to meet, smoke their cigars and swap stories." **RIGHT!!!!**

A number of people, when hearing about the CFR subject, ask "If you say that the CFR is such a secret organization, why is it that we can get a copy of their annual report, which contains a list of their members? Why should I believe you when you say that they are a secret organization?"

The American Heritage Dictionary defines **attribute** as: "To relate to a particular cause or source; ascribe; To regard as the work of a specified agent or creator; A quality or characteristic inherent in or ascribed to someone or something; An object associated with and serving to identify a character, a personage, or an office."

The literal translation is: "**You better not tell the outsiders what we do, or say.**"

The answer then comes from their own document, the Council on Foreign Relation's 1992 Annual Report, where they emphatically state, in 20 different places, and in varying terms, that members "**better not tell**".

Page 21: "At all meetings, the Council's rule of **non-attribution** applies. This assures participants that they may speak openly without others later **attributing their statements** to them in public media or forums, or **knowingly transmitting** them to persons who will."

Page 122: "Like the Council, the Committees encourage candid discourse by holding their meetings on a **not-for-attribution** basis."

Page 169: Article II of the By-Laws states: *"It is an express condition of membership in the Council, to which condition every member accedes by virtue of his or her membership, that members will observe such rules and regulations as may be prescribed from time to time by the Board of Directors concerning the conduct of Council meetings or the attribution of statements made therein, and that any disclosure, public, or other action by a member in contravention thereof may be regarded by the Board of Directors in its sole discretion as grounds for termination or suspension of membership pursuant to Article I of the By-Laws."*

Page 174: "Full freedom of expression is encouraged at Council meetings. Participants are assured that they may speak openly, as it is the tradition of the Council that others **will not attribute or characterize their statements in public media or forums or knowingly transmit them to persons who will. All participants are expected to honor that commitment.**"

Page 175: *"It would not be in compliance with the reformulated Rule, however, for any meeting participant (i) to **publish a speaker's statement in attributed form in a newspaper**; (ii) to **repeat it on television or radio, or on a speaker's platform, or in a classroom**; or (iii) to **go beyond a memo of limited circulation, by distributing the attributed statement in a company or government agency newspaper**. The language of the Rule also goes out of its way to make it clear that a meeting participant is **forbidden knowingly to transmit the attributed statement to a newspaper reporter or other such person who is likely to publish it in a public medium**. The essence of the Rule as reformulated is simple enough: **participants in Council meetings should not pass along an attributed statement in circumstances where there is substantial risk that it will promptly be widely circulated or published.**"*

... *"In order to encourage to the fullest a free, frank, and open exchange of ideas in Council meetings, the Board of Directors has prescribed, in addition to the **Non-Attribution Rule**, the following guidelines. All participants in Council meetings are expected to be familiar with and adhere to these Guidelines. ..."*

Page 176: *"Members bringing guests should complete a "guest notice card" and acquaint their guests with the **Council's Non-Attribution Rule** governing what is said at meetings."*

Later on page 176: *"As a condition of use, the officers of the Council shall require each user of Council records to execute a prior written commitment that he **will not directly or indirectly attribute to any living person any assertion of fact or opinion based upon any Council record** without first obtaining from such person his written consent thereto."*

In "A letter from the Chairman" in the 1994 Annual Report for the CFR, Peter G. Peterson states on page 7, that:

*"... Members had occasion to meet in intensive **off-the-record** sessions with Secretary of State [Warren] Christopher, National Security Advisor [Anthony] Lake, [former] Secretary [of State] George Pratt"*

Shultz, [Trade] Ambassador [Mickey] Kantor, Under Secretary of the Treasury [Lawrence H.] Summers, the Joint Chiefs of Staff, and other ranking officials. Next on our agenda are plans for reaching out to congressional leaders as well, an opportunity we will fashion as one component of an enhanced Washington Program."

These are "THEIR" words, not mine. I am simply reporting these facts to you. If this is not a secret organization, why would they be so emphatic, and state in 20 different ways that non-attribution (or You better not tell) was so important, in their very own annual report? In addition, if you are proud of what you say and do, then you don't care whether it becomes public knowledge or not. The other side of this coin is: if you are doing something illegal, immoral, unethical, unpopular, and/or unconstitutional, you will do whatever is necessary to see that it is kept secret.

In his book "The ANGLO-AMERICAN ESTABLISHMENT" Quigley writes, *"One Wintry Afternoon in February 1891, three men were engaged in earnest conversation in London. From that conversation were to flow consequences of the greatest importance to the British Empire and to the world as a whole. For these men were organizing a secret society that was, for more than fifty years, to be one of the most important forces in the formulation and execution of British imperial and foreign policy.*

The three men who were thus engaged were already well known in England. The leader was Cecil Rhodes, fabulously wealthy empire builder and the most important person in South Africa. The second was William T. Stead, the famous, and probably also the most sensational, journalist of the day. The third was Reginald Baliol Brett, later known as Lord Esher, friend and confidant of Queen Victoria, and later to be the most influential advisor of King Edward VII and King George V.

... the three drew up a plan of organization for their secret society and a list of original members. The plan for organization provided for an inner circle, to be known as "The Society of the Elect," and an outer circle, to be known as "The Association of Helpers." Within The Society of the Elect, the real power was to be exercised by the leader, and a "Junta of Three." The leader was to be Rhodes, and the Junta was to be Stead, Brett, and Alfred Milner. In accordance with this decision, Milner was added to the society by Stead shortly after the meeting we have described." - Quigley, Carroll (1910-1977), The Anglo-American Establishment, From Rhodes to Cliveden, 1981, Books In Focus, NY, NY pg. 3

Of the Secret Societies goals and methods of operation Quigley writes, "The goals which Rhodes and Milner sought and the methods by which they hoped to achieve them were so similar by 1902 that the two are almost indistinguishable. Both sought to unite the world, and above all the English-speaking world, in a federal structure around Britain. Both felt that this goal could best be achieved by a secret band of men united to one another by devotion to the common cause and by personal loyalty to one another. Both felt that this band should pursue its goal by secret political and economic influence behind the scenes and by the control of journalistic, educational, and propaganda agencies..." - Quigley, Carroll (1910-1977), The Anglo-American Establishment, From Rhodes to Cliveden, 1981, Books In Focus, NY, NY pg.49

Between 1910-1915 the Secret Society evolved into an international group of co-conspirators called Round Table Groups set up in seven nations: Britain, South Africa, Canada, New Zealand, Australia, India, and the United States.

In 1920 the Secret Society evolved into the Institutes for International Affairs, and in 1921, the Council on Foreign Relations. Many of the founding fathers belonged to America's first intelligence agency the INQUIRY.

Note - The above quotes were furnished by "Roundtable" who has a web site at: <http://www.geocities.com/Capitol Hill/2807>

The CFR could not accomplish their goals without complicity of the mainstream news media, which they absolutely control. They do this using psychological operations (PSYOPS), and RAND Corp. is one of the chief users of this technique. This is clearly explained by the following Internet message:

"Not many people have heard of the Council on Foreign Relations (CFR) or know how they operate. This is no an accident, the group has purposely maintained a low profile. The CFR is a branch of an international group of co-conspirators called the Roundtable Group. This group has been controlling public opinion throughout the world for over 100 years.

The Joint Chiefs of Staff have defined psychological operations (PSYOPS) as those that: "include psychological warfare and, in addition, encompass those political, military, economic and ideological actions planned and conducted to create in neutral or friendly foreign groups the emotions, attitudes, or behavior to support achievement of national objectives." Another proposal "develops the concept of 'strategic psychological operations' as aimed at influencing and shaping decision-makers' power to govern or control their followers." The American people, are among the groups being targeted and controlled.

"Tactics of Deception" are formalized psychological warfare techniques. "Tactics of Deception" build a psychological environment that differs from the material environment. "Tactics of deception" are used to create false reality worlds. In terms of perceptual psychology, "Tactics of Deception" provoke illusory precepts. To influence behavior the deception must follow three basic rules. First, the deception must be "reasonable"; second there must be no simple way of checking the facts in the case; and third the use of deception should not discredit a source which may have valuable future potential.

One way to stop this group is to expose them and their techniques to the people they are manipulating. One "Tactic of Deception" used to achieve Council on Foreign Relations aims, is to place Council members on both sides of an issue. Another "Tactic of Deception" is to use CFR control of the legal, legislative and court systems to create the perception that laws are being followed when in fact, Lawyers, Legislators, and Justices are committing blatant illegalities to further CFR aims. A third "Tactic of Deception" is simply to lie."

The headquarters for the CFR is The Harold Pratt House located at 58 East 68th Street, New York, NY 10021., Tel. No.: 212-734-0400, Fax No.: 212-861-1789. Oddly enough, this building is located just across the street from the Russian (former Soviet) Embassy.

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<http://www.trilateral.org/about.htm>

Issues of Common Concern, Cooperation, Mutual Understanding, Shared Leadership Responsibilities, Closer Cooperation, Policy Oriented, Discussion, Industrialised Democracies

About the Trilateral Commission

The Trilateral Commission was formed in 1973 by private citizens of [Japan](#), [Europe](#) (European Union countries) and [North America](#) (United States and Canada) to foster closer cooperation among these principal democratic industrialized areas with shared leadership responsibilities in the wider international system. Originally established for three years, our work has been renewed for successive triennia (three-year periods), most recently for a new triennium to be completed in 2000.

When the first triennium of the Trilateral Commission was launched in 1973, the most immediate purpose was to draw together-at a time of considerable friction among governments-the highest level unofficial group possible to look together at the common problems facing our three areas. At a deeper level, there was a sense that the United States was no longer in such a singular leadership position as it had been in earlier post-World War II years, and that a more shared form of leadership-including Europe and Japan in particular-would be needed for the international system to navigate successfully the major challenges of the coming years. These purposes continue to inform the Commission's work. The rise of Japan and progress of the European Union over the intervening years-particularly in the world economy-have validated the vision of the Commission's founders. At the same time, the end of the Cold War and other broad changes call for a fresh vision of what this outward-looking partnership can accomplish. The opportunities are remarkable, but part of the "glue" holding our regions together has dissolved with the welcome end of the old Soviet threat. Helping think through the leadership challenges our countries face is at the heart of the Trilateral Commission's work.-

The members of this non-governmental organization are about 335 distinguished individuals from the three regions, with a variety of leadership responsibilities. Three Chairmen (one from each region), Deputy Chairmen and Directors constitute the leadership of the Trilateral Commission, along with an Executive Committee including 36 other members.

The annual meeting of Trilateral Commission members rotates among the three regions. It was held in Washington, D.C. in 1999, in Berlin in 1998 and in Tokyo in 1997 and will be held in Tokyo in 2000. The agendas for these meetings have addressed a wide range of issues, an indication of how broadly we see the partnership among our countries. A publication on the annual meeting (Triologue) draws together each year's presentations.

The project work of the Trilateral Commission generally involves teams of authors from our three regions working together for a year or so on draft reports which are discussed in draft form in the annual meeting and then published. The authors typically consult with many others in the course of their work.

The task force reports (Triangle Papers) to the Trilateral Commission have covered a wide range of topics.

The regional groups within the Trilateral Commission carry on some activities of their own. The European group, with its office in Paris, has an annual weekend meeting each fall. The North American group, with its office in New York, occasionally gathers with a special speaker for a dinner or luncheon event-as does the Japanese group, with its office in Tokyo. Each region carries on its own fund-raising to provide the financial support needed for the Trilateral Commission's work. Most expenditures are also made regionally, except for project and other program expenses which are shared.

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The Japanese Group

Japanese Chairman: Yotaro Kobayashi
Japanese Deputy Chairman: Shijuro Ogata
Japanese Director: Tadashi Yamamoto

secretariat address: Japan Center for International Exchange
4-9-17 Minami-Azabu, Minato-ku, Tokyo 106, Japan
telephone: 81-3: 3446-7781
telefax: 81-3: 3443-7580
e-mail: admin@jcie.or.jp
JCIE Website: <http://www.jcie.or.jp>

There are 85 Japanese places in the membership of the Trilateral Commission. A list of current members is available from the Japanese office at the above address.

Yotaro Kobayashi, Chairman and Chief Executive Officer of Fuji-Xerox, is the fifth person to serve as Japanese Chairman since the Trilateral Commission was created in 1973. The first Japanese Chairman was Takeshi Watanabe, who took up his Trilateral duties shortly after stepping down as President of the Asian Development Bank. The second was Isamu Yamashita, Chairman of Mitsui Shipbuilding and Engineering. He was succeeded by Akio Morita, founder and Chairman of the SONY Corporation. After Mr. Morita was immobilized by illness at the end of 1993, Kiichi Miyazawa, former Prime Minister of Japan and a leading figure in the Trilateral Commission from its beginning, became Acting Japanese Chairman. He passed the baton to Yotaro Kobayashi in January 1997.

The Japanese Deputy Chairman for many years was Nobuhiko Ushiba, former Ambassador to the United States and later Minister for External Economic Affairs. He was succeeded by Yoshio Okawara, who had also served as Ambassador to the United States. Shijuro Ogata, former Deputy Governor of the Bank of Japan for international affairs, succeeded Amb. Okawara in 1997.

Tadashi Yamamoto, founder and President of the Japan Center for International Exchange (JCIE), has been the director on the Japanese side of the Trilateral Commission from the beginning. The JCIE staff serves as the Trilateral Japanese staff, among many other tasks. The multiple involvements of the Japan Center for International Exchange can be explored on the [JCIE Website](#).

The Trilateral Commission draws together the three main industrialized democratic areas of the world. Economic growth and democratic governance have made large advances in East Asia in the years since the Trilateral Commission was formed, and the sense of an Asia Pacific region has also grown. While Trilateral Commission membership remains limited to Japan, individuals from elsewhere in the region have been drawn in increasing measure into annual meetings and project work. A large portion of the March 1997 annual meeting in Tokyo will be focused on Asia-Pacific community-building, and a draft report is in preparation for that meeting on the Pacific-Asia and the Trilateral Countries-with authors from Japan, Europe and North America who are drawing in many consultants from the region.

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The European Group

European Chairman: Otto Graf Lambsdorff

European Deputy Chairman: Antonio Garrigues Walker

European Director: Paul Revay

Secretariat:

3, rue Treilhard,

75008 Paris, France

Tel. 33-1: 40 42 45 11

Fax. 33-1: 40 42 24 74

The framework of the Trilateral European group is the European Union (formerly the European Community). Thus the country coverage of the Trilateral European group has grown as the European Community has grown. The Trilateral Commission was launched in mid-1973, shortly after the enlargement which brought Denmark, the United Kingdom, and Ireland into the European Community. Spanish and Portuguese groups were formed in the late 1970s, looking toward the entry of Spain and Portugal into the European Community. In more recent years, Austrian, Swedish and Finnish groups have been formed in advance of the entry of these countries into European Union. A Greek group has recently been added. Several additional national groups will be formed in the coming years as the European Union enlarges in Central and Eastern Europe. (The one non-EU country represented in the Trilateral European group is Norway. The consultations that went into the formation of the Trilateral Commission took place before the 1972 referendum which unexpectedly went against Norway joining the European Community.)

The 150-member ceiling for the European group is divided into national quotas. The four largest

countries-Germany, France, Italy and the United Kingdom- each have a quota of 20; and Spain has a quota of 14. The remaining national quotas range from 9 to 4. As new national groups are formed in Central and Eastern Europe, the existing quotas will be somewhat reduced to keep the overall European group within its 150-member limit. A list of current members is available from the European office at the above address.

The idea of a unifying Europe playing a larger role on the global stage has been a driving idea in the Trilateral Commission from the beginning. Several of the leaders of the Trilateral European group worked closely with Jean Monnet and have had prominent roles in the building of Europe, including Max Kohnstamm (European Chairman, 1973-76), Georges Berthoin (European Chairman, 1976-92), and Francois Duchene (European Deputy Chairman, 1974-76). Other former European Deputy Chairmen include Egidio Ortona and Garret FitzGerald.

The emphasis given to a unifying Europe playing a larger role on the global stage makes it important for the European group to meet on its own as well as with North American and Japanese colleagues. The European group meets over a weekend each fall. The 1998 European meeting was held in Stockholm on November 6-8. See [European Regional Meeting Programs](#) for the program of this meeting as well as those for previous European regional meetings (since 1996).

Several national groups within the European group have some activities of their own, for example the German group. For more information on the Portuguese group, you can visit the site of the associated Forum Portugal Global (FPG)-which includes several leading Portuguese firms who have internationalized their business in the Trilateral regions and in Portuguese-speaking nations like Brazil. (FPG also has as members all the previous Portuguese members of the Trilateral Commission).

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North American Group

North American Chairman: Paul A. Volcker

North American Deputy Chairman: Allan E. Gotlieb

North American Director: Charles B. Heck

secretariat address: 345 East 46th Street, New York, New York 10017

telephone: 1-212: 661-1180

telefax: 1-212: 949-7268

e-mail: trilat@panix.com

Of the 100 North American places in the membership of the Trilateral Commission, 15 are for the Canadian group and 85 for the U.S. group. A list of current members can be obtained from the North American office at the above address.

The first North American Chairman was Gerard C. Smith (1973-77), former head of the U.S. Arms Control and Disarmament Agency and chief U.S. negotiator of SALT I, who served as Trilateral Chairman until he entered the Carter Administration as Ambassador-at-large in charge of Non-Proliferation Issues. The next North American Chairman was David Rockefeller (1977-91), who had played a central role in the formation of the Trilateral Commission and continues to be recognized as Founder and Honorary Chairman. Paul Volcker, former Chairman of the U.S. Federal Reserve Board, succeeded Mr. Rockefeller in 1991. The North American Deputy Chairman is also head of the Canadian group. Jean-Luc Pepin first held this position. He was succeeded in 1977 by Mitchell Sharp, former Foreign Minister of Canada, when Mr. Sharp left government service and Mr. Pepin returned to government service. J.H. (Jake) Warren, former Ambassador to the United States and Coordinator for Multilateral Trade Negotiations, served from 1986 to 1990. He was succeeded by Allan Gotlieb, former Ambassador to the United States.

In the case of the U.S. group, a rotation system generally brings 5-10 openings in the membership each year under the ceiling of 85. A major portion of the summer annual meeting of North American Executive Committee members is devoted to consideration of U.S. membership invitees, based on a list of candidates many times larger than the number of openings. If a member is elected or appointed to a position in the Executive Branch of the U.S. government, he or she steps down as member, given the Commission's unofficial character.

The Canadian group is separately organized for membership choices and for raising and expending the funds which cover participation of Canadian members, a contribution to program, and hosting costs for events in Canada (such as the 1996 annual meeting in Vancouver of the overall Commission).

A grant from the Ford Foundation paid most of the expenses for the Trilateral Commission in the first triennium (1973-76). Fundraising has been decentralized since that time. In the United States, an increasing portion of the needed financial support has come from a wide range of corporations. Foundation support remains important (particularly for some project work), as does the support of some individuals.

The North American group holds occasional dinner or luncheon events organized around a particular speaker. The presentations of these speakers are often transcribed for broader circulation.

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You can get the pdf file by clicking here: [97-0389.pdf](#) (beware: it is US encrypted, my (european) pdf-reader says: *due to legal restrictions: the U.S.A. still has bogus export controls on cryptography software.*)

Below, the notes and bibliography have been left out. If you really want this info too, just [mail](#) me. Underlining done by Emma.

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AU/ACSC/0389/97-03

BUSH'S NEW WORLD ORDER:

THE MEANING BEHIND THE WORDS

A Research Paper
Presented To
The Research Department
Air Command and Staff College

In Partial Fulfillment of the Graduation Requirements of ACSC
by
Maj. Bart R. Kessler
March 1997

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Disclaimer

The views expressed in this academic research paper are those of the author and do not reflect the official policy or position of the US government or the Department of Defense.

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Abstract

The phrase "new world order" has been widely used on the political scene since first publicly coined by former president, George Bush. Although quickly adopted as the catch phrase of the 1990s, few people actually agree on what "new world order" really means. Since "new world order," while elusive in definition, is most frequently used to describe aspects of the post Cold War international scenario, understanding the true meaning of that phrase is critical to projecting our future strategic environment and prospects for the new millennium. The attempt of this paper is to reveal that true meaning. Historical analysis will be the primary methodology used to reveal the meaning of George Bush's specific terminology describing his concept of "new world order." In a January 16, 1991 speech, he identified the opportunity to build a new world order "where the rule of law-governs the conduct of nations," and "in which a credible United Nations can use its peacekeeping role to fulfill the promise and vision of the UN's founders." These words will be dissected and historically analyzed to develop a clear picture of "new world order." Additionally, the primary mechanisms for implementing new world order will be addressed; and finally, specific strategic environment and national security implications will be drawn from those conclusions.

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Chapter 1

What "New World Order?"

Out of these troubled times, our-objective-a new world order-can emerge-Today, that new world is struggling to be born, a world quite different from the one we have known-
-Former President George Bush
September 11, 1990

The phrase, "new world order" has been widely used since first coined by George Bush in his 1990 speech before a joint session of Congress. Although quickly adopted as the catch phrase of the 1990s, few people actually agree on what "new world order" really means. It has been used to describe such diverse contemporary issues as the post Cold War balance of power, economic interdependence, fragmentation and the rise of nationalism, and technology advancement and integration-basically any issue that appears new and different. The general feeling is that while elusive, this "new world order" is likely significant. Since "new world order" is most frequently used to describe aspects of the post Cold War international scenario, understanding the true meaning of that phrase is critical to projecting our future strategic environment and prospects for the new millennium. The attempt of this paper is to reveal that true meaning.

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New World Order Interpretations

In relation to world politics, there are a few basic paradigm-driven interpretations of the new world order. Joseph Nye, in his 1992 Foreign Affairs article, "What New World Order?" identifies two of those: "Realists, in the tradition of Richard Nixon and Henry Kissinger, see international politics occurring among sovereign states balancing each others? power. World order is the product of a stable distribution of power among the major states. Liberals, in the tradition of Woodrow Wilson and Jimmy Carter, look at relations among peoples as well as states. They see order arising from broad values like democracy and human rights, as well as from international law and institutions such as the United Nations." (1)

Another dichotomy of new world order interpretations is presented by Lawrence Freedman in his Foreign Affairs article, "Order and Disorder in the New World." The "The first [interpretation] is that the slogan reflects a presumption that international institutions and, in particular, the United Nations, will be taking a more active and important role in global management-[T]he second interpretation-[is] that the phrase 'new world order' is merely descriptive, requiring no more than acceptance that the current situation is unique and clearly different in critical respects" from the past." (2) The struggle to ascertain George Bush's true meaning of new world order is not unique to this author. Richard Falk, in his 1993 work, *The Constitutional Foundations of World Peace*, struggled with the realist and liberalist- or more aptly termed-globalist interpretations. "We could never be quite sure, especially in the months of crisis leading up to the war itself, whether George Bush was promising a new structure of international relations based on respect for international law and on centrality for the United Nations, or

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whether his use of the phrase 'a new world order' was little more than a bid for public support and an invitation that governments join the North in one further war in and against the South." (3) So far there are three new world order paradigms presented: realist based, focused on balance of power; globalist based, focused on global management and the United Nations (UN); and finally, idealist based, focused on nothing more than the identification of change. To make an accurate assessment of Bush's precise meaning, more information is obviously needed. On January 16, 1991, he further clarified his position in a speech announcing the hostilities with Iraq by identifying the opportunity to build a new world order "where the rule of law-governs the conduct of nations," and "in which a credible United Nations can use its peacekeeping role to fulfill the promise and vision of the UN's founders." (emphasis added) (4) These specifics in describing Bush's concept of new world order clearly lean toward the globalist interpretation.

Methodology

Joseph Nye pointed out, that the "1991 Persian Gulf War was, according to President Bush, about 'more than one small country; it is a big idea; a new world order-" (5) Bush's words, highlighted in

the quote above, will be analyzed in detail to reveal the nature of his globalist "big idea" called new world order. Specifically, Chapter 2 will focus on the identification of the "UN's founders." Chapter 3 will attempt to frame their "vision." Chapter 4 will address a "credible United Nations" and its "peacekeeping role." Chapter 5 will analyze "the rule of law" in terms of governing "the conduct of nations." Following the detailed analysis of Bush's words, the mechanisms for implementing the new world

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order will be addressed in Chapter 6 as well as the implications of new world order in Chapter 7. Chapter 8 will reflect this authors final thoughts on the subject.

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Chapter 2

The United Nations' Founders

Forty-five years ago, while the fires of an epic war still raged across two oceans and two continents, a small group of men and women began a search for hope amid the ruins. They gathered in San Francisco, stepping back from the haze and horror, to try to shape a new structure that might support an ancient dream.

-George Bush
October 1, 1990

Interpreting Bush's concept of new world order begins with identifying the "UN's founders." Who were these men and women "gathered in San Francisco?" Before pursuing that question, though, it is interesting to note that Bush was not basing his "big idea" on the founding fathers of this great nation, but on a less infamous group of UN founders. In fact, our nation's founding fathers may not have been enamored with the whole concept of a United Nations. For instance, George Washington commented in his farewell address that, "the great rule of conduct for us in regard to foreign nations is in extending our commercial relations, but to have with them as little political connection as possible." (1)

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San Francisco Conference

The United Nations charter was established at the San Francisco Conference in June, 1945. By analyzing the events leading up to the conference and identifying some of the key players, it may be possible to pinpoint Bush's "UN founders."

The War and Peace Studies of World War II provided the backdrop for the development of the United Nations. After 1942, all study groups of the War and Peace Studies shifted focus from the war effort to developing the structure and responsibilities of the future United Nations organization. (2) In fact, "quite a few members of the War and Peace Studies groups, after leaving the program, participated in the preparatory conference at Dumbarton Oaks or served in advisory positions at the organizing conference of the United Nations in San Francisco in June 1945. Some of them actually attained positions of considerable influence." (3)

So exactly who were these people that transitioned from the War and Peace Studies to the development and establishment of the United Nations? On 12 September, 1939, more than two years prior to United States involvement in World War II, Hamilton Fish Armstrong (then editor of the Council on Foreign Relations publication, Foreign Affairs) and Walter Mallory (then Executive Director of the Council) contacted the State Department to offer the services of the Council on Foreign Relations. "The men of the Council proposed a-program of independent analysis and study that would guide American foreign policy in the coming years of war and the challenging new world that would emerge after. The project became known as the War and Peace Studies." (4) Aware of the fact that the State Department would not be able to create a brain trust within a short period of time, both Secretary of State Cordell Hull and Hull's undersecretary,

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Sumner Welles, agreed to the Council's plan. (5) The State Department/Council relationship was not public knowledge, though. Isaiah Bowman, then a Council on Foreign Relations Director, wrote in November of 1939 that, "the matter is strictly confidential, because the whole plan would be 'ditched' if it became generally known that the State department is working in collaboration with any outside group." (6)

Over the next five years, almost 100 men, financed by nearly \$350,000 from the Rockefeller Foundation, formulated 682 memoranda and drafts for the State Department.

The studies were divided into four primary functional groups: economic and financial, security and armaments, territorial, and political—all headed and staffed by Council members. (7) Determining the precise impact of those memoranda on the decisions of the State Department is impossible, but Armstrong and Mallory were convinced that their efforts both defined the boundaries of debate within the government and secured the Council's role as the center of attention for setting foreign policy priorities. (8) The cooperation between the Council and the State Department was further enhanced when, in 1942, the State Department invited Council members to participate in the newly created Advisory Committee on Postwar Foreign Policy. "This group-concentrated on the United Nations organization, the successor to the League of Nations, a subject that always received keen attention at Council meetings." (9) In the spring of 1943, Armstrong and Norman H. Davis (a Council Director) proposed a plan to Secretary of State Hull for a "supranational organization" based on the Wilsonian ideals of liberal internationalism. Hull subsequently asked Davis to present the proposal to President Roosevelt.

Roosevelt liked the idea and within a short time blueprints for a charter of the successor to the League of Nations were drafted and discussed . . . In his discussions with Davis, President Roosevelt proposed changes, and

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Davis introduced these into the discussions and revisions of drafts. Roosevelt, in August 1943, took the final draft with him to the Quebec Conference, where it was accepted by Britain's Prime Minister Winston Churchill and Foreign Minister Eden. With only minor changes, the text was taken to Moscow and signed by delegates of the United States, Great Britain, China, and the Soviet Union as the Moscow Declaration on 1 November 1943. In this document, the nations not only pledged to coordinate and cooperate in their war aims but also declared 'that they recognized the necessity of establishing at the earliest predictable date a general international organization, based on the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.' (10)

The framework for the United Nations was clearly in place. The culmination would come at the San Francisco Conference. Authors of the subject disagree as to the specific amount of influence levied by the Council. Dan Smoot, in *The Invisible Government*, concludes that: "The crowning moment of achievement for the Council came at San Francisco in 1945, when over 40 members of the United States Delegation to the organizational meeting of the United Nations-were members of the Council." (11) Cleon Skousen in *The Naked Capitalist* deduced a different number when he said: "There were 74 CFR members in the American delegation to the UN Conference at San Francisco in 1945.-These-CFR members occupied nearly every significant decision-making spot in the American delegation-" (12) Whatever the number, it is clear that the Council was a major player in both the conference and the founding of the UN. Even Michael Wala, who is much less convinced of the power of the Council than Smoot and Skousen, said in *The Council on Foreign Relations and American Foreign Policy in the Early Cold War* that, "only in the founding of the United Nations did their [Council] discussions about organization and responsibilities have a direct and immediate impact." (13)

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Based the discussion so far, it seems reasonable to conclude that Bush's "UN's founders," are represented, maybe not entirely, but at least in large part by the Council on Foreign Relations. A more detailed look at the Council is required, though, to determine their importance as related to a new world order.

Council on Foreign Relations

For the Council on Foreign Relations, as a "UN founder," to play a significant role in the creation of Bush's new world order, one would think that they must have some impact on the formulation and/or implementation of American foreign policy. The relationship between the Council and American foreign policy will now be further analyzed.

Inquiry

The internationalist ideal of the United Nations was not new. The Council members viewed this as a "second chance" at internationalism

through a supranational organization. (14) The first, the League of Nations, was a concept formulated with the help of the "The Inquiry," the predecessor to the War and Peace Studies and catalyst for the creation of the Council on Foreign Relations. The Inquiry was a working "fellowship of distinguished scholars tasked to brief Woodrow Wilson about options for the postwar world once the kaiser and imperial Germany fell to defeat." (15) In the few years immediately following the Paris Peace Conference, the leaders of the Inquiry established the Council on Foreign Relations. "The vision that stirred the Inquiry became the work of the Council on Foreign Relations over the better part of a century," according to the Council's own 75 year history, Continuing The Inquiry. (16)

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The Council was formally incorporated on July 29, 1921 with the specific purpose, "to afford a continuous conference on international questions affecting the United States." (17) As supporters of Wilson and the League of Nations, Council members were greatly disillusioned by the Senate's rejection of the League and the swell of isolationist sentiment in America. They "resolved to awaken America to its worldwide responsibilities." (18) Hence, began the Council's long-standing drive to advocate globalist foreign policies. Their internationalist bent was clearly demonstrated by one of the Council's first internal controversies. Within the first year or so of the Council's existence, an avowed isolationist was invited to speak at private Council dinner meeting. Many members were outraged. "Russell C. Leffingwell, a partner of J.P. Morgan's bank, refused to stand at the lectern alongside an isolationist; Paul Warburg of Kuhn Loeb vented outrage that an "uneducable demagogue" should be offered Council hospitality." (19) In response, Isaiah Bowman, of the original Inquiry, presented a different perspective: "What has Wall Street to gain by refusing to hear even a demagogue? Certainly if he is a dangerous demagogue we ought all the more to hear him to discover why he is dangerous and just how dangerous he is." (20) This episode established the precedent for Hamilton Fish Armstrong's strategy of presenting the Council as impartial by inviting varied speakers, but limiting the membership to those "influential figures who shared an internationalist perspective." (21)

Foreign Policy Process Impact

The Council on Foreign Relations has been singled out as one of the most influential organizations impacting American foreign policy.

(22) The degree to which the Council has influenced foreign policy over the last 75 years is heavily debated; the fact that it has is

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not. The Council on Foreign Relations is populated with powerful figures from all walks of life. Their own 25 year history stated that, "the Council's membership has been unusual in that it has included leaders of industry and finance, authorities on international law, economics, and international relations, officers of the Foreign Service and of the armed services of the United States in Washington and abroad, and prominent authors, editors and newspapermen. Members have thus had direct access to the facts which affect foreign policy." (23) Numerous United States presidents, secretaries of state, CIA directors, and many other influential foreign policy positions have been filled with names from the rolls of the Council on Foreign Relations. Just by scanning the very short list of Council on Foreign Relations past and present Directors and Officers, one can quickly identify several key players in our recent administrations: George Bush, Cyrus Vance, Zbigniew Brzezinski, Henry Kissinger, George Shultz, Warren Christopher, Brent Scowcroft, Richard Cheney, William Cohen, William Crowe, Jr., Les Aspin, Paul Volcker, and Alan Greenspan. (24) A review of the entire Council roll (which this author did not have the resources to pursue) would produce many more.

The Council on Foreign Relations, because of wealthy, influential members such as the Rockefellers, has been traditionally associated with the "elites" in America and has been referred to by some as representative of the "Eastern Establishment." There are many conspiracy theories associated with the Council's influence on American foreign affairs. This paper is not intended to adopt any of those theories, but to show that regardless of support for these theories, most students of the Council have concluded that there is substantial linkage between the Council and American foreign policy.

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Michael Wala, who clearly denies support for the conspiracy view, still concludes at the very end of his book, that, "the Council on

Foreign Relations provided a well-organized, yet informal, link between elites concerned with U.S. foreign relations and the administration. At the same time it served as a connection between elite and public opinion. The Council thus fulfilled an important function in a corporatist strategy to devise the foreign policy of the United States." (25)

Professor G. William Domhoff has concluded in his studies that through the Council, "the power elite formulates general guidelines for American foreign policy and provides the personnel to carry out this policy." (26) As an example, he highlights that twelve of fifteen presidential committees dealing with aspects of foreign and military policy established between 1945 and 1972 were headed by members of the Council on Foreign Relations. (27) Anthony Lukas debunked the conspiracy theory in his article, but pointed out that, "everyone knows how fraternity brothers can help other brothers climb the ladder of life. If you want to make foreign policy, there's no better fraternity to belong to than the Council." (28)

Carroll Quigley, a former Georgetown professor, who once taught President Clinton, provided the most intriguing commentary on the subject. In his 1966 mammoth 1300 plus page work, *Tragedy and Hope-A History of the World in Our Time*, Quigley commented on the conspiracy theory: "This radical Right fairy tale, which is now an accepted folk myth in many groups in America, pictured the recent history of the United States-as a well-organized plot by extreme Left-wing elements-to destroy the American way of life." (29) He goes on to further clarify that, "this myth, like all fables, does in fact have a modicum of truth. There does exist, and has existed for a generation, an international

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Anglophile network-I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960s, to examine its papers and secret records. I have no aversion to it or to most of its aims and have, for much of my life, been close to it and to many of its instruments." (30) Quigley continues: "The two ends of this English-speaking axis have sometimes been called, perhaps facetiously, the English and American Establishments. There is, however, a considerable degree of truth behind the joke, a truth which reflects a very real power structure." (31) The linchpin is that Quigley identifies the "American Establishment" half of the "Anglophile network" as the

Council on Foreign Relations. (32) These words probably provide the greatest testimony of the power and influence of the Council on Foreign Relations because they come from a man on the inside intimately familiar with the organization and its linkage to the foreign policy process.

Regardless of their perspective, several students and one insider of the Council have all concluded that the Council is a significant player in the American foreign policy process. This author would have to agree despite the Council's defense that it is nothing more than, "a privately sponsored, privately financed, privately managed post-graduate academy of political science, functioning in the true spirit of public service." (33) This picture just doesn't wash with the comments of members such as Richard Barnet who stated that, "membership in the Council on Foreign Relations-is a rite of passage for an aspiring national security manager-The Council takes itself very seriously." (34) Given the Council's role as a "UN founder" and their influence on foreign policy, two more linkages need to be discussed prior to proceeding. The first is the role of the

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Council publication, Foreign Affairs, and the second is the relationship between the Council and tax exempt foundations.

Foreign Affairs

Part of the Council on Foreign Relation's purpose is to provide a foreign affairs educational forum. One of their primary tools to achieve that purpose is their publication, Foreign Affairs. Officially, Foreign Affairs does not represent the views of the Council, but those of individuals, and is open to all perspectives. However, Wala and Schulzinger have slightly different interpretations. Wala points out that through discussion groups and Foreign Affairs, Council members sought to "build a consensus, not of the broad public, but of the elites of finance and business, of academicians at prestigious universities, and of 'responsible' officials in the State Department. This was to serve as the basis and legitimization of foreign policy decisions. When results of the discussion at the at the Council were considered important and relevant, they could be published in Foreign Affairs." (35) Schulzinger, in The Wise Men of Foreign Affairs adds that, "while the editors saw themselves as the models of impartiality, no reader could

be fooled into thinking that the journal was anything other than a plea for forward United States foreign policy." (36) Since articles published in Foreign Affairs primarily represent the ideologies and policies important to the Council, they will be frequently utilized as primary sources later in this paper.

Foundations

It is important to note that the Council on Foreign Relations is not a stand-alone entity with a monopoly on foreign policy influence. No one organization can be all-

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powerful in today's complex society. There are many influential organizations, but the Council is one of the few that has been consistently identified throughout the last 75 years. One additional linkage important to highlight for the rest of this analysis, though, is that of tax exempt foundations.

Republican Congressman Carroll Reese, heading a Special Committee on Tax-Exempt Foundations, concluded the following in his final report published December 16, 1954 by the Government Printing Office: Miss Casey's report (Hearings pp.8777, et seq.) shows clearly the interlock between The Carnegie Endowment for International Peace, and some of its associated organizations, such as the Council on Foreign Relations and other foundations, with the State Department-They have undertaken vital research projects for the Department; virtually created minor departments or groups within the Department for it; supplied advisors and executives from their ranks; fed a constant stream of personnel into the State Department trained by themselves or under programs which they have financed; and have had much to do with the formulation of foreign policy both in principle and detail.

-They have, to a marked degree, acted as direct agents of the State Department.

-What we see here is a number of large foundations, primarily The Rockefeller Foundation, The Carnegie Corporation of New York, and the Carnegie Endowment for International Peace, using their enormous public funds to finance a one-sided approach to foreign policy and to

promote it actively, among the public by propaganda, and in the Government through infiltration. The power to do this comes out of the power of the vast funds employed. (37)

Nearly twenty years later, Professor Domhoff further evidenced the linkage by pointing out that "in 1971, 14 of 19 Rockefeller Foundation trustees were members of the Council on Foreign Relations, with 4 of those members also serving as directors of the council. Ten of 17 trustees of the Carnegie Corporation, as the most important of four Carnegie foundations is named, were members of the council at that time, as were 7 of 16 trustees at the Ford Foundation." (38) The foundations have provided a funding source for many activities of the Council and related organizations. Recall the earlier mentioned

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financier of the War and Peace Studies-the Rockefeller Foundation. The foundation linkage will reappear in later discussions on the "vision" of the "UN founders."

George Bush and New World Order Linkage

Two final questions need to be addressed prior to proceeding. The first is, could George Bush have actually inferred involvement of an organization like the Council on Foreign Relations in his "UN founders" phrase? Given Bush's long-standing involvement with the organization, it seems reasonable to conclude that the answer is, yes! Bush was on the Council Board of Directors in the years 1977-1979 and a member long before that. (39) He stepped down from the boards of the Council, Yale, and the Trilateral Commission to shed his "establishment" image prior to his run for the Republican presidential nomination. (40) But, despite early momentum, he lost the 1980 Republican primary to Ronald Reagan due largely to what Holly Sklar calls, "right wing opposition to his-association with the Eastern Establishment." (41) Obviously, Bush knows a thing or two about the workings of the Council and as such, clearly understands their linkage to the formation of the United Nations.

The second question is, why has such a significant amount of effort gone into describing the relationships of the Council on Foreign Relations prior to proceeding with the analysis of Bush's new world order words? Understanding the Council relationship is critical to establishing the framework for the upcoming description of new world

order vision and implementation mechanisms. Council related writings will therefore provide the predominant sources for the rest of this paper.

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Chapter 3

New World Order Vision

In a quite literal sense, world order visions can, like religion, act as opiates-It is necessary to practice, as well as preach, global reform, and to embody world order values in present public policy choices.

-Richard A. Falk

World Order Models Project

The current task at hand is to build a clear picture of the new world order "promise and vision" of Bush's UN founders. To accomplish this, the ideas that evolved from the War and Peace studies will first be examined. Then two, more contemporary world order studies related to the Council on Foreign Relations will be evaluated. The aspects of new world order vision that impact national security strategy are those that will be highlighted.

War and Peace Studies

In his 1992 Foreign Affairs article, Joseph Nye, comparing the present with the past, concluded that "when the decline of Soviet power led to Moscow's new policy of cooperation with Washington in applying the UN doctrine of collective security against Baghdad, it was less the arrival of a new world order than the reappearance of an aspect of the liberal institutional order that was supposed to have come into effect in 1945." (1)

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And the vision of that liberal institutional order was driven by the Council's War and Peace Studies.

The first critical challenge to world order vision was to resolve the competing nature of universal order on one hand and national sovereignty on the other. Walter R. Sharp, a general working on the War and Peace Studies Politics group, denounced the "popular fetishism of sovereignty" and advocated the creation of "an international society which will be physically secure, economically stable, and culturally free." (2) Sharp foresaw the advancement of economic interdependence as means of eroding national barriers. On the security side, the studies concluded that the new United Nations must have responsibility for policing international disorders. Several recommendations were presented for the creation of an international police-like force. Rather than creating a true multinational army, Colonel George Fielding Eliot advocated assigning whole units of national forces on a two-year rotating basis to UN command. Eliot's fear of a permanent UN multinational police force was that a centralized Chief of Staff, "devoid of nationality and the restraints of loyalty and his own country's laws, might well seek to carve out a Napoleonic future of his own." (3)

Another Armaments group staffer, Theodore P. Wright, presented a truly visionary strategy for international policing which may be viewed as a prophesy of the outcome of the Gulf War. Wright foresaw air power as the wise solution to overcoming the difficulties of forging a true international army. Air power provided the opportunity for awesome destructiveness while employing relatively few personnel. Wright explains: "The war has-taught us the lesson that now, with the advent of air power, the small state is indefensible, a position analogous to that of the feudal castle with the advent of gun-

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powder." Minor powers lacked air forces of any significance and were helpless against superpower fighters and bombers acting under UN

direction. He expected an international air force to apply "quick and certain" retribution against peace violators. Such action, according to Wright would promote the "development of feelings of world citizenship." (4) The Gulf War could be viewed as fulfillment of that vision. Asymmetrical coalition air forces under UN authority (via resolution) provided the "quick and certain" retribution against the violator, Iraq. In fact, George Bush alluded to the "development of feelings of world citizenship" when he hoped that out of the "horror of combat," Iraq would recognize that "no nation can stand against a united world" and bring itself to "rejoin the family of peace-loving nations." (5)

Grayson Kirk, also of the Armament group, envisioned the necessity of an "intermediate arrangement" between the jump from world war to world sovereignty. He advocated an intermediate step of regional security arrangements built around the United States, Great Britain, Soviet Union, and China. Additionally, he felt that regionalism could only be a catalyst for international integration if it remained informal and flexible. (6) The Council strongly backed the loosening of the definition of American interests to include applying military force "wherever a serious threat to peace may arise." Aggressor nations must be thwarted by collective force. As such, a criteria for determining aggression must be established. The Armaments group identified an aggressor as a "nation which has 1) committed specified, overt military acts; 2) steadfastly refused to submit their dispute to an international agency; and 3) refused to comply with the decisions of these agencies." (7)

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The War and Peace Studies therefore formulated a foundational vision of a new world order of transitional sovereignty, aided by economic interdependence; collective security maintaining international order through a multinational police force under centralized authority; and, a shift from unilateral actions based solely on national interests to support of collective actions based on common interests, especially against "aggressor nations." The authors of the War and Peace Studies provided both the framework of the new world order vision and the realization that the international transformation would be a long term venture. Unlike their Paris Peace Conference predecessors, the studies staffers recognized that shift to greater world sovereignty would take time and that the "United States would have to participate in years of conferences to create the new world

order." (8) In addition, regional arrangements would provide the stepping stone to world order. Since this evolution-as predicted-has been a long term venture, it pays to look at some more recent Council related studies to provide more fidelity to the contemporary new world order vision.

In the 1970s, two independent studies related to new world order were undertaken. One, the World Order Models Project, was directed by Council member and former Rutgers Professor of Law, Saul H. Mendlovitz, with heavy academic contributions by another Council member, Princeton Professor Richard A. Falk, and financed by the Carnegie Endowment for International Peace and the Rockefeller Foundation. (9) The second, The 1980s Project, was an extensive study produced by the Trilateral Commission, a Council offshoot created by David Rockefeller to focus on developing trilateral regional cooperation between the United States, Western Europe, and Japan.

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World Order Models Project

Richard Falk and other World Order Models Project (WOMP) contributors give credit to Mendlovitz as having "done much to shape the course of this world order journey" over the past 25 years. (10) The WOMP provides probably the most idealistic vision for the new world order, concentrating on evolving a "transnational framework of world order values, thinking, and action." (11) The four central world order values are: "[1] The minimization of large-scale collective violence; [2] the maximization of social and economic well-being; [3] the realization of fundamental human rights and conditions of political justice; [4] the rehabilitation and maintenance of environmental quality, including the conservation of resources." (12) It is interesting to note that Robert S. McNamara was a member of the WOMP Sponsoring and Policy Review Committee. (13)

The WOMP, while idealistic, was surely not utopian. Mendlovitz describes the action-oriented WOMP methodology: "In fact, each author was asked to attempt a diagnosis of the contemporary world order system, make prognostic statements based on that diagnosis, state his preferred future world order and advance coherent and viable strategies of transition that could bring that future into being. A stringent time frame [for implementation], the 1990s, served to discipline and focus thought and proposals.-There was also general

agreement that we should go beyond the nation-state system-to use a much broader range of potential actors, including world institutions, transnational actors, international organization, functional activities, regional arrangements, the nation-state, subnational movements, local communities, and individuals." (14) While the WOMP values seem mundane enough, their conclusions were not. With the main concern of the WOMP being war and its destructive nature, one of their central

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new world order visions in Falk's A Study of Future Worlds was the "dismantling [of] the national security apparatus in the major states of the world." (15)

Hidemi Suganami, in his review of world order proposals, summarizes Falk's new world order guiding principles as world disarmament, establishment of an international police force to settle disputes, implementation of a global checks and balances system, and constitution of a coordinating body to provide unity to the global structure. (16)

WOMP-related work has continued throughout the years. Mendlovitz more recently developed specific time phased objectives to support what he called a "Movement For A Just World Peace." His short run objectives for 1991-1993 included "initiating an annual process of five percent reductions in defense budgets over a ten-year period with savings being allocated for basic needs, domestically and globally." His intermediate targets for 2001-2003 included: the "establishment of a small but permanent peacekeeping force for the UN with the authority of humanitarian intervention in civil wars," the "submission to the compulsory jurisdiction of the International Court of Justice for all treaties concluded during and after the decade of 1990," and the "establishment of a court to deal with individuals who commit crimes against humanity." And finally, Mendlovitz's long range goals for 2011-2013 were much more ambitious. They included, a "global tax scheme to establish and maintain a basic needs regime for global society," a "complete and general disarmament with alternative security system in place," and a "regional and global human rights regime with compulsory jurisdiction." (17)

Mendlovitz presents a vision of evolutionary disarmament accompanied by corresponding strengthening of a UN security apparatus. Additionally, he advocates a mechanism-global tax-to fund international organizations and foresees an enhancement

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of international judiciary powers. This vision at first blush may seem somewhat radical, but a closer look shows it not to be far off the mark. The process of disarmament, spurred by the end of the Cold War, did in fact begin about the time Mendlovitz predicted. The UN security apparatus has strengthened through the course of recent activities in Bosnia, Somalia, Haiti, and Rwanda. The United States seems to have fully adopted the concept of UN sponsored and supported actions based on the extent of UN/multinational related doctrine being published by the Department of Defense. Several recommendations for a tax on international flights to financially support the UN have recently been presented, the most notable by former Secretary-General Boutros Boutros-Ghali. (18) And finally, the enhancement of international judiciary powers is demonstrated by such recent events as the 1996 swearing-in of 21 judges constituting the International Tribunal for the Law of the Sea. (19)

The reason for success in implementing world order visions is not chance. These visionaries do not perceive their actions as academic exercises. They do not advocate passive acceptance of evolutionary world order shifts, but active engineering of the transition process. Falk clearly states that "transition tactics and strategy involve accelerating the process and devising ways to assure its completion in accordance with our specified value preferences. In this sense, it adopts an activist or engineering posture-" (20) Later, in *A Study of Future Worlds*, Falk provides a specific strategy: "Symbolic world leaders such as the Secretary General of the United Nations or the Pope might espouse [the WOMP agenda]-as a program for the future, and national leaders in prosperous, homogenous, and stable countries of intermediate size such as Sweden or Canada may also be led to lend open support. These kinds of external developments,

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together with much more vital citizen efforts within the United States, would initiate a world order dialectic within American politics that would begin to break down decades of adherence to [the Westphalian system] and its infrastructure of values, perceptions, and institutions." 21

The articulated philosophies of former Secretary-General Boutros

Boutros-Ghali and the active advocacy of UN peacekeeping by Canada, may be evidence of reasonable success of Falk's twenty year old strategy.

1980s Project

There is one additional new world order project which needs to be addressed prior to proceeding. In the 1970s, the Council on Foreign Relations, primarily through its offshoot--the Trilateral Commission, undertook a five year, \$1.6 million research effort titled the "1980s Project." According to its Director, Richard H. Ullman, the 1980s Project was "the largest single research and studies effort the Council on Foreign Relations has undertaken in its-history, comparable" only to the War and Peace Studies of World War II. (22) The 1980s Project's task was to define the issues and policies required to respond to a post Cold War international scenario. Unlike its predecessors, the Inquiry and the War and Peace Studies, the 1980s Project was a study effort open to members and non-members, and openly published to stimulate a broad professional audience--not just government decision-makers. (23)

The primary focus of the 1980s Project was social and economic issues, but a few security related studies were pursued. In fact, Cyrus Vance, former Council director, chaired a group charged with studying weapons of mass destruction immediately prior to becoming Secretary of State. (24)

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One clear influence on our current military came from the study titled International Disaster Relief (1977). It recommended that Washington should do more to coordinate its relief efforts to assist flood, earthquake, famine, and other disaster victims. Relief agencies should be given more direct responsibility for operations. And, all nations should accept the "common responsibility of all people and governments to provide protection and relief to the victims of natural disasters." (25) This concept has manifest itself this decade in the likes of Somalia and Rwanda. The United States has adopted humanitarian assistance as a military mission and corresponding military doctrine is currently on the street and being written to more effectively involve the relief agencies in humanitarian assistance operations. The 1980s Project, under the auspices of the Trilateral Commission,

primarily involved authors from the United States, Europe, and Japan. The broadly based recommendations ignored the centrality of the Cold War and as a whole indicted the "narrow, ethnocentric, and ideological course of American foreign policy since 1945. (26) The diverse set of policy recommendations, clearly globalist in nature, advocated an incremental approach to functional interdependence. The project ideas, while seemingly ahead of their time, set the agenda for the next couple of decades. The Carter administration attempted to implement some of the 1980s Project "world order politics" in 1977 and 1978, but fell victim to the reality of the Cold War. (27) The Council, in its own historical account, again highlights its ability to influence the implementation of its own world order ideas: "As it turned out, the title of the project was a little premature; not until the 1990s did the issues explored truly dominate the international agenda. But many 1980s Project authors were by then installed in

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government policy-making positions, and when the Cold War came to its unexpectedly sudden end the Council had provided for the public record an impressive database for the global issues confronting coming generations." (28)

Visionary Conclusion

By analyzing the above studies, the "vision of the UN founders" comes into a little better focus. The vision is clearly globalist. It advocates a shift in sovereignty from the state to the international level; increased authority, security, and judicial powers of an international body; a focus on "common" interests of humanity; collective vs. unilateral security actions; enhanced social and economic interdependence through functionalism; and some significant level of military disarmament of the nation states. This new world order vision provides the framework for interpreting a "credible United Nations" and its "peacekeeping role" in the upcoming chapter.

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Chapter 4

A Credible United Nations and its Peacekeeping Role

The founding of the United Nations embodied our deepest hopes for a peaceful world.

-George Bush

October 1, 1990

To be "credible," the United Nations is dependent upon the full development of its "peacekeeping role" as envisioned by its founders. As a second attempt to implement Wilsonian-like internationalism, the United Nations must achieve international credibility to shed the stigma of its aborted predecessor, the League of Nations. The interdependence between credibility and peacekeeping is most clearly articulated by former Secretary-General Boutros Boutros-Ghali: "Under Article 42 of the Charter, the Security Council has the authority to take military action to maintain or restore international peace and security. While such action should only be taken when all peaceful means have failed, the option of taking it is essential to the credibility of the United Nations as guarantor of international security." (emphasis added) (1) So, credibility of the UN as a guarantor of international security is contingent upon having both the authority and means to take military action. In understanding the UN's peacekeeping role, it is important to note the semantic difference between war and peacekeeping from the UN founders' perspective.

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Peacekeeping is a more contemporary word for what the UN founders envisioned as international police action. Payson Wild of the War and Peace Studies Armaments group distinguished between war and international policing (or peacekeeping in today's vernacular) by defining police action as force used "in behalf of the community" for "the maintenance of order and the establishment of the supremacy of law" versus war which is "conducted for a national authority" to achieve "the defeat of the enemy." Policing or peacekeeping implied that armed forces are "under community control and used only against those who break community laws." (2) The supremacy of law in this context relates to Bush's "rule of law" which will be covered in the next chapter.

Roosevelt himself used the police analogy in describing credible UN

peacekeeping:

"The Council of the United Nations must have the power to act quickly and decisively to keep the peace by force, if necessary." (3) In discounting the extreme leverage applied by Security Council members such as the United States, Roosevelt continued his analogy: "A policeman would not be a very effective policeman if, when he saw a felon break into a house, he had to go to the Town Hall and call a town meeting to issue a warrant before the felon could be arrested." (4) Again, it is clear that the UN must possess both the authority and means to be an effective and credible international "policeman."

The authority comes through reduction in the role of the Security Council veto. The "means" most generally advocated is that of a permanent UN peacekeeping force. Robert C. Johansen in the WOMP related work, *The Constitutional Foundations of World Peace* explains: "To give a substantial boost to its capacities for war prevention, the United Nations needs a permanent peacekeeping force of its own. A permanent force could be immediately available; it would be less subject to charges of bias than ad hoc personnel

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now drawn from the national armed forces of UN members; it could be more effectively trained, organized, and better commanded, equipped with specialized units, and judiciously employed to carry out the unusually delicate tasks of peacekeeping, which seldom resemble conventional military action.-The proposed UN force could help stimulate the transition to a warless world because it would remind nations of the difference between police enforcement and military action." (5) He then paints a very quaint picture of international police enforcement: "Armies try to achieve victory; police seek tranquility. Police try to enforce law on individuals, whereas armies impose their will on entire societies. Although UN peacekeepers sometimes carry arms, these soldiers have no enemies." (6) Boutros Boutros-Ghali, also a permanent force advocate, recommended that negotiations commence to create the "special agreements foreseen in Article 43 of the Charter, whereby Member States undertake to make armed forces, assistance and facilities available to the Security Council for the purposes stated in Article 42, not only on an ad hoc basis but on a permanent basis." (emphasis added) (7) He felt that the end of the Cold War removed the major political obstacles preventing earlier fulfillment of this Charter vision.

Burns H. Weston, another Constitutional Foundations of World Peace author, provides the most comprehensive strategy for achieving "credible" UN peacekeeping. He suggests: [1] guaranteeing military units trained for peacekeeping to the UN on a permanent standby basis; [2] stockpiling military equipment and supplies to support short notice peacekeeping operations; [3] avoiding the obstructions posed by the Security Council veto by instituting automatic peacekeeping actions based on predetermined levels

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of crisis or thresholds of conflict and automatic financing arrangements; [4] ensuring access to areas of conflict without requiring initial or continuing permission of the conflicting parties; and (5) tying UN peacekeeping to peacemaking to ensure focus on the desired end-state of long-term stability in the troubled area.

(8)

In summary, further clarification of George Bush's words identifies a new world order where a "credible United Nations" achieves authority by minimizing the role of Security Council veto and uses permanently assigned/allocated armed forces in a "peacekeeping role" to fulfill the international policeman "vision of the UN's founders."

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Chapter 5

Rule of Law

America and the world must support the rule of law. And we will.

-Former President George Bush

September 11, 1990 Address before Congress

Our ideal is a world community of States which are based on the rule of law and which subordinate their foreign policy activities to law.

-Mikhail Gorbachev

December 7, 1987 Address to the UN General Assembly

Critical to the interpretation of Bush's call for a new world order "where the rule of law . . . governs the conduct of nations," is the understanding of the context of "rule of law." It is interesting that while using the same "rule of law" phrase in their addresses, Bush failed to provide any clarification of meaning, yet Gorbachev explicitly highlighted that states "subordinate their foreign policy activities to law." (1)

Former Secretary of State James Baker provided some "rule of law" clarification on September 26, 1990 when he advised the House Foreign Affairs Committee that, "we must act so that international laws, not international outlaws, govern the post-Cold War period. We must act so that right, not might, dictates success in the post-Cold War world.-We must stand with the world so that the United Nations does not go the way of the League of Nations." (2)

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Henry Kissinger additionally pointed out that "conventional American thinking" supports the notion of "a new world order," emerging from a "set of legal arrangements." (3) It is important to note the linkage created between new world order, rule of law--international law, and the United Nations. Just how would these new world order "legal arrangements" of international law be implemented and what is the relationship to the United Nations?

James Baker once again provided some insight. Responding to House Foreign Affairs Committee questioning, Baker said that we, the United States, "are party to the United Nations? charter by virtue of a treaty, a treaty that basically says we will respect the decisions of that body." (4) Author Laura L. Kirmse, after researching the details of Baker's premise, has concluded that Bush's new world order refers to a move toward world authority under the auspices of a revitalized United Nations, and that UN treaties, once ratified by the Senate, may override and supersede the laws of the US, and even the Constitution itself. (5)

The Constitution of the United States directs the following in regard to treaties:

(Article II, Section 2) He (the President) shall have the power by and with the advice and consent of the Senate to make treaties, provided two thirds of the Senators present

concur-

(Article VI) This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. (6) (emphasis added)

In the Jeffersonian tradition, treaties were intended to affect state-to-state actions, not to have direct authority within a country over the laws, regulations, or the relationship between the government and its citizens. Several legal decisions and constitutional

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interpretations have demonstrated otherwise, though. Kirmse identifies several legal rulings which support the supremacy of the UN Charter. *Fuji v. the State of California* provides the most eye-opening position:

The Charter of the United Nations, as a treaty, is paramount to every law of every state in conflict with it. The Charter of the United Nations, upon ratification of the Senate, became supreme law of the land, within Constitutional provision relating to treaties, and every state is required to accept and act upon the Charter according to its plain language, and its unmistakable purpose and intent. United Nations Charter. 59 Stat.1035 et seq.; U.S. Const. art. 6. (*Fuji v. State of California*, 217P.2d. rehearing denied). (7)

John Foster Dulles understood this concept well as attested by these comments made in a 1952 speech [documented in the Congressional Record] of his prior to being appointed Secretary of State: "The treaty-making power is an extraordinary power liable to abuse. Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution. Treaties, for example, can take powers away from the Congress and give them to the Federal

Government or to some international body and they can cut across the rights given the people by the Constitutional Bill of Rights." (8) Several wise Americans in the 1950s began to fear both the legal power of United Nations-related treaties to supersede the Constitution and the vague authority of the President through the "conduct of foreign affairs" to bind the United States legally by executive agreements requiring no Senate ratification. The deals at Yalta between President Roosevelt and Stalin, the Potsdam agreement between President Truman and

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Stalin, and according to then Secretary of State, John Foster Dulles, over 10,000 NATO agreements all fall within the context of "executive agreements." Many were never published. As a result, Senator John W. Bricker, supported by 63 other Senators, sponsored an amendment to close the perceived Constitutional loopholes. The Bricker Amendment would have added the following language to clarify the Constitution:

A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty.

Congress shall have power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be subject to the limitations imposed on treaties by this article. (9)

Although seemingly patriotic and simple, the amendment was killed by President Eisenhower. (10) Not to infer cause and effect, but only to note the curious-Dwight D. Eisenhower was a member of the Council on Foreign Relations. (11) The fears that United States citizens may be legally subject to trials of international courts were not suppressed. The House Foreign Affairs Committee discussion with Secretary of State Baker in September of 1990 reveals that this concern is not antiquated:

Sen. Moynihan : Does the President have a constitutional right to violate international treaties?

Secretary Baker: No.

Sen. Moynihan : A treaty is the supreme law of the land?

Secretary Baker: That's right. (12)

The evidence of constitutional logic, legal precedence, and executive and legislative intent seems to support Kirmse's conclusion that: "By the signing of the treaty to join the United Nations in 1942 and by the signing of the revised Charter in 1945-which are both

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multilateral treaties and constituent agreements-both the Constitution and the sovereignty of the United States were in effect relinquished under an established precedent in favor of rule by the United Nations, its Charter, and all subsequent treaties formulated and signed under UN auspices. Our laws in all jurisdictions must conform Constitutionally by treaty to those of the United Nations, much as our state laws had to conform to those of the Constitution." (13)

The international "rule of law" then has the potential to govern much more than the "conduct of nations." It also may govern the conduct of the individual. In the Council on Foreign Relations and American Assembly (founded in 1950 by Dwight D. Eisenhower) 1992 work, Rethinking American Security-Beyond Cold War to New World Order, John H. Barton and Barry E. Carter identify the most notable aspects of international law evolution over the last 50 years. They recognized that "the individual person has emerged as an independent actor" demonstrating that "the international system is no longer confined to relations among nations." And, "national and international tribunals are offering new-and more effective-means for enforcing international law." (14)

Former UN Secretary-General Boutros Boutros-Ghali provided insight into recent events related to international law and tribunals. In his 1992 Agenda for Peace, Boutros Boutros-Ghali, in an attempt to reinforce the role of the International Court of Justice, recommended that "all Member States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000." (15) Note the similarity to

Mendlovitz's WOMP decade of the 1990s goal of "submission to the compulsory jurisdiction of the International Court of Justice" identified in Chapter 3.

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The most revealing fulfillment of Barton and Carter's revelation was the October 1996 swearing-in ceremony of twenty-one Law of the Seas Tribunal's Judges by Boutros Boutros-Ghali. During his swearing-in statement, Boutros Boutros-Ghali said: "This is a situation without precedent in international law . . . With the establishment of this Tribunal we enter a new era. The Tribunal will be a modern institution upholding the rule of law not only between States, but also among States, the International Seabed Authority, companies and individuals engaged in the exploitation of the international seabed area."

(emphasis added) (16) Boutros Boutros-Ghali continues with words that seem to be extracted directly from Bush's new world order speech: "The Tribunal has an important role to play in the building of an international society governed by the rule of law. The Law of the Sea Tribunal will be part of the system for peaceful settlement of disputes as laid down by the founders of the United Nations." (emphasis added) (17) It seems like everyone in the business of new world order is singing from the same sheet of music. Nearly twenty years ago, Peter Jay, in his 1979 Foreign Affairs article, "Regionalism as Geopolitics," noted that: "The Carter Administration has done much in its UN role-to reestablish the American willingness to play by the rules of a system of international law-But the threads of a particular action have not been woven together into a generally understood-doctrine or strategy to capture the imagination and respect of a suspicious, cynical and unstable world. That will be a worthy task for a new year, a new decade and, perhaps, a new presidential term." (18) The breakdown of the Soviet Union and the end of the Cold War reduced the suspicion and cynicism by creating the perception of stability. The 1990s then provided George Bush the opportunity to fulfill Jay's new world order prophesy. The "rule of law" wheels of international justice are turning; the new world

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order train has left the station; and, the Americans on board have no knowledge of the destination.

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Chapter 6

The Road to New World Order

Something of a world-wide order has been set up, by the general consent of mankind, and is in active work, of which it is impossible to say that any parallel existed before.

-F. S. Marvin

The New World-Order, 1932

World order as a set of concepts, objectives, and strategies is anything but "new." George Bush was not the father of new world order thinking, just an advocate that happened to be in the right position at the right time to flame the fires of the next significant thrust in the evolutionary development of world order. The Bush instigated post-Cold War new world order thrust can be interpreted as the third major attempt in this century to create a world ordered by a "credible" universal authority enforcing the international "rule of law" through collective security measures, police action or "peacekeeping." The "vision" of world order has remained fairly constant throughout this century; specific strategies for attainment, though, have varied widely. The climax of the three most significant world emotional events in this century, World War I, World War II, and the Cold War, have provided the catalyst for successive attempts at new world order. The first two attempts were manifested in the form of the League of Nations and the United Nations. The third attempt at achieving new world order is much more complex,

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amorphous, and difficult to distinguish. Discernment of the third attempt is the subject of this chapter.

Third Try at New World Order

The epigraph quote on the previous page by F. S. Marvin referred to the world order precedent set by the formation of the League of Nations. Marvin was careful to point out, though, that the League was an important symbol, but not the genesis or end-all of world order: "World co-operation, of which the League of Nations is the symbol and the chief organ, is the characteristic of the new age-" (1) He provides further clarification by describing the new world order goal and limited role of the League: "The League then, though the chief political fact since the War, should be regarded as a part only of a great movement and set of organizations all having as their purpose to implement this new consciousness of world-unity.-Nationality must rank below the claims of mankind as a whole, but in its immediate effects on individuals it is of greater moment." (2) So, we can see that 65 years ago, there was perceived to be a new world order movement towards world unity and decreased nationality/sovereignty. The League was an unparalleled symbol of the movement, but a symbol nonetheless. The League, as a mechanism of the world order movement, failed to fulfill expectations largely due to lack of support from isolationist Americans.

Recall from Chapter 2 the framework for the League of Nations was formulated by the "Inquiry"-the predecessor to the Council on Foreign Relations World War II War and Peace Studies. World War II conveniently provided an opportunity for the "founders of the UN" to propose a second attempt at world order which would presumably account

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for the flaws inherent in the League structure. In Michael Wala's words: "The Council members, like so many other internationalists, were convinced that the United States should not let this 'second chance' to participate in a supranational organization evaporate." (3) The establishment of the United Nations became the second attempt. Although more successful than its predecessor, the UN again failed to meet new world order expectations largely because of the Cold War friction between the United States and the Soviet Union.

International dynamics had to change for the world to accept a "credible" UN fulfilling the "vision" of its "founders." The trigger event was the fall of the Berlin Wall and corresponding end to the Cold War. The fact, though, is the third attempt, very dissimilar to

the first two, was well under way prior to that event. Evidence of this was provided by Harlan Cleveland, former Assistant Secretary of State, former Ambassador to NATO, and member of the Council on Foreign Relations, in his comments regarding a 1976 report he helped author, United Nations, released by the Senate Committee on Foreign Relations: "I hope that in the hearing and whatever report is released by the Committee, you will make a distinction between the future of the United Nations and the future of world order. There is a long agenda of creative effort just ahead, a complex agenda of international action-Taking it all together, this amounts to a third try at world order-the League of Nations having died and the United Nations being unable in its present condition to cope." (emphasis added) (4)

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New World Order Paths

The third attempt, more complicated than the others, involves traversing three interlinked paths that pave the road to world order. One path involves strengthening the powers of the United Nations and its associated institutions to enhance their world authority. The second path on the road to new world order is through evolutionary regionalism. The idea is to develop regional entities that bind states through super-state political, economic, and legal arrangements. The third path is built on the foundation of piecemeal functionalism whereby functional issues such as economics and trade, environmental conservation, and weapons of mass destruction proliferation drive international interdependence and further international law constraints. Much of "piecemeal functionalism" is directly related to UN subsidiaries. The following sections briefly describe the historical and recent support for the three paths on the road to world order.

United Nations Strengthening

The call for strengthening the United Nations from the world order advocates has been strong and consistent. Robert Ducci in his 1964 Foreign Affairs article, "The World Order in the Sixties," said that: "It is indeed difficult to see how the world order is to be kept . . . unless the United Nations undergoes a thorough overhaul.

Not inconceivably the two present superpowers may one day agree that the strengthening of the United Nations might be in the interest of both.-If that happens, the future organization of the world might not be very dissimilar in principle from the one which was drafted in Dumbarton Oaks 20 years ago by the victors of World War II." (5)

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A detailed plan for strengthening the UN was articulated by John Logue, Vice-President of World Federalist Association. On December 4, 1985, he gave the following testimony to the Human Rights and International Organization subcommittee of the House Foreign Affairs Committee joint hearing on the United Nations:

It is time to tell the world's people not what they want to hear, but what they ought to hear.-[W]e must reform, restructure and strengthen the United Nations and give it the power and authority and funds to keep the peace and promote justice. The Security Council veto must go. One-nation, one-vote must go. The United Nations must have taxing power or some other dependable source of revenue. It must have a large peacekeeping force. It must be able to supervise the dismantling and destruction of nuclear and other major weapons systems. In appropriate area, particularly in the area of peace and security, it must be able to make and enforce law on the individual. (6)

Over the last few years, almost all of those recommendations have been pursued by the United Nations and its supporters. As one example, Boutros Boutros-Ghali was aided by the Ford Foundation (tax-exempt foundation link to financing new world order strategies) in creating an advisory group of financial specialists and bankers to identify "dependable sources of revenue." Their recommendations included imposing a UN tax on international plane tickets. (7) Another example was the previously discussed establishment of the International Law of the Sea Tribunal providing the mechanism "to make and enforce law on the individual."

The continuous strengthening and legitimization of the UN sets the stage for Bush's observation that: "Not since 1945 have we seen the real possibility of using the United Nations as it was designed-" (8)

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Trilateral Regionalism

The strategy of building world order on the framework of regionalism has also been around for quite some time. In 1929, N. S. B. Gras in his Foreign Affairs article, "Regionalism and Nationalism," stated: "The direct effect of regionalism may be to make the state weaker politically but stronger economically and socially. Or the region, looking to regional convenience, may make new alignments leading to the creation of new states, or to international states (European, American, and so on), or ultimately to a world state." (9) Gras emphasized the importance of the region to a "super-state of some kind."

The "region, which because it is nearer to the individual, is likely to exercise a more potent influence over him." (10) A reasonably accurate fulfillment of this vision is found in the European Community which is well on its way to becoming a super-state containing its own political, economic, and judicial systems. A more radical concept in the evolutionary development of world order regionalism was presented in 1949 by Maurice Parmelee in *Geo-Economic Regionalism and World Federation*: "There can be no permanent peace so long as each nation retains its sovereignty. There can be no effective world organization to solve the economic and social problems of mankind so long as the nation is the unit of organization. The region, limiting national sovereignty and furnishing a suitable unit of organization for a world federation, is a practicable solution." (11) Parmelee further specifies that, "regionalism postulates interdependence-rather than self-sufficiency," and that, "geo-economic regionalism is by far the most constructive proposal for the future of the world." (12) In fact, geo-economic, interdependent regionalism is exactly the policy advocated and pursued over the last twenty-five years by the Trilateral Commission. The Trilateral

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Commission was founded in July 1973 by David Rockefeller, then Council on Foreign Relations Chairman of the Board. Its purpose was previewed by Zbigniew Brzezinski, former National Security Advisor, Council Director, and Trilateral Commission President, in his 1973 Foreign Affairs article when he stated that, "the active promotion of such trilateral [American-European-Japanese] cooperation must now become the central priority of U.S. policy." (13) Brzezinski and the

Trilateral Commission took their mission very seriously: "Creation of the Trilateral Commission reflects an awareness that the present moment is of very great importance for the future of mankind." (14) With the Cold War still at the forefront of international relations, the Trilateral Commission seemed somewhat omniscient when in the 1970s they observed that the, "bipolar leadership system of the cold war is diffusing into what may be the first truly global political system, with many actors playing significant parts at different levels." (15) The Trilateral Commission recognized that this third attempt at world order, building a "global political system" primarily through economic interdependence, would not come quickly:

The renovation of the international system will be a very prolonged process. The system created after World War II was created through an act of will and human initiative in a relatively restricted period of time.

One power had overwhelming might and influence, and others were closely associated with it. In contrast, a renovated international system will now require a process of creation--much longer and more complex--a process in which prolonged negotiations will have to be engaged and developed. In nurturing habits and practices of working together among the trilateral regions, the Commission should help set the context for these necessary efforts. (16)

The Commission's primary undertaking was to create a new international economic order through trilateral cooperation. Some of their early successes were highlighted by

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former Washington Post reporter, Jeremiah Novak: "According to sources in the State Department, the trilateral papers have directly influenced the summoning of the Rambouillet and Puerto Rican conferences, the sale of IMF gold, the Law of the Sea conferences, the formation of the International Energy Agency, and steps to establish a new international currency, which replaces the U.S. dollar and gold. The commission's record and its powerful influence after the 1976 elections deserve a great deal of respect." (17) Recall that trilateral regionalism represents only one world order path. In the words of William Hoar, "Trilateralism-is only a way station on the road to the New World Order." (18) Boutros Boutros-Ghali provided the contemporary linkage between regionalism and the

first path to world order, UN strengthening. In his "Agenda for Peace" speech, Boutros-Ghali said, "-regional arrangements or agencies can render great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter-" (19) His focus at that point was security arrangements, but the concept of regional linkage to UN authority applies universally. Not to lose sight of the objective of this analysis-interpreting George Bush's meaning of "new world order"-it is important to come full cycle to Bush's vision as articulated to the United Nations General Assembly: "I see a world building on the emerging new model of European unity-not just Europe but the whole world whole and free." (20)

Piecemeal Functionalism

The final, and most intriguing path supporting the third attempt at world order is referred to as piecemeal functionalism. Several Council on Foreign Relations related

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authors and studies have advocated world order strategies based on piecemeal functionalism. The Trilateral Commission recommends piecemeal functionalism as a means of achieving the interdependence between nations and regions as discussed in the previous section. The 1977 Trilateral Commission Task Force Report, *Towards a Renovated International System*, laid out a specific definition and strategy for piecemeal functionalism: "In general, the prospects for achieving effective international cooperation can often be improved if the issues can be kept separate-what we call piecemeal functionalism.- Coalitions of specialists can be built across national boundaries in specific functional areas, blunting the nationalism that might otherwise hinder international agreement.-The same countries which will often indulge in fanciful rhetoric in a broad, multipurpose organization (such as various UN agencies) will often be negotiating seriously and cooperatively in another organization (such as GATT) on the same issue at the very same time." (emphasis added) (21)

Richard N. Gardner, former Carter advisor, Ambassador to Italy, Council member, and Columbia University law professor, presented the most revealing look at an integrated new world order strategy in his 1974 *Foreign Affairs* article, "The Hard Road to World Order" He answered the call for an innovative third attempt at world order by

advocating a decentralized functional-"piecemeal functionalism"-approach anchored by the "rule of law" and integrated with the United Nations:

In this unhappy state of affairs, few people retain much confidence in the more ambitious strategies for world order that had wide backing a generation ago . . . If instant world government, Charter review, and a greatly strengthened International Court do not provide the answers, what hope for progress is there? The answer will not satisfy those who seek simple solutions to complex problems, but it comes down essentially to this: The hope for the foreseeable future lies, not in building up a few

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ambitious central institutions of universal membership and general jurisdiction as was envisaged at the end of the last war, but rather in the much more decentralized, disorderly and pragmatic process of inventing or adapting institutions of limited jurisdiction and selected membership to deal with specific problems on a case-by-case basis, as the necessity for cooperation is perceived by relevant nations. Such institutions of limited jurisdiction will have a better chance of doing what must be done to make a "rule of law" possible among nations . . . In short, the "house of world order" will have to be built from the bottom up rather than from the top down. It will look like a great "booming, buzzing confusion,"-but an end run around national sovereignty, eroding it piece by piece, will accomplish much more than an old-fashioned frontal assault. Of course, for political, as well as administrative reasons, some of these specialized arrangements should be brought into an appropriate relationship with the central institutions of the UN system-. (22)

Gardner's specific functional institution-building issues were: the international monetary system, international trade, environment, population explosion, food shortages, the world's oceans, weapons proliferation, and peacekeeping. (23) All of those issues have indeed been catalysts for international action over the last twenty-three years. It's apparent that the international growth of interdependence at the functional level that we have experienced over the last quarter of a century may not have been the result of random "booming, buzzing confusion," but in fact a more calculated strategy of world order. Twenty-three years seems to be beyond the planning range of

most, but not Gardner and certainly not the Council. Gardner realistically explained that: "Some may object that a generation of arduous and possibly futile negotiations on specific functional problems is not a very inspiring prospect.-The road to world order will still be a long and hard one, but since the short cuts do not lead anywhere we have no choice but to take it." (24)

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Chapter 7

New World Order Implications

The intent of this paper was to derive some conclusions about the strategic environment and prospects for the new millennium based on the interpretation of George Bush's new world order-where the "rule of law governs the conduct of nations," and a "credible United Nations can use its peacekeeping role to fulfill the promise and vision of the UN's founders." (1) This author's perspective of Bush's new world order will be briefly recapped . First, the Council on Foreign Relations and other closely linked organizations have significantly shaped the new world order vision and strategy for achievement of that vision. Second, those organizations have demonstrated a significant influence on the foreign policy process of the United States. Third, the new world order vision consists of a transition of sovereignty from the state to the international level; increased authority, security, and judicial powers of the United Nations; a shift in focus from national to "common" interests; collective vs. unilateral security actions; enhanced social and economic interdependence through functionalism; and some level of military disarmament of the nation states. Fourth, United Nations credibility is essential to the fulfillment of the new world order vision and contingent upon achievement of its envisioned peacekeeping/ international police role of applying collective force against violators of the "rule of law." And, fifth, the third attempt at new world order consists of a complex

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strategy involving the strengthening of the UN, enhancing regionalism, and increasing interdependence through piecemeal

functionalism.

The implications of new world orderism, taken independently, do not appear to be surprising revelations. Taken as a whole and taken within the context of the new world order vision laid out over the past chapters, these implications may raise some concern.

Multilevel Interdependence

The first conclusion drawn from this analysis involves the structure of the international system. One of the current hot topics of political discussion is projecting the nature of the post-Cold War international system. The simple bipolar structure no longer exists. Many scholars present variations of what Daniel S. Papp calls the three primary possibilities-"a unipolar world based on American military might, a regionalized world organized around three economic trading blocs, and a multipolar world based on several measures of national and international capabilities." (2)

The truth, though, is that the complexity of the strategy for world order drives an international structure that does not lend itself to simple models. Joseph Nye, a Trilateral Commission author, provides the most descriptive world analogy in his model termed "multilevel interdependence." In a 1992 Foreign Affairs article, he said: "The distribution of power in world politics has become like a layer cake. The top military layer is largely unipolar, for there is no other military power comparable to the United States. The economic middle layer is tripolar and has been for two decades. The bottom layer of transnational interdependence shows a diffusion of power." (3) Note the reflection of trilateral regionalism and piecemeal functionalism in this model. He adds that: "Power is becoming more multidimensional,

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structures more complex and states themselves more permeable." (4) State permeability implies the leakage or transfer of national authority and sovereignty to some other medium. One willing and active recipient is the United Nations.

United Nations

Sovereignty

Boutros Boutros-Ghali in his 1992 Agenda for Peace first emphasized that respect for the state's "fundamental sovereignty and integrity are crucial to any common international progress." Then he refined his statement by declaring that, "The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of States today to understand this-" (5) The attack on national sovereignty is real, but subtle. The League of Nations failed in part because of its overt grab at national sovereignty. The UN proponents are careful not to repeat that mistake. Joseph Nye predicts that "multinational infringement of sovereignty will gradually increase without suddenly disrupting the distribution of power." (6)

Foreign Affairs published an article in 1996 by conservative Senator Jesse Helms which, not surprisingly, was critical of the United Nations' attempt to dissolve national sovereignty. Senator Helms, who was severely blasted in the letters to the editor of the following Foreign Affairs issue, said that, "the United Nations is being transformed from an institution of sovereign nations into a quasi-sovereign entity in itself. That transformation represents an obvious threat to U.S. national interests." He continues by noting that, "the United Nations has moved from facilitating diplomacy among nation-states to supplanting them altogether. The international elites running the United Nations

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look at the idea of the nation-state with disdain; they consider it a discredited notion of the past that has been superseded by the idea of the United Nations. In their view, the interests of nation-states are parochial and should give way to global interests. Nation-states, they believe, should recognize the primacy of these global interests and accede to the United Nations' sovereignty to pursue them." (7) The subtle complexity by which the United Nations is likely to enhance their sovereignty at the expense of the sovereignty of the states is best described by a model presented by Farida Aziz in his work, *New World Order, the 21st Century*. He astutely concludes that, "the world is now witnessing, in fact, an attempt-to establish a ?condominium model? of a world order, in lieu of a world government, in which the state sovereignty would be modified from the ?freehold?

title to the "leasehold" title, and in which the terms of the lease will conform to the "rules" of the condominium. Those "rules" will be established and enforced by a Board of Directors.-The Board meetings will take place in the UN Security Council." (8) This analogy nicely integrates the "rule of law" concept and resolves the dichotomy of Boutros Boutros-Ghali's statement apparently supportive of fundamental state sovereignty yet against exclusive state sovereignty. State sovereignty will be relegated to "leasehold" activities under the "rule of law governing the conduct of nations." The landlord becomes the United Nations and the lease enforcement mechanism is international "peacekeeping."

Peacekeeping

With the decline of state sovereignty will come the increase in types and frequency of United Nations peacekeeping actions. Recall that to be "credible," the UN must develop the capability to enforce international order. Under the vision of its founders, this

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collective security mechanism was to be a UN military force under Security Council control. When those key elements did not materialize, the UN pursued a role not originally foreseen-- "peacekeeping." Now that the United Nations is within sight of fulfilling the vision of its founders, the "peacekeeping" concept must be expanded to encompass world order enforcement. "Peacekeeping" is a convenient phrase to spin-off of because of its non-threatening nature. Therefore, "peacekeeping" operations will comprise a broader spectrum of military and non-military actions. Senator Helms has already concluded that, "peacekeeping has evolved into a term without meaning. It is used to justify all sorts of UN activities-" (9) Bruce Russett, former Director of the Executive Office of the UN Secretary General, and James S. Sutterlin present a comprehensive discussion of the UN collective security and peacekeeping roles in their 1991 Foreign Affairs article, "The UN in a New World Order." They also note the flexible application of the term peacekeeping: "Since the Suez crisis of 1956, the United Nations has developed a notable elasticity in using peacekeeping forces, to the point that it is now difficult to formulate a precise definition--or the limits- of-peacekeeping.-This flexibility greatly enhances the value of

peacekeeping forces as an instrument available to the Security Council in dealing with potential or existing conflicts." (10) Their most revealing observation is that, "nothing in the charter prohibits the Security Council from deploying peacekeeping forces without consent of all parties, or from including troop contingents from the permanent members of the council in such forces where the need for deterrence arises." (11) So the concept of Security Council decision making autonomy is introduced. That autonomy is an integral aspect of UN "credibility."

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Many internationalists now advocate full execution of Article 43 of the UN Charter whereby member nations make units of their armed forces available for UN enforcement actions in accordance with special agreements between themselves and the Security Council. Boutros Boutros-Ghali reinforced the concept when he declared: "Stand-by arrangements should be confirmed-between the Secretariat and Member States concerning the kind and number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise." (12) Richard Gardner more specifically addresses the possibility of Security Council autonomy in his explanation of the benefits of full implementation of Article 43: "It would constitute a true UN military force, with a UN commander responsible to direction by the Security Council with the advice of the Military Staff Committee.-In addition, under the UN Participation Act, once an Article 43 agreement between the United States and the Security Council is concluded and approved by the Senate, U.S. forces designated under the agreement can be sent into hostilities without further action by Congress." (13)

The Senate is probably not ready to sign up to that level of United States commitment to the UN in the near future, but a move in that direction is possible. The shift will likely come in the form of apportioned rapid deployment forces fully trained in and available for UN operations. This concept is widely advocated by likes of Boutros Boutros-Ghali, Richard Gardner, Joseph Nye, and many others. Boutros Boutros-Ghali envisions the capability for a 24-hour call-up contingency force sourced from any of a number of nations. (14) Gardner and Nye intuitively highlight the necessity of common training and multinational exercises to develop an effective UN command and control structure and operational procedures. (15) The

United States is likely to move in this direction-enhancing

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UN peacekeeping related doctrine, training, and exercises, while for the meantime, maintaining control over commitment of forces.

Common vs. National Interests

The commitment of forces to UN peacekeeping missions will most likely continue to increase, though. The principle driver will be the shift of emphasis of the American leadership from the protection of vital national interests as commitment criteria to the protection of "common" world interests. This is a reflection of the interdependence created by years of piecemeal functionalism. The Washington Times presented an interesting perspective on the relationship between the UN, new world order, and U.S. interests in an April 18, 1986 article: "A report by the General Accounting Office analyzed 90 UN media programs between 1983 and 1985 on apartheid, disarmament, ?new world order? and Palestine. Only one supported U.S. interests." (emphasis added) (16) Will the United States send American soldiers across the globe to support UN actions that may not directly support United States interests? We have and we will. George Bush clearly articulated his position on this issue in his "Toward a New World Order" speech to Congress. He emphatically stated: "America and the world must defend common vital interests. And we will." (emphasis added) (17) We have already seen a dilution of the meaning and application of "national vital interests." The concept of "common vital interests" is even more fluid, and can be used to justify United States involvement in almost any contingency. Consequently, as the UN grows in strength, we will likely experience increased United States military operations tempo supporting more ambiguous missions. At the same time, military force structure will continue to decline due to budget and new world order pressures.

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Again, nothing is particularly new about the "new world order." The issues of armed force, sovereignty, and national interests have been the focus of world order discussions and recommendations for decades. The "founders of the UN," though, just seem to have a particularly peculiar vision that has survived through years of evolution of the

international system. Former Council on Foreign Relations member and influential Kennedy administration State Department Official, Walt Whitman Rostow in his 1960 work, *The United States in the World Arena*, said: "It is a legitimate American national objective to see removed from all nations-including the United States-the right to use substantial military force to pursue their own interests. Since this residual right is the root of national sovereignty, and the basis for existence of an international arena of power, it is, therefore, an American interest to see an end to nationhood as it has been historically defined." (18) An odd interpretation of national interests, indeed!

Summary

The road to new world order at the international level is somewhat comparable to the path this country has taken over the past two hundred years at the national level. Our founding fathers perceived the states to be the sovereign foundation of the United States of America, with the central government only exercising control over those areas allowed by the states. But, as time passed and the central government grew in power and size, the states lost more and more of their sovereignty. Each successive gain of authority at the central level was justified on the basis of altruistic motives. But, one day the country wakes up to discover that the altruistic piecemeal expansion has resulted in a bloated

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bureaucracy that consumed countless valuable resources, limited state freedoms, and created a debt structure that no generation is likely to recover from.

What is to say that the same will not happen at the international level? The nation states are espoused by the likes of Boutros Boutros-Ghali as the sovereign foundation of the new world order just as our country's states were the sovereign foundation of America. But as with our federal government, achievement of the new world order is contingent upon shifting that sovereignty from the state to central level. Again, the justification is righteous-peace and prosperity for all mankind. What will be the end result, though? Bloated bureaucracy, limited freedoms, and international debt? Many internationalists argue that the only way to end wars is through the creation of a new world order based on world authority and collective

security. The trouble that comes with that new world order will be overshadowed by the benefit of peace and prosperity. The problem is that all governmental entities are run by people. And not all people have the purest of motives. International "peacekeeping" may not always be used in an altruistic manner. Hundreds of years ago, the Old Testament prophet, Daniel, prophesied that in the end times "a king of fierce countenance-shall stand up-and by peace shall destroy many." (19) Current momentum favors implementation of the internationalist world order model as advocated by George Bush. Success, though, will be dependent upon the dynamics of world politics. There are too many factors and unknowns in the world to declare new world order victory, but continued progress in that direction seems inevitable.

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Chapter 8

Final Thoughts

In this author's assessment, the Gulf War was a cornerstone event in the fulfillment of the internationalist vision of world order. The UN sanctioned collective multinational military retribution against an aggressor nation that violated the territorial integrity of a nation state validated the concept of world order and provided the catalyst for the culminating third attempt at "new world order." The key is not to view the Gulf War as a specific model for future UN actions, but as a trigger event that jumped the evolution of the international system from its derailed Cold War state back on the tracks or road to new world order. Bush recognized the significance of this event as evidenced by his statement to the UN General Assembly: "And when the Soviet Union agreed with so many of us here in the United Nations to condemn the aggression of Iraq, there could be no doubt-that we had, indeed, put decades of history behind us." (1)

There has been a lot of conjecture over the reason for terminating the Gulf War ground offensive at 100 hours. One candidate explanation has to be that at the 100-hour point all UN objectives had been met. The United States had not achieved its own objective of destroying the Republican Guard, but as a collective security force, the coalition had fulfilled all the requirements of the UN resolution. That established the precedent for a "credible United Nations" to use its "peacekeeping role" against

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international aggressors under the "rule of law." The cornerstone had been laid for the final fulfillment of the "promise and vision of the UN's founders."

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CHARTER OF THE UNITED NATIONS

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Charter of the United Nations

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

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CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to a of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and. justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

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CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance

with Article 110.

Article 4

1. Membership in the United Nations is open to a other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be' expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

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CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

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CHAPTER IV

THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations. 2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

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CHAPTER V

THE SECURITY COUNCIL

Composition

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist , the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first in- stance to the contribution of Members

of the United Nations to the maintenance of inter- national peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non- permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United-Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at times at the seat of the Organization.
2. The Security Council shall hold meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is

not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

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CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

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CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 4 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the

employment of contingents of that Member's armed forces.

Article 45

In order to enable the Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member its work.
3. The Military Staff Committee be responsible under the Security Council for the strategic direction of any armed forces paced at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the security Council and after consultation with appropriate regional agencies, may establish sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51 Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

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CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

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CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

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CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in

Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

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CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

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CHAPTER XII

INTERNATIONAL TRUSTESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without : as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their , and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trustee- ship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations,

relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area. 43 3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice

to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

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CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86 1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it

therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include

provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

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CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are factio parties to the Statute of the International Court of Justice.
2. A state which is not ~ of the United Nations may become a party to the Statute of the International Court of Justice on to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

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CHAPTER XV

THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive

instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

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CHAPTER XVI

MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the

present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

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CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107 Nothing in the present Charter shall in- validate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

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CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

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CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The shall be deposited with the Government of the United States of America, which shall notify a the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of by the Republic of China, France, the Union of Soviet Socialist, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

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The Council on Foreign Relations and the New World Order

By Charles Overbeck (PSCPirhana)

The Background

The Council on Foreign Relations, housed in the Harold Pratt House on East 68th Street in New York City, was founded in 1921. In 1922, it began publishing a journal called Foreign Affairs. According to Foreign Affairs' web page (<http://www.foreignaffairs.org>), the CFR was founded when "...several of the American participants in the Paris Peace Conference decided that it was time for more private American Citizens to become familiar with the increasing international responsibilities and obligations of the United States."

The first question that comes to mind is, who gave these people the authority to decide the responsibilities and obligations of the United States, if that power was not granted to them by the Constitution. Furthermore, the CFR's web page doesn't publicize the fact that it was originally conceived as part of a much larger network of power.

According to the CFR's Handbook of 1936, several leading members of the delegations to the Paris Peace Conference met at the Hotel Majestic in Paris on May 30, 1919, "to discuss setting up an international group which would advise their respective governments on international affairs."

The Handbook goes on to say, "At a meeting on June 5, 1919, the planners decided it would be best to have separate organizations cooperating with each other. Consequently, they organized the Council on Foreign Relations, with headquarters in New York, and a sister organization, the Royal Institute of International Affairs, in London, also known as the Chatham House Study Group, to advise the British Government. A subsidiary organization, the Institute of Pacific Relations, was set up to deal exclusively with Far Eastern Affairs. Other organizations were set up in Paris and Hamburg..."

The 3,000 seats of the CFR quickly filled with members of America's elite. Today, CFR members occupy key positions in government, the mass media, financial institutions, multinational corporations, the military, and the national security apparatus.

Since its inception, the CFR has served as an intermediary between high finance, big oil, corporate elitists and the U.S. government. The executive branch changes hands between Republican and Democratic administrations, but cabinet seats are always held by CFR members. It has been said by political commentators on the left and on the right that if you want to know what U.S. foreign policy will be next year, you should read Foreign Affairs this year.

The CFR's claim that "The Council has no affiliation with the U.S. government" is laughable. The justification for that statement is that funding comes from member dues, subscriptions to its Corporate

Program, foundation grants, and so forth. All this really means is that the U.S. government does not exert any control over the CFR via the purse strings.

In reality, CFR members are very tightly affiliated with the U.S. government. Since 1940, every U.S. secretary of state (except for Gov. James Byrnes of South Carolina, the sole exception) has been a member of the Council on Foreign Relations and/or its younger brother, the Trilateral Commission. Also since 1940, every secretary of war and every secretary of defense has been a CFR member. During most of its existence, the Central Intelligence Agency has been headed by CFR members, beginning with CFR founding member Allen Dulles. Virtually every key U.S. national security and foreign policy adviser has been a CFR member for the past seventy years.

Almost all White House cabinet positions are occupied by CFR members. President Clinton, himself a member of the CFR, the Trilateral Commission and the Bilderberg Group, employs almost one hundred CFR members in his administration. Presidents come and go, but the CFR's power--and agenda--always remains.

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The CFR's Shroud of Secrety

On its web page, the CFR boasts that its magazine, Foreign Affairs, "is acclaimed for its analysis of recent international developments and for its forecasts of emerging trends." It's not much of a challenge to do so, though, when you play a part in determining what those emerging trends will be.

This point is underscored a paragraph later on their web page: "Perhaps best known for the history-making "X" article by George Kennan, that defined Cold War containment policy, a recent Foreign Affairs article by Harvard's Samuel Huntington, "The Clash of Civilizations?" has already helped define the post-Cold War debate."

So are they predicting trends or creating them? The answer is fairly obvious to anyone who has earnestly reflected on the matter.

The CFR fancies itself to represent a diverse range cultural and political interests, but its members are predominantly wealthy males, and their policies reflect their elitist biases.

The CFR attempts to maintain the charade of diversity via its Non-Attribution Rule, which allows members to engage in "a free, frank, and open exchange of ideas" without fear of having any of their statements attributed in public. The flip side of this, obviously, is a dark cloud of secrecy which envelopes the CFR's activities.

CFR meetings are usually held in secret and are restricted to members and very select guests. All

members are free to express themselves at meetings unrestrained, because the Non-Attribution Rule guarantees that "others will not attribute or characterize their statements in public media forums or knowingly transmit them to persons who will," according to the Council on Foreign Relations' 1992 Annual Report.

The report goes on to forbid any meeting participant "to publish a speaker's statement in attributed form in any newspaper; to repeat it on television or radio, or on a speaker's platform, or in a classroom; or to go beyond a memo of limited circulation."

The end result is that the only information the public has on the CFR is the information they release for public consumption, which should send up red flags for anyone who understands the immense effect that CFR directives have on America's foreign policy. The public knows what the CFR wants the public to know about the CFR, and nothing more.

There is one hole in the fog of secrecy, however: a book entitled *Tragedy and Hope*, written by an "insider" named Dr. Carroll Quigley, mentor of Bill Clinton.

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Tragedy and Hope: The Global Elite

Dr. Quigley knew a lot about the behind-the-scenes work of global power because he was a part of that power network for most of his life. In his book, *Tragedy and Hope*, Quigley states:

"I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960's, to examine its papers and secret records. I have no aversions to it or to most of its aims and have, for much of my life, been close to it and to many of its instruments. I have objected, both in the past and recently, to a few of its policies ... but in general my chief difference of opinion is that it wishes to remain unknown, and I believe its role in history is significant enough to be known."

The "Hope" in the title of Quigley's book represents the thousand-year reign of a collectivist one-world society which will be created when the "network" achieves its goal of world government. Quigley believed that the "network" is so powerful at this point that resistance by the common people is futile. Hence, those who resist the schemes of the globalist planners represent the "Tragedy." By Dr. Quigley's logic, there is no point in struggling against the noose around our necks, because resistance will merely guarantee strangulation.

Dr. Quigley identified the "network" as the "international bankers," men who were "different from ordinary bankers in distinctive ways: they were cosmopolitan and international; they were close to governments and were particularly concerned with questions of government debts...; they were almost

exclusively devoted to secrecy and the secret use of financial influence in political life. These bankers came to be called international bankers, and, more particularly, were known as merchant bankers in England, private bankers in France, and investment bankers in the United States."

The core of control, according to Dr. Quigley, resides in the financial dynasties of Europe and America who exercise political control through international financial combines. The primary tactic of control is lending money at high interest to governments and monarchs during times of crisis. An example of this is the current national debt in the U.S., which is at five trillion dollars right now. Every penny of it is owed to the Federal Reserve, a corporation comprised of thirteen private banks.

According to Dr. Quigley, the Council on Foreign Relations is one of several front organizations set up by the network's inner circle to advance its schemes. The ultimate goal: a New World Order.

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CFR and the New World Order

According to State Department Publication 2349, submitted by secretary of State and CFR member Edward Stettinius, a committee on "post-war problems" was set up before the end of 1939 at the suggestion of the CFR. In other words, two years before the Japanese bombed Pearl Harbor, the CFR was planning how to order the world after the war ended.

In 1946, the Rockefeller Foundation spent almost \$140,000 to produce a history of how the United States entered World War II. This history was intended to counter "revisionist" historians who argued that the U.S. was "tricked" into the war by the Roosevelt Administration. The Rockefeller family has always taken a lead role in the CFR.

In the 1960s, while American men and women were dying in the jungles of Vietnam and while the military/industrial complex was sucking trillions of dollars out of American taxpayers' wallets, the Rockefeller dynasty was financing Vietnamese oil refineries and aluminum plants. If there had ever been a formal declaration of war, the Rockefellers could be tried for treason. Instead, they reaped dividends.

These are just a few of the abuses of power which demonstrate the results of the power elite's manipulations of our destiny as a society. If you've ever wondered why you don't hear about this network of power, just take a look at the CFR's membership roster (posted online in ParaScope). Many of the chief executives and newspeople at CBS, NBC/RCA, ABC, the Public Broadcast Service, the Associated Press, the New York Times, Time magazine, Newsweek, the Washington Post, and many other key media outlets are CFR members.

Even if these members of the media's elite had the inclination to report on what they saw and heard at CFR meetings, they are prevented from doing so by the Non-Attribution Rule. To put this in

perspective: many of the people who are trusted to provide information about national and world politics are deliberately withholding crucial information from the public because of membership in a secretive globalist organization.

This organization has taken it upon itself to participate in the manufacturing of a new vision for humanity, and dissidence will not be tolerated. If you believe the words of Carroll Quigley, all resistance is futile and doomed to failure. If you believe the rhetoric of internationalists in our own government, the current "trend towards isolationism" will result in a loss of American hegemony in the New World Order, leaving the United States a wrecked Third World wasteland.

World government can come in time, piece by piece, arrived at through the full participation and consensus of the human beings who will be affected by the negotiations. But the idea of the world's elite determining what path that the common herd should follow is repulsive to the human spirit. The story of the CFR goes far deeper than this brief report, and is interlocked with several other international power groups.

International power orgs depend on the masses remaining ignorant for their plans to come to fruition. It's up to you to do your own research and draw your own conclusion. But remember: there's a hell of a lot more to the story than Dan Rather will ever tell you. Educate yourself, or remain a passive consumer. The choice is entirely yours.

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CFR/Trilateral Commission Members

Roster of Prominent CFR/Trilateral Commission Members

Members of the Council on Foreign Relations and the Trilateral Commission dominate key positions in America's government, military, industries, media outlets and educational foundations and institutions. The following is a partial list of current CFR members and the positions of influence they hold in society. The CFR's membership is limited to 3,000, and there are only 325 Trilateral Commission members.

This list was supplied by F.R.E.E. (Fund to Restore an Educated Electorate) and is non-copyrighted educational material. It may be reprinted and reproduced in newspapers, newsletters, books and magazines.

Key:

CFR = Member of the Council on Foreign Relations

TC = Member of the Trilateral Commission

BB = Member of the Elite Bilderbergs

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Peter G. Peterson, Chairman of the Council on Foreign Relations

58 E. 68th St. New York, NY 10021

Phone (212) 734-0400

Fax (212) 861-1789

Paul Volker, North American Chairman of the Trilateral Commission

345 E. 46 St. New York, NY 10017

Phone (212) 661-1180

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1952-53 Ridgeway -- CFR
1953-56 Gruenther -- CFR
1956-63 Norstad -- CFR
1963-69 Lemnitzer -- CFR
1969-74 Goodpaster -- CFR
1974-79 Haig -- CFR
1979-87 Rogers -- CFR, TC

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1963-66 Lampert -- CFR
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1974-77 Berry -- CFR
1977-81 Goodpaster -- CFR

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1959-61 Gates -- CFR

1961-68 McNamara -- CFR, TC

1969-73 Laird -- CFR

1973-75 Richardson -- CFR, TC

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1980-88 Weinberger -- CFR, TC

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1988- Cheney -- CFR

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The Council on Foreign Relations and the New World Order

By William Blase

For those who may be unaware or confused by the controversies surrounding the "New World Order" and One-World-Government, I offer the following.

Originally presented for an Honors Class, "Dilemmas of War and Peace," at New Mexico State University, the paper was ridiculed and characterized by Dr. Yosef Lapid, (an acknowledged and locally quoted "expert" on Terrorism and Middle Eastern affairs) as "paranoid...possibly a symptom of mental illness." You may judge for yourself.

Citing source data is the "scientific method," but does not seem to apply to "Conspiracy Theories." A thousand sources may be quoted, yet will not convince the "skeptics," the "realists." It seems to me the "symptoms of mental illness" are on their side, if they refuse to look at evidence ("There are none so blind as those who WILL not see"); or perhaps something more sinister is at work, such as a knowledge of the truth, that does not want YOU to know.

To be paranoid means to believe in delusions of danger and persecution. If the danger is real, and the evidence credible, then it cannot be delusional. To ignore the evidence, and hope that it CANNOT be true, is more an evidence of mental illness.

The issue involves much more than a difference of philosophy, or political viewpoint. Growing up in the midst of the "Cold War," our generation were taught that those who attempted to abolish our national sovereignty and overthrow our Constitutional government were committing acts of treason. Please judge for yourself if the group discussed is guilty of such.

Part I

If one group is effectively in control of national governments and multinational corporations; promotes world government through control of media, foundation grants, and education; and controls and guides the issues of the day; then they control most options available. The Council on Foreign Relations (CFR), and the financial powers behind it, have done all these things, and promote the "New World Order", as they have for over seventy years.

The CFR is the promotional arm of the Ruling Elite in the United States of America. Most influential politicians, academics and media personalities are members, and it uses its influence to infiltrate the New World Order into American life. Its' "experts" write scholarly pieces to be used in decision making, the academics expound on the wisdom of a united world, and the media members disseminate the

message.

To understand how the most influential people in America came to be members of an organization working purposefully for the overthrow of *the Constitution* and American sovereignty, we have to go back at least to the early 1900's, though the story begins much earlier (depending on your viewpoint and beliefs). Baron M.A. Rothschild wrote, "Give me control over a nation's currency and I care not who makes its laws." All that is needed to effectively control a government is to have control over the nation's money: a central bank with a monopoly over the supply of money and credit. This had been done in Western Europe, with the creation of privately owned central banks such as the Bank of England. Georgetown professor Dr. Carroll Quigley (Bill Clinton's mentor while at Georgetown) wrote about the goals of the investment bankers who control central banks: "... nothing less than to create a world system of financial control in private hands able to dominate the political system of each country and the economy of the world as a whole... controlled in a feudalist fashion by the central banks of the world acting in concert, by secret agreements arrived at in frequent private meetings and conferences."

That a ruling power elite does indeed control the U.S. government behind the scenes has been attested to by many Americans in a position to know. Felix Frankfurter, Justice of the Supreme Court (1939-1962), said: "The real rulers in Washington are invisible and exercise power from behind the scenes." In a letter to an associate dated November 21, 1933, President Franklin Roosevelt wrote, "The real truth of the matter is, as you and I know, that a financial element in the large centers has owned the government ever since the days of Andrew Jackson." February 23, 1954, Senator William Jenner warned in a speech: "Outwardly we have a Constitutional government. We have operating within our government and political system, another body representing another form of government, a bureaucratic elite which believes our Constitution is outmoded."

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The Bank of the United States (1816-36), an early attempt at an American central bank, was abolished by President Andrew Jackson, who believed that it threatened the nation. He wrote: "The bold effort the present bank had made to control the government, the distress it had wantonly produced...are but premonitions of the fate that awaits the American people should they be deluded into a perpetuation of this institution or the establishment of another like it."

Thomas Jefferson wrote: "The Central Bank is an institution of the most deadly hostility existing against

the principles and form of our Constitution...if the American people allow private banks to control the issuance of their currency, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of all their property until their children will wake up homeless on the continent their fathers conquered."

Does that not describe the situation in America today?

The U.S. managed to do without a central bank until early in this century, when, according to Congressman Charles Lindbergh, Sr., "The Money Trust caused the 1907 panic, and thereby forced Congress to create a National Monetary Commission." Headed by Senator Nelson Aldrich, father-in-law of John D. Rockefeller, Jr., the Commission recommended creation of a central bank.

Though unconstitutional, as only "The Congress shall have Power...To coin Money, regulate the Value thereof..." (Article I, Section 8, *U.S. Constitution*) the Federal Reserve Act was passed in December 1913; ostensibly to stabilize the economy and prevent further panics, but as Lindbergh warned Congress: "This act establishes the most gigantic trust on earth...the invisible government by the money power, proven to exist by the Money Trust investigation, will be legalized." The Great Depression and numerous recessions later, it is obvious the Federal Reserve produces inflation and federal debt whenever it desires, but not stability.

Congressman Louis McFadden, House Committee on Banking and Currency Chairman (1920-31), stated: "When the Federal Reserve Act was passed, the people of these United States did not perceive that a world banking system was being set up here. A super-state controlled by international bankers and industrialists...acting together to enslave the world...Every effort has been made by the Fed to conceal its powers but the truth is--the Fed has usurped the government."

Although called "Federal," the Federal Reserve system is privately owned by member banks, makes its own policies, and is not subject to oversight by Congress or the President. As the overseer and supplier of reserves, the Fed gave banks access to public funds, which enhanced their lending capacity.

Peter Kershaw, in *Economic Solutions* lists the ten major shareholders of the Federal Reserve Bank System as: Rothschild: London and Berlin; Lazard Bros: Paris; Israel Seiff: Italy; Kuhn-Loeb Company: Germany; Warburg: Hamburg and Amsterdam; Lehman Bros: New York; Goldman and Sachs: New York; Rockefeller: New York. The balance of stock is owned by major commercial member banks.

(That most, if not all of these stockholding companies/families just happen to be Jewish, you may judge the significance, if any, for yourself.)

Author's Note: A reader recently - Aug. 98 - claimed that my article was marred by "anti-semitism" because of "a needless and groundless remark regarding the Jewish members of the Federal Reserve System. I wonder if you would have commented if the names were Italian." I replied that if all stockholders of the Fed were Italian, I certainly would find it remarkable, and would comment on it.

Since the subject currently under discussion is the Federal Reserve, it seems appropriate to discuss who the stockholders are, since they have made huge profits off the backs of the American people. Is the subject taboo, and cannot be discussed, simply because they are all Jewish? If they WERE all Italian, that would be remarkable, and connotations of "The Mafia" or a "Catholic Conspiracy" would come to mind... but because they are Jewish, we should simply move on without comment, lest we are labeled "anti-semitic." ???

The reader's Pavlovian conditioning is working well... The subject is taboo and not to be investigated... but she is correct in one sense... Their religion or race makes no difference - The question is: Why is ONE group of international bankers controlling OUR nation's banking system?

According to Davvy Kidd, Why A Bankrupt America? The Federal Reserve pays the Bureau of Engraving & Printing approximately \$23 for each 1,000 notes printed. 10,000 \$100 notes (one million dollars) would thus cost the Federal Reserve \$230. They then secure a pledge of collateral equal to the face value from the U.S government. The collateral is our land, labor, and assets...collected by their agents, the IRS.

By authorizing the Fed to regulate and create money (and thus inflation), Congress gave private banks power to create profits at will. As Lindberg put it: "The new law will create inflation whenever the trusts want inflation...they can unload the stocks on the people at high prices during the excitement and then bring on a panic and buy them back at low prices...the day of reckoning is only a few years removed." That day came in 1929, with the Stock Market crash and Great Depression.

One of the most important powers given to the Fed was the right to buy and sell government securities, and provide loans to member banks so they might also purchase them. This provided another built-in mechanism for profit to the banks, if government debt was increased. All that was needed was a method to pay off the debt. This was accomplished through the passage of the income tax in 1913.

A national income tax was declared unconstitutional in 1895 by the Supreme Court, so a constitutional amendment was proposed in Congress by none other than ...Senator Nelson Aldrich. As presented to the American people it seemed reasonable enough: income tax on only one percent of income under \$20,000, with the assurance that it would never increase. Since it was graduated, the tax would "soak the rich", ...but the rich had other plans, already devising a method of protecting wealth.

As described by Gary Allen in his 1976 book The Rockefeller File, "By the time the (16th) Amendment had been approved by the states, the Rockefeller Foundation was in full operation...about the same time that Judge Kenesaw Landis was ordering the breakup of the Standard Oil monopoly...John D...not only avoided taxes by creating four great tax-exempt foundations; he used them as repositories for his 'divested' interests...made his assets non-taxable so that they might be passed down through generations without...estate and gift taxes...Each year the Rockefellers can dump up to half their incomes into their pet foundations and deduct the "donations" from their income tax."

Exchanging ownership for control of wealth, foundations are also a handy means for promoting interests that benefit the wealthy. Millions of foundation dollars have been "donated" to causes such as promoting the use of drugs, while degrading preventive medicine. Since many drugs are made from coal tar derivatives, both oil companies and drug manufacturing concerns (many Rockefeller owned or controlled) are the main beneficiaries.

With the means to loan enormous sums to the government (the Federal Reserve), a method to repay the debt (income tax), and an escape from taxation for the wealthy, (foundations), all that remained was an excuse to borrow money. By some happy "coincidence," in 1914 World War I began, and after American participation national debt rose from \$1 billion to \$25 billion.

Woodrow Wilson was elected President in 1913, beating incumbent William Howard Taft, who had vowed to veto legislation establishing a central bank. To divide the Republican vote and elect the relatively unknown Wilson, J.P. Morgan and Co. poured money into the candidacy of Teddy Roosevelt and his Progressive Party.

According to an eyewitness, Wilson was brought to Democratic Party headquarters in 1912 by Bernard Baruch, a wealthy banker. He received an "indoctrination course" from those he met, and in return agreed, if elected: to support the projected Federal Reserve and the income tax, and "listen" to advice in case of war in Europe and on the composition of his cabinet.

Wilson's top advisor during his two terms was a man named Colonel Edward M. House. House's biographer, Charles Seymour, called him the "unseen guardian angel" of the Federal Reserve Act, helping to guide it through Congress. Another biographer wrote that House believed: "...the Constitution, product of eighteenth-century minds...was thoroughly outdated; that the country would be better off if the Constitution could be scrapped and rewritten..." House wrote a book entitled *Philip Dru: Administrator*, published anonymously in 1912. The hero, Philip Dru, rules America and introduces radical changes, such as a graduated income tax, a central bank, and a "league of nations."

World War I produced both a large national debt, and huge profits for those who had backed Wilson. Baruch was appointed head of the War Industries Board, where he exercised dictatorial power over the national economy. He and the Rockefellers were reported to have earned over \$200 million during the war. Wilson backer Cleveland Dodge sold munitions to the allies, while J.P. Morgan loaned them hundreds of millions, with the protection of U.S. entry into the war.

While profit was certainly a motive, the war was also useful to justify the notion of world government. William Hoar reveals in *Architects of Conspiracy* that during the 1950s, government investigators examining the records of the Carnegie Endowment for International Peace, a long-time promoter of globalism, found that several years before the outbreak of World War I, the Carnegie trustees were planning to involve the U.S. in a general war, to set the stage for world government.

The main obstacle was that Americans did not want any involvement in European wars. Some kind of

incident, such as the explosion of the battleship *Main*, which provoked the Spanish - American war, would have to be provided as provocation. This occurred when the *Lusitania*, carrying 128 Americans on board, was sunk by a German submarine, and anti-German sentiment was aroused. When war was declared, U.S. propaganda portrayed all Germans as Huns and fanged serpents, and all Americans opposing the war as traitors.

What was not revealed at the time, however, was that the *Lusitania* was transporting war munitions to England, making it a legitimate target for the Germans. Even so, they had taken out large ads in the New York papers, asking that Americans not take passage on the ship.

The evidence seems to point to a deliberate plan to have the ship sunk by the Germans. Colin Simpson, author of *The Lusitania*, wrote that Winston Churchill, head of the British Admiralty during the war, had ordered a report to predict the political impact if a passenger ship carrying Americans was sunk. German naval codes had been broken by the British, who knew approximately where all U-boats near the British Isles were located.

According to Simpson, Commander Joseph Kenworthy, of British Naval Intelligence, stated: "The *Lusitania* was deliberately sent at considerably reduced speed into an area where a U-boat was known to be waiting...escorts withdrawn." Thus, even though Wilson had been reelected in 1916 with the slogan "He kept us out of war," America soon found itself fighting a European war. Actually, Colonel House had already negotiated a secret agreement with England, committing the U.S. to the conflict. It seems the American public had little say in the matter.

With the end of the war and the Versailles Treaty, which required severe war reparations from Germany, the way was paved for a leader in Germany such as Hitler. Wilson brought to the Paris Peace Conference his famous "fourteen points," with point fourteen being a proposal for a "general association of nations," which was to be the first step towards the goal of One World Government-the League of Nations.

Wilson's official biographer, Ray Stannard Baker, revealed that the League was not Wilson's idea. "...not a single idea--in the Covenant of the League was original with the President." Colonel House was the author of the Covenant, and Wilson had merely rewritten it to conform to his own phraseology.

The League of Nations was established, but it, and the plan for world government eventually failed because the U.S. Senate would not ratify the Versailles Treaty.

Pat Robertson, in *The New World Order*, states that Colonel House, along with other internationalists, realized that America would not join any scheme for world government without a change in public opinion. After a series of meetings, it was decided that an "Institute of International Affairs", with two branches, in the United States and England, would be formed.

The British branch became known as the Royal Institute of International Affairs, with leadership

provided by members of the Round Table. Begun in the late 1800's by Cecil Rhodes, the Round Table aimed to federate the English speaking peoples of the world, and bring it under their rule.

The Council on Foreign Relations was incorporated as the American branch in New York on July 29, 1921. Founding members included Colonel House, and "...such potentates of international banking as J. P. Morgan, John D. Rockefeller, Paul Warberg, Otto Kahn, and Jacob Schiff...the same clique which had engineered the establishment of the Federal Reserve System," according to Gary Allen in the October 1972 issue of *AMERICAN OPINION*.

The founding president of the CFR was John W. Davis, J.P. Morgan's personal attorney, while the vice-president was Paul Cravath, also representing the Morgan interests. Professor Carroll Quigley characterized the CFR as "...a front group for J.P. Morgan and Company in association with the very small American Round Table Group." Over time Morgan influence was lost to the Rockefellers, who found that one world government fit their philosophy of business well. As John D. Rockefeller, Sr. had said: "Competition is a sin," and global monopoly fit their needs as they grew internationally.

Antony Sutton, a research fellow for the Hoover Institution for War, Revolution, and Peace at Stanford University, wrote of this philosophy: "While monopoly control of industries was once the objective of J. P. Morgan and J.D. Rockefeller, by the late nineteenth century the inner sanctums of Wall Street understood the most efficient way to gain an unchallenged monopoly was to 'go political' and make society go to work for the monopolists-- under the name of the public good and the public interest."

Frederick C. Howe revealed the strategy of using government in a 1906 book, *Confessions of a Monopolist*: "These are the rules of big business...Get a monopoly; let society work for you; and remember that the best of all business is politics..."

As corporations went international, national monopolies could no longer protect their interests. What was needed was a one world system of government controlled from behind the scenes. This had been the plan since the time of Colonel House, and to implement it, it was necessary to weaken the U.S. politically and economically.

During the 1920's, America enjoyed a decade of prosperity, fueled by the easy availability of credit. Between 1923 and 1929 the Federal Reserve expanded the money supply by sixty-two percent. When the stock market crashed, many small investors were ruined, but not "insiders." In March of 1929 Paul Warburg issued a tip the Crash was coming, and the largest investors got out of the market, according to Allen and Abraham in *None Dare Call it Conspiracy*.

With their fortunes intact, they were able to buy companies for a fraction of their worth. Shares that had sold for a dollar might now cost a nickel, and the buying power, and wealth, of the rich increased enormously.

Louis McFadden, Chairman of the House Banking Committee declared: "It was not accidental. It was a

carefully contrived occurrence...The international bankers sought to bring about a condition of despair here so that they might emerge as rulers of us all."

Curtis Dall, son-in-law of FDR and a syndicate manager for Lehman Brothers, an investment firm, was on the N.Y. Stock Exchange floor the day of the crash. In his book, *FDR: My Exploited Father-In-Law*, he states: "...it was the calculated 'shearing' of the public by the World-Money powers triggered by the planned sudden shortage of call money in the New York Market."

The Crash paved the way for the man Wall Street had groomed for the presidency, FDR. Portrayed as a "man of the little people", the reality was that Roosevelt's family had been involved in New York banking since the eighteenth century.

Frederic Delano, FDR's uncle, served on the original Federal Reserve Board. FDR attended Groton and Harvard, and in the 1920's worked on Wall Street, sitting on the board of directors of eleven different corporations.

Dall wrote of his father-in-law: "...Most of his thoughts, his political 'ammunition,'...were carefully manufactured for him in advance by the CFR-One World Money group. Brilliantly... he exploded that prepared 'ammunition' in the middle of an unsuspecting target, the American people--and thus paid off and retained his internationalist political support."

Taking America off the gold standard in 1934, FDR opened the way to unrestrained money supply expansion, decades of inflation--and credit revenues for banks. Raising gold prices from \$20 an ounce to \$35, FDR and Treasury Secretary Henry Morgenthau, Jr. (son of a founding CFR member), gave international bankers huge profits.

FDR's most remembered program, the New Deal, could only be financed through heavy borrowing. In effect, those who had caused the Depression loaned America the money to recover from it. Then, through the National Recovery Administration, proposed by Bernard Baruch in 1930, they were put in charge of regulating the economy. FDR appointed Baruch disciple Hugh Johnson to run the NRA, assisted by CFR member Gerard Swope. With broad powers to regulate wages, prices, and working conditions, it was, as Herbert Hoover wrote in his memoirs: "...pure fascism;...merely a remaking of Mussolini's 'corporate state'..." The Supreme Court eventually ruled the NRA unconstitutional.

During the FDR years, the Council on Foreign Relations captured the political life of the U.S. Besides Treasury Secretary Morgenthau, other CFR members included Secretary of State Edward Stettinus, War Secretary Henry Stimson, and Assistant Secretary of State Sumner Welles.

Since 1934 nearly every United States Secretary of State has been a CFR member; and ALL Secretaries of War or Defense, from Henry L. Stimson through Richard Cheney.

The CIA has been under CFR control almost continuously since its creation, starting with Allen Dulles,

founding member of the CFR and brother of Secretary of State under President Eisenhower, John Foster Dulles. Allen Dulles had been at the Paris Peace Conference, joined the CFR in 1926, and later became its president.

John Foster Dulles had been one of Woodrow Wilson's young proteges at the Paris Peace Conference. A founding member of the CFR...he was an in-law of the Rockefellers, Chairman of the Board of the Rockefeller Foundation, and Board Chairman of the Carnegie Endowment for International Peace.

In 1940 FDR defeated internationalist Wendell Willkie, who wrote a book entitled *One World*, and later became a CFR member. Congressman Usher Burdick protested at the time on the floor of the House that Willkie was being financed by J.P. Morgan and the New York utility bankers. Polls showed few Republicans favored him, yet the media portrayed him as THE Republican candidate.

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The Council on Foreign Relations and the New World Order

By William Blase

Part II

Since that time nearly ALL presidential candidates have been CFR members. President Truman, who was not a member, was advised by a group of "wise men," all six of whom were CFR members, according to Gary Allen. In 1952 and 1956, CFR Adlai Stevenson challenged CFR Eisenhower. In 1960, CFR Kennedy (perhaps killed for attempting to introduce debt-free money, by executive order - cancelled immediately by LBJ) defeated CFR Nixon. In 1964 the GOP stunned the Establishment by nominating its candidate over Nelson Rockefeller. Rockefeller and the CFR wing proceeded to picture Barry Goldwater as a dangerous radical. In 1968 CFR Nixon ran against CFR Humphrey. The 1972 "contest" featured CFR Nixon vs. CFR McGovern.

CFR candidates for president include George McGovern, Walter Mondale, Edmund Muskie, John Anderson, and Lloyd Bentsen. In 1976 we had Jimmy Carter, who is a member of the Trilateral Commission, created by David Rockefeller and CFR member Zbigniew Brezinski with the goal of economic linkage between Japan, Europe, and the United States, and: "...managing the world economy... a smooth and peaceful evolution of the global system." We have also had (though his name strangely disappears from the membership list in 1979) CFR Director (1977-79) George Bush, and last but not least, CFR member Bill Clinton.

They have all promoted the "New World Order," controlled by the United Nations. The problem is that "...the present United Nations organization is actually the creation of the CFR and is housed on land in Manhattan donated to it by the family of current CFR chairman David Rockefeller," as Pat Robertson describes it.

The original concept for the UN was the outcome of the Informal Agenda Group, formed in 1943 by Secretary of State Cordell Hull. All except Hull were CFR members, and Isaiah Bowman, a founding member of the CFR, originated the idea.

The American delegation to the San Francisco meeting that drafted the charter of the United Nations in 1949 included CFR members Nelson Rockefeller, John Foster Dulles, John McCloy, and CFR members who were communist agents--Harry Dexter White, Owen Lattimore, and the Secretary-General of the conference, Alger Hiss. In all, the Council sent forty-seven of its members in the United States delegation, effectively controlling the outcome.

Since that time the CFR and its friends in the mass media (largely controlled by CFR members such as

Katherine Graham of the *Washington Post* and Henry Luce of *Time, Life*), foundations, and political groups have lobbied consistently to grant the United Nations more authority and power. Bush and the Gulf War were but one of the latest calls for a "New World Order." Through executive order, Clinton has attempted to give the U.N. authority to command U.S. troops. Many American historical sites are now U.N. "World Heritage Sites," such as Independence Hall, Carlsbad Caverns, and the Grand Canyon. The administration is moving forward with the Biodiversity Treaty (though not ratified by Congress) and the Wildlands Project, developed by convicted eco-terrorist Dave Foreman, founder of Earth First! and present director of the Sierra Club. It would convert much of the area of the U.S. to wilderness areas, connected by corridors for the free movement of species (except for humans, who would be confined and "concentrated" into enclaves...).

Admiral Chester Ward, a member of the CFR for over a decade, became one of its harshest critics, revealing its inner workings in a 1975 book, *Kissinger ON THE COUCH*. In it he states "The most powerful cliques in these elitist groups have one objective in common: they want to bring about the surrender of the sovereignty and national independence of the United States."

Most members are one-world-government ideologists whose long-term goals were officially summed up in the September 1961 *State Department Document 7277*, adopted by the Nixon Administration: "...elimination of all armed forces and armaments except those needed to maintain internal order within states and to furnish the United Nations with peace forces...by the time it (UN global government) would be so strong no nation could challenge it."

Within the CFR there exists a "much smaller group but more powerful...made up of Wall Street international bankers and their key agents. Primarily, they want the world banking monopoly from whatever power ends up in control of the global government ...This CFR faction is headed by the Rockefeller brothers," according to Ward.

What must be remembered is that this is not some lunatic-fringe group...these are members of one of the most powerful private organizations in the world: the people who determine and control American economic, social, political, and military policy. Members' influence and control extends to "leaders in academia, public service, business, and the media," according to the CFR 1993 *Annual Report*.

Their founding they describe as: "American Participants in the Paris Peace Conference decided that it was time for more private Americans to become familiar with the increasing responsibilities and obligations of the United States...there was a need for an organization able to provide for the continuous study of U.S. foreign policy for the BENEFIT OF ITS MEMBERS (emphasis mine) and a wider audience of interested Americans."

They sponsor hundreds of programs, where members "exchange views with American and foreign officials and policy experts... discuss foreign policy issues...consider international issues of concern to the business community" (Corporate business), and "...affiliated groups of community leaders throughout the United states...meet with decision makers."

The CFR states that it is "host to many views, advocate of none," and it "has no affiliation with the U.S. government." No, no affiliation at all, if you don't count: "A Council member was elected president of the United States...Dozens of other Council colleagues were called to serve in cabinet and sub-cabinet positions," as they describe it in *Foreign Affairs*, the official publication of the CFR, along with many members of Congress, the Supreme Court, the Joint Chiefs, the Federal Reserve, and many other Federal bureaucrats. They are not AFFILIATED with government, they ARE the government.

One re-occurring view was stated in the 50th anniversary issue of *Foreign Affairs*. In an article by Kingman Brewster, Jr. entitled "Reflections on Our National Purpose." Our purpose should be, according to him, to do away with our nationality, to "take some risks in order to invite others to pool their sovereignty with ours..."

These "risks" include disarming to the point where we would be helpless against the "peace-keeping" forces of a global UN government. We should happily surrender our sovereignty to the world government in the interests of the "world community."

Today we have the spectacle of Spc. 4 Michael New, a U.S. soldier in Germany who refuses to wear the uniform of the UN, facing an "administrative discharge." He states rightly that he swore an oath to defend the *U.S. Constitution*, not the United Nations. Many other Americans have taken that same oath, such as myself, and believe it is our sworn duty still to defend *The Constitution*, since an oath sworn before God must be fulfilled. (Why else do we swear to tell the truth in our courts, or when taking public office?) Those who actually BELIEVE in God and the oath that was taken to defend our Constitution are characterized as extremists. Is it a crime to be honest these days?

Meanwhile, those who attempt to destroy *The Constitution* and our sovereignty are given honors and position...

"In short, the 'house of world order' will have to be built from the bottom up rather than from the top down...An end run around national sovereignty, eroding it piece by piece, will accomplish much more than the old fashioned assault..." in the opinion of Richard N. Gardner, former deputy assistant Secretary of State in *Foreign Affairs*, April 1974.

James Warburg, son of CFR founder Paul Warburg, and a member of FDR's "brain trust," testified before the Senate Foreign Relations Committee on February 17, 1950, "We shall have world government whether or not you like it--by conquest or consent."

Is this an AMERICAN speaking, or a dangerous lunatic? Who is this "We" who threatens to CONQUER us?

They are a group that actually has the power to do it, and is doing it every day, bit by bit.

CFR Members in the mass media, education, and entertainment push their propaganda of "humanism" and world brotherhood. We should all live in peace under a world government, and forget about such selfish things as nationalities and patriotism. We can solve our own problems. We don't need God, or morals, or values: it's all relative, anyway, right?...Because if we actually had some moral character and values, we might be able to discern that these people are actually EVIL.

The Bible says that the LOVE of money is the root of all evil (1 Tim. 6:10). These people are evil because they love money and power, and greed drives them to do anything to achieve their goals. They have lost all morality and conscience, and believe such concepts, as well as our *Constitution*, "outdated".

THAT is insanity--to have more wealth than can be spent, and still it is never enough. They have to control governments, start wars, conspire to rule the world; least the "common people" wake up to how they have gained their wealth, take it away from them, and demand that they pay the price for their crimes.

That is why they constantly pit us one against the other, with "Diversity," Affirmative Action, and other programs,...black against white, men against women, rural against urban, ranchers against environmentalists, and on and on...least we look in their direction, and see that they are the hate-mongers, the polluters, the criminals.

We The People are held to a much higher standard. If we threaten the President or a public official, we are charged with a crime...yet the One-World-Gang can threaten *The Constitution* and the liberties of **We The People**, the sovereign rulers of this nation, and nothing is said or done. We are taught that we have a government OF the People, BY the People, and FOR the People; yet if The People attempt to take their sovereign power unto themselves and form common law courts, grand juries, or self-defense militias, they are branded as right-wing extremists. Perhaps the Constitution and Common Law have been suspended by the State of Emergency in 1933 (continued to this day through Executive Order), emergency powers granted to the President, and admiralty law instituted, and they just neglected to tell us.

Perhaps they do not fear what Man can do to them... they believe they have arranged everything, and their power and wealth will prevail in this world. However, those among them who have sworn an oath before **God** to uphold and defend *The Constitution*: the President, members of Congress, and the military; will find one day that they do indeed have something to fear, when they stand before the Judge of All.

**Partial List of CFR members, from the 1993 "Annual Report."
Approximately 3,000 members total.**

Elliott Abrams, ROGER ALTMAN, John Anderson, Roone Arledge, LES ASPIN, BRUCE BABBITT, Howard Baker, William Bennett, LLOYD BENTSEN, Shirley Black, Tom Bradley, TOM BROKAW, Harold Brown, RONALD BROWN, Z. Brezindski, WILLIAM BUCKLEY, Frank Carlucci, JIMMY CARTER, John Chancellor, Richard Cheney, Henry Cisneros, BILL CLINTON, William Colby, WARREN CHRISTOPHER, Mario Cuomo, James Dalton, Richard Darman, JOHN DEUTCH, Charles Dodd, Michael Dukakis, L. Eagleburger, Daniel Ellsberg, Geraldine Ferraro, Thomas Foley, GERALD FORD, Robert Gates, DAVID GERGEN, NEWT GINGRICH, RUTH GINSBERG, Katherine Graham, ALAN GREENSPAN, Alexander Haig, Richard Helms, Benjamin Hooks, C. Hunter-Gault, JESSE JACKSON, Bernard Kalb, N. Katzenbach, George Kennan, John Kerry, Jean Kirkpatrick, Henry Kissinger, ANTHONY LAKE, JIM LEHRER, I. R. Levine, John Lindsay, Richard McFarlane, George McGovern, Robert McNamera, Robert McNeill, George Mitchell, Walter Mondale, Daniel Moynihan, Edmund Muskie, Jack Nelson, Paul Nitze, SANDRA O'CONNOR, Claiborne Pell, Richard Perle, COLIN POWELL, DAN RATHER, ALICE RIVLIN, Charles Robb, David Rockefeller, John Rockefeller, William Rogers, Walt Rostow, W. Ruckelshaus, Warren Rudman, Dean Rusk, Carl Sagan, Harrison Salisbury, Jonas Salk, DIANE SAWYER, John Scali, James Schlesinger, Daniel Schorr, PAT SCHROEDER, Brent Scowcroft, William Scranton, DONNA SHALALA, William Shirer, S. Shriver, George Shultz, GARY SICK, L. Silberman, William Simon, Steven Solarz, G. Stephanopoulos, David Stockman, Robert Strauss, Peter Tarnoff, D. THORNBURGH, Stansfield Turner, LAURA D'ANDREA TYSON, Cyrus Vance, John Vessey, Paul Volcker, BARBARA WALTERS, Paul Warnke, Ben Wattenberg, William Webster, Caspar Weinberger, Timothy Wirth, Frank Wisner, JAMES WOOSLEY, Elmo Zumwalt

Past and present Directors of the CFR include George Bush, Thomas Foley, Averell Harriman, David Rockefeller, Donna Shalala, Zbigniew Brzezinski, John McCloy, Douglas Dillon, Adlai Stevenson, Bill Moyers, Cyrus Vance, Henry Kissinger, George Shultz, Alan Greenspan, William Rogers, Lane Kirkland, and many other well-known names.

Corporate Members include:

American Airlines, American Express, Archer Daniels Midland, ASARCO, AT&T, Atlantic Richfield, Avon Products, BMW of North America, Bank of America, Bankers Trust, Barclays Bank, Bristol-Myers Squibb, Capital Cities/ABC, Chase Manhattan Bank, Chevron, Citibank/Citicorp, Coca-Cola, Deere & Company, Dow Chemical, Dow Jones & Company, Dun & Bradstreet, E. I. du Pont, Estee Lauder, Exxon, Forbes Magazine, Ford Motor Company, General Electric, General Motors, Georgia-Pacific, H. J. Heinz, Hilton Hotels, IBM Corporation, ITT Corporation, John Wiley & Sons, Johnson & Johnson, J. P. Morgan & Co., Peat Marwick, Merrill Lynch, Mitsubishi, Mobil Corporation, New York Times, Nippon Steel USA, Occidental Petroleum, Olin Corporation, Paramount Publishing, PepsiCo, Pfizer, Phillips Petroleum, Price Waterhouse, Proctor & Gamble, Prudential Insurance, RJR Nabisco,

Rockefeller Group, Schlumberger Limited, S. G. Warburg & Co., Siemens Corporation, Smith Barney Shearson, Sony Corporation, Texaco, Times Mirror, Toyota Motor Corp., TRW, Xerox Corp.

Colonel House, the fallen angel, still has relatives controlling the CFR. Karen Elliot House is Chairman of the Membership Committee, and a member of the Nominating Committee, along with Jeane Kirkpatrick. David Rockefeller is now "Honorary Chairman of the Board", after serving as Chairman 1970-1985; and "Director Emeritus," after serving as a Director 1949-1985. Peter G. Peterson is Chairman, Admiral B. R. Inman is Vice Chairman, while Thomas Foley and Jeane Kirkpatrick are Directors serving on the Executive Committee.

These "private citizens" have access to government officials and policy makers as often as they wish, yet the results of their meetings can only be given to other government officials, corporate officers, or law partners. Participants are forbidden to transmit an attributed statement to any public medium, such as newspapers or TV, where there is "risk that it will promptly be widely circulated or published," as the Annual Report puts it.

Should not OUR public officials be forbidden to meet in secret with private groups? Public officials should only be allowed to discuss public business and policy in a public forum. The Public...remember US?

There is much more to say about this group and their plans for America. Gary Allen, in The Rockefeller File, states that they are behind the many regional government plans, which would abolish city, county, and state lines, leaving us at the mercy of federal bureaucrats; and behind the push for "land use" controls. They want "federal control of everything. Since they intend to control the federal government..."

There are also the many allegations of involvement in gun running, drug smuggling, prostitution and sex slaves; and the many mysterious assassinations and "suicides" of witnesses and others who get too close to the truth...but that is [another story](#).

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http://www.ptialaska.net/~swampy/illuminati/cfr_1.html#one

ABOUT THE SPEAKER

"**WHO'S WHO IN THE THEATER**" has always been the Bible of the People in the Legitimate Theater. It never played Favorites, it told no lies, it Glorified nobody. It always was an unbiased HISTORY of the men and women in the Theater. It recorded only those who proved their worth in the one - AND ONLY ONE - testing place of the Theater. BROADWAY: That "**WHO'S WHO**" records the plays **Myron C. Fagan** wrote, directed and produced ... Dramas, Comedies, Melodramas, Mysteries, Allegories, Farces - many of them the most resounding "HITS" of their years. He arrived on Broadway in 1907, 19 years old, the youngest playwright in the history of the American Theater. In the following years he wrote and directed plays for many of the GREATS of those days ... **Mrs. Leslie Carter, Wilton Lackaye, Fritz Leiber, Alla Nazimova, Jack Barrymore, Douglas Fairbanks, Sr., E.H. Southern, Julia Marlowe, Helen Morgan**, etc, etc. He directed **Charles M. Frohman, Belasco, Henry W. Savage, Lee Shubert, Abe Erlanger, George M. Cohan**, etc, etc.. In the 5 years between 1925 and 1930 he wrote, personally directed, and produced twelve plays: "**THE WHITE ROSE,**" "**THUMBS DOWN,**" "**TWO STRANGERS FROM NOWHERE,**" "**MISMATES,**" "**THE FASCINATING DEVIL,**" "**THE LITTLE SPITFIRE,**" "**JIMMY'S WOMEN,**" "**THE GREAT POWER,**" "**INDISCRETION,**" "**NANCY'S PRIVATE AFFAIR,**" "**SMART WOMAN,**" and "**PETER FLIES HIGH.**"

During his early years; **Mr. Fagan** was also "**Dramatic Editor**" for "**The Associated Newspapers,**" including the "**New York Globe**" and various Hearst newspapers. But in 1916 he took a "**SABBATICAL**" from the Theater and served as "**Director of Public Relations**" for **Charles Evens Hughes**; the Republican Candidate for the Presidency - he refused a similar post offered him for the Hoover campaign in 1928; thus, **Mr. Fagan's** career encompassed the Theater, Journalism and National Politics, and he is a proven expert in all those fields.

In 1930; **Mr. Fagan** came to Hollywood where he served as "**Writer Director**" with "**Pathe Pictures, Inc.,**" then owned by **Joseph P. Kennedy**, father of the late **President Jack Kennedy**, and also at **20th Century Fox**, and other Hollywood Film Studios. But he also continued in the Broadway Legitimate field.

In 1945, at the urgent request of **John T. Flynn**, the famous author of "**THE ROOSEVELT MYTH,**" "**WHILE WE SLEPT,**" "**THE TRUE STORY OF PEARL HARBOR,**" etc.; **Mr. Fagan** attended a meeting in Washington D.C. where he was shown a set of Micro Films and Recordings of the SECRET meetings at Yalta attended only by **Franklin Roosevelt, Alger Hess, Harry Hopkins, Stalin, Molotov,** and **Vishinsky** when they hatched the plot to deliver the Balkans, Eastern Europe and Berlin to **Stalin**. As a result of that meeting; **Mr. Fagan** wrote two plays: "**RED RAINBOW**" (in which he revealed that entire plot) and "**THIEVES PARADISE**" (in which he revealed how those men plotted to create the "**UNITED NATIONS**" to be the "housing" for a so-called Communist One World Government).

At the same time; **Mr. Fagan** launched a **"ONE-MAN"** crusade to unmask the Red Conspiracy in Hollywood to produce Films that would aid that **"ONE WORLD GOVERNMENT"** plot. Out of that came into being the **"CINEMA EDUCATIONAL GUILD."** As a result of the work of this **"C. E. G."** organization (headed by **Mr. Fagan**, in 1947); came the Congressional Hearings at which more than 300 of Hollywood's, (also Radio and T.V.) most famous Stars, Writers, and Directors were unmasked as the chief activist of the Red Conspiracy. That was when the infamous **"HOLLYWOOD TEN"** were sent to prison.

IT WAS THE MOST SENSATIONAL EVENT OF THAT DECADE!

From that time on **Mr. Fagan** has devoted all of his time and efforts to writing monthly **"NEWS BULLETINS"** for **"C. E. G."** in which he has kept up the fight to alert the American people to the plot to destroy the sovereignty of the United States of America and the ensuing enslavement of the American people in a **UNITED NATIONS'** "One World Government."

In his sensational recording (this transcript); he reveals the beginning of the One World enslavement plot that was launched two centuries ago by one **Adam Weishaupt**, an apostate Catholic Priest who; **FINANCED BY THE HOUSE OF ROTHSCHILD**, created what he called: **"THE ILLUMINATI."** **Mr. Fagan** describes (WITH DOCUMENTARY EVIDENCE) how this **ILLUMINATI** became the instrument of the **House of Rothschild** to achieve a **"One World Government"** and how every War during the past two centuries was fomented by this **ILLUMINATI**. He describes how one **Jacob H. Schiff** was sent to the United States by the **Rothschilds** to further the **ILLUMINATI** plot and how **Schiff** plotted to get control of both the Democratic and the Republican Parties. How **Schiff** seduced our Congress and our Presidents to achieve control of our entire Money System and create the Income Tax **CANCER** and how **Schiff** and his co-conspirators created the **"COUNCIL ON FOREIGN RELATIONS"** to control our elected officials to gradually drive the U.S. into becoming an enslaved unit of a **"UNITED NATIONS"** One World Government.

In short this Recording (*Transcript*) is the most interesting and the most horrifying - **AND FACTUAL** - story of the most sensational plot in the history of the World. Everybody who loves our Country - who loves God - who would save Christianity, **WHICH THE ILLUMINATI IS DEDICATED TO DESTROY** - who would save our sons from dying on Korean, on Viet Nam, on South African, and now on the battlefields of the Middle East, should hear this Recording. There is absolutely no doubt that anyone who **DOES** hear (read) this amazing story will join in the fight to save our Country and our Nations Youth.

Myron Fagan's recording took place sometime in the 1960's. Please take the time to **"VERIFY"** the statements made herein. We don't expect you to take **Mr. Fagan's** word at face value. We suggest that you visit the "Law" and "Depository" libraries that are located throughout your state. The Telephone numbers and addresses listed herein are most likely out of date as **Mr. Fagan** is no longer with us.



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THE ILLUMINATI AND THE COUNCIL ON FOREIGN RELATIONS

(By Myron Fagon)

"The question of how and why the **United Nations** is the crux of the great conspiracy to destroy the sovereignty of the **United States** and the enslavement of the American people within a U.N. one-world dictatorship is a complete and unknown mystery to the vast majority of the American people. The reason for this unawareness of the frightening danger to our country and to the entire free world is simple. The masterminds behind this great conspiracy have absolute control of all of our mass communications media, especially television, the radio, the press, and Hollywood. We all know that our **State Department**, the **Pentagon**, and the **White House** have brazenly proclaimed that they have the right and the power to manage the news, to tell us not the truth but what they want us to believe. They have seized that power on orders from their masters of the great conspiracy and the objective is to brainwash the people into accepting the phony peace bait to transform the **United States** into an enslaved unit of the **United Nations'** one-world government.

"First of all, bear in mind that the so-called **U.N.** police action in **Korea**, fought by the **United States** in which 150,000 of our sons were murdered and maimed, was part of the plot; just as the undeclared by Congress war in **Vietnam** in which our sons are dying is part of the plot; just as the plot against **Rhodesia** and **South Africa** in which our sons will be dying is part of the **U.N.** plot. However, the vitally important thing for all Americans, all you mothers of the boys who died in **Korea** and are now dying in **Vietnam**, to know is that our so-called leaders in **Washington**, who we elected to safeguard our nation and our constitution, are the betrayers and that behind them are a comparatively small group of men whose sole objective is to enslave the whole world of humanity in their satanic plot of one-world government.

"Now in order to give you a very clear picture of this satanic plot, I will go back to its beginning, clear back in the middle of the 18th century and name the men who put that plot into action and then bring you down to the present - today's status of that plot. Now as a matter of further intelligence, a term used by the **FBI**, let me clarify the meaning of the expression "**he is a liberal.**" The enemy, meaning the one-world conspirators, have seized upon that word "**liberal**" as a cover-up for their activities. It sounds so innocent and so humanitarian to be liberal. Well, make sure that the person who calls himself a liberal or is described as a liberal is not in truth a "**red.**"

"Now then, this satanic plot was launched back in the 1760's when it first came into existence under the name "**Illuminati**." This **Illuminati** was organized by one **Adam Weishaupt**, born a Jew, who was converted to Catholicism and became a Catholic priest, and then, at the behest of the then newly organized **House of Rothschild**, defected and organized the **Illuminati**. Naturally, the **Rothschilds** financed that operation and every war since then, beginning with the **French Revolution**, has been promoted by the **Illuminati** operating under various names and guises. I say under various names and guises because after the **Illuminati** was exposed and became notorious, **Weishaupt** and his co-conspirators began to operate under various other names. In the United States, immediately after World War I, they set up what they called the "**Council on foreign Relations**," commonly referred to as the **CFR**, and this **CFR** is actually the **Illuminati** in the United States and its hierarchy. The masterminds in control of the original **Illuminati** conspirators, but to conceal that fact, most of them changed their original family names to American sounding names. For example, the true name of the **Dillons**, **Clarence** and **Douglas Dillon** (one Secretary of the U.S. Treasury Department), is **Laposky**. I'll come back to all this later.

"There is a similar establishment of the **Illuminati** in England operating under the name of the "**British Institute of International Affairs**." There are similar secret **Illuminati** organizations in France, Germany, and other nations operating under different names and all these organizations, including the **CFR**, continuously set up numerous subsidiary or front organizations that are infiltrated into every phase of the various nations' affairs. But at all times, the operations of these organizations were and are masterminded and controlled by the **Internationalist Bankers**, they in turn were and are controlled by the **Rothschilds**.

"One branch of the **Rothschild** family had financed Napoleon; another branch of the **Rothschilds** financed Britain, Germany, and the other nations in the Napoleonic wars.

"Immediately after the Napoleonic wars, the **Illuminati** assumed that all the nations were so destitute and so weary of wars that they'd be glad for any solution, so the **Rothschild** stooges set up what they called the **Congress in Vienna** and at that meeting they tried to create the first **League of Nations**, their first attempted one-world government, on the theory that all the crowned heads of European governments were so deeply in debt to them that they would willingly or unwillingly serve as their stooges. But the **Czar of Russia** caught the stench of the plot and completely torpedoed it. The enraged **Nathan Rothschild**, then the head of the dynasty, vowed that some day he or his descendants would destroy the Czar and his entire family, and his descendants did accomplish that very threat in 1917. At this point, bear in mind that the **Illuminati** was not set up to operate on a short-range basis. Normally a conspirator of any type enters into a conspiracy with the expectation of achieving his objective during his own lifetime. But that was not the case with the **Illuminati**. True, they hoped to accomplish their objective during their lifetime, but paraphrasing "The show must go on," the **Illuminati** operates on the very long-range basis. Whether it will take scores of years or even centuries, they have dedicated their descendants to keep the pot boiling until they hope the conspiracy is achieved.

"Now, let's go back to the birth of the **Illuminati**. **Adam Weishaupt** was a Jesuit-trained professor of canon law, teaching in **Engelstock University**, when he defected from Christianity to embrace the

luciferian conspiracy. It was in 1770 that the professional money lenders, the then recently organized **House of Rothschild**, retained him to revise and modernize the age-old protocols of **Zionism**, which from the outset, was designed to give the **Synagogue of Satan**, so named by **Jesus Christ**, ultimate world domination so they could impose the luciferian ideology upon what would remain of the human race after the final social cataclysm by use of satanic despotism. **Weishaupt** completed his task **May 1, 1776**. Now you know why **May 1** is the great day with all communist nations to this very day (**May 1** is also "**Law Day**" as declared by the **American Bar Association**). That was the day, **May 1, 1776**, that **Weishaupt** completed his plan and officially organized the **Illuminati** to put the plan into execution. That plan required the destruction of all existing governments and religions. That objective was to be reached by dividing the masses of people, whom he **Weishaupt**, termed: "**goyism**" or human cattle into opposing camps in ever increasing numbers on political, social, economic, and other issues - the very conditions we have in our country today. The opposing sides were then to be armed and incidents provided which would cause them to fight and weaken themselves and gradually destroy national governments and religious institutions. Again I say, the very conditions in the world today.

"And at this point let me stress a prime feature of the **Illuminati** plans. When and if their blueprint for world control, the [Protocols Of The Elders Of Zion](#), is discovered and exposed, they would wipe all the Jews off the face of the earth in order to divert suspicions from themselves. If you think this is far fetched, bear in mind that they permitted **Hitler**, a liberal socialist himself, who was financed by corrupt **Kennedy**, the **Warburgs**, and the **Rothschilds**, to incinerate 600,000 Jews.

"Now just why did the conspirators choose the word: "**Illuminati**" for their satanic organization? **Weishaupt** himself said that the word is derived from **Lucifer** and means: "**holder of the light.**" Using the lie that his objective was to bring about a one-world government to enable those with mental ability to govern the world and prevent all wars in the future. In short, using the words: "**peace on earth**" as his bait, exactly as that same bait as: "**peace**" was used by the 1945 conspirators to force the **United Nations** on us, **Weishaupt** financed, I repeat, by the **Rothschilds**, recruited some 2,000 paid followers. These included the most intelligent men in the field of arts and letters, education, the sciences, finance, and industry. He then established **Lodges of the Grand Orient**; Masonic Lodges to be their secret headquarters and I again repeat, that in all of this he was acting under orders from the **House of Rothschild**. The main features of the **Weishaupt** plan of operation required his **Illuminati** to do the following things to help them to accomplish their purpose:

Use monetary and sex bribery to obtain control of men already in high places in the various of levels of all governments and other fields of endeavor. Once influential persons had fallen for the lies, deceits, and temptations of the **Illuminati** they were to be held in bondage by application of political and other forms of blackmail, threats of financial ruin, public exposure, and fiscal harm, even death to themselves and loved members of their families.

Do you realize how many present top officials in our present government in **Washington** are controlled in just that way by the **CFR**? Do you realize how many homosexuals in our **State Department**, the **Pentagon**, all federal agencies, even in the **White House** are controlled that way?

Illuminati and the faculties of colleges and universities were to cultivate students possessing exceptional mental ability belonging to well-bred families with international leanings and recommend them for special training in internationalism. Such training was to be provided by granting scholarships to those selected by the **Illuminativists**.

"That gives you an idea what a "**Rhodes scholarship**" means. It means indoctrination into accepting the idea that only a one-world government can put an end to recurring wars and strife. That's how the **United Nations** was sold to the American people.

"One of the most notable Rhodes scholars we have in our country is **Senator William J. Fulbright**, sometimes referred to as half-bright. His entire voting record spells **Illuminati**. All such scholars were to be first persuaded and then convinced that men of special talent and brains have the right to rule those less gifted on the ground that the masses don't know what is best for them fiscally, mentally, and spiritually. In addition to the **Rhodes** and similar scholarships, today there are three special **Illuminati schools** located in **Gordonstown in Scotland, Salem in Germany, and Annavrigha in Greece**. These three are known ones, but there are others that are kept undercover. **Prince Philip**, the husband of Britain's **Queen Elizabeth**, was educated at **Gordonstown** at the instigation of **Lord Louis Mountbatten**, his uncle, a Rothschild relative, who became Britain's Admiral of the Fleet after World War II ended.

All influential people trapped into coming under the control of the **Illuminati**, plus the students who had been specially educated and trained, were to be used as agents and placed behind the scenes of all governments as experts and specialists so they would advise the top executives to adopt policies which would in the long run serve the secret plans of the **Illumination**-world conspiracy and bring about the destruction of the governments and religions they were elected or appointed to serve.

"Do you know how many such men operate in our government at this very time? **Rusk, McNamara, Hubert Humphrey, Fulbright, Keekle**, and goes on and on and on.

Perhaps the most vital directive in **Weishaupt's** plan was to obtain absolute control of the press, at that time the only mass communications media, to distribute information to the public so that all news and information could be slanted so that the masses could be convinced that a one-world government is the only solution to our many and varied problems.

"Do you know who owns and controls our mass communications media? I'll tell you. Practically all the movie lots in Hollywood is owned by the **Lehmans; Kuhn, Loeb, and Company; Goldman-Sachs;** and other internationalist bankers. All the national radio and TV channels in the nation are owned and controlled by those same internationalist bankers. The same is true of every chain of metropolitan newspapers and magazines, also of the press wire services, such as **Associated Press, United Press, International**, etc.. The supposed heads of all those media are merely the fronts for the internationalist bankers, who in turn compose the hierarchy of the **CFR**, today's **Illuminati** in America.

"Now can you understand why the Pentagon Press agent, **Sylvester**, so brazenly proclaimed that the government has the right to lie to the people. What he really meant was that our **CFR** controlled government had the power to lie to and be believed by the brain-washed American people.

"Let us again go back to the first days of the **Illuminati**. Because **Britain** and **France** were the two greatest world powers in the late years of the 18th Century; **Weishaupt** ordered the **Illuminati** to foment the colonial wars, including our **Revolutionary War**, to weaken the **British Empire** and organize the **French Revolution** to start in 1789. However; in 1784, a true act of God placed the **Bavarian government** in possession of evidence which proved the existence of the **Illuminati** and that evidence could have saved **France** if they, the French government, hadn't refused to believe it. Here is how that act of God happened. It was in 1784 that **Weishaupt** issued his orders for the **French Revolution**. A German writer, named **Zweig**, put it into book form. It contained the entire **Illuminati** story and **Weishaupt's** plans. A copy of this book was sent to the **Illuminists** in **France** headed by **Robespierre** whom **Weishaupt** had delegated to foment the **French Revolution**. The courier was struck and killed by lightning as he rode through **Rawleston** on his way from **Frankfurt** to **Paris**. The police found the subversive documents on his body and turned them over to the proper authorities. After a careful study of the plot; the **Bavarian government** ordered the police to raid **Weishaupt's** newly organized **Lodges of the "Grand Orient"** and the homes of his most influential associates. All additional evidence thus discovered convinced the authorities that the documents were genuine copies of the conspiracy by which the **Illuminati** planned to use wars and revolutions to bring about the establishment of a one-world government; the powers of which they, headed by the **Rothschilds**, intended to usurp as soon as it was established, exactly in line with the **United Nations'** plot of today.

"In 1785, the **Bavarian government** outlawed the **Illuminati** and closed the **Lodges of the "Grand Orient."** In 1786; they published all the details of the conspiracy. The English title of that publication is: **"The Original Writings of the Order and the Sect of the Illuminati."** Copies of the entire conspiracy were sent to all the heads of church and state in Europe. But the power of the **Illuminati**, which was actually the power of the **Rothschilds**, was so great that this warning was ignored. Nevertheless; the **Illuminati** became a dirty word and it went underground.

"At the same time, **Weishaupt** ordered **Illuminists** to infiltrate into the **Lodges of "Blue Masonry"** and formed their own secret societies within all secret societies. Only **Masons** who proved themselves internationalists and those whose conduct proved they had defected from God were initiated into the **Illuminati**. Thenceforth; the conspirators donned the cloak of philanthropy and humanitarianism to conceal their revolutionary and subversive activities. In order to infiltrate into **Masonic Lodges** in **Britain**; **Weishaupt** invited **John Robison** over to **Europe**. **Robison** was a high degree **Mason** in the **"Scottish Rite."** He was a professor of natural philosophy at **Edinburgh University** and **Secretary of the Royal Society of Edinburgh**. **Robison** did not fall for the lie that the objective of the **Illuminati** was to create a benevolent dictatorship; but he kept his reactions to himself so well that he was entrusted with a copy of **Weishaupt's** revised conspiracy for study and safekeeping. Anyway; because the heads of state and church in **France** were deluded into ignoring the warnings given them; the **revolution** broke out in 1789 as scheduled by **Weishaupt**. In order to alert other governments to their danger, in 1798,

Robison published a book entitled: "**Proof of a conspiracy to Destroy all Governments and Religions**" but his warnings were ignored exactly as our American people have been ignoring all warnings about the **United Nations** and the **Council on Foreign Relations (CFR)**.

"Now here is something that will stun and very likely outrage many who hear this; but there is documentary proof that our own **Thomas Jefferson** and **Alexander Hamilton** became students of **Weishaupt**. **Jefferson** was one of **Weishaupt's** strongest defenders when he was outlawed by his government and it was **Jefferson** who infiltrated the **Illuminati** into the then newly organized lodges of the "**Scottish Rite**" in **New England**. Here is the proof.

"In 1789; **John Robison** warned all **Masonic leaders** in **America** that the **Illuminati** had infiltrated into their lodges and on July 19, 1789; **David Papen**, President of **Harvard University**, issued the same warning to the graduating class and lectured them on how the influence of **Illuminism** was acquitting on American politics and religion, and to top it off; **John Quincy Adams**, who had organized the **New England Masonic Lodges**, issued his warnings. He wrote three letters to **Colonel William L. Stone**, a top **Mason**, in which he exposed how **Jefferson** was using **Masonic lodges** for subversive Illuministic purposes. Those three letters are at this very time in **Whittenburg Square Library** in **Philadelphia**. In short; **Jefferson**, founder of the **Democratic Party**, was a member of the **Illuminati** which at least partly accounts for the condition of the party at this time and through infiltration of the **Republican Party**; we have exactly nothing of loyal Americanism today. That disastrous rebuff at the **Congress of Vienna** created by the **Czar of Russia** did not by any means destroy the **Illuminati** conspiracy. It merely forced them to adopt a new strategy realizing that the one-world idea was, for the moment, killed. The **Rothschild's** decided that to keep the plot alive they would have to do it by heightening their control of the money system of the **European** nations.

"Earlier; by a ruse the outcome of the **Battle of Waterloo** had been falsified, **Rothschild** had spread a story that **Napoleon** had one bad battle which precipitated a terrific panic on the stock market in **England**. All stocks had plummeted down to practically zero and **Nathan Rothschild** bought all the stocks for virtually a penny on its dollar values. That gave him complete control of the economy of **Britain** and virtually of all **Europe**. So immediately after that **Congress in Vienna** had boomeranged; **Rothschild** had forced **Britain** to set up a new "**Bank of England**" which he had absolute control exactly, as later through **Jacob Schiff**; he engineered our own "**Federal Reserve Act**" which gave the **House of Rothschild** a secret control of the economy in the **United States**. But now for a moment; let's dwell on the activities of the **Illuminati** in the **United States**.

"In 1826; one **Captain William Morgan** decided it was his duty to inform all **Masons** and the general public what the full proof was regarding the **Illuminati**, their secret plans, intended objectives, and to reveal the identities of the masterminds of the conspiracy. The **Illuminati** promptly tried **Morgan** in absentia and convicted him of treason. They ordered one **Richard Howard**, an **English Illuminist**, to carry out their sentence of execution as a traitor. **Morgan** was warned and he tried to escape to **Canada**, but **Howard** caught up with him near the border; near the **Niagara Gorge** to be exact, where he murdered him. This was verified in a sworn statement made in **New York** by one **Avery Allen** to the effect that he heard **Howard** render his report of the execution to a meeting of "**Knights Templers**" in

St. John's Hall in New York. He also told how arrangements had been made to ship **Howard** back to **England.** That **Allen** affidavit is on record in **New York City Archives.** Very few **Masons** and very few of the general public know that general disapproval over that incident of murder caused approximately half of all the **Masons** in the northern jurisdiction of the **United States** to secede. Copies of the minutes of the meeting held to discuss that matter are still in existence in safe hands and that all that secrecy emphasizes the power of the masterminds of the **Illuminati** to prevent such terrible events of history from being taught in our schools.

"In the early 1850's; the **Illuminati** held a secret meeting in **New York** which was addressed by a **British Illuminist** named **Wright.** Those in attendance were told that the **Illuminati** was organizing to unite the **Nihilist** and **Atheist** groups with all other subversive groups into an international group to be known as **Communists.** That was when the word: "**communist**" first came into being and it was intended to be the supreme weapon and scare word to terrify the whole world and drive the terrorized peoples into the **Illuminati** one-world scheme. This scheme: "**communism,**" was to be used to enable the **Illuminati** to foment future wars and revolutions. **Clinton Roosevelt,** a direct ancestor of **Franklin Roosevelt;** **Horace Greeley;** and **Charles Dana;** foremost newspaper publishers of that time were appointed to head a committee to raise funds for the new venture. Of course, most of the funds were provided by the **Rothschilds** and this fund was used to finance **Karl Marx** and **Engels** when they wrote "**Das Kaptial**" and the "**Communist Manifesto**" in **Soho, England.** And this clearly reveals that **communism** is not a so-called ideology, but a secret weapon; a bogy man word to serve the purpose of the **Illuminati.**

"**Weishaupt** died in 1830; but prior to his death, he prepared a revised version of the age-old conspiracy, the **Illuminati,** which under various aliases was to organize, finance, direct, and control all international organizations and groups by working their agents into executive positions at the top. In the **United States** we have **Woodrow Wilson, Franklin Roosevelt, Jack Kennedy, Johnson, Rusk, McNamara, Fulbright, George Bush** etc., as prime examples. In addition, while **Karl Marx** was writing the "**Communist Manifesto**" under the director of one group of **Illuminists, Professor Karl Ritter** of **Frankfurt University** was writing the **antithesis** under the direction of another group. The idea was that those who direct the overall conspiracy could use the differences in those two so-called ideologies to enable them to divide larger and larger members of the human race into opposing camps so that they could be armed and then brainwashed into fighting and destroying each other. And particularly, to destroy all political and religious institutions. The work **Ritter** started was continued after his death and completed by the **German** so-called philosopher **Freidrich Wilhelm Nietzache** who founded **Nietzscheanism.** This **Nietzecheanism** was later developed into **Fascism** and then into **Nazism** and was used to foment **World War I and II.**

"In 1834; the Italian revolutionary leader, **Guiseppe Mazzini,** was selected by the **Illuminati** to direct their revolutionary program throughout the world. He served in that capacity until he died in 1872, but some years before he died; **Mazzini** had enticed an American General named **Albert Pike** into the **Illuminati.** **Pike** was fascinated by the idea of a one-world government and ultimately he became the head of this luciferian conspiracy. Between 1859 and 1871 he, **Pike,** worked out a military blueprint for three world wars and various revolutions throughout the world which he considered would forward the

conspiracy to its final stage in the 20th century. Again I remind you that these conspirators were never concerned with immediate success. They also operated on a long-range view. **Pike** did most of his work in his home in **Little Rock, Arkansas**. But a few years later; when the **Illuminati's Lodges of the Grand Orient** became suspect and repudiated because of **Mazzini's** revolutionary activities in **Europe**, **Pike** organized what he called the **New and Reformed Palladian Right**. He set up three Supreme Councils; one in **Charleston, South Carolina**, one in **Rome, Italy**, and a third in **Berlin, Germany**. He had **Mazzini** establish 23 subordinate councils in strategic locations throughout the world. These have been the secret headquarters of the world revolutionary movement ever since.

"Long before **Marconi** invented the **radio**; the scientists in the **Illuminati** had found the means for **Pike** and the heads of his councils to communicate secretly. It was the discovery of that secret that enabled intelligence officers to understand how apparently unrelated incidents, such as the assassination of an **Austrian Prince** at **Serbia**, took place simultaneously throughout the world which developed into a war or a revolution. **Pike's plan** was as simple as it has proved effective. It called for **communism, nazism, political zionism**, and other international movements to be organized and used to foment three global world wars and at least two major revolutions.

"The first world war was to be fought so as to enable the **Illuminati** to destroy **Czarism** in **Russia**, as vowed by **Rothschild** after the **Czar** had torpedoed his scheme at the **Congress in Vienna**, and to transform **Russia** into a stronghold of **atheistic communism**. The differences stirred up by agents of the **Illuminati** between the **British** and **German Empires** were to be used to foment this war. After the war would be ended; **communism** was to be built up and used to destroy other governments and weaken religions.

"**World War II**, when and if necessary, was to be fomented by using the controversies between **Fascists** and **political zionists**, and here let it be noted that **Hitler** was financed by **Krupp**, the **Warburgs**, the **Rothschilds**, and other **internationalist bankers** and that the slaughter of the supposed 600,000 Jews by **Hitler** didn't bother the Jewish internationalist bankers at all. That slaughter was necessary in order to create worldwide hatred of the **German** people and thus bring about war against them. In short; this second world war was to be fought to destroy **nazism** and increase the power of **political zionism** so that the **state of Israel** could be established in **Palestine**.

"During this **World War II**; **international communism** was to be built up until it equalled in strength to that of the **united Christendom**. When it reached that point; it was to be contained and kept in check until required for the final social cataclysm. As we know now; **Roosevelt, Churchill, and Stalin** put that exact policy into effect and **Truman, Eisenhower, Kennedy, Johnson, and George Bush** continued that same exact policy.

"**World War III** is to be fomented by using the so-called controversies, the agents of the **Illuminati** operating under whatever new name, as are now being stored up between the **political Zionists** and the leaders of the **Moslem world**. That war is to be directed in such a manner that all of **Islam** and **political Zionism (Israel)** will destroy each other while at the same time; the remaining nations once more

divided on this issue will be forced to fight themselves into a state of complete exhaustion; physically, mentally, spiritually, and economically.

"Now can any thinking person doubt that the intrigue now going on in the near **Middle** and **far East** is designed to accomplish that satanic objective? **Pike** himself foretold all this in a statement he made to **Mazzini** on August 15, 1871. **Pike** stated that after **World War III** is ended; those who will aspire to undisputed world domination will provoke the greatest social cataclysm the world has ever known. Quoting his own words taken from the letter he wrote to **Mazzini** and which letter is now catalogued in the **British Museum** in **London, England**; he said:

"We shall unleash the **nihilists** and the **atheists** and we shall provoke a great social cataclysm which in all its horror will show clearly to all nations the effect of absolute **atheism**; the origins of savagery and of most bloody turmoil. Then everywhere, the people will be forced to defend themselves against the world minority of the world revolutionaries and will exterminate those destroyers of civilization and the multitudes disillusioned with **Christianity** whose spirits will be from that moment without direction and leadership and anxious for an ideal, but without knowledge where to send its adoration, will receive the true light through the universal manifestation of the pure doctrine of **Lucifer** brought finally out into public view. A manifestation which will result from a general reactionary movement which will follow the destruction of **Christianity** and **Atheism**; both conquered and exterminated at the same time."

"When **Mazzini** died in 1872; **Pike** made another revolutionary leader named **Adrian Lemmy**; his successor. **Lemmy**, in turn, was succeeded by **Lenin** and **Trotsky**, then by **Stalin**. The revolutionary activities of all those men were financed by **British, French, German, and American international bankers**; all of them dominated by the **House of Rothschilds**. We are supposed to believe that the **international bankers** of today, like the money changers of **Christ's** day, are only the tools or agents of the great conspiracy, but actually they are the masterminds behind all the mass communications media leading us into believing that **communism** is a movement of the so-called **workers**; the actual fact is that both **British** and **American** intelligence officers have authentic documentary evidence that **international liberals**, operating through their international banking houses; particularly the **House of Rothschilds**, have financed both sides of every war and revolution since 1776.

"Those who today comprise the conspiracy (the **CFR** in the **United States**); direct our governments whom they hold in usury through such methods as the **Federal Reserve System** in **America** to fight wars, such as **Vietnam** (created by the **United Nations**), so as to further **Pike's Illuminati plans** to bring the world to that stage of the conspiracy when **atheistic communism** and the whole of **Christianity** can be forced into an all out third world war within each remaining nation as well as on an international basis scale.

"The headquarters of the great conspiracy in the late 1700's was in **Frankfurt, Germany** where the **House of Rothschild** had been established by **Mayar** (or **Mayer**) **Amschel** who adopted the **Rothschild**

name and linked together other international financiers who had literally sold their souls to the devil. After the **Bavarian government's** exposure in 1786; the conspirators moved their headquarters to **Switzerland** then to **London**. Since World War II (after **Jacob Schiff**, the **Rothschild's boy in America** died); the headquarters of the **American branch** has been in the **Harold Pratt Building in New York City** and the **Rockefellers**, originally proteges of **Schiff**, have taken over the manipulation of finances in **America** for the **Illuminati**.

"In the final phases of the conspiracy; the one-world government will consist of the king-dictator; the head of the **United Nations**, the **CFR**, and a few billionaires, economists, and scientists who have proved their devotion to the great conspiracy. All others are to be integrated into a vast conglomeration of mongrolized humanity; actually slaves. Now let me show you how our federal government and the American people have been sucked into the one-world take over plot of the **Illuminati** great conspiracy and always bear in mind, that the **United Nations** was created to become the housing for that one-world, so-called, **liberal conspiracy**. The real foundations of the plot of the takeover of the **United States** were laid during the period of our **Civil War**. Not that **Weishaupt** and the earlier masterminds had ever overlooked the new world, as I have previously indicated; **Weishaupt** had his agents planted over here as far back as the **Revolutionary War**, but **George Washington** was more than a match for them.

"It was during the Civil War that the conspirators launched their first concrete efforts. We know that **Judah Benjamin**, chief advisor of **Jefferson Davis**, was a **Rothschild agent**. We also know that there were **Rothschild agents** planted in **Abraham Lincoln's cabinet** who tried to sell him into a financial dealing with the **House of Rothschild**. But old **Abe** saw through the scheme and bluntly rejected it thereby incurring the undying enmity of the **Rothschilds**; exactly as the **Russian Czar** did when he torpedoed their first **League of Nations** at the **Congress in Vienna**. Investigation of the assassination of **Lincoln** revealed that the assassin **Booth** was a member of a secret conspiratorial group. Because there were a number of highly important government officials involved; the name of the group was never revealed and it became a mystery; exactly as the assassination of **Jack Kennedy** is still a mystery. But I am sure it will not remain a mystery for long. Anyway; the ending of the **Civil War** destroyed temporarily all chances of the **House of Rothschilds** to get a clutch on our money system; such as they had acquired in **Britain** and other nations in **Europe**. I say temporarily because the **Rothschilds** and the masterminds of the conspiracy never quit so they had to start from scratch; but they lost no time in getting started.

"Shortly after the **Civil War**; a young immigrant, who called himself **Jacob H. Schiff**, arrived in **New York**. **Jacob** was a young man with a mission for the **House of Rothschild**. **Jacob** was the son of a **Rabbi** who was born in one of the **Rothschild's houses in Frankfurt, Germany**. I will go deeply into his background. The important point was that **Rothschild** recognized in him not only a potential money wizard; but more important, he also saw the latent Machiavellian qualities in **Jacob** that could, as it did, make him an invaluable functionary in the great one-world conspiracy. After a comparatively brief training period in the **Rothschild's London Bank**; **Jacob** left for **America** with instructions to buy into a banking house which was to be the springboard to acquire control of the money system of the **United States**. Actually; **Jacob** came here to carry out four specific assignments.

And most important, was to acquire control of America's money system.

Find desirable men, who for a price, would be willing to serve as stooges for the great conspiracy and promote them into high places in our federal government, our Congress, and the U.S. Supreme Court, and all federal agencies.

Create minority group strife throughout the nations; particularly between the whites and blacks.

Create a movement to destroy religion in the United States; but Christianity to be the chief target.

"Earlier I stated that **Jacob Schiff** came to **America** with orders by **Rothschild** to carry out four specific directives. The first and most important one was to get control of the **United States' money system**. Let's trace **Schiff's** step to accomplish that directive. As a first step he had to buy into a banking house; but it had to be the kind of a house that he could absolutely control and mold for that primary objective of entrapping our **U.S. money system**. After carefully scouting around; **Jacob** bought a partnership in a firm that called itself: "**Kuhn and Loeb**." Like **Schiff**; **Kuhn and Loeb** were immigrants from **German Jewish ghettos**. They came to the **U.S.** in the mid 1840's and both of them started their business careers as itinerant pack peddlers. In the early 1850's; they pooled their interests and set up a merchandise store in **Lafayette, Indiana** under the firm name of "**Kuhn and Loeb**" servicing the covered wagon settlers on their way west. In the years that followed; they set up similar stores in **Cincinnati** and **St. Louis**. Then they added "**pawn broking**" to their merchandising pursuits. From that to money lending was a short and quick step.

"By the time **Schiff** arrived on the scene; "**Kuhn and Loeb**" was a well-known private banking firm and this is the firm **Jacob** bought into. Shortly after he became a partner in "**Kuhn and Loeb**;" **Schiff** married **Loeb's daughter, Teresa**, then he bought out **Kuhn's** interests and moved the firm to **New York** and "**Kuhn and Loeb**" became "**Kuhn, Loeb, and Company**;" international bankers with **Jacob Schiff**, agent of the **Rothschilds**, ostensibly the sole owner. And throughout his career; this blend of Judas and Machiavelli, the first heirarch of the **Illuminati's great conspiracy in America**, posed as a generous philanthropist and a man of great holiness; the cover-up policy set forth by the **Illuminati**.

"As I have stated; the first great step of the conspiracy was to be the entrapment of our money system. To achieve that objective; **Schiff** had to get full cooperation of the then big banker elements in **America**; and that was easier said than done. Even in those years; **Wall Street** was the heart of the American money mart and **J.P. Morgan** was its dictator. Next in line were the **Drexels** and the **Biddles** of **Philadelphia**. All the other financiers, big and little, danced to the music of those three houses; but particularly to that of **Morgan**. All of those three were proud, haughty, arrogant potentates.

"For the first few years; they viewed the little bewhiskered man from the **German ghettos** with utter contempt; but **Jacob** knew how to overcome that. He threw a few **Rothschild** bones to them. Said bones being distribution in **America** of desirable **European stock** and **bond issues**. Then he discovered that he had a still more potent weapon in his hands in the following.

"It was in the decades following our **Civil War** that our industries began to burgeon. We had great railroads to build. The oil, mining, steel, textile industries were bursting out of their swaddling clothes. All of that called for vast financing; much of that financing had to come from abroad. That meant the **House of Rothschild** and that was when **Schiff** came into his own. He played a very crafty game. He became the patron saint of **John D. Rockefeller**, **Edward R. Harriman**, and **Andrew Carnegie**. He financed the **Standard Oil Company** for **Rocky**, the **Railroad Empire** for **Harriman**, and the **Steel Empire** for **Carnegie**. But instead of hogging all the other industries for **Kuhn, Loeb, and Company**, he opened the doors of the **House of Rothschild** to **Morgan, Biddle, and Drexel**. In turn; **Rothschild** arranged the setting up of **London, Paris, European** and other branches for those three; but always in partnerships with **Rothschild** subordinates and **Rothschild** made it very clear to all those men that **Schiff** was to be the boss in **New York**.

"Thus at the turn of the century **Schiff** had a tight control of the entire banking fraternity on **Wall Street** which by then, with **Schiff's** help, included **Lehman brothers**, **Goldman-Sachs**, and other **internationalist banks** that were headed by men chosen by the **Rothschilds**. In short; that meant control of the nation's money powers and he was then ready for the giant step - the entrapment of our national money system.

"Now under our **Constitution**; all control of our money system is vested solely in our **Congress**. **Schiff's** next important step was to seduce our **Congress** to betray that Constitutional edict by surrendering that control to the hierarchy of the **Illuminati's** great conspiracy. In order to legalize that surrender and thus make the people powerless to resist it, it would be necessary to have **Congress** enact special legislation. To accomplish that; **Schiff** would have to infiltrate stooges into both houses of **Congress**. Stooges powerful enough to railroad Congress into passing such legislation. Equally or even more important; he would have to plant a stooge in the **White House** a president that is without integrity and without scruples who would sign that legislation into law. To accomplish that he had to get control of either the **Republican** or the **Democratic Party**. The **Democratic Party** was the more vulnerable; it was the hungrier of the two parties. Except for **Grover Cleveland**; the **Democrats** had been unable to land one of their men in the **White House** since before the **Civil War**. There were two reasons for that:

Poverty of the Party.

There were considerably more Republican-minded voters than Democrats.

"The poverty matter was not a great problem but the voter problem was different story. But as I previously said; **Schiff** was a smart cookie. Here is the atrocious and murderous method he employed to solve that voter problem. His solution emphasizes how very little the **Jewish** internationalist bankers care about their own racial brethren as you shall see. Suddenly; around 1890, there broke out a nationwide series of **pogroms** in **Russia**. Many, many, thousands of innocent **Jews**; men, women, and children were slaughtered by the **Cossacks** and other peasants. Similar **pogroms** with similar slaughter of innocent Jews broke out in **Poland, Rumania, and Bulgaria**. All those **pogroms** were fomented by **Rothschild agents**. As a result; the **Jewish** terrified refugees from all of those nations swarmed into the

United States and that continued throughout the next two or three decades because the pogroms were continuous through all those years. All those refugees were aided by self-styled humanitarian committees set up by **Schiff**, the **Rothschilds**, and all the **Rothschild affiliates**.

"In the main; the refugees streamed into **New York**, but the **Schiff-Rothschild humanitarian committees** found ways to shuffle many of them into other large cities such as **Chicago, Boston, Philadelphia, Detroit, Los Angeles**, etc.. All of them were quickly transformed into "**naturalized citizens**" and educated to register as **Democrats**. Thus all of that so-called minority group became solid **Democratic** voter blocks in their communities all controlled and maneuvered by their so-called benefactors. And shortly after the turn of the century; they became vital factors in the political life of our nation. That was one of the methods **Schiff** employed to plant men like **Nelson Aldrich** in our **Senate** and **Woodrow Wilson** in the **White House**.

"At this point let me remind you of another one of the important jobs that was assigned to **Schiff** when he was dispatched to **America**. I refer to the job of destroying the unity of the American people by creating minority group and racial strife. By the pogrom-driven **Jewish refugees** into **America**; **Schiff** was creating a ready-made **minority group** for that purpose. But the **Jewish people**, as a whole, made fearful by the **pogroms**, could not be depended upon to create the violence necessary to destroy the unity of **American people**. But right within **America**; there was an already made-to-order, although as yet, a sleeping minority group, the **Negroes**, who could be sparked into so-called demonstrations, rioting, looting, murder, and every other type of lawlessness - all that was necessary, was to incite and arouse them. Together; those two minority groups, properly maneuvered, could be used to create exactly the **King of Strife** in **America** the **Illuminati** would need to accomplish their objective.

"Thus at the same time that **Schiff** and co-conspirators were laying their plans for the entrapment of our money system; they were also perfecting plans to hit the unsuspecting American people with an explosive and terrifying racial upheaval that would tear the people into hate fractions and create chaos throughout the nation; especially on all college and university campuses; all protected by **Earl Warren decisions** and our so-called leaders in **Washington D.C.** (Remember the **Warren commission** on the assassination of **President Jack (John) F. Kennedy***). Of course; perfecting those plans require time and infinitely patient organizing.

* **NOTE:**

Jack Kennedy, during his term of office as the **President** of the **United States**, became a **Christian**. In his attempt to "repent," he tried to inform the people of this Nation (at least twice) that the **Office of the President of the United States** was being manipulated by the **Illuminati/CFR**. At the same time, he put a stop to the "**borrowing**" of **Federal Reserve Notes** from the **Federal Reserve Bank** and began issuing **United States Notes** (which was interest free) on the credit of the **United States**. It was the issuing of the **United States Notes** that caused **Jack Kennedy** to be "assassinated."

Upon the taking the **Oath of Office**; **Lynden B. Johnson** stopped the issuing of the **United States Notes** and went back to borrowing **Federal Reserve Bank Notes** (which was loaned to the people of the United States at the going rate of interest of 17%). The **US Notes**, that was issued under **John F. Kennedy**, was of the 1963 series which bore a **"Red" seal** on the face of the **"Note."**

"Now to remove all doubts; I'll take a few moments to give you the documentary proof of this racial strife plot. First of all they had to create the leadership and organizations to draw in millions of dupes, both **Jewish** and **Negroes**, who would do the demonstrating and commit the rioting, looting, and lawlessness. So in 1909; **Schiff**, the **Lehmans**, and other conspirators, organized and set up the **"National Association for the Advancement of the Colored People"** known as the **"NAACP."** The presidents, directors, and legal councils of the **NAACP** were always **"white men Jews"** appointed by **Schiff** and this is the case to this very day.

"Then in 1913; the **Schiff group** organized the **"Anti-defamation League of the B'nai B'rith"** commonly known as the **"ADL"** to serve as the **gestapo** and **hatchet man** outfit for the entire great conspiracy. Today the sinister **"ADL"** maintains over 2,000 agencies in all parts of our country and they advise and completely control every action of the **"NAACP"** or of the **"Urban League"** of all the other so-called **Negro civil rights organizations** throughout the nation including such leaders as **Martin Lucifer King, Stockely Carmichael, Barnard Rustin**, and others of the ilk. In addition; the **"ADL"** acquired absolute control of the advertising budgets of many department stores, hotel chains, and TV and Radio industrialist sponsors, also advertising agencies in order to control practically all the mass communications media and force every loyal newspaper to slant and falsify the news and to further incite and at the same time create sympathy for the lawlessness and violence of the **Negro mobs**. Here is documentary proof of the beginning of their deliberate plot to foment the **Negroes** into all their lawlessness.

"Around 1910; one **Israel Zengwill** wrote a play entitled **"The Melting Pot."** It was sheer propaganda to incite the **Negroes** and **Jews** because the play purportedly visualized how the **American people** were discriminating against and persecuting **Jews** and **Negroes**. At that time nobody seemed to realize that it was a propaganda play. It was that cleverly written. The propaganda was well wrapped up in the truly great entertainment in the play and it was a big Broadway Hit.

"Now in those years, the legendary **Diamond Jim Brady** used to throw a banquet at the famous **Delmonico Restaurant** in **New York** after the opening performance of a popular play. He threw such a party for the cast of **"The Melting Pot,"** its author, producer, and chosen Broadway celebrities. By then I'd already made a personal mark on the Broadway Theater and was invited to that party. There I met **George Bernard Shaw** and a **Jewish writer** named **Israel Cohen. Zangwill, Shaw, and Cohen** were the ones who created the **Fabian Society** in **England** and had worked closely with a **Frankfurt Jew** named **Mordicai** who had changed his name to **Karl Marx**; but remember, at that time both **Marxism** and **Communism** were just emerging and nobody paid much attention to either and nobody suspected the propaganda in the writings of those three really brilliant writers.

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"At that banquet; **Israel Cohen** told me that he was then engaged in writing a book which was to be a follow-up on **Zangwill's "The Melting Pot."** The title of his book was to be "**A Racial Program for the 20th Century.**" At that time I was completely absorbed by my work as a playwright, and significant as that title was, its real objective never dawned on me nor was I interested in reading the book. But it suddenly hit me with the force of a hydrogen bomb when I received a newspaper clipping of an item published by the **Washington D.C. Evening Star** in May 1957. That item was a verbatim reprint of the following excerpt in **Israel Cohen's book "A Racial Program for the 20th Century"** and it read as I quote:

"We must realize that our party's most powerful weapon is racial tension. By propounding into the consciousness of the dark races that for centuries that they have been oppressed by the whites, we can move them to the program of the communist party. In America; we will aim for subtle victory. While inflaming the Negro minority against the whites; we will instill in the whites a guilt complex for their exploitation of the Negroes. We will aid the Negroes to rise to prominence in every walk of life, in the professions, and in the world of sports and entertainment. With this prestige; the Negro will be able to intermarry with the whites and begin a process which will deliver America to our cause."

Record of June 7, 1957; by **Representative Thomas G. Abernethy.**

"Thus the authenticity of that passage in **Cohen's book** was fully established. But the one question that remained in my mind was whether it represented the official policy or plot of the **Communist Party** or just a personal expression of **Cohen** himself. Hence I sought more proof and I found it in an official pamphlet published in 1935 by the **New York Communist Party's official Workers Library Publishers.** That pamphlet was entitled: "**The Negroes in a Soviet America.**" It urged the **Negroes** to rise up; form a soviet state in the south, and apply for admission to the **Soviet Union.** It contained a firm pledge that the revolt would be supported by all **American "reds"** and all so-called "**liberals.**" On page 38; it promised that a Soviet government would confer greater benefits to **Negroes** than to whites and again this official communist pamphlet pledged that; I quote: "**any act of discrimination of prejudice against a Negro will become a crime under the revolutionary law.**" That statement proved that the excerpt in **Israel Cohen's book** published in 1913 was an official edict of the **Communist Party** and directly in line with the **Illuminati** blueprint for world revolution issued by **Weishaupt** and later by **Albert Pike.**

"Now there's only one question and that is to prove that the communist regime is directly controlled by the **American Jacob Schiff** and **London Rothschild** masterminds of the great conspiracy. A little later I will provide that proof that will remove even a remote doubt that the **Communist Party**, as we know it, was created by those masterminds (capitalists if you will note); that **Schiff**, the **Warburgs**, and the **Rothschilds** planned and financed the entire **Russian Revolution**, the murder of the **Czar** and his family, and that **Lenin**, **Trotsky**, and **Stalin** took their orders directly from **Schiff** and the other

capitalists whom they supposedly are fighting.

"Now can you see why the vile **Earl Warren** and his equally vile co-Supreme Court justices issued that infamous and treasonous **desegregation decision** in 1954? It was to aid and abet the plot of the **Illuminati** conspirators to create tension and strife between the **Negroes** and **Whites**. Can you see why the same **Earl Warren** issued his decision prohibiting **Christian prayers** and **Christmas carols** in our schools? Why **Kennedy** did likewise? And can you see why **Johnson** and **66 Senators**, despite the protests of 90% of the American people, voted for the "**Consular Treaty**" which opens our entire country to **Russian spies** and **saboteurs**? All those **66 Senators** are 20th century **Benedict Arnolds**.

"It is up to you and you, all of the American people, to force **Congress**, our elected servants, to haul in those American traitors for impeachments and that when proven guilty; they all be given the punishment prescribed for traitors who aid and abet our enemies. And that includes the enforcing of rigid investigations by **Congress** of the "**CFR**" and all their fronts, such as the "**ADL**," the "**NAACP**," "**SNIC**," and such **Illuminati** tools as **Martin Lucifer King**. Such investigations will completely unmask all the leaders in **Washington, D.C.** and the **Illuminati** and all their affiliations and affiliates as traitors carrying out the **Illuminati** plot. It will completely unmask the **United Nations** as the intended crux of the entire plot and force **Congress** to take the **U.S.** out of the **U.N.** and hurl the **U.N.** out of the **U.S.** In fact; it will destroy the **U.N.** and the entire plot.

"Before I close this phase; I wish to reiterate and stress one vital point which I urge you to never forget if you wish to save our country for your children and their children. Here is the point. Every unconstitutional and unlawful act committed by **Woodrow Wilson**, by **Franklin Roosevelt**, by **Truman**, **Eisenhower**, and **Kennedy** and are now being committed by **Johnson** (and today; **George Bush** and **Bill Clinton**) is exactly in line with the **Illuminati** conspirators centuries old plot outlined by **Weishaupt** and **Albert Pike**. Every vicious decision issued by the traitorous **Earl Warren** and his equally traitorous **Supreme Court justices** was directly in line with what the **Illuminati** blueprint required. That all the treason committed by our **State Department** under **Rusk** and earlier by **John Foster Dulles**, and **Marshall**, also all the treason committed by **McNamara** and his predecessors is directly in line with that same **Illuminati** blueprint for the takeover of the world. Also the amazing treason by various members of our **Congress**, especially by the **66 Senators** who signed for the **Consular Treaty**, has been committed on orders from the **Illuminati**.

"Now I will go back to **Jacob Schiff's** entrapment of our money system and the treasonous actions that followed. It will also reveal the **Schiff-Rothschild** control of not only **Karl Marx**; but of **Lenin**, **Trotsky**, and **Stalin**, who created the revolution in **Russia** and set up the **Communist Party**.

"It was in 1908 that **Schiff** decided that the time had come for his seizure of our money system. His chief lieutenants in that seizure were **Colonel Edward Mandell House** whose entire career was that of chief executive and courier for **Schiff** as I shall show and **Bernard Berouk** and **Herbert Lehman**. In the fall of that year; they assembled in secret conclave at the **Jeckle Island Hunt Club**, owned by **J.P. Morgan** at **Jeckle Island, Georgia**. Among those present were **J.P. Morgan**, **John B. Rockefeller**,

Colonel House, Senator Nelson Aldrich, Schiff, Stillman and Vandlelip of the New York National City Bank, W. and J. Seligman, Eugene Myer, Bernard Berouk, Herbert Lehman, Paul Warburg, in short; all of the **international bankers in America.** All of them members of the hierarchy of the **Illuminati's** great conspiracy.

"A week later they emerged with what they called the **Federal Reserve System.** **Senator Aldrich** was the stooge who was to railroad it through **Congress,** but they held that railroading in abeyance for one chief reason; they would first have to plant their man and obedient stooge in the **White House** to sign the **Federal Reserve Act** into law. They knew that even if the Senate would pass that act unanimously; the then newly elected **President Taft** would promptly veto it. So they waited.

"In 1912; their man, **Woodrow Wilson,** was elected to the presidency. Immediately after **Wilson** was inaugurated; **Senator Aldrich** railroaded the **Federal Reserve Act** through both houses of **Congress** and **Wilson** promptly signed it and the **Federal Reserve Act** became law. That heinous act of treason was committed in **December 23, 1913;** two days before **Christmas** when all the members of **Congress,** except for several carefully picked **Representatives** and three equally carefully picked **Senators,** were away from Washington. How heinous treasonous was that act? I'll tell you. Our founding fathers knew full well the power of money. They knew that whoever had that power held the destiny of our nation in his hands. Therefore; they carefully guarded this power when they set forth in the **Constitution** that **Congress,** the elected representatives of the people, alone would have the power. The **Constitutional** language on this point is brief, concise, and specific, stated in **Article I, Section 8, Paragraph 5,** defining the duties and powers of Congress, and I quote: "**to coin money, regulate the value thereof, and of foreign coin, and the standard of weights and measures.**" But on that tragic, unforgettable day of infamy; **December 23, 1913,** the men we sent to **Washington** to safeguard our interests; the **Representatives, Senators, and Woodrow Wilson,** delivered the destiny of our nation into the hands of two aliens from **Eastern Europe; Jacob Schiff and Paul Warburg.** **Warburg** was a very recent immigrant who came here on orders from **Rothschild** for the express purpose of blueprinting that foul **Federal Reserve Act.**

"Now the vast majority of the American people think that the **Federal Reserve System** is an **United States Government** owned **agency.** That is positively false. All of the stock of the federal reserve banks is owned by the member banks and the heads of the member banks are all members of the hierarchy of the great **Illuminati** conspiracy known today as the "**CFR.**"

"The details of that act of treason, in which many traitorous so-called Americans participated, are far too long for this reporting; but all those details are available in a book entitled, "**The Federal Reserve Conspiracy,**" written by **Eustace Mullins.** In that book; **Mullins** tells the entire horrifying story and backs it up with unquestionable documentations. Aside from it being a truly fascinating and shocking story of that great betrayal; every **American** should read it as a matter of vital intelligence for the time when the whole American people will finally come awake and smash the entire conspiracy and with **God's** help; that awakening will surely come.

"Now if you think that those aliens and their by accident-of-birth American co-conspirators would be content with just the control of our money system; you are in for another very sad shock. The **Federal Reserve System** gave the conspirators complete control of our money system; but it in no way touched the earnings of the people because the Constitution positively forbids what is now known as the 20%+ withholding tax. But the **Illuminati** blueprint for one world enslavement called for the confiscation of all private property and control of individual earning powers. This, and **Karl Marx** stressed that feature in his blueprint, had to be accomplished by a **progressive graduated income tax**. As I have stated; such a **tax** could not lawfully be imposed upon the American people. It is succinctly and expressly forbidden by our **Constitution**. Thus; only an **Amendment** to the **Constitution** could give the federal government such confiscatory powers.

"Well; that to was not an insurmountable problem for our Machiavellian plotters. The same elected leaders in both houses of **Congress** and the same **Mr. Woodrow Wilson**, who signed the infamous **Federal Reserve Act** into law, amended the **Constitution** to make the **federal income tax**, known as the **16th Amendment**, a law of the land. Both are illegal under our **Constitution**. In short; the same traitors signed both betrayals, the **Federal Reserve Act** and the **16th Amendment**, into law. However; it seems that nobody ever realized that the **16th amendment** was set up to rob, and I do mean rob, the people of their earnings via the **income tax** provision.

"The plotters didn't fully use the provision until **World War II** when that great humanitarian **Franklin Roosevelt** applied a **20% withholding tax** on all small wage earners and up to **90% on higher incomes**. Oh, of course; he faithfully promised that it would be only for the duration of the war; but what was a promise to such a charlatan who in 1940, when he was running for his third term, kept proclaiming: "**I say again and again and again that I will never send American boys to fight on foreign soil.**" Remember; he was proclaiming that statement even as he was already preparing to plunge us into **World War II** by enticing the **Japanese** into that sneak attack on **Pearl Harbor** to furnish him with his excuse.

"And before I forget; let me remind you that another charlatan named **Woodrow Wilson** used exactly that same **campaign slogan** in 1916. His slogan was: "**Reelect the man who will keep your sons out of the war;**" exactly the same formula, exactly the same promises. But wait; as **Al Jolson** used to say: "**you ain't heard nothin' yet.**" That **16th Amendment** income tax trap was intended to confiscate and rob the earnings of the common herd; you and me. It was not intended to even touch the huge incomes of the **Illuminati gang**, the **Rockefellers**, the **Carnegies**, the **Lehmans**, and all the other conspirators.

"So together, with that **16th Amendment**; they created what they called the "**tax-free foundations**" that would enable the conspirators to transform their huge wealth into such so-called "**foundations**" and avoid payment of virtually all income taxes. The excuse for it was that the earnings of those "**tax-free foundations**" would be devoted to humanitarian philanthropy. So we now have the several **Rockefeller foundations**, the **Carnegie and Dowman Fund**, the **Ford foundation**, the **Mellon foundation**, and hundreds of similar "**tax-free foundations.**"

"And what kind of philanthropy do these foundations support? Well; they finance all the civil rights groups (and conservation movements) that are creating all the chaos and rioting all over the country. They finance the **Martin Lucifer Kings**. The **Ford foundation** finances the "**Center for the Study of Democratic Institutions**" in **Santa Barbara**, commonly referred to as **Moscow West**, and which is headed by **Wonder Boy Hutchens, Walter Ruther, Erwin Cahnam** and others of that ilk.

"In short; the "**tax-free foundations**" financed those who are doing the job for the **Illuminati's** great conspiracy. And what are the hundreds of billions of dollars they confiscate every year from the earnings of the common herd, you and me, used for? Well; for one thing, there is the "**foreign aid**" gimmick which gave billions to **communist Tito** plus gifts of hundreds of jet planes; many of which were turned over to **Castro**, plus the costs of training **communist pilots** so that they can better shoot down our planes. Billions to **red Poland**. Billions to **India**. Billions to **Secarno**. Billions to other **enemies** of the **United States**. That's what that treasonous railroaded **16th Amendment** has done to our nation and to the American people, to you and to me, to your children and their children.

"Our **CFR Illuminati-controlled** federal government can grant "**tax-free status**" to all **foundations** and **pro-red one world outfits**, such as the "**Fund for the Republic**." But if you or a patriotic pro-organization is too outspokenly pro American; they can terrify and intimidate you by finding a misplaced comma in your income tax report and by threatening you with penalties, fines, and even prison. Future historians will wonder how the American people could have been so naive and stupid as to have permitted such audacious brazen acts of treason as the "**Federal Reserve Act**" and the "**16th Amendment**." Well; they were not naive and they were not stupid. The answer is they trusted the men they elected to safeguard our country and our people and they just didn't have even an inkling about either betrayal until after each one had been accomplished.

"It was the **Illuminati-controlled mass communications media** that has kept and is keeping our people naive and stupid and unaware of the treason being committed. Now the great question is: "when will the people wake up and do to our traitors of today what **George Washington** and our founding fathers would have done to **Benedict Arnold**?" Actually; **Benedict Arnold** was a petty traitor compared to our present traitors in **Washington D.C.**. Now let's go back to the events that followed the rape of our **Constitution** by the passage of the **Federal Reserve Act** and the **16th Amendment**. Was **Wilson** completely under their control?

"The masterminds of the great conspiracy put in motion their next and what hoped would be their final steps to achieve their **one-world government**. The first of those steps was to be **World War I**. Why War? Simple; the only excuse for a one-world government was that it will supposedly ensure peace. The only thing that can make people cry for peace is war. War brings chaos, destruction, exhaustion, to the winner as well as to the loser. It brings economic ruin to both. Most important; it destroys the flower of the young manhood of both. To the saddened and heartbroken oldsters (the mothers and fathers) who are left with nothing but memories of their beloved sons; peace becomes worth any price and that is the emotion upon which the conspirators depend for the success of their satanic plot.

"Throughout the 19th century, from 1814 to 1914; the world, as a whole, was at peace. Such wars as the **"Franco-Prussian,"** our own **"Civil War,"** the **"Russo-Japanese War,"** were what might be termed **"local disturbances"** that did not affect the rest of the world. All the great nations were prosperous and the people were staunchly nationalistic and fiercely proud of their sovereignties. It was utterly unthinkable that the French and the German peoples would be willing to live under a **"one-world government"** or the **"Toks"** and the **"Russians,"** the **"Chinese,"** or the **"Japanese."** Even more unthinkable is that a **Kaiser Wilhelm** or a **Franz Joseph** or a **Czar Nicholas** or any Monarch would willingly and meekly surrender his throne to a one-world government. But bear in mind that the peoples in all nations are the real power and the only thing: **"war"** could make the peoples yearn and clamor for **"peace"** ensuring a **one-world government.** But it would have to be a frightful and horribly devastating war. It could not be just a local disturbing war between just two nations; it would have to be a **"world war."** No major nation must be left untouched by the horrors and devastation of such a war. The cry for **"peace"** must be made universal.

"Actually that was the format set by the **Illuminati** and **Nathan Rothschild** at the turn of the 19th century. They first maneuvered all of **Europe** into the **"Napoleonic Wars,"** then the **"Congress in Vienna"** which they, and particularly **Rothschild,** planned to transform into a **"League of Nations"** which was to have been the housing for their **one-world government;** exactly as the present **"United Nations"** was set up to be the housing for the forthcoming, God forbid, **one-world government.** Anyway; that was the format the **House of Rothschild** and **Jacob Schiff** decided to employ to achieve their objective in 1914. Of course they knew that the same format had failed in 1814; but they theorized that this was only because the **Czar of Russia** had torpedoed that scheme. Well; the present 1914 conspirators would eliminate that 1814 fly in the ointment. They'd make sure that after the new world war that they were conspiring; there'd be no **Czar of Russia** around to throw monkey wrenches into the machinery.

"I will go into how they accomplished this first step to launch a world war. History records that **World War I** was precipitated by a trivial incident; the kind of incident both **Weishaupt** and **Albert Pike** had incorporated in their blueprints. That incident was the assassination of an **Austrian Archduke** arranged by the **Illuminati** masterminds. The war followed. It involved **Germany, Austria, Hungary,** and their **allies,** so-called the **"Axis powers,"** against **France, Britain, and Russia,** called the **"Allies."** Only the **United States** was not involved during the first two years.

"By 1917 the conspirators had achieved their primary objective; all of **Europe** was in a state of destitution. All the peoples were war weary and crying for peace and the outcome too was all set. It was to come as soon as the **United States** would be hurled on the side of the **Allies** and that was all set to happen immediately after **Wilson's** re-election. After that, there could be only one outcome; complete victory for the **Allies.** To fully confirm my statement that long before 1917; the conspiracy, headed in **America** by **Jacob Schiff,** had it all set to hurl the **United States** into that war. I will cite the proof.

"When **Wilson** was campaigning for re-election in 1916; his chief appeal was: **"re-elect the man who will keep your sons out of the war."** But during that same campaign; the **Republican Party** publicly charged that **Wilson** had long committed himself to throw us into the war. They charged that if he would

be defeated he would accomplish that act during his few remaining months in office; but if re-elected, he would hold off until after the election. But at that time the **American people** looked upon **Wilson** as a "**God-man.**" Well; **Wilson** was re-elected and as per the schedule of the conspirators; he hurled us into the war in 1917. He used the **sinking of the Lusitania** as an excuse; a sinking which also was prearranged. **Roosevelt**, also a God-man in the eyes of the American people, followed the same technique in 1941 when he used the prearranged **Pearl Harbor** attack as his excuse for hurling us into **World War II.**

"Now exactly as the conspirators planned; victory for the **Allies** would eliminate all the **Monarchs** of the defeated Nations and leave all their people leaderless, confused, bewildered and perfectly conditioned for the **one-world government.** The great conspiracy intended would follow; but there still would be an obstacle; the same obstacle that had balked the **Illuminati** and **Rothschild** at that **Congress in Vienna** (peace gathering) after the **Napoleonic Wars.** **Russia** would be on the winning side this time as it was in 1814 and therefore the **Czar** would be securely seated on his throne. Here it is pertinent to note that **Russia**, under the **Czarist regime**, had been the one country in which the **Illuminati** had never made any headway nor had the **Rothschilds** ever been able to infiltrate in their banking interests thus a winning **Czar** would be more difficult than ever to cope with. Even if he could be enticed into a so-called "**League of Nations;**" it was a foregone conclusion that he would never, but never, go for a **one-world government.**

"So even before the outbreak of **World War I;** the conspirators had a plan in the making to carry out **Nathan Rothschild's** vow of 1814 to destroy the **Czar** and also murder all possible royal heirs to the throne and it would have to be done before the close of the war. The **Russian Bolsheviks** were to be their instruments in this particular plot. From the turn of the century; the chiefs of the **Bolsheviks** were **Nicolai Lenin, Leon Trotsky,** and later **Joseph Stalin.** Of course, those were not their true family names. Prior to the outbreak; **Switzerland** became their haven. **Trotsky's headquarters** was on the lower **East Side** in **New York;** largely the habitat of **Russian-Jewish refugees.** Both **Lenin** and **Trotsky** were similarly bewhiskered and unkempt. In those days that was the badge of **Bolshevism.** Both lived well yet neither had a regular occupation. Neither had any visible means of support, yet both always had plenty of money. All those mysteries were solved in 1917. Right from the outset of the war; strange and mysterious goings on were taking place in **New York.** Night after night; **Trotsky** darted furtively in and out of **Jacob Schiff's palace mansion** and in the dead of those same nights there were a gathering of **hoodlums** of **New York's lower East Side.** All of them **Russian refugees** at **Trotsky's headquarters** and all were going through some mysterious sort of training process that was all shrouded in mystery. Nobody talked; although it did leak out that **Schiff** was financing all of **Trotsky's activities.**

"Then suddenly **Trotsky** vanished and so did approximately 300 of his trained hoodlums. Actually they were on the high seas in a **Schiff-chartered ship** bound for a rendezvous with **Lenin** and his **gang** in **Switzerland.** And also on that ship was **\$20,000,000 in gold;** the **\$20,000,000** was provided to finance the **Bolsheviks** takeover of **Russia.** In anticipation of **Trotsky's** arrival; **Lenin** prepared to throw a party in his **Switzerland** hideaway. Men of the very highest places in the world were to be guests at that party. Among them were the mysterious **Colonel Edward Mandell House, Woodrow Wilson's mentor** and palsy-walsy, and more important; **Schiff's special and confidential messenger.** Another of the expected

guests was **Warburg of the Warburg Banking Clan in Germany** who was financing the **Kaiser** and whom the **Kaiser** had been rewarded by making him chief of the **Secret Police of Germany**. In addition; there were the **Rothschilds of London and Paris** also **Lithenoth, Kakonavich, and Stalin** (who was then the head of a train and bank robbing gang of bandits). He was known as the "**Jesse James of the Urals.**"

"And here I must remind you that **England and France** were then long in the war with **Germany** and that on February 3, 1917; **Wilson** had broken off all diplomatic relations with **Germany**. Therefore; **Warburg, Colonel House, the Rothschilds, and all those others** were enemies but of course; **Switzerland** was neutral ground where enemies could meet and be friends and especially if they had some scheme in common. That **Lenin party** was very nearly wrecked by an unforeseen incident. The **Schiff-chartered ship** on its way to **Switzerland** was intercepted and taken into custody by a **British warship**. But **Schiff** quickly rushed orders to **Wilson** to order the **British** to release the ship intact with **Trotsky's hoodlums and the gold**. **Wilson** obeyed. He warned the **British** that if they refuse to release the ship; the **United States** would not enter the war in April as he had faithfully promised a year earlier. The **British** headed the warning. **Trotsky** arrived in **Switzerland** and the **Lenin party** went off as scheduled; but they still faced what ordinarily would have been the insurmountable obstacle of getting the **Lenin-Trotsky** band of terrorists across the border into **Russia**. Well; that's where **Brother Warburg**, chief of the **German Secret Police**, came in. He loaded all those thugs into sealed freight cars and made all the necessary arrangements for their secret entry into **Russia**. The rest is history. The revolution in **Russia** took place and all members of the royal **Romanoff family** were murdered.

"Now my chief objective is to establish beyond even a remote doubt that communism, so-called, is an integral part of the **Illuminati** great conspiracy for the enslavement of the entire world. That communism, so-called, is merely their weapon and bogey man word to terrify the peoples of the whole world and that the conquest of **Russia** and the creation of communism was, in great part, organized by **Schiff** and the other **international bankers** right in our own city of **New York**. A fantastic story? Yes. Some might even refuse to believe it. Well; for the benefit of any doubting Thomas I will prove it by reminding that just a few years ago **Charlie Knickerbocker**, a Hearst newspaper columnist, published an interview with **John Schiff**, grandson of Jacob, in which young **Schiff** confirmed the entire story and named the figure old **Jacob** contributed, **\$20,000,000**.

"If anybody still has even a remote doubt that the entire menace of **communism** was created by the masterminds of the great conspiracy right in our own city of **New York**; I will cite the following historical fact. All records show that when **Lenin and Trotsky** engineered the capture of **Russia**; they operated as heads of the **Bolsheviks party**. Now "**Bolshevism**" is a purely **Russian word**. The masterminds realized that **Bolshevism** could never be sold as an ideology to any but the **Russian people**. So in April 1918; **Jacob Schiff** dispatched **Colonel House** to **Moscow** with orders to **Lenin, Trotsky, and Stalin** to change the name of their regime to the **Communist Party** and to adopt the **Karl Marx "Manifesto"** as the constitution of the **Communist Party**. **Lenin, Trotsky, and Stalin** obeyed; and in that year of 1918 was when the **Communist party** and the menace of **communism** came into being. All this is confirmed in **Webster's Collegiate Dictionary, Fifth Edition**.

"In short; **communism** was created by the **capitalists**. Thus; until November 11, 1918, the entire fiendish plan of the conspirators worked perfectly. All the great nations, including the **United States**, were war-weary, devastated, and mourning their dead. Peace was the great universal desire. Thus when it was proposed by **Wilson** to set up a "**League of Nations**" to ensure peace; all the great nations, with no **Russian Czar** to stand in their way, jumped on that bandwagon without even stopping to read the fine print in that insurance policy. That is; all but one; the **United States**, the very one that **Schiff** and his co-conspirators least expected would balk and that was their one fatal mistake in that early plot. You see; when **Schiff** planted **Woodrow Wilson** in the **White House**; the conspirators assumed that they had the **United States** in the proverbial bag. **Wilson** had been perfectly built up as a great humanitarian. He supposedly became established as a God-man with the American people. There was every reason for the conspirators to have believed that he would easily hornswaggled **Congress** into buying the "**League of Nations**," sight unseen, exactly as the **Congress** of 1945 bought the "**United Nations**," sight unseen. But there was one man in the **Senate** in 1918 who saw through that scheme just as the **Russian Czar** did in 1814. He was a man of great political stature; almost as great as that of **Teddy Roosevelt** and fully as astute. He was highly respected and trusted by all members of both houses of **Congress** and by the American people. The name of that great and patriotic American was **Henry Cabot Lodge**; not the phony of today who called himself **Henry Cabot Lodge, Jr.**, until he was exposed. **Lodge** completely unmasked **Wilson** and kept the **United States** out of the "**League of Nations**."

NOTE:

Shortly thereafter; the **Illuminati** had created the **17th Amendment** to do away with appointed **Senators** by the legislatures of the several states of the Union. Whereas the **Illuminati** controls the press; they now control the election of the **US Senators**. The **Illuminati/CFR** had little or no power over the individual legislatures of the several states or their appointed **U.S. Senators** prior to the [purported] ratification of the **17th Amendment**. Although the **17th Amendment** supposedly amends the method of placing **Senators** into the **US Senate**; the **17th Amendment** was never ratified in accordance to the last sentence of **Article V** of the **US Constitution**. Two states, **New Jersey** and **Utah**, voted down the proposition and nine other states never voted at all. Whereas the states of **New Jersey** and **Utah** expressly refused to relinquish their "**suffrage**" in the **Senate** while the other non-voting nine states never gave their "*express*" consent; the proposition for the **17th Amendment** did not obtain the "**unanimous**" vote required for its adoption. Furthermore; the resolution that created the "**Proposition**" did not pass the Senate with a "**unanimous**" vote and as those **Senators** of that day were "**appointed**" by the legislatures of their states; those "**negative**" votes or "**non-votes**" were made in the name of their respective state.

"Here it becomes of great interest to know the real reason for the **Wilson League of Nations** flop. As I previously stated, **Schiff** was sent to the **United States** to carry out four specific assignments:

And most important, was to acquire complete control of the **U.S. money system**.

As outlined in the original **Weishaupt Illuminati blueprint**, he was to find the right kind of men to serve as stooges for the great conspiracy and **promote them** into the highest offices in our federal government; our **Congress**, our **U.S. Supreme Court**, and **all federal agencies**, such as the **State Department**, the **Pentagon**, the **Treasury Department**, etc..

Destroy the unity of the American people by **creating minority groups strife** throughout the nation; especially between the **whites** and **blacks** as outlined in **Israel Cohen's book**.

Create a movement to **destroy religion** of the United States with **Christianity** to be the chief target or victim.

"In addition; he was strongly reminded of the imperative directive of the **Illuminati blueprint** to achieve full control of all **mass communications media** to be used to brainwash the people into believing and accepting all of the maneuverings of the great conspiracy. **Schiff** was warned that only control of the **press**, at that time our only **mass communications media**, would enable him to destroy the unity of the American people.

"Now then; **Schiff** and his co-conspirators did set up the "**NAACP**" (the "**National Association for the Advancement of the Colored People**") in 1909 and in 1913 he set up the "**Anti defamation League of the B'nai B'rith**;" both were to create the necessary strife; but in the early years; the "**ADL**" operated very timidly. Perhaps for fear of a "**pogrom-like**" action by an aroused and enraged American people and the "**NAACP**" was practically dormant because its white leadership didn't realize that they would have to develop fire-brand Negro leaders, such as **Martin Lucifer King** for one, to spark the then completely satisfied contented mass of Negroes.

"In addition; he, **Schiff**, was busy developing and infiltrating the stooges to serve in all high places in our **Washington government** and in the job of acquiring **control of our money system** and the creation of the "**16th Amendment**." He also was very busy with the organizing of the plot for the takeover of **Russia**. In short; he was kept so busy with all those jobs that he completely overlooked the supreme job of acquiring complete control of our **mass communications media**. That oversight was a direct cause for **Wilson's failure** to lure the **United States** into the "**League of Nations**" because when **Wilson** decided to go to the people to overcome the opposition of the **Lodge-controlled Senate**; despite his established but phony reputation as a great humanitarian, he found himself faced by a solidly united people and by a loyal press whose only ideology was "**Americanism**" and the American way of life. At that time; due to the ineptness and ineffectiveness of the "**ADL**" and the "**NAACP**," there were no organized minority groups; no Negro problems; no so-called antisemitic problems to sway the people's thinking. There were no lefts and there were no rights nor any prejudices for crafty exploitations. Thus **Wilson's "League of Nations"** appeal fell on deaf ears. That was the end of **Woodrow Wilson**; the conspirators great humanitarian. He quickly abandoned his crusade and returned to **Washington** where he shortly died an imbecile brought on by syphilis and that was the end of the "**League of Nations**" as a corridor into **one-world government**.

"Of course that debacle was a terrible disappointment to the masterminds of the **Illuminati conspiracy**; but they were not discouraged. As I have previously stressed, this enemy never quits; they simply decided to reorganize and try from scratch again. By this time **Schiff** was very old and slow. He knew it. He knew that the conspiracy needed a new younger and more active leadership. So on his orders; **Colonel House** and **Bernard Barouk** organized and set up what they called the "**Council on Foreign Relations**;" the new name under which the **Illuminati** would continue to function in the **United States**. The hierarchy, officers, and directors of the "**CFR**" is composed principally of descendants of the original **Illuminati**; many of whom who had abandoned their old family name and acquired new Americanized names. For one example; we have **Dillon**, who was **Secretary of Treasury** of the **United States**, whose original name was **Laposky**. Another example is **Pauley**, head of the **CBS TV channel**, whose true name is **Palinsky**. The membership of the **CFR** is approximately **1,000 in number** and contains the **heads** of virtually every **industrial empire** in **America** such as **Blough**, president of the **U. S. Steel Corporation**; **Rockefeller**, king of the **oil industry**; **Henry ford, II**, and so on. And of course; all the **international bankers**. Also; the **heads** of the "**tax-free**" **foundations** are **officers** and/or active **CFR members**. In short; all the men who provided the money and the influence to elect the **CFR** chosen **Presidents of the United States**, the **Congressmen**, the **Senators**, and who decide the appointments of our various **Secretaries of State**, of the **Treasury**, of every important **federal agency** are members of the **CFR** and they are very obedient members indeed.

"Now just to cement that fact; I will mention the names of the few of the **United States Presidents** who were members of the **CFR**. **Franklin Roosevelt**, **Herbert Hoover**, **Dwight D. Eisenhower**, **Jack Kennedy**, **Nixon**, and **George Bush**. Others who were considered for the presidency are **Thomas E. Dewey**, **Adlai Stevenson**, and vice-president of a **CFR** subsidiary; **Barry Goldwater**. Among the important cabinet members of the various administrations we have **John Foster Dulles**, **Allen Dulles**, **Cordell Hull**, **John J. MacLeod**, **Morganthau**, **Clarence Dillon**, **Rusk**, **McNamara**, and just to emphasize the "**red color**" of the "**CFR**;" we have as members such men as **Alger Hess**, **Ralph Bunche**, **Pusvolsky**, **Haley Dexter White** (real name **Weiss**), **Owen Lattimore**, **Phillip Jaffey**, etc., etc.. Simultaneously; they were flooding thousands of homosexuals and other black malleable characters into all the federal agencies from the **White House** on down. Do you remember **Johnson's great friends**; **Jenkins** and **Bobby Baker**?

"Now there were many jobs the new **CFR** had to accomplish. They required much help. So their first job was to set up various "**subsidiaries**" to whom they assigned special objectives. I can't name all the subsidiaries in this recording; but the following are a few: the "**Foreign Policy Association**" ("**FPA**"), the "**World Affairs Council**" ("**WAC**"), the "**Business Advisory Council**" ("**BAC**"), the notorious "**ADA**" ("**Americans for Democratic Action**" virtually headed by **Walter Ruther**), the notorious "**13-13**" in **Chicago**; **Barry Goldwater** was, and no doubt still is a **vice-president** of one of the **CFR** **subsidiaries**. In addition; the **CFR** set up special **committees** in every **state** in the **Union** to whom they assigned the various state operations.

"Simultaneously; the **Rothschilds** set up similar **CFR-like control groups** in **England**, **France**, **Germany**, and other **Nations** to control world conditions and cooperate with the **CFR** to bring about another world war. But the **CFR's** first and foremost job was to get complete control of our **mass**

communications media. The control of the press was assigned to **Rockefeller**. Thus; **Henry Luce**, who recently died, was financed to set up a number of national magazines, among them "**Life**," "**Time**," "**Fortune**," and others, which publish "**U.S.S.R.**" in **America**. The **Rockefellers** also directly or indirectly financed the **Coles Brothers' "Look magazine"** and a chain of **newspapers**. They also financed a man named **Sam Newhouse** to buy up and build a chain of **newspapers** all over the country. And the late **Eugene Myer**, one of the founders of **CFR**, bought the "**Washington Post**," "**Newsweek**," the "**Weekly magazine**," and other publications. At the same time; the **CFR** began to develop and nurture a new breed of scurrilous columnists and editorials writers such as **Walter Lippman**, **Drew Pearson**, the **Alsops**, **Herbert Matthews**, **Erwin Canham**, and others of that ilk who called themselves "**Liberals**" who proclaimed that "**Amercanism**" is "**isolationism**;" that "**isolationism**" is "**war mongerism**;" that "**anti-communism**;" is "**anti-semiticism**" and "**racism**." All that took time of course; but today our "**weeklies**," published by patriotic organizations, is completely controlled by **CFR stooges** and thus they finally succeeded in breaking us up into a Nation of quarreling, wrangling, squabbling, hating factions. Now if you still wonder about this slanted news and outright lies you read in your newspaper; you now have the answer. To the **Lehmans**, **Goldman-Sachs**, **Kuhn-Loebs**, and the **Warburgs**; the **CFR** assigned the job of getting control of the **motion picture industry**, **Hollywood**, **radio**, and **television**; and believe me they succeeded. If you still wonder about the strange **propaganda broadcast** by the **Ed Morrows** and others of that ilk; you now have the answer. If you wonder about all the smut, sex, pornography, and mixed marriage films you see in your movie theater and on your television set (all of which is demoralizing our youth); you now have the answer.

"Now to refresh your memory, let's go back for a moment. **Wilson's flop** had torpedoed all chances of transforming that "**League of Nations**" into the conspirators hope for a **one-world government housing** so the **Jacob Schiff** plot had to be done all over again and they organized the **CFR** to do it. We also know how successfully the **CFR** did that job of brainwashing and destroying the unity of the American people. But as was the case with the **Schiff plot**; the climax and the creation of a new housing for their **one world government** required another **world war**. A **war** that would be even more horrible and more devastating than the **first world war** in order to get the people of the world to again clamor for peace and a means to end all wars. But the **CFR** realized that the aftermath of **World War II** would have to be more carefully planned so that there would be no escape from the new one-world trap - another "**League of Nations**" that would emerge from the new war. The trap we now know as the "**United Nations**" and they hit upon a perfect strategy to ensure that no one escaped. Here is how they did it.

"In 1943, in the midst of the war, they prepared the framework for the **United Nations** and it was handed over to **Roosevelt** and our **State Department** to be given birth by **Alger Hess**, **Palvosky**, **Dalton**, **Trumbull**, and other **American traitors**, thus making the whole scheme a **United States' baby**. Then to fix our parenthood; **New York City** was to become the nursery for the monstrosity. After that we could hardly walk out on our own baby now could we? Anyway; that's how the conspirators figured it would work and so far it has. The liberal **Rockefeller** donated the land for the **United Nations' building**.

"The **United Nations' charter** was written by **Alger Hess, Palvosky, Dalton, Trumbull**, and other **CFR stooges**. A phony, so-called, **U.N. conference** was set up in **San Francisco** in 1945. All the, so-called, representatives of 50-odd Nations gathered there and promptly signed the Charter and the despicable traitor, **Alger Hess**, flew to **Washington** with it; elatedly submitted it to our **Senate**, and the **Senate** (elected by our people to safeguard our security) signed the **Charter** without so much as reading it. The question is: "**How many of our Senators were even then traitorous stooges of the CFR?**" Anyway; it was thus that the people accepted the "**United Nations**" as a "**holy of holies**."

Again and again and again we have been startled, shocked, bewildered, and horrified by their mistakes in **Berlin**, in **Korea**, in **Laos**, in **Katanga**, in **Cuba**, in **Vietnam**; mistakes that always favored the enemy; never the **United States**. Under the law of averages; they should have made at least one or two mistakes in our favor; but they never did. What's the answer? The answer is the "**CFR**" and the parts played by their subsidiaries and stooges in **Washington D.C.**, thus we know that complete control of our **foreign relation policy** is the key to the success of the entire **Illuminati one-world order plot**. Here is further proof.

"Earlier I fully established that **Schiff** and his gang had financed the **Lenin, Trotsky, Stalin**, takeover of **Russia** and fashioned its **communist regime** into becoming their chief instrument to keep the world in turmoil and to finally terrorize all of us into seeking peace in a **U.N. one-world government**. But the conspirators knew that the "**Moscow gang**" could not become such an instrument until and unless the whole world would accept the **communist regime** as the legitimate "**de jure government**" of **Russia**. Only one thing could accomplish that and that is the recognition by the **United States**. The conspirators figured that the whole world would follow our lead and that's their bag to induce **Harding, Coolidge**, and **Hoover**, to grant that recognition. But all three refused. As a result of the late 1920's; the **Stalin regime** was in dire straits. Despite all purges and secret police controls; the **Russian people** were growing more and more resistive. It is a matter of record, admitted by **Lipdenoff**, that during 1931 and 1932; **Stalin** and his whole gang were always packed and ready for instant flight.

"Then in November 1932; the conspirators achieved their greatest coup; they landed **Franklin Roosevelt** in the **White House**, crafty, unscrupulous, and utterly without conscience. That charlatan traitor turned the trick for them. Without even asking consent of **Congress**; he unlawfully proclaimed recognition for the **Stalin regime**. That did it. And exactly as the conspirators figured; the whole world did follow our lead. Automatically that squelched the previously growing resistance movement of the **Russian people**. That automatically launched the greatest menace the civilized world has ever known. The rest is too well known to need repeating.

"We know how **Roosevelt** and his traitorous **State Department** kept building up the **communist menace** right here in our country and thus throughout the world. We know how he perpetuated that whole **Harbot atrocity** for his excuse to hurl us into **World War II**. We know all about his secret meetings with **Stalin** at **Yalta** and how he, with **Eisenhower's help**, delivered the **Balkans** and **Berlin** to **Moscow** and last but by no means least; we know that the 20th century Benedict Arnold not only dragged us into that new corridor; the **United Nations** into the **one-world government**, but actually schemed all the arrangements to plant it within our country. In short; the day that **Roosevelt** entered the

White House; the CFR conspirators regained full control of our foreign relations machinery and firmly established the **United Nations** as the housing for the **Illuminati one-world government**.

"I wish to stress one other very vital point. That **Wilson "League of Nations"** flop brought **Schiff** and his gang to the realization that control of just the **Democratic Party** was not enough. True! They could create a crisis during the **Republican administration** as they did in 1929 with their **federal reserve manufactured crash and depression** which would bring another **Democrat stooge** back into the **White House**; but they realized that a four-year disruption in their control of our foreign control of our foreign relation policies could play havoc with the progress of their conspiracy. It could even break up their entire strategy as it almost did before **Roosevelt** saved it with his recognition of the **Stalin regime**.

"Thereupon, after that **Wilson debacle**, they began to formulate plans to achieve control of both of our national parties. But that posed a problem for them. They needed manpower with stooges in the **Republican Party** with additional manpower for the **Democratic Party** and because control of just the man in the **White House** would not be enough; they would have to provide that man with trained stooges for his entire cabinet. Men to head the **State Department**, the **Treasury Department**, the **Pentagon**, the **CFR**, the **USIA**, etc.. In short; every member of the various cabinets would have to be a chosen tool of the **CFR**, such as **Rusk** and **McNamara**, as well as all the **under Secretaries** and **assistant Secretaries**. That would give the conspirators absolute control of all our policies, both domestic and most important; foreign. That course of action would require a reserve pool of trained stooges; instantaneously ready for administrative changes and for all other exigencies. All such stooges would of necessity have to be men of national reputation, high in the esteem of the people; but they would have to be men without honor, without scruple, and without conscience. These men would have to be vulnerable to blackmail. It is needless for me to stress how well the **CFR** succeeded. The immortal **Joe McCarthy** fully revealed that there are thousands of such security risks in all federal agencies. **Scott MacLeod** unmasked thousands more and you know the price that **Oetega** had to pay, and is still paying, for his expositions before a **Senate Committee** of the traitors in the **State Department** and you know that the men in the **State Department**, who delivered **Cuba** to **Castro**, have not only been shielded; but promoted.

"Now let's go back to the crux of the whole one-world government plot and the maneuvering necessary to create another **"League of Nations"** to house such a government. As I have already stated; the conspirators knew that only another world war was vital for the success of their plot. It would have to be such a horrifying world war that the peoples of the world would cry out for the creation of some kind of a world organization that could secure an everlasting peace. But how could such a war be brought about? All the **European nations** were at peace. None had any quarrels with their neighboring nations and certainly their stools in **Moscow** wouldn't dare to start a war. Even **Stalin** realized that it would mean the overthrow of his regime unless, so-called, **"patriotism"** would weld the **Russian people** behind him.

"But the conspirators had to have a war. They had to find or create some kind of an incident to launch it. They found it in a little inconspicuous and repulsive little man who called himself **"Adolf Hitler."** **Hitler**, an impecunious **Austrian house painter**, had been a **corporal** in the **German army**. He made

the defeat of **Germany** into a personal grievance. He began to "**rabble rouse**" about it in the **Munich, Germany** area. He began to spout about restoring the greatness of the **German Empire** and the might of the **German solidarity**. He advocated the restoration of the old **German military** to be used to conquer the whole world. Strangely enough; **Hitler**, the little clown that he was, could deliver a rabble rousing speech and he did have a certain kind of magnetism. But the new authorities in **Germany** didn't want anymore wars and they promptly threw the obnoxious **Austrian house painter** into a prison cell.

"Aha! Here was the man, decided the conspirators, who, if properly directed and financed, could be the key to another world war. So while he was in prison; they had **Rudolph Hess** and **Goering** write a book which they titled: "**Mein Kampf**" and attributed the authorship to **Hitler**; exactly as **Lipdenoff** wrote: "**Mission to Moscow**" and attributed the authorship to **Joseph Davies**; then our **ambassador to Russia** and a stooge of the **CFR**. In "**Mein Kampf**;" the **Hitler pseudo-author** outlined his grievances and how he would restore the **German people** to their former greatness. The conspirators then arranged for a **wide circulation** of the **book** among the **German people** in order to arouse a fanatical following for him. On his release from prison (also arranged by the conspirators); they began to groom and finance him to travel to other parts of **Germany** to deliver his rabble rousing speeches. Soon he gathered a growing following among other veterans of the war that soon spread to the masses who began to see in him a **saviour** for their beloved **Germany**. Then came his leadership of what he called "**his brown shirt army**" and the march on **Berlin**. That required a great deal of financing; but the **Rothschilds**, the **Warburgs**, and others of the conspirators provided all the money he needed. Gradually **Hitler** became the idol of the **German people** and they then overthrew the **Von Hindenburg government** and **Hitler** became the new **fuhrer**. But that still was no reason for a war. The rest of the world watched **Hitler's rise** but saw no reason to interfere in what was distinctly a domestic condition within **Germany**. Certainly none of the other Nations felt it was a reason for another war against **Germany** and the **German people** were not yet incited into enough of a frenzy to commit any acts against any neighboring nation; not even against **France** that would lead to a war. The conspirators realized they would have to create such a frenzy; a frenzy that would cause the **German people** to throw caution to the winds and at the same time; horrify the whole world. And incidentally; "**Mein Kampf**" was actually a follow-up of **Karl Marx's book: "A World Without Jews."**

"The conspirators suddenly remembered how the **Schiff- Rothschild gang** had engineered the **pogroms** in **Russia** which slaughtered many, many thousands of **Jews** and created a world-wide hatred for **Russia** and they decided to use that same unconscionable trick to inflame the new **Hitler led German people** into a murderous hatred of the **Jews**. Now it is true that the **German people** never had any particular affection for the **Jews**; but neither did they have an ingrained hatred for them. Such a hatred would have to be manufactured so **Hitler** was to create it. This idea more than appealed to **Hitler**. He saw in it the grisly gimmick to make him the "**God-man**" of the **German people**.

"Thus craftily inspired and coached by his financial advisers, the **Warburgs**, the **Rothschilds**, and all the **Illuminati masterminds**; he blamed the **Jews** for the hated "**Versailles Treaty**" and for the **financial ruination** that followed the **war**. The rest is history. We know all about the **Hitler concentration camps** and the incineration of hundred of thousands of **Jews**. Not the 6,000,000 nor even the 600,000 claimed by the conspirators; but it was enough. And here let me reiterate how little the

internationalist bankers, the Rothschilds, Schiffs, Lehmans, Warburgs, Barouchs, cared about their racial brethren who were the victims of their nefarious schemes. In their eyes; the slaughter of the several hundred thousand innocent **Jews** by **Hitler** didn't bother them at all. They considered it a necessary sacrifice to further their **Illuminati one-world plot** just as the slaughter of the many millions in the wars that followed was a similar necessary sacrifice. And here is another grisly detail about those concentration camps. Many of the **Hitler soldier executioners** in those camps had previously been sent to **Russia** to acquire their arts of torture and brutalization so as to emphasize the horrors of the atrocities.

"All this created a new world-wide hatred for the **German people** but it still did not provide a cause for a war. There upon **Hitler** was incited to demand the "**Sudetenland;**" and you remember how **Chamberlain** and the then diplomats of **Czechoslovakia** and **France** surrendered to that demand. That demand led to further **Hitlerian demands** for territories in **Poland** and in the **French Czar territories** and those demands were rejected. Then came his pact with **Stalin**. **Hitler** had been screaming hatred against **communism** (Oh how he ranted against **communism**); but actually **nazism** was nothing but **socialism** and **communism** is, in fact, **socialism**. But **Hitler** disregarded all that. He entered into a pact with **Stalin** to attack and divide **Poland** between them. While **Stalin** marched into one part of **Poland** (for which he was never blamed [the **Illuminati masterminds** saw to that]); **Hitler** launched a "**blitzkrieg**" on **Poland** from his side. The **conspirators** finally had their new **world war** and what a horrible **war** it was.

"And in 1945; the **conspirators** finally achieved the "**United Nations;**" their new housing for their one-world government. And truly amazing; all of the American people hailed this foul outfit as a "**Holy of Holies.**" Even after all the true facts about how the **U.N.** was created were revealed; the American people continued to worship that evil outfit. Even after **Alger Hess** was unmasked as a **Soviet spy and traitor;** the **American people** continued to believe in the **U.N.**. Even after I had publicly revealed the secret agreement between **Hess** and **Mulatoff** that a **Russian** would always be the head of the **military secretariat** and by that token; the real master of the **U.N.**. But most of the **American people** continued to believe that the **U.N.** could do no wrong. Even after **Trig D. Lee**, the first **Secretary general** of the "**U.N.**" confirmed that **Hess-Mulatoff secret agreement** in his book: "**For The Cause of Peace;**" **Vasialia** was given a **leave of absence** by the **U.N.** so that he could take **command** of the **North Koreans** and **Red Chinese** who were **fighting** the so-called **U.N. police action** under our own **General McArthur**, who; by **orders** of the **U.N.**; was **fired** by the pusillanimous **president Truman** in order to prevent him from winning that war. Our people still believed in the **U.N.** despite our 150,000 sons who were murdered and maimed in that war; the people continued to regard the **U.N.** as a sure means for peace even after it was revealed in 1951 that the **U.N.** (using our own **American soldiers** under **U.N. command**, under the **U.N. flag**, in collusion with our traitorous **State Department** and the **Pentagon**) had been **invading** many small **cities** in **California** and **Texas** in order to perfect their plan for the complete takeover of our country. Most of our people brushed it off and continued their belief that the **U. N.** is a "**Holy of Holies.**"

"Do you know that the **U.N. Charter** was written by traitor **Alger Hess, Mulatoff,** and **Vyshinsky?** That **Hess** and **Mulatoff** had made within that **secret agreement** that the **military chief** of the **U.N.** was always to be a **Russian** appointed by **Moscow?** Do you know that at their **secret meetings** at **Yalta;**

Roosevelt and Stalin, at the behest of the **Illuminati** operating as the **CFR**, decided that the **U.N.** must be placed on **American soil**? Do you know that most of the **U.N. Charter** was **copied** intact, word for word, from the **Marx "Manifesto"** and the **Russia**, so-called, **constitution**? Do you know that the only **two Senators** who voted against the **U.N. Charter** had **read it**? Do you know that since the **U.N.** was founded; communist enslavement has grown from 250,000 to 1,000,000,000? Do you know that since the **U.N.** was founded to insure peace there have been at least **20 major wars** incited by the **U.N.**; just as they incited war against little **Rhodesia** and **Kuwait**? Do you know that under the **U.N.** set up; the **American taxpayers** have been forced to make up the **U.N. Treasury deficit** of many millions of dollars because of **Russia's refusal to pay** her share? Do you know that the **U.N.** had never passed a **resolution** condemning **Russia** or her so-called **satellites**; but always condemns our **Allies**? Do you know that **J. Edgar Hoover** said: "**the overwhelming majority of the communist delegations to the U.N. are espionage agents**" and that **66 Senators** voted for a "**Consular Treaty**" to open our entire country to **Russian spies and saboteurs**? Do you know that the **U.N.** helps **Russia's conquest** of the world by preventing the free world from taking any action whatsoever except to debate each new aggression in the **U.N. General Assembly**? Do you know that at the time of the **Korean War** there were **60 Nations** in the **U.N.**; yet **95%** of the **U.N. forces** were our **American sons** and practically **100%** of the **cost** was **paid** by the **United States taxpayers**?

"And surely you know that the **U.N. policy** during the **Korean** and **Vietnam Wars** was to **prevent** us from **winning** those wars? Do you know that all the battle plans of **General McArthur** had to go first to the **U.N.** to be relayed to **Vasialia, Commander** of the **North Koreans** and **Red Chinese**, and that any future wars fought by our sons under the **U.N. flag** would have to be fought by our sons under the control of the **U.N. Security Council**? Do you know that the **U.N.** has never done anything about the **80,000 Russian Mongolian troops** that occupy **Hungary**?

"Where was the **U.N.** when the **Hungarian freedom fighters** were slaughtered by the **Russians**? Do you know that the **U.N.** and its **peace army** turned the **Congo** over to the **communists**? Do you know that the **U.N.**'s own, so-called, **peace force** was used to crash, rape, and kill the **white anti-communists** in **Katanga**? Do you know that the **U.N.** stood by and did nothing while **Red China** invaded **Laos** and **Vietnam**? That it did nothing while **Nero** invaded **Goa** and other **Portuguese territories**? Do you know that the **U.N.** was directly responsible for aiding **Castro**? That it does absolutely nothing about the many thousands of **Cuban youngsters** who are **shipped** to **Russia** for **communist indoctrination**.

"Do you know that **Adlai Stevenson** said: "**the free world must expect to loose more and more decisions in the U.N.**" Do you know that the **U.N.** openly proclaims that its chief objective is a "**one-world government**" which means "**one-world laws**," "**one-world court**," "**one-world schools**," and a "**one world church**" in which **Christianity** would be **prohibited**?

"Do you know that a **U.N. law** has been passed to **disarm** all **American citizens** and to **transfer** all our **armed forces** to the **U.N.**? Such a law was secretly signed by saint' **Jack Kennedy** in 1961. Do you realize how that fits in with **Article 47, paragraph 3, of the U.N. Charter**, which states and I quote: "**the military staff committee of the U.N. shall be responsible through the Security Council for the strategic direction of all armed forces placed at the disposal of the Security Council**" and when and

if all our **armed forces** are **transferred** to the **U.N.**; your **sons** would be **forced** to **serve and die** under the **U.N. command** all over the world. This will happen unless you fight to get the **U.S.** out of the **U.N.**.

"Do you know that **Congressmen James B. Utt** has submitted a **bill** to get the **U.S.** out of the **U.N.** and a **resolution** to prevent our **President** from forcing us to support the **U.N. embargoes** on **Rhodesia**? Well, he has and many people all over the country are writing to their representatives to support the **Utt bill** and **resolution**. **Fifty Congressmen**, spear headed by **Schweiker** and **Moorhead** of **Pennsylvania**, have introduced a **bill** to immediately **transfer** all our **armed forces** to the **U.N.**? Can you imagine such brazen treason? Is your **Congressman** one of those **50 traitors**? Find out and take immediate action against him and help **Congressman Utt**.

"Now do you know that the "**National Council of Churches**" passed a **resolution** in **San Francisco** which states that **the United States will soon have to subordinate its will to that of the U.N. and that all American citizens must be prepared to accept it**? Is your church a member of the "**National Council of Churches**?" In connection with that; bear in mind that **God** is never mentioned in the **U.N. Charter** and their meetings are never opened with prayer.

"The creators of the **U.N.** stipulated in advance that there should be no mention of **God** or **Jesus Christ** in the **U.N. Charter** or in its **U.N. headquarters**. Does your pastor subscribe to that? Find out! Furthermore; do you know that the great majority of the, so-called, **Nations** in the **U.N.** are **anti-christianity** and that the **U.N.** is a completely **godless organization** by orders of its creators; the **CFR Illuminati**. Have you heard enough of the truth the **Illuminati's United Nations**? Do you want to leave your sons and our precious country to the unholy mercy of the **Illuminati's United Nations**? If you don't; **write, telegraph, or phone** your **Representatives** and **Senators** that they must support **Congressman Utt's bill** to get the **U.S.** out of the **U.N.** and the **U.N.** out of the **U.S.**. Do it today; now, before you forget! It is the only salvation for your sons and for our country.

"Now I have one more vital message to deliver. As I told you; one of the four specific assignments **Rothschild** gave **Jacob Schiff** was to create a movement to **destroy religion** in the **United States** with **Christianity** to be the **chief target**. For a very obvious reason; the "**Anti defamation League**" wouldn't dare to attempt to do it because such an attempt could create the most terrible blood bath in the history of the world; not only for the "**ADL**" and the **conspirators**, but for the millions of innocent **Jews**. **Schiff** turned that job over to **Rockefeller** for another specific reason. The **destruction** of **Christianity** could be **accomplished** only by those who are **entrusted to preserve it**. By the **pastors**; the men of the cloth.

"As a starter; **John D. Rockefeller** picked up a young, so-called, **Christian minister** by the name of **Dr. Harry F. Ward**. **Reverend Ward** if you please. At that time he was teaching religion at the "**Union Theological Seminary**." **Rockefeller** found a very willing "**Judas**" in this **Reverend** and thereupon in 1907; he financed him to set up the "**Methodist Foundation of Social Service**" and **Ward's job** was to teach bright young men to become, so-called, **ministers of Christ** and to place them as pastors of churches. While teaching them to become ministers; the **Reverend Ward** also taught them how to

subtly and craftily preach to their congregations that the entire **story of Christ was a myth** to cast doubts on the **divinity of Christ**, to cast doubts about the **virgin Mary**, in short; to cast doubts on **Christianity** as a whole. It was not to be a direct attack, but much of it to be done by crafty insinuation that was to be applied, in particular, to the youth in the Sunday schools. Remember **Lenin's** statement: "**give me just one generation of youth and I'll transform the whole world.**" Then in 1908; the "**Methodist foundation of Social Service**," which incidentally was America's first communist front organization, changed its name to the "**Federal Council of Churches.**" By 1950; the "**Federal Council of Churches**" was becoming very suspect; so in 1950 they changed the name to the "**National Council of Churches.**" Do I have to tell you more about how this "**National Council of Churches**" is deliberately **destroying faith in Christianity**? I don't think so; but this I will tell you. If you are a member of any congregation whose pastor and church are members of this **Judas organization**; you and your contributions are helping the **Illuminati's plot** to destroy **Christianity** and your faith in **God** and **Jesus Christ** thus you are deliberately delivering your children to be indoctrinated with disbelief in God and Church and which can easily transform them into "**atheists.**" Find out immediately if your Church is a member of the "**National Council of Churches**" and for the love of God and your children; if it is, withdraw from it at once. However; let me warn you that the same destroying religion process has been infiltrated into other denominations. If you have seen the "**Negro on Selma**" and other such demonstrations; you have seen how the Negro mobs are led and encouraged by ministers (and even Catholic priests and nuns) who march along with them. There are many individual churches and pastors who are honest and sincere. Find one such for yourself and for your children.

"Incidentally; this same **Reverend Harry F. Ward** was also one of the founders of the "**American Civil Liberties Union**;" a notorious pro-communist organization. He was the actual head of it from 1920 to 1940. He also was a co-founder of the "**American League against War and Fascism**" which, under **Browder**, became the "**Communist Party of the United States.**" In short; **Ward's** entire **background** reeked of **communism** and he was identified as a **member** of the **communist party**. He died a vicious traitor to both his church and country and this was the man old **John D. Rockefeller** picked and financed to destroy **America's Christian religion** in accordance with the orders given to **Schiff** by the **Rothschilds**.

"In conclusion I have this to say. You probably are familiar with the story of how one **Dr. Frankenstein** created a monster to do his will of destroying his chosen victims but how instead in the end; that monster turned on his own creator, **Frankenstein**, and destroyed him. Well; the **Illuminati/CFR** has created a monster called the "**United Nations**" (who is supported by their minority groups, rioting negroes, the traitorous mass communications media, and the traitors in **Washington D.C.**) which was created to **destroy the American people**. We know all about that many headed hydromonster and we know the names of those who created that monster. We know all their names and I predict that one fine day the **American people** will come fully awake and cause that very monster to destroy its creator. True! The majority of our people are still being brainwashed, deceived, and deluded by our traitorous press, TV, and radio, and by our traitors in **Washington D.C.**; but surely by now enough is known about the **U.N.** to stamp out that outfit as a deadly poisonous rattlesnake in our midst.

"My only wonder is: "**what will it take to awaken and arouse our people to the full proof?**" Perhaps

this record (transcript) will do it. A hundred thousand or a million copies of this record (this transcript) can do it. I prey to God it will. And I pray that this record (transcript) will inspire you, all of you, to spread this story to all loyal **Americans** in your community. You can do it by playing it (reading it) to study groups assembled in your homes, at meetings of the **American Legion**, the **VFW**, the **DAR**, all other civic groups and women's clubs; especially the women's clubs who have their sons lives at stake. With this record (transcript) I have provided you with the weapon that will destroy the monster. For the love of God, of our Country, and of your children, use it! Get a copy of it into every American home.

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The New World Order and the Geopolitics of Information

"The New World Order and the Geopolitics of Information" by Christopher Brown-Syed originally appeared in: LIBRES: Library and Information Science Research (ISSN:1058-6768) January 19, 1993.

Preface to the 1999 Web edition:

This paper recounts, rather inadequately, but at least compactly, the controversy surrounding the Unesco led initiative for a New World Information and Communications Order (NWICO), and tangentially, for a New International Economic Order (NIEO), the involvement of the Non-Aligned Movement (NAM), and the Western reaction which the proposals stimulated. Much more exhaustive, book-length accounts exist, the most notable of which is Hope and Folly by Preston, Schiller and Herman.

I have used the word "liberal" herein not as it is sometimes used in the United States (to refer to left of centre politics), but as it is used in Canada and Europe - to refer to a centrist, free enterprise stance, rather than a "structuralist" that is, a socialist, social-democratic, or perhaps, a neo-Marxist one. The latter is to be distinguished from the Soviet-style "communist" approach, which is usually identified as "Soviet" herein.

Readers should note that this article describes attitudes and issues prevalent during the Cold War. Though superpower politics would seem to be a thing of the past, the underlying problem which the NWICO sought to ameliorate - uneven world development - remains to be solved. While they disagreed a great deal about possible solutions, the liberals, the socialists, and the political conservatives who were involved all appear to have recognized this problem. I find Richard Nixon's comments particularly interesting.

While this document has been reformatted for the Web, I have left it intact otherwise, mistakes and all. Chris Brown-Syed, Detroit, 1999.

Introduction

During the past three decades, it has been suggested that an imbalance in information production and distribution might underlie uneven world economic development. Fraught with ideology, the debate about a New World Information and Communications Order (NWICO), tended to focus upon media ownership and upon the contending concepts of information as commodity and information as social good, upon the freedom of information as an individual versus a collective right.

This discussion paper summarizes the debate, and suggests that the collapse of the Soviet Union might provide an opportunity to overcome past political differences and to get down to the real business of assisting developing nations. In this activity, information technology specialists such as journalists, librarians, and computer scientists might play key roles.

The NWICO debate flourished, or perhaps one might more aptly say, raged, throughout much of the 1970s and 1980s in the halls of the United Nations, and particularly within Unesco. NWICO proponents and opponents alike accepted the premise of a link between economic progress and the availability of information. However, liberal theorists maintained that national cultures and sovereignty were not threatened by information concentration, while structuralist and socialist analysts argued that they were. In particular, the NWICO proponents, mostly drawn from the ranks of non-aligned nations, claimed that Western ownership and control of both the news media and their distribution channels constituted a form of cultural dominance whose covert goal was capitalist economic expansion.

This argument, played out in fora such as the Non-Aligned Movement and Unesco conferences drew support from the Soviet Union, and hostility from Western administrations. It was partly due to fears of the growing "politicization" of Unesco that the United States and Great Britain withdrew from that organisation in the mid 1980s.

The NWICO movement began as a protest over the concentration of print and broadcast media ownership among de facto cartels, and developed into an argument about the cultural dominance of poor nations by wealthy ones. However, even before the Soviet collapse, some NWICO proponents were beginning to suggest that the issue of news imbalance was a red herring, and that supplying developing nations with current banking and business information was more crucial.

Today, with the Cold War fast fading from public memory, many of the positions discussed in this article will perhaps seem archaic and quaint. However, the problem of uneven world development, far from disappearing with the dissolution of the Soviet Union, remains with us. Indeed, we in the West are provided daily with ample evidence that a whole segment of the globe - Eastern Europe - is almost as badly off as the so-called "developing" nations. Moreover, the Third World of the 1990s finds itself with only one ideological pole toward which to turn, and with the West as the major viable source of economic assistance.

Politics aside, it would seem that the basic NWICO assumption that information plenty is concomitant to and predeterminate of economic prosperity, remains at least arguable.

In hindsight, it appears that the East-West politicization of the NWICO debate merely served to distract attention from deep seated problems which persist and are likely to grow more pernicious in the short term.

Now that we are freer of the bonds of conflicting East-West ideologies, perhaps the time has come for technocrats - librarians, computer programmers, journalists, and communications specialists to address

the problem objectively, and from a holistic, information science perspective. This effort might consist of developing better ways of exporting development information from the rich nations of the North and West, to the poor ones of the South and East, and of importing knowledge of developing countries through development education activities.

For working definitions, let us say that development education is the activity of acquainting Western populations with the problems of Third World and with its various cultures. Development information is that required for economic growth and the improvement of social conditions. In order to effect change in the developed world, this paper contends, it will be necessary to arrive at a new synthesis, acceptable to both laissez-faire liberals and to structuralist theoreticians who believe to various degrees in government involvement with the economy. Most importantly, since information technology is increasingly becoming the key to economic prosperity, it behooves us to help redefine the debate as an information science issue, rather than a media studies problem.

Before proceeding, it might prove beneficial to set out some working definitions. Most importantly, the term "culture" requires clarification.

"Culture may be defined as the organisation of shared experience which includes values and standards of perceiving, judging and acting within a specific social milieu at a definite historical state. In other words, culture is the complex of material and spiritual goods and values created by human activity in the process of social development." (Jefkins and Ugboajah, 1986: 151).

This accepted, information must be seen as a part of culture. Since the terms "culture" and "cultural products", are most often used in the narrower sense of fine arts, performing arts, and especially the operation of the mass media and news, the NWICO debate tended to focus on the news and the media, and not on other types of information - scientific, technical, and so forth.

The year 1980 saw the publication of Anthony Smith's *Geopolitics of Information*, and the report of Unesco's MacBride Commission on world communications problems, *Many Voices, One World*. Both works described an emerging model of world communications problems, and proposed a political framework for their solution generally referred to as the New World Information and Communications Order (NWICO). However, neither work could offer specific agendas or timetables for resolution. Smith's scholarly work never set out to do this, while Unesco, as an organisation operating by consensus, could not impose its political will upon member nations.

The NWICO received much attention in the press, due mostly to the opposition of Western nations to its implications for journalism. Over the past decade, the defence or refutation of NWICO claims became a major preoccupation of the literature of the geopolitics of information.

Canada's Tom McPhail presented a comprehensive analysis of the NWICO's major issues and constructs, emphasising the role of Unesco and the Non-Aligned Movement in NWICO policy

formation (McPhail, 1981). Daniel Meyer sought to test the key hypotheses behind the NWICO analysis of communications structures (Meyer, 1987). William Preston, Herbert I. Schiller, and Edward S. Herman provided definitive analyses of the political aspects of the NWICO, including its treatment by the media. (Preston et al. 1989).

Johan Galtung, in various writings, proposed a "structuralist" model of centre-periphery relations to explain the patterns of information exchange, elaborating upon the work of writers such as Rein Turn (1979). Others such as Jenkins and Ugboajah (1986), Tunisia's Mustapha Masmoudi, and writers from India, Africa and South America, described the effects of the current system of communications infrastructure and information production upon Third World development.

In the structuralist model of communications, unprocessed information flows from underdeveloped nations to the developed countries of the West or North, much as do the raw materials of industry. Information users in the developed countries interpret, process, and act upon this information, redistributing it in turn to the client states, along with more information about their own activities, cultures, and politics. Thus, the Third World nations come to be viewed through the eyes of the information interpreters of the developed nations, whose organisations control both the finances and infrastructures of the distribution system, while the developing nations never quite receive the latest information, nor the latitude of interpreting it to their own advantage. As well, in terms of pure volume of information produced and consumed, the developing nations lag far behind.

Because many of these writers argued in particular against de facto media cartels, because of political problems within Unesco itself, and because of the East-West rivalries of the times, the NWICO debate came to be treated as a confrontation between capitalism and Soviet communism. Opponents charged, with some justification, that the NWICO proposals were part of a larger communist agenda.

Smith's Geopolitics, focused almost exclusively upon the imbalance evidenced in the news media. The choice of focus is far from arbitrary, since Smith viewed this area as the most contentious.

"The conflict between North and South over the dissemination of news is more intractable than any other contemporary debate over the unfair distribution of earth resources, for it intrudes into the very culture of Western societies." (Smith, 1980: 15).

Because of the way in which news is gathered and distributed, Smith suggests, Western audiences have become conditioned to a view of the Third World which is founded upon "wrong or ill-judged information", and which can be characterised as "exploitive, patronizing, and distorted." Moreover, because of the vast market for news which the Western audience represents, this view has become "self-feeding" or "self-sustaining".

It remained difficult, Smith contended, to provide a balanced view of the Third World, since the news gathering and disseminating organisations, as well as their technological infrastructures were controlled by a few Western nations:

"The Third World has accused the West of cultural domination through its control of the major news-collecting resources of the world, through the unstinted flow of its cultural products across the world, and through the financial power of its advertising agencies, its international newspaper chains, its newsprint companies, and its hold over the electro-magnetic spectrum on which broadcasting, navigation, meteorology and much else depend." (Smith, 1980: 13).

Smith argued that "news imperialism" obtained from bias in content as well as economic factors. Due to marketing practices, the methods of news collection, and the structure of news itself, audiences in both the producing and consuming states received a biased picture of world.

"Our mental media picture of the world is compounded of our Western interests within it and is supportive therefore of those interests. The struggle to escape from our bad image of the Third World is an essential stage in its struggle for independence." (Smith, 1980: 10)

While the North comes to know the South primarily by means of news reports, Smith contended, the exporting nations reinforce their own cultural images in the client nations through many other "physical and cultural" exports. Films, tourism, and consumer products such as automobiles are possible examples. As well, journalists from those nations and abroad report frequently on activities in the developed nations. However, because of the way in which news is constructed and marketed, emphasising the most violent or dramatic images, the media present a selective or distorted image of the less developed nations.

In interpreting Third World events for domestic audiences, Western journalists apply their own standards of propriety. Here lies the crux of media bias:

"It is what the agencies and western journalism do inadvertently which is the trouble. We think of the price of motor cars as necessarily rising through no one's fault; we think of the price of petrol rising as a direct result of the 'greed' of a few Arabs." (Smith, 1980: 110).

Smith names four main Western agencies, United Press International (UPI), Reuter, Associated Press (AP), and Agence France-Presse (AFP), as the primary producers and controllers of news. Subsequent writers usually included TASS, the former Soviet agency, in a "big five" of news organisations.

One solution to the problem of news imbalance was thought to be the institution of a more bi-directional flow of information, which recognised freedom of expression or communication as a collective right of nations as well as an individual right.

In other words, NWICO advocates suggested, a small under-reported or mis-reported country should

have the right to rectify its public image abroad.

The NWICO debate focused on the desirability of a balanced and controlled flow of information, as opposed to a free and unrestricted one. This can easily be interpreted as an argument for freedom of the press versus censorship. Smith warned that the call for a balanced flow of information presented "a double crisis, intractable both in doctrine and in management." (Smith, 1980: 16). As Ithiel de Sola Pool remarked, "The slogan of protection of national culture most often really means the protection of an existing government, or of some special interest within it." (Pool, 1990 :125)

The concept of a link between communications and control is fundamental to cybernetic theory (Wiener, 1948). Wiener stressed that in all organisms, from amoeba to nation state, communications are fundamental to interaction with internal and external environments. As Canada's Francis Fox, chair of a major federal cultural policy review committee noted:

"The important thing about information technology is not so much that it uses and processes information - which it does in abundance - but that it is fundamentally a control technology. If we are to understand the nature of the new information technologies, it is necessary to focus less on their content and more on their function (i.e. regulation - in the cybernetic sense of the term - of systems, or in other words, control.)" (Babe, 1990 : 250).

Canadian historian Harold Innis noted another effect of communications media, namely, their ability to alter our perceptions of time and space, and consequently, our expectations of other people's behaviour. In studying diplomatic messages sent during the early years of the telegraph, Innis noted that a 'prompt response', indicative of the correspondent's sense of urgency and seriousness, soon came to mean a telegram rather than a letter. This raised expectations about the time required for responses, and in effect made the world a smaller place (Innis, 1954).

This condensing of space and time became more pronounced with the advent of the telephone. Pool calls the effect, the "spatial reorganisation of activity", and takes special note of its ability to undermine existing organisational hierarchies, and to enable corporate decentralisation on a global scale.

"Another effect of the telephone was also to loosen hierarchical layering. As Marshall McLuhan put it, 'The pyramidal structure... cannot withstand the speed of the telephone to bypass all hierarchical arrangements...'" (Pool, 1990: 69).

This predicted "decentralising" effect characterised the "global village" conjectures of MacLuhan, and was evident in works of writers such as Hiltz and Turoff (1978), who described the new America as a "network nation". However, recent writers such as Heather Menzies (1989), and Vincent Mosco (1989), point to de- skilling of workers, centralisation of decision making, and other "centralising" effects of the electronic technologies. Far from producing a new, democratised, post-industrial, "information age", such writers argue, the new trade in an information commodity has merely resulted in a refinement of the methods of industrial society and the market economy.

As well, liberal Western schemes to speed the Third World toward development may have helped to perpetuate indigenous elites. Citing the case of the Philippine press, Smith contended that bilateral grants, training, or skill-transfer programmes resulted in "transplanted journalism", and the formation of elites who were in effect "internal emigres", divorced from their own cultures. (Smith, 1980: 155). As an Indian national observed, "News travels faster but the rural elite are the first to have it." (Smith, 1980: 161). In concluding that the existing information order is "a product of and has itself extended the historical relationships between the 'active' and the 'passive' nations," (Smith, 1980: 175), he emphasised the systematic and endemic aspects of the structuralist argument.

"We have learned that the de-colonisation and growth of supra-nationalism were not the termination of imperial relationships, but merely the extending of a geo-political web which has been spinning since the Renaissance." (Smith, 1980: 176).

As Smith accurately predicted, the clash between socialist and capitalist views of press freedom made the NWICO debate an easy target for conservatives like Leonard Sussman of Freedom House and Owen Harries of the Heritage Foundation. (Preston et al., 1989: 209-216). Let us now examine some of the concepts of the New World Information and Communications Order, its historical origins, its key documents, and some of the major schools of thought in favour of and opposed to the NWICO. In particular, the Western reaction to the NWICO will be examined with reference to the terminology of some of its major documents.

Principles and Premises

The basic premise of the movement for a New World Information and Communications Order (NWICO), was that an imbalance existed in the direction, volume, and types of information exchanged between adequately developed countries and the Third World, which was detrimental to development and systemic in nature. Of equal importance with, and logically prior to this conception, is the ethical notion that information should be viewed a shared resource or as a social good rather than as a commodity.

The major documents of the NWICO include the Unesco Media Declaration of 1978, Unesco's Statement on Journalistic Ethics, and the report of the International Commission for the Study of Communications Problems (MacBride Commission), published in 1980. NWICO premises included the assertion that information is necessary to economic development, and that any attempt to establish a New International Economic Order (NIEO) must incorporate, or even depend upon, reform in the world communications system.

In the chief NWICO paradigm, (the structuralist model), the current world situation is characterised by the dominance of information producing nations over those which consume cultural and information 'products'. The set of relations between these "know" and "know-not" nations, has been described variously as a centre- periphery situation, as a North-South conflict, or as a relationship of neo-colonialism or neo-imperialism. The structuralist school included "neo-Marxian journalists, many Third

World diplomats, and theorists like Johan Galtung." (Meyer, 1985:10). Galtung's major contribution to the platform is his "centre-periphery" typology, which provided a perspective on cultural dominance.

"According to this schema, nations at the Centre... dominate a 'feudal network of communication'. The Centre owns the major news agencies and 'Centre news takes up a much larger proportion of Periphery news media than vice versa'... users in the Periphery 'come to see with Centre eyes.'" (Meyer, 1985: 10) quoting (Galtung, 1979, 165-166).

Galtung's schema was outlined in a paper entitled "A Structural Theory of Imperialism". As well as modelling centre- periphery relations, it attempted to account for the "community of interest" mechanisms which perpetuate the relationship, and to explain the system's resistance to change. (Galtung, 1971). Representatives of the structuralist school include theorists Herbert I. Schiller, Tom McPhail, Keohane and Nye, O'Connor, Hymer, and MacBride commissioners Garcia-Marquez and Juan Somavia, Hubert Beuve-Mery, and Mustapha Masmoudi.

The range of problems addressed by the NWICO included cultural dominance, concentration of media ownership among de facto cartels, transborder data flows controlled by multi-national corporations, the effects of tourism and advertising, and the uneven world allocation of radio, satellite, and telecommunications technologies and infrastructures. The NWICO proposals held that all of these relationships ran counter to the interests of the developing world, threatening self- determination, sovereignty and economic development. Although the notion of a revised world information structure would entail the establishment of a "free and balanced flow" of all sorts of cultural, scientific, technical, and financial information, the debate over the NWICO tended to focus on perceived problems with the news media.

Although the relationships described by the structuralist model were generally accepted, the negative effects of current world information flow were disputed by the NWICO's liberal and conservative opponents. Some of these, endowed with the optimism of Daniel Lerner, or Ithiel de Sola Pool, believed that the current system was either inherently liberating, or would develop of its own accord, or could be adapted to address the problems of developing nations through sufficient attention to education, or technology transfer, or the development of Third World infrastructures. The more conservative among free market thinkers favoured the continuance of the current information regime.

Problems With the Agenda and the Forum

Those who sought to implement the NWICO proposals had to contend with vigorous opposition from within the so-called 'dominant' countries - principally from the United States and to a lesser extent from Britain (Preston et al., 1989). In retrospect, we can categorize the problems with NWICO implementation as: problems inherent in the NWICO formula itself, difficulties in proving the veracity of its claims, complications arising from the use of Unesco as a forum of discussion, bad will occasioned by "stridency" in the language of proponents and opponents, and ideological differences over basic concepts. As well, the fact that the scheme was to a large degree a construct of Third World diplomats

such as Tunisia's Mustapha Masmoudi and other Non-Aligned Movement ministers, coupled with the choice of Unesco as a forum for debate, occasioned resistance from the developed nations.

While the United States pointed to the adoption of NWICO as one of its reasons for pulling out of that agency, the US was already at loggerheads with Unesco before the NWICO issues were tabled (Partan, 1975). US participation in Unesco depended upon the resolution of several different political concerns, of which the NWICO was merely one. However, at the height of its "vitriolic name calling" phase (during the mid 1980s), the NWICO debate became the occasion for ad hominem attacks on Unesco's leaders from the West, and "strident" calls for the overthrow of imperialism from the Third World.

Both supporters and opponents have emphasised NWICO claims about inequalities in news flows, and freedom of information as a collective right of nations. These notions ran contrary to Western ideas of press freedom and free markets. Moreover, they served to distract debate both from deeper phenomenological analyses of world culture in its broader sense, and from establishing practical agendas for the amelioration of conditions in the Third World. Terminology of the NWICO Proposals On 28 November, 1978, at the twentieth General Conference in Paris, Unesco issued a proclamation calling for the establishment of a New World Information Order.

At the same conference, the International Commission for the Study of Communications Problems, (the MacBride Commission), which had been established by Unesco in 1976, presented its interim report. The final draft of the MacBride report was published in 1980. Unesco's policies toward the media are to be found in both sources, and in attendant documents such as the 1980 "Statement on Journalistic Ethics", which was reaffirmed at the 1983 Mexico select committee meeting. These documents tend to be conflated in the literature of Unesco critics. It seems essential to begin by examining the language of the 1978 Media Declaration itself.

The document, which came to be known as the "Unesco Media Declaration" or "Media Charter", bore the full title: "Declaration on the Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights, and to Countering Racialism, Apartheid and Incitement to War." Its full text appears in Meyer (1987). The phrase "countering racialism, apartheid and incitement to war", occurs no less than four times within the body of the proclamation, as well as in its preamble and title.

The link between the goal of defeating these ills, and Unesco's scientific, educational, and cultural role is established in Article III(2), which asserts that "aggressive war, racialism, apartheid and other violations of human rights [are] inter alia spawned by prejudice and ignorance." Thus, combatting war could be seen as part of Unesco's mandate of disseminating information and promoting literacy and education. The language of this clause recalls the maxim, "Wars begin in the minds of men", and is included by way of allusion to the Unesco constitution.

In good legalistic tradition, the Declaration contained in its preamble fourteen "recalling" clauses citing traditional UN concern with information, communication, and the press. These clauses included

references to the Unesco constitution, the 1945 Charter of the United Nations, and to various UN resolutions on the subject, establishing the declaration's historical precedent. The body of the proclamation consisted of eleven articles, providing in the main for recognition by member states of the rights of freedom of opinion, expression, and of information, and calling upon them to exert their efforts to strengthen peace and to promote education.

The provisions which were new and innovative with in declaration consisted of calls for the establishment of "equilibrium and reciprocity" in communications, and a freer and more balanced flow of information between the advanced and developing nations. The provision for restructuring global communications and information distribution sparked adverse Western reaction, since mass communications were and are tied to the commercial and national interests of the developed countries. As well, attempts to regulate the media through import quotas, indigenous content regulations, or accreditation schemes, entail the risk of misuse by totalitarian governments, and appear to limit the freedom of the press, which is enshrined in Article I of the Constitution of the United States, though not, perhaps, in the constitutions of other nations.

The document called for the establishment of conditions "guaranteeing [journalists] the best conditions for the exercise of their profession" in Article II(4), and in Article X, for the procurement by member states of "adequate conditions and resources" to enable the Third World press to expand, and a respect for "different economic and social systems" - a fairly transparent reference to the now-defunct Soviet economy. States should ensure, the declaration said, that journalists enjoy the proper conditions in which to carry out their duties. Article XI called again for a guarantee of "the existence of favourable conditions" for the exercise of journalistic activities.

The declaration did not specify what these conditions should be. The declaration's connections to economic policies emerged in Article VII, wherein the link between the UN's proposed New International Information Order and its New International Economic Order was explicitly stated; "...the mass media contribute effectively to the strengthening of peace and international understanding, to the promotion of human rights, and to the establishment of a more just and equitable international economic order." Calls for greater balance in information flow to and from developing countries appeared in Articles VI and X. The latter called on member States to "facilitate the procurement by the mass media in developing states of adequate conditions and resources enabling them to gain strength and expand", and to co-operate with the media internally, with other Third World states, and with the more developed nations.

Viewed out of context and with hindsight, the Declaration appears to be a basically liberal [i.e. centrist as opposed to socialist] document. It repeatedly elicited support for human rights, the freedom of the press, and the free flow of information. While emphasising the responsibility of the media for education and the maintenance of world peace, and making broad calls for more equitable distribution of wealth, it does not seem to contain any of the catch phrases so repugnant to Western sensibilities - denunciations of imperialism, for example.

There is certainly no mention of the "licensing" of journalists - a phrase which would become the rallying cry of NWICO opponents. However, if the Declaration did not recommend press restrictions, it did contain several phrases and terms which could be interpreted as accusatory of Western foreign policy and attributable to Marxist-Leninist inspiration. Additionally, as Daniel Partan remarked, (Partan, 1975), Unesco had for some time left itself open to charges of "politicization" when its documents touched upon matters only tangentially related to its educational, scientific and cultural mandate, which was always interpreted quite narrowly by its critics.

Unesco calls for cultural protectionism aroused suspicion of censorship or monopoly. As Ithiel de Sola Pool observed, "The slogan of protection of national culture most often really means the protection of an existing government, or of some special interest within it." (Pool, 1990 :125) In the view of Western critics, the Declaration, with its relatively mild phrases, and subsequent Unesco statements, constituted calls for the licensing of journalists and state control of the media.

In establishing a link between the NWICO and NIEO programmes, the Media Declaration could be interpreted as demanding a world Socialist distribution of wealth. Since to implement international protection of journalists, one must have a way of recognising them, the document seems to recommend an international press accreditation scheme. As well, it could be argued that there is a fine line between procuring resources for the media, and state procurement of the media themselves, or of their privately owned technological infrastructures.

If the language of the Declaration itself did not contain provocative Marxist or anti-capitalist language, plenty of examples could be found both in the statements of individual Unesco delegates, and in other official publications. Links between notions of "imperialism", "colonialism", "apartheid", and "Zionism" appeared in the subsequent Unesco Statement on Journalistic Ethics, as did references to "peaceful coexistence" and "disarmament", and the rights of nations to "self determination". While the 1978 Media Declaration presented a set of broad principles, it did not contain any concrete plan of action or set of regulations.

The MacBride Commission, formed by Unesco in 1976, presented its Interim Report at the 1978 General Conference. The final draft was ready for publication two years later. While the MacBride Report represented a remarkable scholarly and diplomatic effort, it too lacked an agenda, as Mustapha Masmoudi noted. (Masmoudi, 1985). In 1980, Unesco held a consultative meeting in Mexico City, which lent its support to the 1978 media declaration.

By the time of its 1983 Paris consultative meeting, the central principles of the NWICO had taken form. This meeting ratified a declaration on the "International Principles of Professional Ethics in Journalism", which stressed the rights of individuals and nations to "true and authentic" distortion-free information, and stressed the obligation of the media to provide one, suggesting that the journalists' primary duties were to "humanist values" rather than to their employers.

The ethics statement marked the first attempt at a set of NWICO regulations. As well, it explicitly

recognized information as a social good rather than a commodity. Principle III, the so-called "conscience clause", states: "Information in journalism is understood as a social good and not as a commodity, which means that the journalist shares responsibility for the information transmitted and is thus accountable not only to those controlling the media but ultimately to the public at large, including various social interests. The journalist's social responsibility requires that he or she will act under all circumstances in conformity with a personal ethical consciousness."

Two additional inclusions are significant: the identification of journalistic ethics with the "universal values of humanism... social progress and national liberation", (Principle VIII), and the expansion of the "peace" rhetoric of the 1978 Media Declaration to include overt references to disarmament and neo-colonialism. "The ethical commitment to the universal values of humanism calls for the journalist to abstain from any justification for, or incitement to, wars of aggression and the arms race, especially in nuclear weapons, and all other forms of violence, hatred or discrimination, especially racialism and apartheid, oppression by tyrannic regimes, colonialism and neocolonialism, as well as other great evils which afflict humanity such as poverty, malnutrition and diseases."

The term "disarmament" could well have been interpreted by the West as a Soviet code-word for the unilateral dismemberment of NATO's nuclear capabilities, upon which the 'balance of power' rested at the time. The Soviets, with their superior conventional forces in Europe, would have derived more latitude from nuclear disarmament. Thus, in the critics' view, "disarmament" really meant granting the Soviet Union de facto strategic superiority. Given the international mistrust of the period, it is not difficult to see how incorporation of such phrases into charters and declarations would raise concerns about Unesco's "politicization".

Many Voices Calling Vitriolic Names

The International Commission for the Study of Communications Problems had been formed during the nineteenth general conference of Unesco, held at Nairobi in 1976. This commission, operating under the presidency of Ireland's former Foreign Minister, Sean MacBride, presented its Interim Report at the 1978 conference. Its final report was published in 1980, under the title, *Many Voices, One World*. This report tended to be mentioned, especially by hostile writers, in the same breath as the Draft Declaration on Media Policy, which had been formulated after presentation of the Commission's Interim Report at the '78 conference. Moreover, certain resolutions suggested by members from the Soviet and Non-Aligned blocks, which were never actually included in either document and would have placed limits on press accreditation, were represented as having been central tenets of the New World Information and Communications Order outlined in the MacBride Report. (USNC, 1984).

The MacBride Report represents a masterly attempt at synthesis; to present the cases for structuralist models of information while recommending liberal solutions. In fact, dissenting opinions appended to the Report, Sergei Losev (a TASS official), Gabriel Garcia Marquez and Juan Somavia, and Mustapha Masmoudi, objected to various degrees to the document's liberal slant. (Unesco, 1980: 279-281). Masmoudi's noteworthy characterisation of the report as a "deontological code" explicates the report's

ultimate grounding: it rests upon voluntary rather than regulatory or prescriptive adhesion, and proposes few normative measures.

Article I(3) of the Unesco constitution prohibits Unesco from intervening in matters which are essentially within the domestic jurisdiction of Member States. (Partan, 1975: *passim*). Thus, any Unesco resolution has only the legal status of a recommendation. While calling repeatedly for "global perspectives", the Report accentuated personal actions and the duties of individual reporters or organisations as remedies for media inequities. In so doing, it endorsed no credible macro analysis of the problems, preferring to deal with them from a safer, ideologically neutral, micro point of view. Thus, despite Western concern, stress was not put on any systematic domination by "imperialist" forces in the MacBride Report's recommendations.

In suggesting individual rather than concerted social action, the Report remained an essentially liberal document, thereby leaving itself open to critics of the Left as well. An example of the compromise nature of the MacBride Report may be seen in its analysis on "Dominance in Communication Contents." The Committee identified various problems associated with the cultural message of media contents: the media may distort the contents of news or information by presenting inaccuracies or untruths instead of facts; media consumption may result in cultural alienation, so that the values presented in the media overshadow local or historical ones; external influences, such as transnational corporate interests, may affect media contents. However, the Report suggested that the responsibility for cultural dominance must be shared by both the producing and consuming nations, since consuming nations buy media products willingly, and could presumably refrain from purchasing them.

While structuralist analysis is evident in the first three points, this last exemplifies the Report's inherently liberal character. It is not surprising that socialist Commissioners such as Losev, Masmoudi, and Garcia-Marquez, should feel less than satisfied with the Report and should feel compelled to append dissenting opinions. Nor is it surprising that conservative member Elie Abel of the United States, should lodge his own complaints about the document's socialist leanings. Although the MacBride Report was lauded by both camps as a masterful and diplomatic effort, it could not lay the politicization controversy.

Moreover, it can be seen as a product of forces developing within Unesco and the United Nations as a whole. It is clear that by the 1976 General Conference, whereat Unesco's Director General, Amadou Mahtar M'Bow, was instructed to investigate the information issue, and to establish the MacBride Commission, a general ideological climate existed within Unesco, and perhaps within the United Nations at large, which contained elements inherently at odds with American foreign policy. The United States announced in 1983 that unless Unesco implemented changes in its budgetary system, and abandoned its "statist" approach, it would withdraw from the agency at the end of 1984.

In an eleventh-hour attempt to head off American withdrawal, the Executive Committee of the United States National Committee for Unesco (USNC), issued a privately printed "advisory", containing 23 points, supportive of Unesco and refuting the administration's allegations. (USNC, 1984). It is noteworthy that the signatories to the Advisory included Leonard R. Sussman of Freedom House, in his

capacity as Vice Chairman of the USNC.

Despite his opposition to various Unesco policies, even Sussman wished to effect change from within.

The Advisory argued that Unesco had been no more or less politicized than any other UN body, that the "rights of peoples" statements were not meant to detract from individual rights, that Unesco did not adopt a "statist" approach to issues, and that the USSR did not hold undue sway over Unesco. The USNC maintained, with arguable accuracy, that "The New International Economic Order (NIEO) had not been central to Unesco programs", but granted that it had been "reflected in many of the debates, publications and programs". The Unesco budget, argued the USNC showed only a small increase during the fiscal year, despite US claims of "profligate leaps", and that charges of Paris officials' leading exorbitant lifestyles were false.

As well, the USNC defended contentious programmes like assistance to the PLO and various African liberation movements, and to disarmament studies, by stating that they took small percentages of the budget and were educational in nature. (USNC, 1983: *passim*). The American withdrawal from Unesco, which took effect at the end of 1984, together with M'Bow's treatment at the hands of the American press, is well documented in *Hope and Folly*, the definitive 1989 study by Preston, Schiller and Herman.

An interesting feature of this particular sequence of political events lies in the fact that so much of the American campaign was waged in the pages of the press. This lent credence to what was perhaps the most audacious structuralist contention - that the press, even in democratic countries, is manipulated by "governments or elites". As well, the story illustrated, through the rather heavy media reliance upon anti-Unesco "experts" from the Heritage Foundation, that there are inherent weaknesses in the "official sources" policies of the media. (Preston, et al., 1989: 216, 222 and *passim*). It is far too easy, say critics, for administrations to promote "experts" whose views they find agreeable. Once established, such experts tend to become "convenience sources" for journalists.

How justified was Western concern over the "politicization" of Unesco? Did the Media Declaration and MacBride Report represent isolated phenomena, or an overall shift in Unesco politics? Or were these reports merely the latest examples in a leftward-leaning political climate within Unesco and the United Nations itself at the time? For instance, concern over the politicization of Unesco had already been aroused at least a decade earlier, with Daniel Partan's study.

Partan, who prepared his work for the American Association for the Advancement of Science, noted three frequently used meanings of the term "politicization". The term is used: "to refer to UNESCO decisions on matters that are considered by some to lie essentially outside the domain of 'education, science and culture'", "to refer to decisions reached through a process that some see as not reflecting the high standards of scholarship that should be expected of the agency," and "to reflect a view that specific actions taken by the UNESCO Executive Board or General Conference were taken to express a partizan political position, rather than as an objective, non-partizan determination on a matter falling within UNESCO's competence." (Partan, 1975:9).

While his paper came to be cited by NWICO supporters and critics alike, Partan stated clearly that it offered no conclusions about Unesco's politicization. (Partan, 1975: vii.) Under the directorship of Rene Maheu, Unesco had criticised Israel for archaeological digs conducted in the occupied territories after the 1967 war, charging that they violated the Hague Convention. (Partan, 1975: 95-99).

Unesco's calls for the elimination of colonialism and racialism had led to the withdrawal of South Africa in 1955. The organisation had applied sanctions against South Africa, Southern Rhodesia, and Portugal in 1966, and the General Council had issued a statement "deploring racial discrimination and apartheid", and "all forms and manifestations of colonialism and neo colonialism," as "a threat to international peace and security [and] a crime against humanity." (Partan, 1975: 122). In resolutions of 1960, 1962, 1964 the General Council had stressed Unesco's role in "contributing to the attainment of independence by colonial countries and peoples."

The distinction between countries and peoples is of note, since some of the groups seeking assistance were (arguably) "peoples" without "nations" such as the Palestinians, or the Southern Africans. These resolutions emphasised Unesco's desire for education planning, elimination of illiteracy, training of qualified national personnel, organization and development of science & technology, the preservation of national cultures and the development of information media. (Partan, 1975: 116). The document urged: "Unesco should take a more active part in the struggle against all forms and manifestations of fascism, neo-colonialism and other forms of oppression and tyranny, racialism and apartheid caused by imperialism..." (Partan, 1975: 126-127).

This language implies (again arguably), that the ills of racism and apartheid are products of Western politics. As well, critics charged Unesco with supporting guerilla and terrorist groups. Instances included the admission of observers from the Palestine Liberation Organisation, and the Organisation for African Unity, as representatives of "peoples struggling for liberation, self-determination and independence against colonial and alien domination." (Partan, 1975: 169). Nor were such sentiments confined to Unesco. The UN General Assembly resolution 3237 had invited the PLO to "participate in the deliberations of the General Assembly on the question of Palestine", in October of 1974. (Partan, 1975: 173). When the World Administrative Radio Conference (WARC79) argued for more equitable distribution of radio frequencies among the developing nations, the United States considered withdrawing from the International Telecommunications Union. (Surprenant, 1983: 225).

Outside Unesco, but under its aegis, various groups such as the International Organization of Journalists and similar bodies representing Asian, African, and Latin American media workers subscribed to NWICO principles as well. The International Progress Organisation entitled its 1985 Cyprus meeting: "The New International Information and Communications Order - Basis for Cultural Dialogue and Peaceful Coexistence Among Nations." (Kochler, 1985).

The use of Nikita Khrushchev's phrase "peaceful coexistence", in the title of a Unesco-sponsored seminar would have been enough to provide hostile observers with 'conclusive' evidence of Unesco's "politicization." According to William Safire, the term "peaceful coexistence" can be traced to V.I.

Lenin, and was used extensively by Khrushchev, who employed it in a very technical sense, declaring in a 1961 speech: "Peaceful coexistence... is a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena." (Safire, 1978: 522).

If the inclusion of such terms in the seminar's title, (even though dated by this time), was not enough raise administration alarm, then Hans Kochler's opening address could well have sent up the balloon: "As a result of the colonial past, the industrialized world is not only trying to impose its particular value-system and way of life upon other civilizations, it is also dominating and channelizing the flow of information from the developing countries to the outside world which reduces their chances to present their own views in an authentic way. The sophisticated infrastructure of information in the industrialized world prevents the development of alternative infrastructures in the 'Third World' which is contrary to the principle of freedom of information." (Kochler, 1985:1).

Kochler suggested that information imbalance was part of a systemic problem inherent in technology and in capitalism itself, which kept the have-not nations poor. As well, he suggested that the media were being used as Western propaganda channels. To be fair, Western agencies such as the Voice of America, Radio Free Europe, and Radio Canada International freely admit to having engaged in specific anti-communist activities. For instance, "As concern with Communist influence in Eastern Europe in the 1950s mounted, Russian, Ukrainian, Polish and Hungarian" were added to RCI's language set. (Canada, 1987: 103).

Appearing at the same conference, Mustapha Masmoudi, Paul Audley of Canada, Themba Sono, Andreas Sophocleous, and others provided less heated analyses. However, the anger and frustration of the less developed countries is evident in the presentations of speakers like K.P. Misra, and Saad Qasem Hammoudi. Hammoudi cited Harold Innis' analysis of media and society. (Kochler, 1985: 29). Sophocleous presented a pro and con argument for the unrestricted free flow of information, noting the potential dangers of "xenomania and the imitation of foreign models in all aspects of life" and the danger of "erosion of cultural tradition", and the "imposition of social and economic systems" on consumer countries. (Kochler, 1985: 78-9). Misra lauded Mahatma Ghandi and Indira Ghandi for attempting to find a middle way.

Mustapha Masmoudi's contribution to this seminar is important because it dealt in particulars. While pointing out the value of the Media Declaration and MacBride Report, (and claiming credit for the NAM's 1976 Tunis meeting), Masmoudi proposed a plan of action for NWICO implementation. Masmoudi argued for (a) a new definition of the right to communicate which would ensure free and balanced flow of information; (b) equity and equality based on democratization of informational means and structures on a horizontal as well as a vertical level; (c) the establishment of a right of access to information sources; (d) the discarding of principles such as the 'self control' of the media in favour of a standard code of ethics; (e) the protection of journalists in their relations with their employers as well as while on dangerous missions; (f) a right to rectification for the victims of selective or unbalanced information; and (g) the inclusion in the Berne Convention of favourable copyright concessions for the developing nations.

He emphasised the differences between notions of "press freedom" or "free flow" in Western and developing Nations, emphasising the NWICO ideals of the collective right to communicate, the rights of sovereign entities to protect their cultures, and the concept of a plurality of information sources. "The essential criterion of information freedom resides in the plurality of sources and in the free access to these sources and to all kinds of opinion." (Kochler, 1985: 9-22).

US Administration Perspectives

American receptiveness to Third World desires tended to vary with the government of the day. After a relatively tolerant treatment of Third World aspirations under Kennedy, (Preston, et al. 1989: 94-98), Johnson, Nixon, and Carter, America tended to revert to the "domino theory" of Soviet expansionism during the Reagan era. In retrospect, Richard Nixon observes:

"Poverty and bad government are nothing new. What is new is that millions who endure poverty and bad government can now know what they are missing. To see how the other half lives, all they have to do is switch on their television sets. Their realization that those who live in the West are far more wealthy, far more comfortable, and far better fed, has created enormous frustration and tension throughout the developing world." (Nixon, 1984:73).

In characterising the less developed nations as "frustrated" at the speed of development, Nixon's observation recalls Daniel Lerner's 1954 statement:

"These societies-in-a-hurry have little patience with the historical pace of Western development; what happened in the west over centuries, some Middle Easterners now seek to accomplish in years. Moreover, they want to do it their own way." (Lerner, 1954: 47).

Daniel Lerner proposed that Third World "modernization" would follow inevitably from urbanisation and exposure to the media - a notion which perhaps underlies Nixon's view. Both assume that the developing nations want to become more "modern" or "Western", and are understandably anxious to have it happen faster. By contrast, Ronald Reagan saw in the restlessness of the Third World, a confirmation of the "domino theory" policy of piecemeal but ongoing conquest for socialism. MacFarlane cites the following Reagan observation:

"Let us not delude ourselves. The Soviet Union is behind all the unrest that is going on. If they weren't engaged in this game of dominoes, there wouldn't be any hotspots in the world." [1]

The theory that the Soviet Union was promoting Third World causes as a means of isolating the United States figured strongly in administration thinking during the Reagan years. It is reflected in statements made by other members of staff, such as Jean Kirkpatrick and George Shultz, both of whom expressed

fears of Soviet "encirclement" from bases Nicaragua, the Caribbean and Central America. (MacFarlane, 1989b: 179).

MacFarlane, and others concluded however, that the Soviet Union was reluctant to become involved in the region. (Kramer, 1989: 66). Eugene B. Rumer of the Rand Corporation suggested that the Soviet military had "not shown much interest in the Third World", and predicted that under Gorbachev, the trend would continue. (MacFarlane, 1989: 126-128).

Soviet Perspectives

Although perhaps exaggerated, US administration concerns were not without foundation. Long after the American withdrawal from Unesco, during subsequent debate about the possibility of rejoining the organisation, Reuter moved a story entitled "Soviets accept blame for UNESCO pullout."

"PARIS (Reuter) - The Soviet Union accepts a share of the blame for the decision by the United States and Britain to quit the United Nations cultural agency UNESCO, the Soviet foreign minister said yesterday. The United States, Britain and Singapore left in 1984 and 1985, alleging financial mismanagement under former director-general Amadou Mahtar M'Bow. Eduard Shevardnadze said Moscow helped to pave the way because it felt ideas were being imposed on his country that were unacceptable." (Toronto Star, Thu 13 Oct 88: A9).

Soviet bloc commentators such as Alimov (1987), and Bulatovic (1978), affirmed the importance of the NWICO to the Non-Aligned movement, the congruence of aims between the NWICO and a New International Economic Order (NIEO), and the Soviet influence upon both. Citing the economic declaration of the 1976 Colombo conference of the Non-Aligned Movement (NAM), Alimov affirmed that in his country's view, the NIEO was essential to equitable distribution of wealth.

From a socialist point of view, the less developed countries are not "poor", since they possess ample resources and populations - which, in Marxism, are regarded merely units of capital. Rather, these nations are "backward", because they are unable to exploit their wealth. In a Marxist theory of value, capital is just "uncrystallized labour," and labour is capital turned productive. (P. Sloan, 1973: 38). Thus, Alimov could say that the underdeveloped nations were "wealthy", because they contained vast human resources.

Socialists could argue that it is in the interests of imperialist and neo-imperialist forces to maintain the condition of imbalance, as capitalist expansion demands the existence of sources of cheap resources and of consumer sales which the Third World nations represent. As Alimov acknowledged, the West had claimed that the Non-Aligned Movement did not represent "genuine non-alignment". The NAM countries did not maintain "equidistance" between the two contending ideologies - capitalism and communism, nor between the two competing superpowers.

The West alleged that the NAM represented a process increasingly 'politicised' and Eastward-leaning. However, to Soviet theorists like Alimov, the concept of "genuine non-alignment" was merely an ideologically inspired imperialist myth. Nor did he deny the Soviet Union's influence upon the NAM.

"It would be naive to deny the direct ideological influence of the Soviet Union on the development of the national liberation movement today. The ideas of the great October Socialist Revolution and the Soviet policy of peace meet the aspirations of the peoples of Asia, Africa, Latin America and Oceania... They have also influenced the evolution of the anti-imperialist concept and policy of non-alignment. This is a commonly recognized fact." (Alimov, 1987: 160).

This acknowledgement of the Soviet role highlights the gulf in understanding between East and West during the period. Alimov, Shevardnadze, and the others freely admitted the Soviet agenda - not because they wished to confirm Western conspiracy theories, but because from a Marxist-Leninist stance, that agenda was desirable. At the time, both superpowers supported client regimes and "liberation" movements in potential or existent states.

From Alimov's stance, the actions of imperialist military forces, or of neo-imperialist ones such as multinational corporations, could not be equated with those of the "progressive forces", namely, the socialist community. Whether by arms or by trade, they sought to maintain economic hegemony in the place of 19th Century style colonialism, while his side promoted the genuine liberation and self-determination of peoples. (Alimov, 1987: 167). Thus, from the Soviet point of view, Western economics could be held to blame for hegemonic activities in business as well as for "aggressive wars" and for supporting "tyrannical regimes" in order to protect bourgeois interests.

Soviet leaders such as Leonid Brezhnev maintained that it was not really necessary to promote of revolution in the less developed countries. Brezhnev's policy assumed the character of "resisting Western export of counterrevolution." (MacFarlane, 1989a: 10). However, Brezhnev asserted that, while maintaining peace generally, the Soviet Union had the right to intervene to protect communist regimes by any means including force, and to assist in otherwise sovereign states wherein tendencies toward capitalism indicated attempts to subvert communism. This statement came to be known as the "Brezhnev Doctrine". (Safire, 1978: 177). MacFarlane remarks that the Soviet Union tended to view American criticism of this policy as hypocritical. While America supported repressive regimes such as Pinochet's in Chile, the US raised "an absurd noise ... about 'expansion', when the forces of progress aid freedom-loving peoples subjected to imperialist and racist aggression." [2]

Information was explicitly recognised in the Unesco Media Declaration and MacBride Report as a prerequisite for economic development. By corollary, the structure of world information flow must necessarily be viewed as supportive of the global economy. In Non-alignment and Information, the Yugoslavian writer Bulatovic asserted that the imbalance in communication flow was merely an extension of economic inequity:

"The existing imbalance and inequality in the sphere of political and economic relations has also gained full expression within the domain of information, the non-aligned countries having noted with concern 'the vast and ever growing gap between communicatoin [sic] capacities in the non-aligned countries and in the advanced countries which is a legacy of their colonial past' at the summit conference in Colombo." (Bulatovic, 1978: 10).

In Bulatovic's analysis, the term "information" was used almost exclusively to refer to "news", and domination in the information sphere to refer to the de facto monopolies of the major wire services. For Bulatovic, AP, UPI, Agence France-Presse, Reuter, TASS and Deutsche Press Agentur (DPA): "... practically constitute the exclusive sources of information used by the mass communication media in the insufficiently developed countries including also the national agencies which have a monopoly position in their countries with regard to the dissemination of news, and are in actual fact mere affiliates of the aforementioned agencies." (Bulatovic, 1978: 11). As well, the allocation of radio frequencies by the WARC was considered detrimental to the less developed countries (Surprennant, 1983 and 1989). By keeping the best radio frequencies to themselves - those upon which signals propagate easily - the developed nations force their poorer neighbours to install more expensive and powerful equipment, widening the gap yet further. (Bulatovic, 1978: 17).

Cooperative ventures such as the establishment of the non-aligned countries' News Agencies Pool sought to marshall collective buying power to offset the effect of media monopolies. Given the frank admissions of Eastern commentators that the goals of the NAM were tied to those of the NWICO and NIEO, and that all were beneficial to the cause of world socialism, coupled with the inclusion of Marxist- sounding phrases such as "hegemony", "neo-imperialism", and "domination", in the literature, it is easy to see how Western, particularly American, alarms could have been raised about Unesco's politicization. It remains to be seen how seriously Western interests could in fact have been jeopardised by Third World activism.

Western suspicion of any Unesco agenda supported by the Soviets served to enmesh the NWICO further in the political web. While the ideological bickering and "vitriolic name calling" continued, the genuine needs of the developing nations persisted. It is important to note, however, that the critics of the existing information regime included not only Soviet bloc commentators, but also Western scholars.

The Controversy over M'Bow

The NWICO agenda was complicated further by controversies over the character of Unesco's Director-General, Amadou Mahtar M'Bow. An educator with and earned Licentiate from Paris, experience as an education minister, and a great many honorary degrees, M'Bow was repeatedly characterised by the Western press as being "personally extravagant", a poor manager, "wasteful", given to patronage, anti-Western in outlook and deficient in academic credentials.

In what was itself a remarkable example of selectivity in the media, M'Bow was repeatedly referred to as

Unesco's "controversial", leader, and the organisation as "beleaguered", during his thirteen-year tenure, and during his unsuccessful 1988 bid for re-election. These ad hominem attacks against the Unesco leader were applied with dubious logic to critiques of the organisation's programme.

After 1985, Unesco's efforts to persuade the United States to return to the organisation included changes to budget and fiscal policies, election of a compromise candidate for Director General, and rewording of the controversial media charter. Sections of the media charter most offensive to the West, such as "Item 12", had already been dropped by the time of the MacBride Report, as noted by the Executive of the US Commission to Unesco, and well before the 1984 American pullout.

Simultaneously, however, M'Bow attempted to sue the United States to obtain the 1985 funding it had withheld. In 1986, jurist Karel Vasek called M'Bow's stance "legal nonsense" and resigned from his Unesco advisory position. On October 2 of that year, Reuter carried a story which quoted Vasek as "accusing Director-General Amadou Mahtar M'Bow of conducting a private war against the United States and Britain, and of harming international relations." [3]

M'Bow attempted to retaliate. The Western powers were merely using Unesco and the United Nations as a convenient scapegoat, he charged in a Reuter item of 21 October, 1987: "Some people have sought to make the failings of the U.N. system responsible for the most flagrant flaws in international relations," M'Bow said at the start of a full meeting of UNESCO's 158 member states. "But it can only reflect the dilemmas of the international community." [4]

While M'Bow had stated in 1986 that he would not seek re-election as Unesco's head, he changed his mind two years later. A plethora of Reuter and UPI reports criticized him for seeking an "unprecedented" third term in office during the November 1988 campaign.

While Canada remained in Unesco, its media followed the American line in opposing M'Bow's re-election. "Controversial M'Bow seeks third term as UNESCO head", proclaimed a 1987 Toronto Star headline.[5]

The article, derived from the Associated Press wire, portrayed M'Bow's action as "challenging Western governments that have criticized his leadership for the past 13 years." M'Bow's nomination had been proffered by President Kenneth Kaunda of Zambia, the article reported. An un-named Canadian External Affairs spokesperson voiced Canada's belief that "it would not be in the interests of UNESCO" for M'Bow to be given a third term." According to this official, Unesco needed "methods of "modern financial control." [6]

Another article dubbed M'Bow "dangerous", and to suggested his re- election "could spell the end of the cultural agency."

The story quoted "Western diplomats and observers", who contended that electing M'Bow "could lead to financial and political disaster, causing new departures by Western nations and further aggravating

UNESCO's budget problems." It presented an itemized list of M'Bow's failings, charging that "his call for new world economic, information and communications systems also offended the West".

"He lives rent-free on a \$159,000 salary and travels extensively... He is wasteful of UNESCO's resources, his critics say, signing over 70 per cent of the budget to staff. M'Bow's opponents also feel his academic qualifications are insufficient for the post of director-general." [7]

It is interesting that these stories repeatedly criticized M'Bow for his fiscal control without dwelling upon the politicization of Unesco, and made the NWICO appear to be part of his own personal agenda instead of the result of consensus reports. Western readers were presented with credible reasons for the Western pullout, but not all the reasons - perhaps not even the foremost reasons.

Nor did the controversy end with M'Bow's defeat. A compromise candidate, Spanish biochemist Federico Mayor Zaragoza, became Unesco leader in 1988. [9]

"Diplomats hailed the result", according to press accounts, "as signalling a new spirit of reconciliation" at Unesco. However, Mayor began to draw the familiar Western criticisms almost immediately. Reproaches varied from accusations of his being "too slow" in conducting reforms, to claims of extravagance in employing "hundreds of consultants" and seeking to create "44 senior posts at a cost of \$6.5 Million, figures which Mayor repeatedly denied. [8]

Western displeasure with Unesco persisted throughout the 1980s. The Reagan and Bush administrations continued to criticise Unesco for fiscal ineptitude, while admitting that "vitriolic name calling against the West" had "largely been eliminated". [10]

However, US administrations had other reasons to defer. One further source of dissatisfaction was the application of the Palestine Liberation Organisation for full membership in various UN bodies, including Unesco, in May of 1989.

At this point, both the United States and the PLO were both sending "observers" to Unesco. The US observer, Terry Miller, remarked in a Reuter story: "I think it's clear that the admission of the PLO as a member would make it much more difficult for the U.S. to consider rejoining the organization." Omar Massalha, the PLO observer replied that "Arab states were studying ways of compensating for the U.S. threat." [11]

In the event, the PLO settled for "observer" status. Nevertheless, the issue lent fresh fuel to administration charges of Unesco's politicization.

Meanwhile, Mayor, instituted cuts in Unesco's staffing, meeting and travel budgets. Since Unesco's mandate includes facilitating consultation among specialists of various nations, this revelation might appear unnerving.

More disturbing yet was Mayor's 1988 assertion that "documentation of all sorts had been cut by 50%" since he came to office. If the provision of documentation has indeed been curtailed to such a degree, it is clear that the US withdrawal has had drastic consequences for Unesco effectiveness as a provider of scientific and technical information. [12]

Finally, some concessions to the liberal theory of free flow of information seem to have crept back into the text of a revised Media Declaration. In November of 1989, a Reuter story announced a compromise: "The freedom of the press has returned to the halls of UNESCO," said Canadian delegate Tom McPhail. [13] Stating that the debate had "dogged the life of the U.N. agency for years", the story continued: "Critics of the original charter, the New World Information Order, said it was anti-Western and muzzled the press." Despite repeated reassurances from commentators with as widely diverging views as Masmoudi and Sussman, the notion of the NWICO as a proposal for licensing journalists persisted.

The warm reactions of various unnamed "Western delegates" to the revised charter's language may be accounted for by its adoption of two key stances. First, the new wording enshrined the liberal concept of freedom of information, though in a somewhat backhanded manner:

"The new text maintains the old charter's call for balanced information but adds 'without any obstacle to the freedom of expression'." (ibid.)

As well, the revised charter addressed a key liberal concern - that Third World governments might seek to nationalise more of the news media, either overtly, or by limiting funding and concessions.

"Amendments put in by Western delegates are aimed at ensuring that UNESCO funds will flow both to private and public media." (ibid.)

In 1990, US State Secretary James Baker announced that the United States would continue to observe the organisation, but would not rejoin Unesco. [14] A report to the Senate drafted by John Bolton, recommended staying out of Unesco, in order to enjoy "The leverage we retain as a sought-after non-member." Bolton's report criticised Unesco for spending "70 per cent of its money on a "top-heavy bureaucracy" in Paris and only 7 per cent on fighting illiteracy." Unesco, in the administration view, still suffered from "the same poor management and political bias" which led to US withdrawal. In this analysis, Unesco remained "excessively politicised."

It seems clear, therefore, that the "politicization" of Unesco was merely part of a broader phenomenon.

In the years since the Second World War, a great many new countries had come into being as the British, French, and Dutch, for example, dismantled their empires. There were many new voices in the United Nations and in Unesco, and as Surprenant observed, the United States could simply no longer rely upon consensus or upon its own technical sophistication to carry motions in these fora.

If the NWICO debate of the 1980s is viewed in this historical context, then attacks on the character and ability of M'Bow as Unesco director seem strident and misleading. The United States had found fault with M'Bow's predecessor, and would do so with his successor.

The politicization of Unesco, while real, was not an isolated phenomenon. It was merely part of an historical trend. Preston suggests that America could not come to grips with its sudden numerical disadvantage in the General Assembly, and therefore reacted badly. (Preston et al., 1989: 193).

Theoretical Challenges

Whatever the political inspiration of NWICO claims, two facts remain.

First, concern over development information results from the ongoing "frustration" of Third World nations noted by Richard Nixon. Second, the truth of the claims remains a fruitful area for study. The imbalance in the production and flow of cultural products remains, whether good or bad for the receiving nations.

The validity of NWICO claims about of media ownership went largely unchallenged on both sides. After all, corporate ownership can be established easily from sources like Who Owns Whom. However, liberals and structuralist were sharply divided about the adverse effects of media concentration.

Numerous works such as Smith (1980), the MacBride Report (Unesco, 1980), Meyer (1985), and Herman and Chomsky (1989), established the concentration of news flows in the hands of the "big five" agencies (AP, UPI, Reuter, AFP, and TASS), sometimes with the addition of other smaller agencies.

Herman and Chomsky, for example, referred to some 34 media agencies. However, most studies have focused on the established concerns of news flow, bias in the news media, the effects of advertising, the actions of multi- nationals, and trans-border data flows.

The effects of elites - such as non- media oriented multi-nationals with branch offices in the Third World, or privileged groups within such nations, go largely unexplored, despite studies of the "elite press", which have received some attention. (Mazharul Haque, 1988).

This may be due to the fact that the sorts of information which pertain most to development (financial, technical, scientific), are proprietary or restricted, and hence more difficult to study.

Some confirmation of this notion comes from the management literature. For example, one paper on transborder management speaks of the "flow of intelligence, ideas and knowledge" as being essential to multi-national operations. (Bartlett & Ghoshal, 1987). The most difficult problem for one company, the study says, was "the quick transfer of proprietary knowledge within the company." The solution for another - to transfer people, rotating senior staff worldwide, "thereby strengthening the web of interdependence."

While it may be argued that high-tech companies such as Xerox and Geac, which maintain internal electronic mail services, move documents, software, and management reports across borders with ease and in virtual secrecy, the management skills required to implement new products, strategies, or techniques cannot be transmitted electronically.

The most rigorous examination of specific NWICO hypotheses is to be found in William Meyer's work (Meyer, 1988). Beginning with an outline of the neo-colonial nature of contemporary news-flow patterns, Meyer specifies and tests the structuralist thesis and the theory of cultural dominance following accepted social science methodology.

Meyer's typology of conservative, reformist [liberal], and structuralist NWICO schools is worthy of note, as it forms the basis for an understanding both of the NWICO and of the objections to it which have been raised. The conservatives, represented by Leonard Sussman of Freedom House, and dissenting MacBride Commissioner Elie Abel, see imbalance in news flow as a "natural characteristics of information gathering and dissemination." He quotes Abel's objection:

"At no time has the commission seen evidence adduced in support of the notion that market and commercial considerations necessarily exert a negative effect [upon societies]." (Meyer, 1985: 7).

The reformist doctrine readily recognises the imbalance in communications flow, and acknowledges its adverse effects. According to Meyer, Sean MacBride represents the reformist school in proposing concepts such as "development journalism", and "development information", which would emphasise the training of indigenous personnel and the establishment of regional press agencies as a remedy for "spot news" and inadequate Third World coverage. As well, the reformist agenda includes amplification of the range of sources currently considered credible by the Western press, de-emphasising government sources as the sole "experts" on political events, and allowing the inclusion of "unofficial as well as official sources". (Meyer, 1985:9).

However, while the terminology may be relatively new, the earliest Unesco documents emphasised training of indigenous personnel, free flow of information, and mutual appreciation of cultural values. (Unesco, 1947, 1960). While Meyer (and Masmoudi) might well argue that it was not until the 1970s that the current labels became attached to these activities, their origins in the optimism of the post-war period should not be overlooked.

Meyer also notes that Galtung's theory can be extended well beyond the issue of news flow imbalance, to include the study of tourism, corporate presences, and other social or commercial relations which currently exist between former colonising and colonised nations. As well, he is fully cognizant of the major difference between the structural theory and its competitors - the structuralist tenet that information should be considered a social good rather than a commodity.

It is of note that liberal notions of technology transfer and development information, ideas which follow in the tradition of Daniel Lerner, include the training of librarians and information specialists, and the establishment of regional document delivery centres, repatriation of archival and cultural collections, and other mechanisms of improving development information delivery to the Third World as well.

Working within the system, liberals would seek to improve Western knowledge of the less developed countries (development education), while improving the flow of information needed for development to the LDCs and of exchanging it "horizontally" among them. CIDA's development education schemes, and Unesco's library training activities can be understood in this sense.

Structuralist accept liberal proposals to some degree, Meyer asserts, but only as precursors to more fundamental changes. Meyer points to proposals for Third World training centres "condemned by [Herbert] Schiller as tools of economic neo-imperialism". (Meyer, 1985: 10) quoting (Schiller, 1976:11).

Meyer concludes that while the "framework" of Galtung's schema is essentially correct, in that it accurately reflects the pattern of information flow, he has been unable to relate the actions of Western media to "cultural hegemony", the persuasiveness of their advertising contents to consumer behaviour, nor the effect of their portrayal of violence upon Third World crime. (Meyer, 1985: 58, 90, 108).

It may be objected that Meyer is testing isolated components, rather than evaluating an entire system. For example, advertising expensive consumer products in nations with low per-capita income will not likely produce much of a cash result, although it may occasion expectations about the "good life" which Meyer, using financial data, is unable to measure.

Collins (1990), challenges the very notion of cultural sovereignty in a recent book about Canadian culture. While freely admitting the overwhelming imbalance in consumption of cultural products, he argues that national identity depends more upon legal and political institutions than upon culture or communications. Collins sees the structuralist model of centre-periphery relations as the "dominant paradigm" among Canadian dependency theorists.

Collins' major argument with regard to media dependency is to be found in his criticism of Dallas Smythe (Smythe, 1981), by recourse to the "active audience" theory of Eliu Katz (Katz and Liebes, 1985).

The refocussing of attention to audience interpretation rather than transmitter value loading, is reminiscent of conciliatory passages in the MacBride report, to the effect that the consumer nations are free to reject cheap foreign imports. According to Barbara Roach such efforts represent an ideologically motivated attempt by writers "such as Eliu Katz and John Fiske... to undermine both the notion of cultural imperialism and ideology." (Roach, 1990: 5).

Additional challenges to the NWICO and calls for a reformulation of the its basic goals have recently come from sources within the movement as well as from its traditional opponents among the liberal

economic school. Salinas (1986), argues that it is time to recognize the congruence of NWICO and NIEO goals and concepts, and to shift the movement's focus from attention to media flow and toward the more crucial development issues of unequal access to scientific, technical, and financial information. Roach (1990), advocates a position which pays increasing attention to the democratic socialist agenda of the NWICO. Edwards (1990), suggests that the termination of the NWICO is essential to US interests, and that rejoining Unesco would be "premature", while Surprennant (1987), argues that US interests would best be served in a new climate of "mutual trust and good faith."

Surprennant reasserts that the issues of the NWICO, WARC and TBDF are inseparably linked, and suggests that concrete steps to ensure fairer access to radio frequencies and satellite parking orbits, and some indications of a US trend toward flexibility, the "information war" between developed and less developed nations has escalated during the years since the MacBride Report. The issues of trans-border data flow and media imbalance remain largely unaddressed, Surprennant claims, citing Unesco sources. Maintaining that resolution of these problems would be in the interests of both camps, he too suggests that the NWICO debate should be abandoned and further negotiations conducted under a new rubric and in a "spirit of mutual trust".

Roach (1990), argues that the NWICO debate has now been largely abandoned by Unesco, as part of Federico Mayor's attempt to appease the West, but points out that the agenda has been taken up by such groups as the Union for Democratic Communication, and the International Federation of Journalists. As well, she outlines persistent efforts by liberal theorists such as Eliu Katz, and conservative spokespeople such as Leonard Sussman, to undermine the movement. Meanwhile, she suggests, the problem of information disparity has grown worse, while the liberal idealism of Toffler, Bell, and the "information society" school remains unrealized.

Moreover, she maintains that the NWICO principle is insufficient to address the issues of cultural domination, and suggests a new formula which would abandon the concept of national sovereignty entirely. Arguing that the statist bias of the NWICO programme of "inter-national" development merely perpetuates Third World elites and neo-colonial relations, she proposes adoption of a democratic socialist notion of popular sovereignty. Integral to Roach's reformulation would be recognition of the interests of women and other minority groups, and of the effectiveness of mass political action.

Cautioning that the breakup of East bloc means increasing privatisation of the media, and creating wider markets for American cultural industries, she warns that the North-South focus of the NWICO debate, "always too narrow", is no longer even adequate. The new programme must address the problems of "have nots" regardless of geography. Roach argues that even among structuralist such as Kaarle Nordenstreng, a hidden bias against women and minority groups exists, indicative of an elitist attitude in general. Nordenstreng erred, Roach charges, when in organising a conference on the NWICO in 1990, he failed to invite any women. (Roach, 1990:4).

Roach's reminder that the "North-South" terminology is simply one of convenience is well taken. As early as 1979, Rein Turn had published an "Atlantic triangle" diagram to demonstrate that the flow of

raw data arrives in the US from countries to the East as well as the South, while cultural products and processed information flow the other way. (Becker, 1985: 133). With the recent changes in Eastern Europe, the "bonanza for US media transnationals" forecast in that region, increased traffic over the eastward- leading branch of the triangle should occur.

While Masmoudi and other Arab spokespeople have paid tribute to the "liberation of women" in NWICO speeches for some time, there remain broad gulfs between Western and Islamic interpretations of that particular issue. The Islamic notion of freedom - freedom to practice what Westerners might see as restrictive religious practices - is typologically similar to the pre- Glasnost Soviet idea - freedom from reactionary influence. Losev's 1980 charge that NWICO literature is "too westernised" could be reiterated with some justification as terms like "greening of the NWICO" and "grass roots politics" creep into the documents of its proponents.

Viewed from the "development information" perspective, the inclusion of concerns for women and minorities expressed in the Roach article, and in the agenda of the Union for Democratic Communication in which it appears, seem to complicate the NWICO agenda by interjecting Western interests.

From the "development information" angle, however, Roach's agenda seems worth considering. If the NWICO platform can be revitalized as a Western "consciousness-raising" tool, it may achieve its unrealized goal of affecting the "deontological code" of media producers and controllers.

As early as 1986, former ardent NWICO supporter Raquel Salinas suggested in a brief Information Development article that the agenda had produced no results. Lamenting that the NWICO concern over domination of news media obscured crucial role of business, trade, and international relations information, she suggested that the time had come to scrap the NWICO and "start all over". Contending that the NWICO and NIEO were identical, she suggested that the Third World nations band together to promote increased horizontal sharing of business information which would enable them to renegotiate mounting and unrepayable debts.

The sorts of information required by the debtor nations - namely, business information designed to "reduce uncertainty" and to "aid in decision-making" - are precisely the sorts of "restricted" information shared by creditor nations to their great advantage.

The information required for development is not, Salinas argues, the type of information conveyed by the news media. Thus, no amount of flow redirection in that sphere can address the crucial issues of development.

If Surprennant's dialogue of trust and cooperation were to occur within Unesco or the ITU, a reassessment of American policy would be required.

During the Gorbachev era, conservative perceptions of Unesco and the NWICO remained largely unchanged. A Gorbachev-era article by Lee Edwards, vice-chair of the US National Commission on

Libraries and Information Science, repeated many of the traditional administration concerns over Unesco " it was financially mismanaged, riddled with KGB spies, and neglected practical concerns in favour of ideology. (Edwards, 1990).

In Edwards' view, a serious flaw lay in Unesco's continued emphasis on the collective right to communicate. As well, Unesco programmes such as support for "national liberation movements" ran contrary to American interests. While acknowledging that M'Bow and Mayor had "instituted a few reforms", Edwards cited the Heritage Foundation's Edwin J. Feulner's charge that Mayor still recognized "the legitimacy of calls for a new world information and communication order", itself a "cause for alarm." He pointed to Unesco statements advocating "the overhaul of the role and the messages of the mass media through the prism of the state rather than the individual journalist," as evidence of the agency's continued politicization, and challenged Unesco to institute "its own Glasnost and Perestroika". (Edwards, 1989: 117).

As readers will no doubt have noted, some of the NWICO and NIEO jargon has survived. In a 1991 New York Times Magazine article, language columnist William Safire commented on US President George Bush's repeated use of the phrase "New World Order". [15] Safire provided a brief recapitulation of the introduction of the terms "New International Economic Order" and "New World Information and Communications Order", mentioning their introduction in the United Nations, but omitting reference to the Non-Aligned Movement. He noted that Bush's notion of a new order bore similarity to the NIEO idea, and remarked that Soviet President Mikhail Gorbachev's concurrent use of the phrase marked the first time both superpowers had adopted identical terms for major agendas. So far, Safire quipped, no one had picked up on the idea that Bush's "new order" was to be led by the "new world", that is, by America.

Conclusions

Despite the controversy, concrete steps have been achieved toward implementing selected NWICO goals through Unesco itself, other UN agencies such as the ITU, regional groups of Third World nations, and professional organisations such as IFLA, FID, and various groups of journalists computing and communications workers. As well, technological advances during the 1980s, especially in microelectronics and satellite communications, have removed some of the constraints operative at the beginning of the decade; chiefly because the price of computing has dropped dramatically, and perhaps also because of increased competition among communication satellite launch vendors.

New rules regarding communications satellites and radio frequencies were introduced in the WARC conferences. The Non-Aligned Press Agencies Pool (NAMEIA) became operational. Unesco continued to publish practical guidebooks for librarians in the Third World, to make library and document processing software available to them for no charge, (Unesco, 1989), and to co- sponsor conferences and training programmes.

On the development education side, agencies such as the Canadian International Development Agency,

the National Film Board of Canada, the Canadian Broadcasting Corporation, the Public Broadcasting System in the United States, and the British Broadcasting Corporation, have produced many excellent programmes about the problems of the Third World intended for viewing in the West.

In development information provision, advances have occurred as well. Canada's Northern Network beams television into the Arctic, while radio networks in Cameroon's and the Caribbean, and India's satellite broadcast systems provide health, agricultural, and technical information in rural areas. Perhaps most importantly, with the collapse of the Soviet Union, the "East-West" political orientation has evaporated.

It would seem to be an appropriate time to renew activity along the North-South axis.

The decade of the 1980s has been the occasion of widespread improvements in communications and computing technologies. These included innovations in information processing methods and infrastructures such as high speed packet switching networks, cheaper satellites, faster processors, cheaper disks, and fibre optics, and integrated digital and voice communications.

Consequently, it is even more feasible today to conduct business on a 'centre - periphery' basis. It may be argued that decentralized decision making is largely illusory.

Allowing branch managers to make more decisions locally poses less of a corporate risk because of the possibility of continual monitoring of resources, processes, and results by home office. Thus, ultimate control has not really been decentralised at all. In fact, quite the opposite may be said to have occurred.

Multinational corporations (MNCs), willingly set up branch plants in the Third World, where labour and materials are cheaper and government regulations less stringent. It is arguable that because of today's improved communications technologies, home office can retain much better control over the activities of MNCs world wide. The MNC thus becomes one of the principal sources of transborder data flow.

Marie-France Plassard pointed out in her annotated bibliography (Plassard, 1990), that Third World material is still hard to access from Western databases, citing S. Bandara's 1987 article in *Information Development*. Bandara "states that only a few of the scholarly journals considered important enough to be indexed are produced in developing countries, and that many of the scientists prefer to communicate through journals published in developed countries." (Plassard, 1990: 357-358). However, since the latter 1980s, database publishers such as Dialog have introduced new products such as the Arab Information Bank, (Dialog file 465), which may eventually help rectify this situation.

Some theorists such as Johan Galtung suggest that the corporate organisation of the American conglomerate has become the pattern of intergovernmental relations as well. Relations between America and the less developed countries, they argue, can be viewed in the light of the centre-periphery

paradigm. America, viewed as a corporate centre, retains its proprietary knowledge and technology, while conducting low level resource procurement and manufacturing activities abroad, but channels the profits home.

It has been suggested that protectionist policies, which would seek to exert national sovereignty by imposing restrictions on the volume or price of transborder data flows, could become a means of retaining information sovereignty.

The counter argument is simply that restrictions either on cash flow or data flow from any particular one of the less developed nations will be ineffective.

Another point made by critics is that commercial transborder data flow, like cultural communication, is predominantly one way. Home office gathers raw information from the periphery, to support decision making at home. Rarely does useful knowledge flow back to the periphery nations, and when it does, it likely concerns the introduction of proprietary processes or products. The sorts of information which would help Third World nations reach the stage of 'adequate development', are not those likely to be passed their way by the MNCs. (Salinas, 1988).

In addition to being material "have-nots", inhabitants of the periphery nations have become "know-nots" when it comes to possession of important decision-making knowledge, since raw data is increasingly processed into knowledge in the centre.

In summary, major reasons for the difficulties which have been experienced in implementing the NWICO scheme included muddled Unesco politics, the rejection of the agenda by successive American administrations, and in the inability of its supporters to arrive at consensus positions.

The NWICO debate tended to focus on press freedom, to the detriment of more urgently needed development information plans. It can be argued that Unesco may have been an inappropriate forum for the NWICO, since the Western administrations were already predisposed against various UN agencies. It may well be that the time has come for the NWICO proposals to be acted out by the professional organisations. With the advent of the so-called New World Order of the 1990s, the time is certainly ripe for the abandonment of rhetoric and the reasoned examination of the sorts of requirements identified by Salinas, Surprenant and the others.

On the beneficial side, however, the NWICO debate at least served to focus government attention upon information in a way hitherto unwitnessed. It produced general agreement on the structure of the contemporary world information situation, and engendered some willingness to restructure that system for the benefit of developing nations.

Incorporating suggestions from Salinas, Roach, and Surprenant, we can begin to outline the basics of a post-NWICO model.

Since there is little argument with the structuralist model of information flow itself, this part of the paradigm will likely remain intact. The new model should pay less attention to the news media, which constitute a minor percentage of all information flows across borders.

Proprietary information is unlikely to be disclosed by the multi-nationals, so attention to trans border data flows may prove another blind alley.

However, developing nations could study the corporate information exchange structures which enable creditors to conduct their business so successfully, and should consider emulating them.

A post-NWICO agenda should pay more attention to other aspects of cultural exchange as well - to tourism, the activities of non-governmental organisations, and to ways to popularize development education schemes. Rather than shielding tourists from the harsher conditions of Third World life, governments should consider ways of acquainting visitors with them gently yet impressively.

Finally, a New World Order should emphasise development information in its broadest and most practical senses. Planners should concentrate upon identifying and implementing the information technology truly required at the present time.

If information is indeed a pre-requisite to economic growth, then for the underdeveloped nations, information technology is truly appropriate technology. In short, it is time to reclaim the NWICO for information science and to get on with the job of implementing it. Trans-national professional organisations can be of assistance in promoting appropriate information technology.

The political alliances formed after the Second World War resulted in a bi-polar world divided into east and west. Meanwhile, technological and economic developments superimposed a North and South polarisation which has resulted in uneven growth and may have perpetuated the gap between affluence and poverty.

The emerging political reality of the 1990s will force the adoption of a new synthesis. This synthesis must combine the "Lerner hypothesis" - that 'modernisation' is inevitable, with the structuralist paradigm - that inequality is a basic feature of the system. Only when both sides deal with the logic of each argument rather than the ideologies, will the dialectic of information inequality find its resolution.

Notes:

[1] Ronald Reagan. quoted in Schlesinger, A. (1983). "Foreign policy and the American character". (Foreign Affairs LXII, Winter: 3, cited in MacFarlane, 1983b).

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[3] "U.N. agency's chief biased against West resigning jurist says." Toronto Star, Thu 2 Oct 86, p. A16.

- [4] "Critics making U.N. a scapegoat M'Bow charges" Toronto Star, Wed 21 Oct 87, p. A19.
 - [5] "Controversial M'Bow seeks third term as UNESCO head" Toronto Star, Fri 25 Sep 87, p. A16.
 - [6] "Canada opposed to re-election of controversial UNESCO head". Toronto Star, Wed 7 Oct 87: A3.
 - [7] "Bid by M'Bow for re-election called dangerous to UNESCO" Toronto Star, Fri 16 Oct 87, p. A26.
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 - [10] "Not ready to rejoin UNESCO, U.S. says". Toronto Star, Tue 17 Apr 90: A3.
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 - [12] "UNESCO spending down, chief says." Toronto Star, Tue 22 Mar 88 p. A12. "UNESCO Head Defends Pace of His Changes." Washington Post, 10 Oct 89, p.27. Wood, Nancy. "U.N. agency chief won't alter reforms." Toronto Star, Thu 05 Apr 90, p. A22.
 - [13] "West praises changes in U.N. media charter" Toronto Star, Sat 11 Nov 89, p. A13.
 - [14] "Americans reject rejoining UNESCO" Toronto Star, Wed 18 Apr 90, p. A5. "Not ready to rejoin UNESCO, U.S. says" Toronto Star, Tue 17 Apr 90, p. A3.
 - [15] Safire, William. "The New New World Order", New York Times Magazine, Sunday 17 Feb 1991, p. 3-5.
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<http://www.riskors.org/omega/>

The following is written by by Bobbie "Jilain" Felder

Soooooooooooooooooooo..... Is this a conspiracy? It's rather interesting though... Not ALL is nonsens... :-) Owell... just read

The Omega Agency

The Omega Agency is the one running the show. They run the Trilateral Commission, the Council on Foreign Relations, control the Bilderburgers, the whole ball of wax. They are who people are talking about when one says orders come from "above the President" (*The third layer*).

The Omega Agency consists of a network set up much like the CIA. There are thousands world-wide who take their orders directly from the ruling council of the Omega Agency. This council consists of 10 to 12 people. George Bush and Alexander C. Haig are the only two names that I know at this point who sit on the council of the Omega Agency. The OA is the driving force behind what is commonly called the "New World Order." The OA's office is located at Langley AFB.

The OA originally planned to establish their world-wide control in 1995. But it was deemed that the time was not right, so they set a new target date for sometime in the year 2000. (*"That's why we have to talk"*) They are, above all else, a patient lot. Their plans to bring the world under one governing body, namely themselves, have been long in the making and thoroughly thought out. They plan to establish their NWO, for lack of a better term, in a time span of no less than 5 days. And they intend to do it without open war. How exactly this will be accomplished, I don't know yet.

Recall when President Reagan was shot. Haig made the statements to the press that "I'm in charge now." If you'll remember, he caught a lot of flack for that, and shortly thereafter, he was accused of various things that ruined his name politically. This was done by members of Congress who were aware of his seat on the Omega Agency council, and they feared losing their claim to power. Haig jumped the gun in his statements, and ended up giving up his political position because of it. Had Reagan died, we would have had Bush as President, and Haig as Secretary of State. Two men in power who sit on the OA council. But because of the stink raised by a few members of Congress, Haig faded into the background rather than risk exposure of his connection to the OA, or of the OA itself.

Recall when the Gulf War started. Bush used the exact words "New World Order" in his speech to the country. He said it several times, that the Gulf War marked the beginning of a NWO. The Gulf War was not a war about oil or the freedom of the people of Kuwait. It was a test of how well multi-national troops under the guidance of the UN would react in a war situation. The same holds true for Somalia

and Bosnia. Multi-national troops under the direction of the UN. The Omega Agency controls the UN.

Bush didn't lose the election to Clinton. Bush needed to be out of the limelight of the presidency in order to concentrate on and escalate the plans of the Omega Agency. And in Clinton, they had a stooge who would not rock the boat and who would do what he was told. Notice how quick Clinton has been to commit US troops to UN peace-keeping forces here and there. Notice who Clinton appointed as Secretary of State - Madeline Albright, the UN lady. Notice who Clinton gave federal land to - the UN.

Why the need for a one-world government? The reasoning of the Omega Agency is this: Simply put, the bullshit has got to stop. Crime is out of control on a world-wide basis, especially in the US. People are out of control, not taking responsibility for themselves or their actions. Population growth is out of control on a world-wide level. The judicial system of the US is a joke. The political system of the US and most countries world-wide is a joke, corrupted and polluted by greed and power-hungry people who don't care about the population they were elected or appointed to serve. Under the governing body the Omega Agency plans to put in power, this would end. End of trial by jury. End of living off of society and not contributing your fair share. End of taking advantage of others for one's own personal gain. All who are able would contribute to the growth and well-being of the world's society, or they would pay the price for not pulling their fair share.

What is this price? Basically, it will be like this: Those who are able physically and mentally to work will do so. If you have a job/profession at the time that the OA takes over, you will continue in that job/profession. If you are drawing welfare, but are physically able to work, you will work. Personal freedoms to come and go as one pleases world-wide will not change. Basically, the OA doesn't care what people do to amuse themselves, entertain themselves, etc., as long as they are working and contributing to the society as a whole. But there will be zero tolerance of any act that hurts/harms another. Crimes against another or against society will be met with the death penalty, if such crime is of a severe nature such as murder/rape/robbery. What is now considered a felony crime will be punishable by death. What is now considered a misdemeanor crime will be punishable by imprisonment on a work farm for a number of years equal to what the OA considers suitable payback for said crime against society. These work farms will be in the business of growing food, manufacture of clothing, textiles, etc. People sent to these farms will work for the specified time, or will be eliminated.

There will be zero tolerance for any crime that hurts/harms/infringes on the life of others. Example - a person making threatening phone calls to another will be picked up and sent to one of the work farms. A person committing a drive-by shooting will be punished with immediate death. (*Wat vind jij van de doodstraf?*) The policing of the populous will be carried out by men/women who are already chosen and merely waiting for the time when they will go to work for the OA openly. Most are current and/or former military people who worked special ops while on active duty. These people will be responsible for seeking out those guilty of a crime. Once the person is located, they will inform that person that they are guilty of said crime and immediately put a bullet in their head. End of crime problem from that person. Should the person's crime not warrant the death penalty, these Public Security Officers will pick up the person and deliver them to the work farm. If the person resists, they will be shot on the spot. No

trial, no jury, no lawyer, no Miranda rights. The Public Security Officer will have the authority to act as sole judge, jury, and executioner of the punishment that the OA declares fits the crime.

Population control will be accomplished by mandatory birth control by all people, men as well as women. Abortion will be freely available. (*Ja, da's goed*) There will be zero tolerance for child-bearing out of wedlock. The institute of marriage is looked upon with favor by the OA. There will be a limit of 2 children per couple allowed. Should one become pregnant after the 2-child limit has been reached, and despite the use of birth control, then the options will be either to have an abortion or to increase one's work load to compensate society for the burden of the extra child. Birth control and abortion will be completely acceptable in the eyes of the various religions world-wide. It will, in fact, be encouraged and mandatory under some religious doctrines. Recall VP Gore's meeting behind closed doors with religious leaders and NASA officials at the beginning of 1997.

But bringing people under control is not the only reason driving the OA There is another. The other reason is the extraterrestrials. They are here on this planet, living and working with the OA. Exactly which race this is, I'm not sure at this time. I highly suspect it is not the greys that are so well known. These ET's are helping the US with its space program and are working toward devising a plan to restore the planet's environment after the OA takes over. Their main reason for being here is to help the OA put a stop to the violent, out-of-control nature of the human race in general. Why? Because they fear us. They realized when we accomplished the first manned space flight that it was only a matter of time before we moved out into the universe. And they don't want our ways to infest their society. They are helping the OA for reasons of self-preservation of their society. They realized that we are the most violent race in the universe that is on the verge of space travel. And they don't want us spreading our warlike, violent, greedy ways to other parts of the universe and disrupting the order of their societies on other planets. They agreed to help the OA in the advancement of our technology and in the repairing of the damage we've done to the Earth's environment in exchange for the OA's cooperation in changing the ways of this world, bringing us humans into line with the societies of the other planets in the ET's sphere of control in the universe.

The OA has not taken control yet because there are forces within the existing governments of the world that are aware of their plans and oppose them. In the US, these forces are largely centered in the CIA and NSA. The CIA wants world control, but on its terms. The CIA wants to see a more communistic-type government set up on a world-wide basis. While the OA professes to believe in the maintaining of personal freedoms so long as one is a contributing member of society and not infringing on the lives of others, the CIA would rather see a world where all people are controlled in all ways, from what type of job one does to how one worships. It is the CIA/NSA/Air Force that is maintaining secrecy where the ET presence is concerned, not the OA. The Omega Agency, once it comes into power, plans to reveal everything to the people of the world. From the running of drugs to finance the Viet Nam war to the presence of ET's on this world for the last 50 years or more. George Bush himself is said to have made the statement that he will personally tell of his involvement in the running of drugs to finance the Nam war while he was CIA director. To the OA way of thinking, the ends really do justify the means, and in the case of the Nam war, the running of drugs was necessary to finance the operation in that country. Therefore, it was a justified endeavor. Not one to be proud of, but justified nonetheless.

The CIA/NSA/OA all monitor the internet closely. Especially IRC. The Net is described as the most dangerous tool in the world at this point in time because it is uncontrolled. Those who talk about these types of things or carry information about these things on their web sites are closely monitored. In "government talk", orders to "watch" someone translates into instructions to keep track of them by whatever means necessary, and if they cross the line, if they stumble upon the truth of the matter and don't keep their mouth shut, "take them out". This can be done in any way that works without drawing too much suspicion. Such as brakes on the car failing, a random victim in a drive-by shooting, a random target in a store robbery where that person just happens to be shopping at the time, etc. The determination as to whether a person needs to be "taken out" is left up to the discretion of the one doing the watching. It is, in effect, an open license to kill to protect the Omega Agency from public exposure before it has deemed the time is right for it to take control of the planet. In some cases, it is determined that the person in question would pose more of a threat if they died. In such a case, the machinery of the OA goes into action to discredit that person. Character assassination, manipulation of others so as to turn people against the person, campaigns to brand them a disinformation agent, a liar, a mentally unstable person, etc., are put into motion. This has been found to be an effective method of dealing with someone who gets to the truth and doesn't keep silent. In fact, it has been found to not only discredit the target victim but to cast a shadow of doubt and suspicion on others who may have listened to the targeted person.

This plan for the establishment of a one-world governing body, namely what is now known as the Omega Agency, has been in the works for a long time. And it is said that it cannot be stopped. In fact, the person who related this information to me is looking forward to it. Those who oppose the establishment of the OA's NWO, and who cannot be brought into line through persuasion or manipulation will be eliminated as threats to society. This person passionately believes that this plan is the solution to the world's problems. This person is also awaiting the start of a new job - as a Public Security Officer. This is a position this person was trained for and accepted before leaving active military service.

Looking into this person's eyes for approximately six hours while we talked about these things leaves this impression:

**"We're the Good Guys"
the Omega Agency**

I continue to talk on an almost daily basis with the person who claims to work with the Omega Agency. Talks on the phone and face to face conversations. Looking into the person's eyes, I am still left with the same impression:

What follows is a summary of some of the things we've discussed over the past few weeks. I am now learning how to phrase my questions so as to get more detail in the answers.

Add Arlen Specter, Colin Powell, and (probably) Gerald Ford to the list of those who sit on the ruling council of Omega. Consider how Ford came to be president. Nixon learned of Omega's existence, and wanted in. But he wanted it all, total control. Nixon had to go. *(Nixon always destroyed the CIA with his 'behaviour'. The CIA says to be non-political. This was the only way to deliver neutral intelligence. Nixon made them political, make the intelligence to support his politics. Not the mention the cover-ups.. Anyway, he made them do stuff they didn't agree with)* Under Omega's way of thinking, no one man should have total control. Such would be too much of a temptation to abuse that power. The break-in at the Watergate Hotel was not planned by or encouraged by Omega. But they did take advantage of it. They made certain that the press didn't let go of the story, didn't bury it. They fed the info to Woodward and Burnstein. Omega was behind and was feeding "Deep Throat". Nixon fell in disgrace for coveting too much power, in the eyes of Omega.

Omega claims to be "the good guys". There are 15 people who have already been selected to function as "sector chiefs" under Omega's plan for a global governing body. A Sector Chief will be responsible for all the Public Safety Officers and people living in his area. One area will cover a wide territory - what is now several southwestern states, extending up to the border of Canada, west to the Pacific coast, and parts of Mexico, as an example. The lands have already been divided up into these sectors. Each Sector Chief will report to a superior, who will in turn report to the Omega Council. There is currently an Omega "Field Office", for lack of a better term, in every major city in the US and worldwide. These offices are run by Omega personnel as private businesses - stores, general offices, service-oriented businesses, etc. Most are businesses that deal with the public, giving the people employed there access to public thought and opinion. (Its not that hard to strike up a conversation with someone in a check-out line.) These stores/offices are where the "field personnel" hold meetings when such is deemed necessary.

Omega Agency uses America Online extensively for communication, but not exclusively. It is easily accessible from anywhere in the world, and it is a closed system. Recall that Alexander Haig, along with George Bush, was mentioned in the original posting about Omega as a member of the Council. Who are the members of the Board of Directors of America Online?

The main entrance to the underground base at Albuquerque, New Mexico, is located on the grounds of Kirtland Air Force Base in Albuquerque. The base beneath the city is massive, spanning nearly the area that the city occupies. The security system at the main entrance consists, in part, of retinal scans. These are reported as "foolproof", in that not only is the retina of the eye being scanned for identification, but also brain wave patterns are being recorded for the same purpose. There is no "machine" one has to place one's head in for the scan to be done. Merely stepping up to the door initiates the security scans.

Here, in the base under the city of Albuquerque, the aliens (mostly the greys and the greens) carry on

their lives here on Earth. They conduct scientific experiments, study human nature, human emotion, our civilization, etc. They are most baffled by our apparent need to worship a god-figure. They believe that there is an all-powerful creative force (*fate?*) that did indeed create the universe in which we all live. They don't, however, feel the need to worship it.

The aliens that are here are physical beings, just as we are in that sense. They do possess technology that allows them to time travel and dimensional travel, but neither the past nor the future, nor another dimensional plane of existence, is their place of origin. They know that the time is approaching when their presence will become known on a world-wide basis. Not just hints of their existence, not just stories of encounters with isolated groups of them. But rather undeniable, irrefutable evidence that they are, and have been, here. They are nervous about this, fearing for their safety. They base this fear on their observations of humans' general reactions to change, to the unknown, and to anything "out of the ordinary." But, at the same time, they realize that this must be done.

The grey aliens, as well as the greens, have both male and female of their species. Both races reproduce through sexual means. The race of aliens commonly called the "Nordics" are a myth, made up by those charged with the responsibility of keeping off track those who would expose these things ahead of Omega's schedule. The stories were created, and nurtured and expounded on, by Omega influence. This has been done in many, many situations and in regard to many topics considered as "fact" by those who profess to belong to the "ufo community". It is the ease with which unsubstantiated material quickly becomes accepted as fact that has aided Omega most in keeping a degree of control over which direction ufo and/or alien presence investigations have gone. And it is the same principle that has allowed them to remain in the shadows, going about their work basically undetected and unknown.

The grey aliens are mainly vegetarians, though they do have a taste for fish and chicken. And they have been known to enjoy a steak now and then. There is a fruit native to their homeworld that is very similar to the mango here on Earth. The mango is a favorite of theirs.

Recently a new, previously unknown alien race arrived on planet Earth. These new "visitors" are in the care of Omega personnel, and are at the present undergoing the "getting to know you" process. There is not, at this point, reason to suspect them to be of a hostile nature. Caution, however, is being used in dealings with them, as there is the possibility that these new aliens are not what they present themselves to be.

Under Omega's watchful eye, the world would become a place where all people of all races...earthly races as well as extraterrestrial races... would live side by side in peace. Each will contribute his or her fair share to the betterment and well-being of the community. The concept of war will become foreign to us, as it has become foreign to the aliens, who long ago purged it from their civilization. Feelings, impulses to act in certain ways, etc., will be dealt with first on a personal level, each taking responsibility for themselves. Only when self-discipline fails to curb the socially undesirable behavior will the law-sustaining elements of Omega step in. Violence in any form will not be tolerated. Recall Colin Powell's current project dealing with education of our children regarding violent behavior.

(Jeugdcriminaliteitspreventie) The Omega-approved education and preparation of the next generation has begun.

There are those forces at work who wish to counter the plans of Omega. The most active of these groups is the CIA. The reason for the CIA's non-support of the Omega agenda is this: Under Omega guidance, there will be no need for an organization such as the CIA. It is marked to be disbanded under Omega's system of world government. And this is not something that the powerful machinery that is the CIA wants to see happen.

Omega claims that they are the "good guys"....that they have the best interest of the people of Earth and the people of the universe at heart. They claim that under their leadership, the Earth will be able to take its place in the galactic community.

I've come to know this person rather well over the course of several months now. I have been able to substantiate through independent sources at least some of the things this person has told me in regard to a personal history and background. The things that I have been able to verify have been corroborated through more than one source on each point.

So, again, based on the facts at hand and the personal experience of talking face to face with this person, I must continue in my original impression:

OMEGA

The Shape of Things to Come?

Omega is a multi-level, multi-structured organization of secrets upon secrets. The organization was not thrown together overnight, and they did not, at the time of their creation as a group, expect to bring about the culmination of their plans in a matter of a couple of days. These plans for a unified governmental system that oversees the whole of planet Earth started years ago, near the turn of the century. The plans "jelled" and escalated in the early 1930's, when first contact with an other-worldly race was made. These extraterrestrials are not referred to as "aliens" by those in the inner circles of Omega. They refer to them simply as "visitors". And they look at them as people.. not "aliens" in the Hollywood sense of the word or in a derogatory manner in any way. The Visitors are merely people of a different nature than we humans.

There is within the inner ranks of Omega, a group known only as the "15". This group is "supervised" by a man known to me only by the name The Zodiac. Often, in conversation, Zodiac is referred to as "Mr. Z." At one time, Mr. Z used the alias Mr. Hallaran. This is but one of many aliases this man has used

over the years. Mr. Z is what is known as a "freelance assassin", having done work of that nature for the CIA, among other agencies and individuals. He is described as a "chameleon" of sorts, able to blend in to the local populus in just about any country in this world.

Mr. Z either formed or came into control of the 15 during the later years of the Viet Nam war. At the time, Mr. Z was in Nam to work with the CIA and their assassination jobs and drug running. The 15 originally did assassination work into Laos and Cambodia for the CIA. Their work was known as "Project Phoenix". The group was formed to escalate the Nam war through selective assassinations of key figures. At times they even wiped out entire units of our own men, making it appear as though the Viet Nameese were at fault. And their particular brand of work - assassination on demand - continued after the end of the Nam war.

The 15 are now in the service of the Omega Agency. They will, after the planned world government is in place, become "sector chiefs" of sorts. Omega seems to be set up on a heirarchical platform, with those in authority under the sector chiefs reporting directly to them. From that level, any information deemed worthy of calling it to the attention of the Ruling Council will be passed up the chain of command. The Public Safety Officers - those given the authority to act as judge, jury and executioner, if the crime warrants that punishment, fall under the authority of the sector chiefs...the 15.

From Omega's point of view, their plans are not for world domination. They believe they are working toward world betterment. Domination denotes control, and betterment merely sets the world to rights, so to speak. It intends to see the world living as one people, not as segregated countries with segregated peoples, each following their own agenda. Omega would see the world as one race - the human race - with all of its people working to contribute to the betterment and advancement of the human race as a whole. Omega would see the Earth take its place in a universal society, with the members of the Omega Ruling Council speaking for the Earth in that universal forum.

Omega's plans for the future of the world are based on the history of the Visitors. As the person who tells me these things said, "It worked for them, it will work for us." The Visitors (all races of them) each come from a world that is unified under one system of government. Each had a history similar to ours, with a multitude of countries on their worlds, each with its own system of government. The people of their worlds were united as a race, under one governing flag, prior to their moving out into the universe and openly interacting with other worlds. Omega intends to see the Earth do the same. The world will be organized as a unified planet under Omega's flag, and inter-galactic trade will begin, with Omega as the sole body empowered to negotiate trade agreements for the planet Earth.

Omega does not intend to "take over" by force. They plan to be welcomed with open arms by the people of the world. Look around you at the condition of the world now. Crime is out of control in most major cities. People live behind closed, locked doors with elaborate security systems. Third World countries depend on hand-outs from other countries (in particular the United States) for the very food they put in their mouths. Racial hatred continues to raise its ugly head all over the world. Religious tolerance is non-existent in some parts of the world. One of the first things we teach our children is to not talk to

strangers. We are doing this to ourselves, teaching our children from the earliest of ages that our own kind is not to be trusted. The world is out of control. We as a people are out of control. We have been manipulated into segregating ourselves in our own little spheres of reality. And from there, we cannot see the events going on around us, cannot see the many parts that make up the whole of the Omega plan for our lives. And we dare not open our doors to take a look at the world around us, for fear of getting a bullet in our heads from a random, senseless drive-by shooting.

Is the current condition of the world the result of human failings, the result of coincidence upon coincidence leading to the current state of human life? Or is it by design? Consider the following statement:

"Out of chaos shall come the New World Order."

- George Bush

Omega believes that the world will gladly accept them as the sole governing body of planet Earth. They believe their plan, when revealed in its entirety, will so greatly appeal to the people of Earth, that there will be no bloodshed, no revolt, no war for the right to speak for the people of this planet. They believe that with their help, and the persuasive help of the Visitors, that the people of Earth will "see the light" and accept Omega's system for world government. But make no mistake - Omega has the power to force the issue if they so desire. The military system is a system that follows orders. It is a heirarchical system that does not allow for independent thought at the lower levels. And the orders come from above. Orders are given and orders are followed without question. And Omega pulls the strings of the military, from the Commander in Chief on down the line.

This systematic breaking down and rebuilding of a world is a plan that was conceived in the minds of the men who formed Omega Agency. The plan "came together" after first contact was made in the early 1930's. The Visitors have told and have shown the men of Omega how a similar plan worked on their home worlds, and Omega believes it will work here. And they have been striving to bring that goal to fruition for a very long time.

Consider how often it is said "We are being prepared for something." Consider just our recent history, such as the increase in movies, TV shows, books dealing with the subject of ET life, ET visitation of earth, etc. Consider the governing body of the Star Trek world, the "United Federation of Planets." Consider NASA's press conferences relating the possibility of life on other planets. Consider the Catholic Church's reversal of their traditional stance on the subject of life outside the Earth. Step back and take an objective look at the history of the world in this century alone. It would seem that we are being moved toward some goal, that we are being manipulated toward a certain mind-frame, a certain way of thinking. And it would seem that, unless something drastically changes, the people of the world will not survive the current downward spiral of the world's societies. And then, consider this once more:

"Out of chaos shall come the New World Order."

- George Bush

Coincidence? Fate? or Design?

Omega's plans for the governing of the world do not include the right of the people to vote. The members of the Omega Council will look at possible candidates for offices of authority (as they do now), will investigate the character of these candidates (as they do now), and will judge whether or not these candidates are worthy to hold any given office of authority (as they do now). Under the Omega system, there will be no presidents, no senators, no congressmen. No lawyers, no judges, no courts. No jails as we have them today. Those who must be separated for the good of society as a whole will be placed on "farms" where they will work for the good of the Earth's peoples in general - growing food, manufacturing clothing, etc. The taking of a life will cost a life. An eye for an eye, literally. The Public Safety Officers, and their patrols, will be charged with the duty of keeping peace and law at the low levels. They will be the most visible and accessible of Omega's members to the public at large. These patrols will not be "wandering murderers", but will act, swiftly and permanently if needed, against any citizen witnessed committing a crime, such as armed robbery, rape, etc.

This does not mean groups of men and women physically walking a beat necessarily. Much of this patrolling of the people of the world will be accomplished by technology. Technology that is far beyond any that is currently known in the public sector. Technology that is a result of human and Visitor research and development.

And the current target date for this new system of governing going into effect is the year 2000. But Omega is, above all else, a patient lot. They will wait until the time is right to make their move. They have postponed the date once already, and will do it again if necessary. For Omega claims to truly have the best interests of the people of Earth at heart. Based on the knowledge they possess, knowledge gleaned from decades of interaction with Visitors, from years of studying the governing systems of other worlds through first-hand experience of those worlds, from years of observing the trends in the Earth's societies, from first-hand knowledge acquired through the manipulation of worldly events, Omega feels that they have what the world needs. In their minds, their plan for our future is the only logical, viable means for the Earth to advance and take its place in an inter-galactic society.

The people of Omega Agency watch the world closely. By all means at their disposal. This includes the Internet. America Online is their system. They use it for communication among their peers. The people of Omega have jobs, families, lives of their own. They are merely waiting for "the day", as they call it, finding the term "New World Order" and its connotations somewhat distasteful and misleading as to their real goals and purpose.

How much of this information given me is verifiable at this point? Very little. Thus, the argument that "people in positions to know these things don't talk about them" falls to the wayside. Because this information cannot be verified immediately, it poses no threat to Omega or their plans at this time. Telling me these things, and me in turn getting it to the Internet, presents no problem to Omega. It is, in fact, in their best interest at this time. What releasing this information does accomplish is a "testing of the waters", so to speak. By having this posted to the Internet, Omega can sit back and watch, which is

something they do very well. They can observe discussions of this material on newsgroups, email lists, web sites, IRC, AOL chat rooms, etc. And they can judge how well it is received, how much opposition there appears to be to it, but most importantly for their purpose....how much non-reaction there is. Apathy is the straw that will break the camel's back in the world today. It is the means by which Omega will move into power and remain there.

What portions of this information have been verified? Three independent sources have confirmed the existence of the man known as "The Zodiac." One even gave me a physical description matching that of my source person. The existence of Project Phoenix and its assassination teams has been confirmed by four ex-military people who were in Nam during that time. Descriptions of the security system in place at the entrance to the underground facility at Albuquerque, New Mexico, has been confirmed by two sources, one of which told me about the security system a full year before I got the same information from the Omega person currently talking to me.

And looking into this person's eyes, I still am left with the impression that this person is not lying. I may not be receiving the whole truth at this point...in fact, I'm fairly convinced that I'm not. There have been a few instances where my source has stumbled, revealing to me that there are still secrets being kept, and I have been purposefully misled on some points.

But overall, I believe, at this point, the information I am supplying here is basically valid. I strive daily to find a way to confirm these things, to verify the truth to these matters, or to expose it all as a fabrication of a sick mind. But I am alone in this, and I am not an investigator or researcher by trade. I am a nobody. I did not set out to find Omega. They found me. And they have a plan for me, one that frightens me. But I will see it through. I will do whatever it takes to get to the truth of this matter, for to turn away now and bury my head in the sand is not an option that I can live with. If the price of my involvement here is my life and soul, then so be it. Nothing comes without a price, and the truth is worth the price in this case, I believe.

We must know the truth. We cannot survive without it at this point. If these things are true - Omega, the Visitors, the universal society of which Earth must become a part - then we have no choice but to see this through. We must accept the facts that we have, as a race, been lied to and manipulated for countless centuries. We have been misled as to the real nature of the universe and all its many planes of existence, from the Creator own down to the physical world we live in. People of this world have known the truth for ages, and have kept it to themselves, passing it down to a select few and keeping the masses in ignorance and darkness. This is the way of our world, and it is the way that must stop, and stop now.

Reality is a hard thing to face, especially when that reality is not what we have been taught to believe it to be. If Omega, the Visitors, and a universal society of many races is the reality of our lives, then we must know this, and we must face it and learn to deal with it. For if a group like Omega is the future governing body of this planet, we have no one to blame for their rise to power but ourselves.

Omega is right on at least one point. The bullshit of this world must stop. We must open our eyes, see

the universe as it really is, and learn to live within its boundaries.

"There is nothing so powerful as truth,--and often nothing so strange."

-Daniel Webster

Mr. Webster recognized this fact years ago. Why can't we now?

OMEGA

The Thruth is Out There

This is the fourth installment in my essays on the Omega Agency. There has been much discussion of the material contained in these files. Those who know me personally have asked me questions about it, and I think it time that I address some of the most prevalent ones.

First of all, why am I being given this information? Isn't this in conflict to what is generally accepted as the nature of the ufo field? People who know of these things don't talk about them. That's the general assumption. Isn't the goal of the coverup conspiracy to keep such knowledge OUT of the public's hands and minds? I will address these questions with a question of my own. Is it not generally taken as a "given" that there is some sort of plan in action worldwide, some sort of agenda utilizing the media, radio, television, movies, books, etc., aimed at preparing the people of the world for some big event? There doesn't seem to be a lot of dissent on that point. So what is the prime goal of any plan? Is not the goal to see that plan through to its successful completion? Given that fact, why is it so hard to accept that as a part of the completion of this plan, disclosure of secrets long held will have to be made? It appears that there is a general assumption that when such disclosure is made, it will come through either a known, credentialed news media source, or a respected and credible researcher in the ufo field. But this is merely an assumption. Without the full details of the plans known, is it safe to assume that full disclosure will be made as it seems to be expected? Those who study the ufo field and its related topics should know that rarely is the expected the true nature of the way things are.

Second, I'm asked why I should expect anyone to believe these things to be fact. To that, I can only reply thusly: I don't expect anyone to believe it based solely on these writings. I would hope these writings would peak the curiosity of others, and they would, in turn, begin investigating these matters on their own. All I ask of anyone reading these files is that they consider the possibilities. I can say that I no longer have doubts as to the existance of Omega, the connection to the Visitors that Agency has, the agenda that they have planned, their connection to the military, etc. While I know that I'm not being given the whole truth at this point, I do know that the person telling me these things is not lying about his connection to Omega and the Visitors. I asked for proof of this, and received it. The experience

shattered my concept of the world and the universe we live in, destroying all I have been taught throughout my lifetime in a matter of 20 minutes. Though I still don't know a lot about what is going on with Omega, and where this is all leading, I do know this: we are not alone in the universe, and there are people of this world who have known this for a very long time. And they are now working to bring that knowledge to the public at large in a way that will be as least disruptive as possible.

Omega is not about mass control, it is not about mind control or forcing the world to bend to its will. Omega is about bringing the people of planet Earth into a universal forum, where we humans can begin to enjoy the wonders of space travel openly, can mingle with races from other worlds, and learn from their cultures, their art, their science, their philosophy. The men of Omega, especially the group known as the 15, have dedicated their lives to this purpose. And they will see it through. Omega has the power, the technology, the military might at its disposal right now to force the world to its rule. But they will not do that. Though I do not agree with some of the tactics they have used and are planning to use, I can see the reasoning behind it.

The Omega plan calls for the re-education of the world, of all the world's peoples, not just the citizens of the United States. Their plan is based on similar plans that have been implemented and have worked well on other planets, other cultures and civilizations that were in much the same shape as the people of Earth today. The plan was first hinted at by the Visitors during the time of first contact early in this century. According to Omega, it is a method of re-education that has worked on many, many worlds, and they are confident that it will work here. This re-education program is far-reaching and in-depth. It will reveal the truths so long kept in secret from the people of this world. And this is not merely the truth to the "ufo phenomenon". It reaches to the core of our society...from our erroneous views on the true nature of the Creator to our concept of the space/time continuum. And Omega does not expect to be able to re-educate the entire population of the planet. They are targetting the approximately 1% of the population that are open-minded, non-judgemental of other races and cultures, do not waste time arguing over trivial God images, have respect for the health of the world's environment, and are generally willing to explore all possibilities. The other 99%, according to Omega, are basically "sheep" and will follow where they are led.

The third most common question I am asked is why am I allowed to speak of these things, and to pass the information to the Internet. That answer is very simple. Its all part of the education process.

Omega professes no desire to control, in the sense that most think a world-wide governing body would control their daily lives. Under Omega's rule, people will retain their freedoms, such as freedom of speech. No one will be a slave to Omega or any other organization. In fact, slavery of any sort is illegal in all worlds. Under Omega, majority will rule. And the ruling council will be made up of people from around the globe, representing every country and culture in the world today.

The Visitors are not here to conquer planet Earth. They are not here to rape our planet of its resources or to enslave the Earth's people for use as their work force. They do not consume humans as a food source, and the total number of true alien abductions numbers slightly over 800 total in the past 40 or 50 years.

Those agencies and groups who are working to thwart Omega's plans are responsible for far more abductions than any of the Visitors combined.

Each Visitor race has representatives here on Earth at this time. Many have been here for 50 or more years. The Visitors are not angels, they are not demons or devils as portrayed in Biblical text. They are not interdimensional creatures. They are physical beings that are born, grow up to maturity, grow old and die, just as we do. They have not come here to save our souls, or to exploit our world. They have come here to help us move out into the universal neighborhood that they call home, and by doing so, they preserve their own way of life. Just as we expect anyone who comes to the United States, for example, to abide by the laws of the US, so the Visitors expect us humans to abide by the laws of their universal coalition when we journey to their lands. I personally don't think this is asking too much.

Those involved with Omega, humans as well as Visitors, bear a symbol of that agency on their dress uniforms and their ships. The symbol was described to me in this way: A triangle, its point turned upward. The outline of the triangle is black, the interior background yellow. Inside the interior, centered in the triangle, is a graphic representation of the Earth (in the case of humans and our craft), a representation of the homeworld of a Visitor race in their case. >From each side of the triangle, originating on the inside aspect of the outer line, is a lightning bolt. These two bolts cut across the yellow background and terminate at the planetary graphic in the center.

There is much to learn, and much to sort out, before all of the information available to these select few of Omega comes to light. And there must be a willingness on the part of the people to accept it before full disclosure will be made. As I have stated before, Omega is, if nothing else, a patient lot.

This I can now say with absolute certainty. While I know that I have not as yet been given the whole truth, I do know one thing.

The person telling me these things is not lying about who and what he is.

OMEGA Agency **The Secret That Is No More**

"When everything is secret, nothing is secret."

- Justice Potter Stewart in his opinion on the Pentagon Papers case

I continue my contact with "Robert", the man who is one of the 15, a member in high standing in the group known as the Omega Agency. At this point in time, Robert and the others of the 15 are basically

in control of the Omega agenda. Those who will make up the Ruling Council of the global governing body are basically "waiting in the wings". They are consulted as needed by the 15, but the day to day running of Omega's plan for planet Earth lies in the hands of these few men.

My understanding of the situation is that it was the Visitors who desired that these 15 men control the re-education process currently underway. Each of these men has a history of military type service, mostly in the fields of covert and black ops, including assassination on demand and manipulation of the war in Viet Nam. The logic behind the choice of these men is this: One must know how to make war in order to prevent it. One must know how incredibly cruel man can be to his fellow man in order to prevent it in others. And if the way of life that the Visitors enjoy on their homeworlds, which all of the 15 have experienced first-hand, can change the hearts of men such as these, it can change the heart of any man.

And that is the basis of the Visitor agenda, and thus the Omega Agency's agenda. In its bare form, the Visitor mission can be stated simply as they work to "clean up" the universe so that people of all races, from all worlds, can live in peace on a galactic scale. That includes the people Earth. We are in our infancy as a race compared to many of the Visitors, but we have advanced technologically to the point that we pose a danger to their society and their way of life. Our social, emotional, and psychological development has not kept pace with our technological strides. Humans have an innate fear of the unknown, and it is that fear that keeps us from questioning, from questing toward what should be our goals. We prefer to become "comfortably numb" rather than face the reality that our history has been warped to meet the goals of certain individuals, our religions have been used as a method of mass control and social manipulation, and certain factions of our society as a whole, on a world-wide basis, have been manipulated to the advantage of those opposing a global, unified governing body and a transformation of our way of life from one of separationism and isolationism to one of global and universal acceptance of those who are "different".

A world living in peace on a global scale is something that many profess to desire. They teach their children to pray for world peace. Yet there are those who profit from the misery of those around them. Consider for a moment. What type of reaction would you expect from pharmaceutical companies if it were known that there is a cure for every form of cancer known? Would these companies, that now receive thousands of dollars per treatment for chemotherapy, be happy to know that there is a way to cure cancer that requires but one injection? What if there was a cure for AIDS that required only a series of three injections? How would an oil company react to the knowledge that there was a power source, one that was abundant, non-polluting, totally efficient? And that conversion of an automobile to this power source could be done at a cost of approximately \$20.00? Would such a revelation be welcomed by those sitting on the Board of Directors of a major oil company? Somehow, I think not.

Yet, this is the way of the Visitors. It is their way to share their technology. They do not try to hide it from others in their intergalactic neighborhood. They do not understand our tradition of hiding our technological advancements in fear that someone else will develop it to its fullest potential first. Nor do they understand the need to withhold beneficial technology, such as could be used to reverse the pollution level of the planet or cure the diseases of humans, merely for monetary gain of a few.

Under Omega global rule, intergalactic commerce and trade will become the norm. There are products we manufacture that ET races wish to import to their homeworlds. They likewise have manufactured products that they feel could be marketable to the people of Earth. Individual companies will be allowed to negotiate trade agreements with Visitors, but all will fall under Omega guidelines. There will be fairness to all, with no one company monopolizing the market. Fossil fuel will be a thing of the past. In the educational system, the "mistakes in accuracy" that is taught now to our children in history class will be corrected. The World Health Organization, as well as the United Nations, will be disbanded. The cures for diseases, as cancer, AIDS, Multiple Sclerosis, Muscular Dystrophy, to name a few, will be released to the public for immediate treatment for those needing it. (An interesting note here is that there has been no transmission of ET-based disease to humans. Visitors have, however, gotten sick from humans. There have been cases of Visitors contracting chicken pox, AIDS, pneumonia, and the common cold.)

Kirtland Air Force Base in Albuquerque, New Mexico, will be the global headquarters for Omega after "the day" that they take the reigns in the arena of global government. The underground base beneath the city is currently the center of Omega field operations. A large number of people now employed at NASA are affiliated in one way or another with Omega. The late Gene Roddenberry was a member of Omega, that group approaching him because of his ideas of what a future intergalactic society could be like. John Glenn is also aware of the existence of Omega, as is Hillary Clinton.

The Omega agenda continues. It may be accelerated, or it may be delayed, as world conditions dictate. But it will not be stopped. There is little choice in the matter at this late date in the game. The fact is that we as a race are not alone in this universe, and we must learn to live according to the laws set down by the majority in this universe. We cannot remain isolated. We will not remain isolated. We would be welcomed into the galactic neighborhood if we could find it in ourselves to change our ways for the good of us all. If we do not, the future could be a very uncertain place. The Visitors came here in peace, and they offered a helping hand. But unlike the men of Omega, the Visitors are not infinitely patient. There are those among the Visitors currently residing on Earth that desire to go home. They are tired and they miss their families, their homes, and their world. Our stubbornness, immaturity, and refusal to open our eyes to the reality around us is what prevents them from going back to their homes, back to the lives they led before coming here. It is a rare thing to find a human who will sacrifice their life for another. Why should we expect the Visitors to be any different?

Omega is a "secret" organization that has been quietly doing its work for many, many years. One will find no documentation to support its existence, no financial records will "miraculously" surface to show how it has been funded. An organization that does not wish to be discovered prior to the time of its choosing does not leave a paper trail to be followed. But there is circumstantial evidence, documentary evidence, that points to its existence and its agenda. I ask no one to accept my writings here as gospel. I ask that you consider the possibility, and investigate it on your own.

There is a universe of truth in the following statement:

"Truth can only be discovered when the mind is open to all possibilities."

- The Tucson Kid

That is all it takes to discover the existence of Omega as a real, functioning entity. Take off the blinders, open your eyes, and start facing the reality of the world around you. We are quickly approaching the point where we have no choice but to do exactly that. And it would be far better to face reality on our own rather than have it forced upon us.

For there is a universe of truth in this statement, as well:

"If folks want to keep their head in the sand --then their butts will eventually get blown away."

-- Charmaine Ferreira

Would life under Omega's guidelines be better? I answer that with another question. How could it be any worse?

Think about it.

OMEGA Agency Final Words

This will be my final posting on the information I have on that group of people, that entity known as the Omega Agency. I will no longer be communicating with my source person, known in these postings as "Robert". A perplexing set of circumstances, almost a comedy of errors, if you will, has led to this breakdown in communication. And after careful thought and soul searching, I have reached the reluctant conclusion that I can no longer be the outlet to the Internet for information on Omega. Robert has been my sole face-to-face contact within the ranks of Omega. But the price of continued personal association with Robert is too high.

In the beginning, almost a year ago, my understanding was that Robert told me the things he did, showed me the things he did, for the purpose of setting to rest doubts and confusion within my own mind. He not only fed the obsession within me to know the truth to this whole ufo/alien phenomenon, but he took an emotionally battered, psychologically abused, frightened woman and befriended her. He gave to me what I needed at that time - someone who cared, and who showed that in his actions. I gave him what he needed - someone to alleviate his loneliness and get him back out into the world, showing him how to take joy in something as simple as digging in the dirt to find pretty rocks. A very close personal

relationship developed, with Robert and I spending virtually all of our free time together. We got to know each other extremely well. Because of this relationship, I overlooked certain things that didn't add up in the information he gave me on Omega. I allowed my emotional attachment to my friend to blind me to the "glitches" in the information he passed to me. In the past month, our relationship has deteriorated rapidly, and these same inconsistencies have cropped up again. They have not been overlooked this time, and therein lies the "rub", as best I can tell.

I do not think that Robert lied to me about the existence of Omega. I have found and witnessed too much that verifies its existence. I do, however, think he "sugar-coated" the nature of the organization. I will state, for the record here, that I do agree with the ideals on which Omega appears to be founded - the unification of the people of this Earth as a global society, with each culture supporting the other in an atmosphere of acceptance of us all as humans first. I do agree that a global governing system is what is needed to move us as a race, the human race, out into the universal neighborhood that awaits us. I do agree that the negativity that pulses through the minds of so many needs to change. What I don't agree with, and have always questioned, is the method that is being used to bring about these changes.

Much to Robert's consternation, I continually asked him this question: "What gives you the right?" He has never answered that question fully or satisfactorily.

I have had no direct, face-to-face contact with any of the other members of the 15, that group of which Robert is a part. I have had no face-to-face contact with anyone else who admits to being involved with Omega or has knowledge of its existence and workings. I have had telephone conversations and mail exchanges with others that I believe have at least a working knowledge of this organization. The majority of my experience with Omega has been through Robert, and thus, he is the only example I have as to what type of person is chosen or recruited to participate at such a high level within the Omega power structure. As it was explained to me, there will be no direct voting by the populous as to who sits on the Ruling Council for Omega's global governing body. These people will be selected by those already seated on the Council.

Robert has often told me that Omega, put simply, adheres to the principle of the "needs of the many outweigh the needs of the few, or the one." Omega seems to interpret that philosophy to mean that the majority of the population of this world is insignificant, categorizing them as "sheep" that will follow where they are led. This may be a true statement, but that does not make it right to perpetuate that mind set. He advised me on more than one occasion to focus my attention on reaching the 1% of the population that Omega considered important. I found this impossible for me to do, because I consider all people to be of value. I cannot write off such a large portion of the population, regardless of Omega's wishes in that area.

Omega has claimed to be the "good guys" in this silent war for the people of and the planet we call Earth. Many of the OA ideals are, indeed, very "good". Crime must stop. War must stop. Child abuse, rape, murderall of these must stop. We cannot continue to prey upon each other and hope to survive in the galactic neighborhood. Inflationary taxation, destruction of the environment, government preying

upon the weaknesses of its own people, must stop. Hatred of another based on nothing more than the color of one's skin, or the religious beliefs one holds, must stop. A scenario Robert was fond of using as an example was this: "Can you imagine a world where you can go to bed at night with your window open, and not have to worry about someone coming in and raping you?" Under Omega rulership, that is the type of world that is proposed. It will be a world in which one is free to pursue his or her life's work, raise a family, and feel secure within the walls of his or her own home. Another question that was never fully answered: "But at what price?"

Yet, the inconsistencies remain. Again, I can speak only from my personal experience with this man and the organization he represents. Omega is responsible for some of the abductions that occur. Robert tells me I have been abducted 7 times, and that my father was also abducted. I have no conscious memory of these experiences. Omega employs the services of those popularly known as "MIBs". This I have seen, waking to find one standing in my bedroom. Recent postings to the Internet that I have made have caused concern in the ranks of the 15. Their concern, again based on what Robert related to me, was that I was currently displaying a somewhat "negative" attitude toward Omega. The options being considered as to how Omega would deal with my attitude, as outlined to me by Robert in a phone conversation on Thursday, October 23, 1997, were as follows:

a) he stated that one of the members of the 15 asked Robert if he wanted me "taken out". b) action will be taken to totally discredit these writings and any past or future writings I do relating to the ufo field, thus eliminating me as a possible voice of disagreement with Omega's now publicly known ideals and goals. c) use of techniques known to Omega that would "blank" my memory of any and all recall of my involvement with Robert, Omega, or my search for the truth in the ufo/alien phenomenon. d) bringing me into the underground facility beneath Albuquerque, New Mexico, and keeping me there for an indefinite period of time, until my attitude could be "swayed" toward a more positive stance. I attempted to talk to Robert about these "options" that night, and again the following Monday night. He informed me that the decision lay in the hands of the other members of the 15, that he and the others had decided that Robert's position on my fate would remain neutral. Speaking strictly from a human standpoint, I find this most difficult to understand. Betrayal and abandonment are not "good" qualities by socially accepted standards in human society in general. Yet the one man who has spent time with me personally, face to face; who has laughed with me and held me when I cried, who I helped on more than one occasion when he needed help, speaks no words of defense on my behalf with his co-workers. Nor does he allow me to offer a defense on my own behalf. Is this a character flaw in Robert that I never knew existed in the year I've known him, or is it a reflection of the mentality of the high ranking members of Omega? I don't know the answer to that question, and don't know if I ever will. In fact, I don't know if I would want to know, for the implications of the latter are far too frightening.

There are those forces that oppose Omega and its plan for the betterment of the world. I have named these forces in previous essays on Omega. I know that I have attracted the attention of a few who pledge their loyalty to these opposing forces. Two people that I associate with, and who know my identity, have been threatened. And though Robert did not specifically state that a government agency-affiliated individual was here in town to assassinate me, he implied it heavily. This man was dealt with, according to Robert, by members of Omega within a few blocks of my home. I have no way to verify the validity

of this information. But valid or not, the result is the same. It is normal to be frightened when it is implied that others want one killed. If this information is true, then I owe Omega my life. If it is not true, then only Robert knows why he would desire to terrorize and torture me in such a way.

My phone conversations are monitored, my computer has been tampered with, my emails, public and private, are monitored. All activity I do on the Internet is monitored, including what websites I visit. I do not know the names of those who do this monitoring, nor what agency or group they are affiliated with. What I can attest to is that Robert has quoted me from private emails I sent to others, he has criticized my research techniques based on websites I have visited, he has stated to me the name of someone I spoke to on the phone, giving me the length of time I spoke to this person.

In our phone conversation of Monday night, October 27, 1997, Robert strongly urged that I stop my investigation into ufo related matters, and concentrate on the job Omega wants me to do. Although the original agreement between us was that I would do what they wanted me to do, but I would do it in my own way, Robert is now finding fault with my methods and what he perceives as my negative attitude toward Omega. Efforts on my part to discuss this with him, to plead my side of this situation, have thus far fallen on deaf ears. And I grow weary of the trying.

I regret the loss of a friendship. I regret the loss of access to information that many are asking about, that many are craving. I feel as though I am letting people down by my plan to disassociate myself from the only avenue of access to Omega's inner workings that I am consciously aware of. But I see no other choice for me at this point in time, given the current situation and the above stated options that are being considered. Those who know me personally know that I will not release Robert's real name. That decision is not based in fear of reprisal from him, or someone he may be associated with. That decision is based in personal honor. I gave my word that I would not reveal his name to anyone. And personal honor is something that, once lost, is very hard to regain.

In the last two years, I have undergone massive changes in my personal life. It has been a most difficult and traumatic time for me, and Robert was aware of this before he met me in person. I have learned that decisions I made were often times "suggested" by employees of the Omega organization. Minor manipulation of my life to "steer" me in the direction they believed my life should take. While I personally consider this sort of action to be wrong and a violation of basic human rights, Omega's professed position of the "ends justify the means" in most cases has won out in regard to me.

Omega has the potential to bring great changes to the world, changes that I do believe will be in the best interest of all of us. It has the ability to introduce us to the varied and wonderous worlds of the Visitors, and all the mysteries and excitement of their cultures. It has the power to move the world forward technologically by leaps and bounds. But it seems to lack heart, and compassion, and empathy for the people it would govern. And that concerns me. I have to wonder how long a house, united or not, will stand on an uncertain foundation.

I cannot give the answers to the many questions that remain, for the price of my continued active

association with this group is too high. I do not think that Omega alone is responsible for the invasions into my life of late. I have reason to believe that the opposing forces are equally as interested in where my loyalties lie. My loyalties lie where they always have: with the side of right, the side that offers the best hope for all of us, not just me alone. Omega was honest in stating what it is that they want from me. I apparently misunderstood or was misled as to how they wanted that accomplished, though. I was also not told what the price for involvement with them would be. In this, however, Omega is ahead of the opposing side. The motives of those on that side are unclear, and their methods of operation far more secretive. Robert, at least, told me what my fate may be. I can do nothing now but sit and wonder what tomorrow will bring for me. Robert offers me no indication of when a decision will be made concerning me, or what that decision is likely to be.

The tone of this writing is far more personal than any of the other essays on Omega I have written and posted to the Internet. The reason for this is I am human, and I have emotions, and cannot and will not deny them, though it has been suggested more than once that I drop my emotions. And right now, the strongest emotion I feel is fear. I know there are many who doubt the validity of these writings, who question the motives behind them, and who suspect it is nothing more than, at best, a hoax. At the worst, disinformation designed to further muddy the waters of the ufo field. As one person that I introduced to Robert said, "It sounds too good to be true, Robert. Show me."

He did show me. I do not doubt the reality of this organization or its connection to the Visitors, with all of their technology and their abilities. Neither do I doubt that the 15 will carry out whatever decree they determine is appropriate in my case. Perhaps I am considered the experiment that went wrong, or the project that failed. I don't really know what I am considered by Omega. Robert told me that it was never meant for him to be a direct source of information to me. It was never meant that we were to develop a close personal relationship. It was never meant for me to get so deeply involved in ufo/alien research. When I asked Robert why he did these things, why he fed the hunger for information that he knew I possessed, and why he allowed the relationship between us to develop on a personal level, if he was never meant as an active part of the plan for me, his only reply was "You were there, you were nice. It just happened." What I suspect is happening now, based on things that Robert has said to me over the past month, is that I am paying the price for his mistake. But I don't blame him alone. I knew from the beginning that Omega had the potential to be dangerous, as did Robert. And I persisted in my efforts to get to the truth anyway.

To remain in Omega's "good graces", if I must change what I am, if I must sacrifice my personal integrity, my right to privacy in my phone conversations, my emails, my computer, within my own home, and in my very dreams, if I must betray people that I've come to see as friends, then the price is too high for me to pay. Perhaps if I understood the reasoning behind the actions, I would feel differently. But, as I have said, the one question that constantly resurfaced and was never answered, keeps me from adopting the attitude that others seem to desire in me. Where Robert seems to view the question as nothing more than emotional reaction to impending change, I view it as a valid and necessary point that should be addressed if Omega is to be openly accepted as the best hope for the survival of the human race and planet Earth.

What gives you the right?

And...?

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STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

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Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

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CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.
2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.
2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.
3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as

elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.
2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.
2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.
3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfill the required conditions.
2. Formal notification thereof shall be made to the Secretary-General by the Registrar.
3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.
2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.
2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.
3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.
2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.
2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.
3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.
2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.
3. Cases shall be heard and determined by the chambers provided for in this article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.
2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.
2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.
3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.
4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.
5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.
6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.
8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

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CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
 - d. the nature or extent of the reparation to be made for the breach of an international obligation.
3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.
6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the

decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 - a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
 - b. international custom, as evidence of a general practice accepted as law;
 - c. the general principles of law recognized by civilized nations;
 - d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.
2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

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CHAPTER III

PROCEDURE

Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council

Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of

memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted .

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to

supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.
2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.
5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
- 2 It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

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CHAPTER IV

ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is

required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.
3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

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CHAPTER V

AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

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<http://www.antiwar.com/berkman/trilat.html>

THE TRILATERAL COMMISSION AND THE NEW WORLD ORDER

by Gene Berkman

Keep in mind that this piece has been written by a libertarian US Congress candidate (E.)

[*Return to Home*](#)

In a speech to Congress and the American people on September 11, 1990, President George Bush outlined the goals his government was pursuing through military intervention in the Middle East. He had in previous statements put forth four goals, including an immediate, unconditional and complete withdrawal of Iraqi forces from Kuwait; the restoration of the Emir of Kuwait to his throne; a permanent commitment to the security and stability of the Persian gulf; and protection of American citizens living abroad.

On September 11, President Bush added a fifth objective. He said, and I quote:

"Out of these troubled times, our fifth objective - a new world order - can emerge... We are now in sight of a United Nations that performs as envisioned by its founders."

On October 1, 1990, President Bush told the General Assembly of the United Nations, again I quote:

"The United Nations can help bring about a new day... a new world order, and a long era of peace."

One is tempted to downplay the rhetorical flourishes of George Bush. This is, after all, the same man who in 1988 told us to read his lips, and promised "No New Taxes." In looking at George Bush's political career from the early 1960's to the present, it might charitably be said that he does not have a principle to his name. Anyway, George Bush is now out of office, repudiated by 63% of the voters in the last election.

Many of us would probably agree that no politician more richly deserved retirement than George Bush. Even millions who voted Republican to keep Bill Clinton out of the White House would be inclined to share such a sentiment. But a few facts about the winners might cause us to hold down our celebration.

Bi-Partisan Support for New World Order

Governor Clinton, among the various Democrats competing for the Presidential nomination, was strongest in his support for President Bush's Gulf War. Senator Gore voted in the Senate for the resolution authorizing U.S. troops to use force against the government of Iraq.

More recently President Bush has sent American troops to Somalia to "help guarantee that supplies reach the starving." The troops acted under authority of the United Nations and, according to the Times, the Somali intervention signalled a "dramatic enlargement and overhaul of the operation - perhaps putting the United Nations in the unusual role of enforcing the peace rather than just trying to keep it."

In other words, the UN forces acted as domestic police within Somalia.

President Clinton supported and continued the intervention in Somalia. President Clinton has since then called for sending U.S. and Nato military forces, under U.N. supervision - into war-torn Bosnia.

During the transition period after the election, the Bush administration pushed for U.N. authorization of military action against Serbia. In this he has had the full support of Clinton and Defense Secretary nominee Les Aspin.

Perhaps Americans are very fortunate that partisan bickering has not stopped the leaders of the two major parties from coming to an agreement on important policy matters. That is one view.

Another view is that the tens of millions of Americans who question the wisdom of sending Americans all over the world to straighten out other peoples quarrels are not represented by the bipartisan political establishment. Indeed, we might wonder whether the two party system is working at all when the two parties fail to offer policy alternatives to the American people.

Clinton's Trilateral Connection

There may be more than coincidence to the shared views of President Bush and President-elect Clinton. Both are associated with two influential organizations based in New York City - the Council On Foreign Relations and the Trilateral Commission.

George Bush was a member of the Council On Foreign Relations in the 1970's, when he served in a succession of appointed positions under President Nixon and President Ford. He was director of the Central Intelligence Agency; Chairman of the Republican National Committee; head of the Liaison Office in the Peoples Republic of China; and U.S. Ambassador to the United Nations. Bush remained in the Council even after leaving public office. He ended his membership during his campaign for the Republican nomination for President in 1980, when his CFR connection started to become an issue among conservatives.

George Bush was among the founding members of the Tri-lateral Commission, retaining his connections even while officially "on leave of absence in government service."

Bill Clinton is a late-comer to both organizations, being invited to join only in the past couple of years.

Nonetheless, he is the third member of the Trilateral Commission to be elected President since the Commission was founded in 1973.

George Bush and Bill Clinton are not alone among high public officials in their CFR/Trilateral connections. Outgoing Secretary of State James Baker is a long-time member of the Council On Foreign Relations, as is Acting Secretary of State Lawrence Eagleburger. Secretary Baker's predecessors at the State Department have included George Shultz and Cyrus Vance, members of the Council On Foreign Relations; and Alexander Haig as well as Henry Kissinger, both CFR members and founding members of the Trilateral Commission. Clinton's Secretary of State is Warren Christopher, Vice-Chairman of the Council On Foreign Relations, and a long-time member of the Trilateral Commission.

Harold Brown and Caspar Weinberger, Secretaries of Defense under President Carter and President Reagan, respectively, are both CFR members and again, founding members of the Trilateral Commission. Outgoing Defense Secretary Richard Cheney is a CFR member, as is the new Defense Secretary, Les Aspin.

Other founding members of the Trilateral Commission include Paul Volcker, former head of the Federal Reserve System, and Alan Greenspan, current Chairman of the Federal Reserve Board of Governors. Both are also CFR members.

We don't have the space to list the literally hundreds of additional CFR members and dozens of Trilateralists who have held policy positions in just the recent administrations. Such a record would be impressive for any organization, let alone a Council with only 2500 members, and a Commission with fewer than 100 members from the United States.

By contrast, the National Taxpayers Union has over 200,000 members nation-wide, including Republicans, Democrats and Independents. Yet since its founding in 1971, it has not had a single member appointed to the Cabinet. Perhaps this would change if the National Taxpayers Union were to give up its commitment to lower taxes and less government.

President-elect Clinton in late December announced his choices for the Cabinet and other top administration positions. Senator Lloyd Bentsen, his choice for Secretary of the Treasury, as well as Bruce Babbitt, Interior Secretary nominee, are members of both the Trilateral Commission and the Council On Foreign Relations. Other CFR members headed for positions in the new administration include Anthony Lake, named as National Security Advisor; Andrea Tyson, who will head the Council of Economic Advisors. Clinton has announced that he will appoint CFR member Madeleine Albright as U.S. Ambassador to the United Nations, and that he will make the U.N. Ambassador a full member of the Cabinet.

Origins of the CFR

To get an idea of what the power of these two organizations means for America, we might want to take a

look at the origins of each one.

When President Washington left office, he urged upon America a foreign policy based on "friendship and commerce with all nations, entangling alliances with none." Washington and succeeding Presidents recognized that the many conflicts which divided Europe were not over matters of principle, but disputes over territories and peoples that different countries sought to subjugate.

In the Twentieth Century, a succession of Presidents have worked to increase the involvement of the federal government in international affairs, while seeking to expand the power of the government in domestic matters as well. Woodrow Wilson, elected President in 1912, was a pioneer in this regard.

In 1913, the Congress established the Federal Reserve System. The 16th Amendment was passed, establishing the Federal Income Tax. In 1914, the Harrison Federal Narcotics Act was passed, granting the federal government vast new police powers in an area previously dealt with successfully as a medical problem. And in 1917, America entered World War I on the side of Britain and France, despite Wilson's 1916 campaign slogan "He Kept Us Out of War."

President Wilson spoke of a "War to make the World safe for Democracy." But the main allies, Britain and France, maintained colonial empires in Africa and Asia in which native aspirations for independence were often brutally suppressed. Britain, France and, after 1917, America were also allied with an autocratic regime in Russia.

President Wilson also called the conflict "The War to end all Wars." To carry out this goal, Wilson joined with the British and French governments in creating a League of Nations as one product of the Versailles Treaty. The League might be considered an embryonic version of world government; much more it was a collective security alliance of the victorious powers, who controlled the League through its Council. The victorious powers, Britain and France, retained their colonial empires, and under the League Trusteeship system, took control of German colonies in East Africa and South-West Africa.

The United States Senate rejected membership in the League of Nations, fearing it would subordinate America to the British Empire. It was in response to this rejection of an "entangling alliance" that the Council On Foreign Relations was formed.

The Council was incorporated in New York on July 21, 1921. Among the founders were John Foster Dulles, later Secretary of State; Allen Dulles, later head of the OSS and The CIA; Edward Mandell House, a top assistant to President Wilson; and John W Davis, who became the first President of the Council. Davis was personal attorney for J.P. Morgan, head of Morgan Guaranty Trust, and in 1924 received the Democrat nomination for President, despite never having been elected to any lower office.

From the beginning, the Council urged that the United States cooperate with the League of Nations. Beginning in 1927, the Rockefeller family began funding the Council, in 1929 buying the Harold Pratt House on East 68th Street in New York to serve as its headquarters.

World War II and the Founding of the United Nations

The League of Nations did not end war for all time. Indeed, the unwillingness of the League to peacefully revise the onerous war guilt provisions of the Versailles Treaty are widely acknowledged as the cause of Adolf Hitler's political victory in Germany.

As European leaders began to realize in the late 1930's that war was inevitable, Americans remained committed to staying out of war. As late as October 1941, opinion polls showed 88% of the American people opposed to entering the European war.

On the other hand, the Council On Foreign Relations began doing research for the State Department in 1939, with the work financed by grants from the Rockefeller Foundation. By 1942, after America entered the War, the State Department established an Advisory Committee on Postwar Foreign Policy, which included no less than 7 CFR members.

Dan Smoot, in his pioneering study, *The Invisible Government* notes that the "crowning moment of achievement for the Council came at San Francisco in 1945, when over forty members of the United States Delegation to the organizational meeting of the United Nations...were members of the Council." These included the Secretary of State, Edward R Stettinius, John Foster Dulles, John J McCloy, Nelson Rockefeller, Adlai Stevenson, and Alger Hiss.

Victors' Alliance

The United Nations Organization was formed after World War II by the victorious powers. Indeed, during the war, the alliance involving the US, Britain, the Soviet Union and China was called the United Nations. The San Francisco conference established this alliance of the victors as a permanent organization. Despite the fact that the legal government of France, located at Vichy, had cooperated with the Third Reich during the war, the post-war French government was brought in as a founding member, with a permanent seat on the Security Council.

The development of the United Nations into an international power was predicated on the continuance of the wartime alliance of the U.S., the British Empire and the Soviet Union. The purpose of the Yalta Agreement, which recognized Soviet dominance in Poland, Hungary, Bulgaria and Romania, as well as the annexation of the Baltic states, was to maintain this alliance.

The Communist coup in Czechoslovakia and the imposition in Poland of a Communist dictatorship in place of a neutralist Coalition government undermined the U.S./Soviet alliance. In 1949, the North Atlantic Treaty Organization was formed as an anti-Communist military and political alliance. As Americans came to learn of the brutalities inflicted by the Communist occupation forces in Eastern Europe, it was hard to oppose U.S. participation in NATO.

The formation of the United Nations in 1945 and NATO in 1949 has permanently entangled America in international politics.

Trilateral Commission Formed

The Trilateral Commission was formed in 1973, and it is widely perceived as an off-shoot of the Council On Foreign Relations. According to Christopher Lydon, writing in the July 1977 Atlantic, "The Trilateral Commission was David Rockefeller's brainchild." At the time, David Rockefeller was Chairman of the Council On Foreign Relations, having been elected to that post in 1970. David Rockefeller became the founding Chairman of the Trilateral Commission, which consists of leaders in business, banking, government and mass media from North America, Europe, and Japan invited to join by Rockefeller himself.

The word "Trilateral" means "three-sided" - the three sides in this case being North America, Europe, and Japan. North America, Europe and Japan have several things in common. Most important is their wealth, which is derived primarily from industrial production. Even agriculture is industrialized in the sense that farmers in the Trilateral countries use large amounts of machinery.

The industrially-generated wealth of the Trilateral countries is a product of their technological advance over the rest of the world. Kenichi Ohmae, in his book Triad Power notes that as of 1981, the Trilateral countries produce about 90% of the airplanes manufactured world-wide; about 80% of the computers; over 70% of the cars and similar proportions of other high-technology products.

Perhaps more telling, Ohmae notes that "...the vast majority of new patents registered and exchanged among Free World countries are concentrated within five nations: Japan, the United States, West Germany, France and the United Kingdom. During 1982, these five nations represented 85 percent of the 10,000 patents registered in the world." (page 126)

The industries of Europe and Japan are very dependent on imported raw materials and imported oil, as is, to a lesser degree, the United States.

As noted, the Trilateral Commission was founded in 1973, in the midst of the Middle East oil crisis. The ostensible cause of the oil crisis was a decision by the Organization of Petroleum Exporting Countries to dramatically raise the posted price for oil, with the price hike enforced by limited production quotas for each member country.

The fact of the matter is that OPEC had never before been able to enforce either its posted price for oil, or production limits on its member countries. In 1971, President Nixon, trying to deal with inflation, imposed price controls on oil and gasoline produced in American wells and sold in the United States.

The natural result was that the multinational oil companies increased their imports of oil for the U.S. market, since imported oil was not subject to price controls. At the time price controls were imposed, the

United States was importing 15% of the oil used in this country; within two years, imports accounted for 50% of U.S. oil needs.

The increase in demand for oil in the world's largest market enabled OPEC to allocate generous production quotas to member countries while enforcing a succession of price hikes.

The sales of increasing quantities of oil at increasingly higher prices generated tens of billions of dollars in income for the royal families of Saudi Arabia and Kuwait, and for state-owned oil companies in Iran, Iraq, Algeria and other countries. This money ended up largely in American and European banks.

The other side of the coin is that developing countries in Asia and Latin America which lacked domestic oil deposits had to borrow large amounts of money to finance oil imports. The same banks that were taking in billions of petro-dollars from OPEC countries were lending out the same billions to other countries to finance imports.

While the international bankers were quite happy to take in tens of billions in petro-dollars, the shaky financial situation in the oil-dependent countries was unnerving. Jeremiah Novak made this observation in the July 1977 Atlantic:

"The Trilaterists' emphasis on international economics is not entirely disinterested, for the oil crisis forced many developing nations, with doubtful repayment abilities, to borrow excessively. All told, private multinational banks, particularly Rockefeller's Chase Manhattan, have loaned nearly \$52 billion to developing countries. An overhauled IMF would provide another source of credit for these nations, and would take the big private banks off the hook. This proposal is the cornerstone of the Trilateral plan."

Confronting the Afro-Asian Bloc

A related purpose of the Trilateral Commission was to promote cooperation among the industrialized countries in the face of an emerging bloc of Arab, African and Asian states which had come to dominate the General Assembly of the United Nations.

The emergence of the Afro-Asian bloc was not foreseen by the founders of the United Nations. In 1945, when the UN was founded, most of Africa and much of Asia remained in subjugation to British and French imperialism. As colonies, these countries were not even considered for UN membership.

As the countries of Asia and Africa gained political independence, it was expected that continuing economic dependence would cause the former colonies to align politically with the former colonial masters. Instead, nationalist pride, along with a heavy dose of Marxism imbibed at British and French universities, caused the new leaders in Africa and Asia to line up against America and Europe.

In the case of the Arab countries, the U.S. alliance with Israel provided additional encouragement for

their anti-Americanism.

The voting majority held by the radical Arab, African and Asian states in the UN General Assembly did not in reality threaten America or Europe. America, Europe and Japan provide the bulk of funding for the UN and its agencies. A cut-off of funds from the Trilateral countries would render the UN an empty shell.

Organizing the World

But the Trilateralists did not want to give up on the United Nations. The economic and political elites of America and Europe seek international political power in order to provide a stable investment climate, including protection against nationalization of their assets.

At the same time, the international bankers and multi-national corporations have gained much of their wealth through partnership with government. The corporate elite look to governments for lucrative contracts; taxpayer subsidized financing; and protection from competition.

The international bankers and multinational corporations have exploited two UN financial agencies in particular - the World Bank and the International Monetary Fund. But they have relied on their own national governments to attempt to protect their foreign investments.

The politicians have looked to a strengthened United Nations for a different reason. Politicians seek power. Control over their own government is all too often only a beginning to their ambition. History is littered with corpses who mutely testify to the imperial ambitions and arrogance of politicians.

In 1973, the U.S. was winding down its involvement in Vietnam. The Vietnam War had proved to be a costly mistake, and had turned a majority of the American people against the idea of military intervention in other countries.

Despite this, the Democrats in 1976 nominated Jimmy Carter, who had supported the Vietnam War, and who, upon election included pro-war advisors in his inner circle. His National Security Advisor was Zbigniew Brzezinski, who had been a founder of the Trilateral Commission. Jimmy Carter himself had been recruited into the Trilateral Commission in the summer of 1973.

Richard Barnet, an analyst with the Institute for Policy Studies, observed that "The Trilateral Commission was barely mentioned in the 1976 campaign. When the Carter cabinet was announced, a few columnists noted the coincidence that so many of them belonged to Mr Rockefeller's new organization. By the time Jimmy Carter ran for a second term, however, the Trilateral Commission was a major campaign issue..."

And so it was. Supporters of Ronald Reagan attacked both President Carter and Republican hopeful George Bush for their Trilateral Connection.

The Subornation of Ronald Reagan

Millions of Americans put their trust in Ronald Reagan to cut taxes, cut back the power of the federal government, and end the domination of the federal government by the Eastern Establishment. Yet the American people, in voting for Ronald Reagan, got Trilateralist George Bush as Vice-President, and an administration filled with CFR and Trilateral Commission members.

Ronald Reagan was distinguished by his use of anti-Communist rhetoric to defend an interventionist foreign policy. Yet the first loan approved by the Export-Import Bank after Reagan took office was for \$120 million to pay for two nuclear reactors for Communist Romania.

In early 1981, Secretary of Defense Caspar Weinberger offered a \$20 billion line of credit to Red China for the purpose of selling them military equipment.

President Reagan carried out a policy in the Middle East of increasingly close friendship with Saudi Arabia, Kuwait and Egypt. During the Iran/Iraq war, the Reagan administration openly supported the government of Saddam Hussein.

According to a report by the Financial Times of London and ABC News Nightline, President Reagan authorized military aid to Iraq in a 1983 Presidential Finding. Between 1983 and 1989, the United States government supplied one planeload of weapons every week to Iraq, free of charge. That was your tax dollars at work.

At the same time, Iraq received large amounts of weapons from the Soviet Union, France and Red China; Britain, Germany, Austria, Chile and South Africa supplied military technology. And Iraq received tens of billions of dollars from Saudi Arabia and Kuwait to pay for these weapons.

Ronald Reagan left one additional legacy to us, and to our children and our grandchildren. He ran up the National Debt from \$980 billion when he took office to about \$2.6 trillion when he left office.

The Deficit and Dependence

Ronald Reagan did not invent deficit spending. Indeed, the National Debt was close to a trillion dollars when he took office. But the size of the deficits run up by the Reagan administration seriously compromised America's financial independence. American financial institutions are not capable of funding deficits which exceeded \$200 billion a year.

For some reason, banks and corporations in Japan, Germany and Saudi Arabia had enough confidence in President Reagan to help fund the deficit. According to the recently published book *Bankruptcy 1995*, banks, corporations and individual investors in Japan, Germany and Saudi Arabia currently hold approximately \$453 billion in U.S. Savings Bonds and Treasury Bills.

George Bush and the New World Order

When George Bush took over, he faced a massive national debt and continuing budget deficits, financed in growing part by foreign investors. At the same time, Saddam Hussein faced his own debt to Saudi Arabia and Kuwait. Hussein also suffered from one of the things Ronald Reagan did right.

Shortly after taking office, President Reagan ended price controls on U.S. oil. The newly free market in oil led to a massive increase in U.S. production, declining U.S. dependence on Middle East oil, and a steady decline in world market prices.

Declining world market prices for oil destroyed OPEC discipline, as members pumped more oil to try to maintain their income. Low oil prices put Iraq in a bind, as it faced the costs of reconstruction as well as demands by Saudi Arabia and Kuwait to repay its war debt.

When OPEC oil ministers met in late July, 1990, Hussein demanded that other OPEC members cut production to drive the price of oil back up. Hussein also demanded that Saudi Arabia and Kuwait cancel Iraq's debt. None of Hussein's demands were met, and he responded by invading Kuwait.

The response of President Bush is the defining moment of the New World Order.

President Bush and Secretary of State Baker pushed a series of resolutions through the United Nations Security Council condemning Iraq; demanding Iraq's withdrawal from Kuwait; and authorizing the use of force to eject Iraq from Kuwait.

On the basis of these UN resolutions, 661 through 665, President Bush sent 450,000 U.S. troops to Saudi Arabia - without authorization from Congress.

Article I, Section 8 of the Constitution of the United States gives Congress the power to declare war. Yet Congress did not even debate the issue until two days before the start of hostilities. During the debate, pro-war speakers stressed that the UN had already authorized the use of force; Congress was urged to back the United Nations, and told that American troops could be used to implement the UN resolutions even if Congress did not give its approval.

The United States has never had a defense treaty, ratified by the Senate, with either Saudi Arabia or Kuwait. An Executive Order by President Carter -the Carter Doctrine - had placed the entire Persian Gulf within the United States Defense Perimeter. Now, still without a treaty or any form of Congressional authorization, the U.S. has permanent military bases in Saudi Arabia and Egypt.

Oil and Money - The Trilateral Connection

Senate Republican Leader Bob Dole and others justified the U.S. intervention against Iraq by stating that

it would guarantee access to Persian Gulf oil supplies. At the time of the conflict, the United States received less than 7% of its annual oil supplies from Middle Eastern countries.

Europe and Japan are heavily dependent on oil from the Middle East. Trilateralism may require that young Americans are put in danger to secure the oil supplies for the other industrial countries. Such a view presumes that if Hussein were to get control of the oil reserves of Kuwait and Saudi Arabia, that he would refuse to sell to willing customers in Europe and Japan - he has never in the past refused to sell to them. Nor have the Europeans and the Japanese ever refused to buy oil from Hussein, even when he was shooting missiles at the civilian populations in Iranian cities, or bombing Kurdish villages with poison gas.

There was another factor which may have pushed President Bush into a show of American military strength.

Before 1913, the U.S. dollar was as good as gold. Gold coins circulated, along with silver dollars and paper money which could be redeemed at full value in gold coins. With the passage of the Federal Reserve Act in 1913, the Federal Reserve Banks were authorized to print four paper dollars for every dollar in gold that they held. Federal Reserve Notes were made legal tender, despite this fractional reserve basis.

In 1933, President Roosevelt withdrew gold coins from circulation, and ended the redemption of paper money in gold. But the 25% gold reserve requirement for Federal Reserve Notes was maintained until 1971, when President Nixon totally removed the dollar from any gold basis. Since 1971, the value of the dollar has been strictly based on supply and demand.

If Germans want to buy American products, or invest in American securities, they buy dollars with their Deutsche Marks. If Americans want to buy German products, or invest in German securities, they buy Deutsche Marks with their dollars. Similarly for Frenchmen, Swedes or other foreigners who trade with or invest in America. The value of the dollar in relation to the Mark, the Franc, the Pound Sterling or the Yen is based on the demand for dollars, or the dollar demand for Marks, Francs, Pounds or Yen.

Demand for dollars is enhanced by the fact that many people in many countries will accept dollars in payment, often in preference to their own national currencies.

The Organization of Petroleum Exporting Countries sets its posted price for oil in U.S. dollars. This means that if Germans, Swiss or Japanese companies want to buy oil from OPEC member countries, they must first buy dollars with which to pay for the oil. This has caused a tremendous continuing demand for dollars, and has helped to maintain the international value of the dollar even in the face of continuing government and trade deficits. In late July of 1990, the Wall Street Journal carried a report that OPEC members were losing confidence in the U.S. dollar; the Journal reported that at its meeting in Vienna - the meeting which immediately preceded Iraq's invasion of Kuwait - OPEC established a committee to look into the feasibility of setting the posted price for oil in multiple currencies, including

the Deutsche Mark, the Swiss Franc and the Japanese Yen along with the dollar.

If OPEC is able to adopt a posted price for oil in Marks and Yen, this will cause a massive drop in international demand for dollars, as Germany and Japan will be able to pay for their massive oil imports in their own currencies.

This story was overshadowed by the Gulf War. In gratitude for American intervention, it is likely that Saudi Arabia and Kuwait are committed to defending the preeminent role of the dollar in the oil trade.

Limiting National Sovereignty

The UN role in the Gulf War was so central that even left-wing opponents of the war have begun to speak of the UN "becoming in effect a world government." Supporters of world government, including World Federalist Association President John Anderson, are pointing to the Gulf War as a United Nations success. Anderson, who ran for President in 1980, is a founding member of the Trilateral Commission.

World Federalists have long advocated "limitations on national sovereignty" as necessary for world peace. The Random House Dictionary of the English Language defines "Sovereignty" as the "supreme and independent power or authority in government as possessed or claimed by a state or community."

By this definition, it is hard to see any current limitation on the sovereignty of the U.S. government, which seems to be adding to its power and authority every day. The fact is that the sovereign power of the federal government over individual Americans has grown steadily as our international commitments have grown.

The United States government was founded on the basis of limited sovereignty. The Bills of Rights limits the sovereign power of the federal government over all who reside within its boundaries. The Constitution itself is a limited grant of power to the federal government. As stated by the Ninth Amendment:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

The founders envisioned a government of limited sovereignty, with that sovereignty in the possession of the American people. In fact, the affiliations of the federal government with the United Nations, NATO and other treaty arrangements have not limited the sovereign power of the government, but they have limited sovereign control of the government by the American people.

The Congressional debate over the use of force against Iraq was in reality a public relations exercise, rather than an assertion of control over foreign policy by the peoples' representatives. Pro-war leaders in Congress told their colleagues that the UN Security Council had already decided the issue. All that remained was to get on board behind the President and support the UN.

The First Requisite of Empire

The Security Council resolutions which led to the war against Iraq were not altogether spontaneous. Secretary of State James Baker introduced them on behalf of President Bush. President Bush and Secretary Baker lobbied other council members to support them. Representative Henry Gonzalez of Texas has charged that Bush and Baker bought the votes of several Security Council members with our tax dollars.

Representative Gonzalez charges that President Bush promised \$7 billion in aid and credits to the Soviet government to get the support of Soviet President Gorbachev. Also, according to Gonzalez, Bush promised \$300 million in credits to the Chinese government to ensure that China would abstain, rather than veto the Security Council resolution on force against Iraq. U.S. government aid was also offered to Romania and other governments represented on the Security Council at the time of the vote.

The President and his backers have used the United Nations to arrogate to the executive branch a control over foreign policy which is nowhere authorized in the Constitution.

In his 1952 essay, *The Rise of Empire*, Garet Garrett observed that "The first requisite of empire is: The executive power of government shall be dominant."

The trend toward Presidential dominance, already well advanced 40 years ago, has continued, increasingly under the guise of living up to our international commitments.

New Role for Germany and Japan

The United Nations has been sold to the idealistic as "mankind's last, best hope for peace." Yet, since 1950, literally hundreds of thousands of people have died in wars fought under UN auspices, in Korea, the Congo and Iraq. Nor have UN efforts been able to stop scores of military conflicts in Asia, Africa and the Middle East over the last 40 years.

A more successful approach to ending war would be for each nation to adopt a constitutional prohibition on sending military forces outside their own borders.

Reflecting on the tragic results of militarism for their countries, the post World War II leaders of Germany and Japan placed provisions in their constitutions embodying just such a prohibition on sending troops outside their borders.

During the run-up to the Gulf War, U.S. Congressional leaders criticized the German and Japanese governments for their unwillingness to supply military contingents for the allied forces. Providing such contingents would have violated the previously mentioned constitutional provisions.

Since then, both countries have acted on this issue.

The Japanese Diet on June 15 of this year enacted laws authorizing the dispatch of Self-Defense Forces to Cambodia, to assist the United Nations Transitional Authority in that country.

The governing Liberal Democratic Party has established a committee to explore Japan's international role, headed by Ichiro Ozawa.

According to the June 22, 1992 issue of Japan Access, "Ozawa has been an outspoken advocate of stretching the interpretation of Japan's war-renouncing Constitution in a way that would justify having SDF troops take part in obviously military missions, as outlined in Chapter 7 of the United Nations charter."

In this re-interpretation, Ozawa has the support of Prime Minister Kiichi Miyazawa, a member of the Trilateral Commission "on leave of absence in government service."

Germany appears to be on the verge of changing its constitution.

The Los Angeles Times on November 18 reported that:

"The main opposition Social Democrats concluded a two-day special party conference by voting to back a constitutional change to allow German military forces to participate in "Blue Helmet" U.N. peacekeeping forces."

The Times further notes that

"...the party's new position falls far short of Chancellor Helmut Kohl's call for provisions that would permit broader deployment of German forces, for example in operations such as last year's Gulf War..."

In recent months, the Los Angeles Times and the London Economist have reported that the governments of Germany and Japan are both seeking permanent seats on the UN Security Council. The United Nations, formed by the victorious powers after World War II, has become the center of attention even for the losers of that war.

Freedom Is the Alternative

The Bipartisan Political Establishment has turned our government into a monster, which is eating out our substance, but failing to deliver on the promises the politicians make. Through the Internal Revenue Service, everyone of us, and every working American, is in the government files. Our economy is being crushed by a burden of debt, taxes and regulation. The last vestiges of our privacy rights are being eliminated as part of the War On Drugs. And now, the Trilateralists seek to police the world in alliance with a revived Japanese and German militarism.

The Libertarian Movement offers an alternative vision of personal freedom, free enterprise, and a non-interventionist foreign policy. We seek a constitutional limited government which will protect life, liberty and property, and otherwise leave us alone.

We welcome the friendship and cooperation of all who share our goal of a Free America at peace with the world.

[*Return to Home*](#)

Trilateral Commission: World Shadow Government

The Trilateral Commission was established in 1973. Its founder and primary financial angel was international financier, David Rockefeller, longtime chairman of the Rockefeller family-controlled Chase Manhattan Bank and undisputed overlord of his family's global corporate empire.

Rockefeller's idea for establishing the commission emerged after he had read a book entitled *Between Two Ages* written by an Establishment scholar, Prof. Zbigniew Brzezinski of Columbia University.

In his book Brzezinski proposed a vast alliance between North America, Western Europe and Japan. According to Brzezinski, changes in the modern world required it.

"Resist as it might," Brzezinski wrote elsewhere, "the American system is compelled gradually to accommodate itself to this emerging international context, with the U.S. government called upon to negotiate, to guarantee, and, to some extent, to protect the various arrangements that have been contrived even by private business."

In other words, it was necessary for the international upper class to band together to protect its interests, and to ensure, in the developed nations, that political leaders were brought to power who would ensure that the global financial interests (of the Rockefellers and the other ruling elites) would be protected over those of the hoi polloi.

POCANTICO HILLS CONFABS

Although the initial arrangements for the commission were laid out in a series of meetings held at the Rockefeller's famous Pocantico Hills estate outside New York City, Rockefeller first introduced the idea of the commission at an annual meeting of the Bilderberg group, this one held in Knokke, Belgium in the spring of 1972.

(The Bilderberg group is similar to the Trilateral Commission in that it is funded and heavily influenced by the Rockefeller empire, and composed of international financiers, industrialists, media magnates, union bosses, academics and political figures.

(However, the much older Bilderberg group's membership is strictly limited to participants from the United States, Canada and Western Europe: i.e. the NATO alliance. For more on the Bilderberg group, keep an eye out for future stories in this paper.

The Trilateral Commission was unique, though, in that it brought the Japanese ruling elite into the inner councils of the global power brokers, a recognition of Japan's growing influence in the world economic and political arena.

A succinct summary of the commission's intent has been outlined by Holly Sklar who has conducted extensive research into the history and background of the Trilateral Commission in her book,

Trilateralism: the Trilateral Commission and Elite Planning for World Management

RULING CLASSES UNITE

"The Commission's purpose is to engineer an enduring partnership among the ruling classes of North America, Western Europe and Japan -- hence the term 'Trilateral' -- in order to safeguard the interests of Western capitalism in an explosive world. The private commission is attempting to mold public policy and construct a framework for international stability in the coming decades.

"To put it simply, Trilateralists are saying: The people, governments and economies of all nations must serve the needs of multinational banks and corporations.

"In short, Trilateralism is the current attempt by ruling elites to manage both dependence and democracy -- at home and abroad."

Another Trilateral critic, now-retired Sen. Barry Goldwater (R-Ariz.), views the commission as a Rockefeller family operation through and through. According to Goldwater:

"The Trilateral organization created by David Rockefeller was a surrogate -- the members selected by Rockefeller, its purposes defined by Rockefeller, its funding supplied by Rockefeller. David Rockefeller screened and selected every individual who was invited to participate."

PICKING POLICYMAKERS

David Rockefeller and Brzezinski then began the process of selecting from among the "Trilateral" nations the several hundred elite power brokers who would be permitted to join in Trilateral policymaking in the coming years.

One of the commission's primary goals was to place a Trilateral-influenced president in the White House in 1976, and to achieve that goal it was necessary to groom an appropriate candidate who would be willing to cooperate with Trilateral aims.

Rockefeller and Brzezinski selected a handful of well-known liberal Democrats and a scattering of Republicans (primarily of the liberal-internationalist bent) to serve on the commission.

And in an effort to give regional balance to the commission Rockefeller invited the then-obscure one-term Democratic governor of Georgia, Jimmy Carter, to join the commission.

ROCKEFELLER CENTER SOUTH

Rockefeller had longtime ties to the local Atlanta political and economic Establishment. In fact, much of Rockefeller's personal investment portfolio is in Atlanta real estate. (According to David Horowitz, co-author of *The Rockefellers*, "Atlanta is Rockefeller Center South.")

And Rockefeller himself had once even invited Carter to dine with him at the Chase Manhattan Bank

several years before, as early as 1971, the year Carter began serving as governor.

Carter very definitely impressed Rockefeller and Brzezinski, more so than another Southern Democrat, Florida Gov. Reuben Askew, also selected to serve on the commission and viewed, like Carter, as a possible Trilateral candidate.

In fact, according to Brzezinski, "It was a close thing between Carter and Askew, but we were impressed that Carter had opened up trade offices for the state of Georgia in Brussels and Tokyo. That seemed to fit perfectly into the concept of the Trilateral."

Carter, in fact, like Askew, did announce for the 1976 Democratic presidential nomination, but because of Rockefeller's interest, Carter had the inside shot.

So much so that in a speech at the commission's first annual meeting in Kyoto, Japan in May of 1975, Rockefeller's man Brzezinski promoted the then-still obscure Carter to his fellow Trilateralists as an ideal presidential candidate.

CUT AND DRIED

From that point on, it was all cut and dried. According to Goldwater: "Rockefeller and Brzezinski found Carter to be their ideal candidate. They helped him win the Democratic nomination and the presidency.

"To accomplish this purpose they mobilized the money-power of the Wall Street bankers, the intellectual influence of the academic community -- which is subservient to the wealth of the great tax-free foundations -- and the media controllers represented in the membership of the CFR and the Trilateralists."

(The aforementioned CFR -- Council on Foreign Relations -- is another Rockefeller-financed foreign policy pressure group similar to the Trilateralists and the Bilderberg group, although the CFR is composed solely of American citizens.)

(In his book *The Carter Presidency and Beyond*, published in 1980 by the Ramparts Press, Prof. Laurence H. Shoup devotes an entire chapter to demonstrating how the Trilateral-linked and Trilateral-controlled Establishment media promoted the presidential candidacy in 1976 of the then-obscure Georgia Gov. Jimmy Carter.)

Carter, of course, campaigned as a "populist" -- as a "man of the people" -- as an "outsider" with no ties to the Establishment. The fact is, however, Carter, who said he'd never lie, was an elitist, an insider, the Trilateral Commission's "man on the white horse."

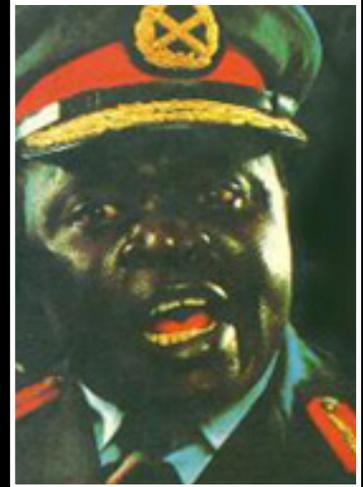
And with the power of the commission and the Rockefeller empire and its media influence behind him, Carter made his way to the presidency, establishing the first full-fledged Trilateral administration, appointing numerous Trilateralists to key policymaking positions and carrying out the Trilateral agenda

to the hilt.

[*Return to Home*](#)

Gewetenloos monster Idi Amin

Oeganda is ooit de parel van Oost-Afrika genoemd. Als Britse kolonie leidt het land een redelijk welvarend bestaan. Tot generaal Idi Amin in 1971 aan de macht komt. Zonder pardon knikkert hij alle Aziaten met een Brits paspoort het land uit. De economie zakt in sneltreinvaart naar een dieptepunt.



Idi Amin wordt in 1925 geboren in Koboko, Oeganda. In 1944 treedt hij in Britse militaire dienst. Hij ruikt voor het eerst aan de macht tijdens een veldtocht tegen de Japanners in Birma. In 1961 schopt hij het tot officier en zes jaar later tot generaal. Als hij opheldering moet geven over frauduleuze handelingen en over een moordpartij, grijpt Amin naar de macht. Op 20 februari 1971 wordt hij tot president uitgeroepen.

In 1972 moeten behalve de Aziaten alle Israëliërs het land uit. De militairen waarop Amin steunt krijgen de vrij spel bij hun toezicht op de 'nationale veiligheid'. In de volgende jaren vinden ruim een half miljoen mensen de dood. Anderen worden het land uitgedreven of verdwijnen zonder een spoor na te laten (onder hen belangrijke politici).

Idi Amin regeert met ijzeren hand. Wie hem voor de voeten loopt kan de kogel verwachten. Hij is gewetenloos, tiranniek, corrupt en paranoïde. Hij pronkt met zijn borst vol medailles en schoffeert internationale politici. Henry Kissinger noemt hij een spion en een moordenaar. Hij sommeert Golda Meir haar ondergoed in te pakken en op te krassen. Hij stuurt Nixon een beterschapskaart na het Watergate-schandaal. Dit alles terwijl zijn geheime politiedienst duizenden burgers op brute wijze afslacht.

Het schrikbewind van Amin duurt tot 1979. Dan wordt hij verdreven door Tanzaniaanse troepen, versterkt met Oegandese ballingen. Terwijl de staat Oeganda op de rand van de afgrond balanceert vlucht Amin naar Libië. Een jaar later krijgt hij asiel in Saoedi-Arabië, waar hij nog steeds een teruggetrokken en welvarend bestaan zou leiden.

The Austria, FPÖ and Haider-infopage

pieces of information, tabels, small articles, about Haider & FPO

[Republic of Austria Parliamentary Election October 3, 1999](#)

[Final results of the election, October 12, 1999](#)

[Jörg Haider, the danish view](#)

[Jörg Haider, The Rise of an Austrian Extreme Rightist](#)

[Dr. Jörg Haider](#)

[Austrian Freedom Party \(FPÖ\)](#)

[State elections in Austria; Landslide victory for right-wing extremists, 13 March 1999](#)

excerpts of FPÖ's homepage:

[The FPÖ - The Movement for a Political Renewal of Austria](#)

[20 Points for Austria - ELECTION PLATFORM OF THE FPÖ](#)

[From a Party State to a Citizens' Democracy; The Way to the Third Republic](#)

Excerpts of the 'parteiprogramm' of the FPÖ

[Kapitel III Österreich zuerst](#)

[Kapitel IV Recht auf Heimat](#)

[Kapitel V Christentum - Fundament Europas](#)

[Elections to the European Parliament. Austria has 21 seats in the European Parliament.](#)

[GOVERNMENT AND POLITICS; AUSTRIA'S POSITION IN THE WORLD](#)

[ANTIFA INFO-BULLETIN, Number 220](#)

[Eigen Edelweiss Erst ?; Haiders' hete adem kleurt Europees asielbeleid](#)

[Israël botst met Wenen over Haider](#)

[CIA -- The World Factbook 1999 -- Austria](#)

ARTICLES

The Stephen Roth Institute for the Study of Anti-Semitism and Racism Anti-Semitism Worldwide 1997/8 --- AUSTRIA

A survey carried out in 1997 revealed that Austria had one of the highest levels of racism in the European Union. The Austrian Freedom Party continued to register electoral successes and its leader, Jörg Haider, declared his intention to run for chancellor in 1999. Only a few violent anti-Semitic incidents were registered. However, it seems that not all anti-Semitic incidents are reported to the authorities or by the press. Many racist and anti-Semitic publications continued to appear regularly. An article in the new weekly Zur Zeit revived an old anti-Semitic blood libel.

Heil Haider! The Revitalization of the Austrian Freedom Party since 1986. Politics and Society in Germany, Austrian and Switzerland, vol. 4, nr. 3 (Summer, 1992), pp. 18-47.

On September 22, 1986 the Austrian newsmagazine profil carried a cartoon showing the newly elected chairman of the Austrian Freedom Party (FPÖ), Jörg Haider, in Carinthian folk dress, standing before a painting showing another, brown-shirted Haider wearing a red armband with a partially obscured, but seemingly recognizable black insignia on a circular white field. Brownshirt Haider is shown strangling his liberal predecessor, Norbert Steger, representing at least the cartoonist's interpretation of the significance of Haider's defeat of Steger for the leadership of the party the week before.

From Protest to radical Right-Populism The Freedom Party of Austria 1990-1996

The deliberately provocative main title for this session was actually an afterthought which occurred to me as I was thinking about the Freedom Party plan: From Party-State to Citizens' Democracy. The way to the Third Republic. Its proposals are a reaction to the changes in the political landscape which has been the subject of Hans-Georg Betz's paper and to the obsolescence of Austrian corporatism addressed by Markus Crepaz. That the Second Republic should be replaced was viewed by those who see the Freedom Party and its Chairman Jörg Haider's as right-extremist and his proposal for a "Third Republic" as a cover for a "Fourth Reich."

Der Haider, Jörg (HJ) and the FPÖ Election Victory of 1986 | I. The Haider "Putsch"

Haider's past pandering to the German nationalist emotions of his adoptive Carinthian homeland earned him the affectionate designation, der Haider, Jörg or simply HJ, suspiciously coincidental with the initials of the old Hitler Youth organization. While it is not unusual in Austrian colloquial expression for names to be reversed, the fact that the designation appeared to so amuse the new FPÖ chairman caused many to see the cartoon as an accurate reflection of the state of affairs in the party.

13 March 1999

Last Sunday voters went to the polls in three of Austria's nine states (Kärnten, Tirol and Salzburg). The Austrian Freedom Party (FPÖ) of Jörg Haider, which employs racist and neo-fascist slogans, increased its vote in all three states. In Kärnten, the southern-most state of Austria bordering Slovenia, the increase was exceptionally large. There the FPÖ vote rose by 8.8 percent, giving the party 42.1 percent of the total, the first time it has gained the largest single party vote in a state election.

Haider's Reach for Power

The title of this paper and the question posed by this magazine cover refer to FPÖ-Chairman Jörg Haider's claim that he should be elected head of government (*Landeshauptmann*) in Carinthia if his party were to capture a relative majority in the 7. March *Landtagswahl*. Simply the fact that Austria's leading newsmagazine would pose the question indicates the controversy surrounding his person. For most of Austria's literati, artists and intellectuals, the answer to the question on the cover of *profil* was clearly no!

Related Articles and links

Rise of Right in Europe; May Presage Same Result in the U.S.

On April 26, an obscure German political party called the German Peoples Union, or DVU as it's known by its German initials, walked out of the voting booths with a hefty 13 percent of the vote in parliamentary elections in the state of Saxony-Anhalt. The returns were twice what the tame pollsters had been predicting, and for the next week or so the tame world press screeched and screamed in a fit of paranoia.

Liberalismus, Rechtsradikalismus und Rechtspopulismus in Deutschland und Österreich

Bestandsaufnahme und Zukunftsszenarien

'Structures of Nationalism'

The article reviews briefly the theory of nationalism, and introduces (yet another) definition of nations and nationalism. Starting from this definition of nationalism as a world order with specific characteristics, oppositions such as core and periphery, globalism/nationalism, and realism/idealism are formally rejected. Nationalism is considered as a purely global structure. Within this, it is suggested, the number of states tends to fall to an equilibrium number which is itself falling, this number of states being the current best approximation to a single world state. Within nationalism variants are associated with different equilibrium numbers: these variants compete. Together, as the nationalist structure, they formally exclude other world orders. Such a structure appears to have the function of blocking change, and it is tentatively suggested that it derives directly from an innate human conservatism. The article attempts to show how characteristics of classic nationalism, and more recent identity politics, are part of nationalist structures. They involve either the exclusion of other forms of state, or of other orders of states, or the intensification of identity as it exists.

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Austria, FPÖ and Haider

| COUNTRY | ELECTION TYPE | DATE |
|---------------------|---------------|-----------------|
| Republic of Austria | Parliamentary | October 3, 1999 |

At stake in this election:

- Seats in the *Nationalrat* (National Council): 183

Description of government structure:

- Parliament: Malawi's lower house of parliament, the National Assembly, will consist of 193 members.

Description of electoral system:

- Austria's bicameral parliament, the *Bundesversammlung* or Federal Assembly, is composed of the *Bundesrat* or Federal Council and the *Nationalrat* or National Council.

Results of the electoral race:

- **Party: Austrian Social Democratic Party (SPO)**
 - Leader: Viktor KLIMA
 - Seats won in this election to *Nationalrat*: 65
 - Seats won in last election to *Nationalrat*: 71
- **Party: Austrian People's Party (OVP)**
 - Leader: Wolfgang SCHUESSEL
 - Seats won in this election to *Nationalrat*: 52
 - Seats won in last election to *Nationalrat*: 53
- **Party: Austrian Freedom Party (FPO)**
 - Leader: Joerg HAIDER
 - Seats won in this election to *Nationalrat*: 52

- Seats won in last election to *Nationalrat*: 40
- **Party: Liberal Forum (LF)**
- Leader: Heide SCHMIDT
- Seats won in this election to *Nationalrat*: 0
- Seats won in last election to *Nationalrat*: 10
- **Party: The Greens (GA)**
- Leader: Alexander van der BELLEN
- Seats won in this election to *Nationalrat*: 14
- Seats won in last election to *Nationalrat*: 9

When was the last election? Number of seats in last election?

- Parliamentary elections last held: December 17, 1995
- Number of seats decided in the last election: 183

Population and number of registered voters:

- Population: 8,133,611 (July 1998 est.)
- Number of registered voters: 5,768,099 (Dec. 17, 1995)

Of interest:

- Major issues in the election were immigration policies, economic policy and deregulation of state-owned business enterprises, and social policy.

Date: October 12, 1999

The Austrian Ministry for the Interior has announced the final results of the elections to the Austrian Federal Parliament which were held on October 3, 1999.

| Party | Votes | % | Seats | % change to 1995 election |
|-------------------------------|-----------|-------|------------|---------------------------|
| Social Democratic Party (SPÖ) | 1,532,448 | 33.15 | 65 (- 6) | - 4.91 |
| People's Party (ÖVP) | 1,243,672 | 26.91 | 52 (+/- 0) | - 1.38 |

| | | | | |
|---------------------|-----------|-------|-----------|--------|
| Freedom Party (FPÖ) | 1,244,087 | 26.91 | 52 (+ 11) | + 5.02 |
| The Greens | 342,260 | 7.40 | 14 (+ 5) | + 2.59 |
| Liberal Forum (LIF) | 168,612 | 3.65 | 0 (- 10) | - 1.86 |

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Freiheitliche Partei Österreichs (FPÖ)



Jörg Haider

leder for det østrigske Frihedsparti FPÖ. Haider er den mest succesfulde patriot i Europa, da hans parti i i flere østrigske enkeltstater har opnået en position som næststørste parti. Der er ingen tvivl om, at Frihedspartiet i de kommende år vil præge Østrigs politik i national retning. Både som modstander af EU-unionen og som modstander af indvandringen har Jörg Haider fået stor indflydelse i Østrig, men det er dog ikke alle østrigske patrioter, der er lige begejstrede for ham, da der går rygter om hans forbindelser til forretningskredse, som ikke ønsker et nationalt Østrig. Hvorvidt disse rygter har noget

på sig eller ej, kan man ikke umiddelbart afgøre, men man skal her huske på, at de etablerede politikere og mediefolkene har en betydelig interesse i at udsprede rygter om Jörg Haider netop på grund af hans succes.

as written by:

Faelleslisten mod Indvandringen (the Joint voters' register against immigration) is a patriot joint party list composed of Nationalpartiet Danmark (The Danish National Party) and several other minor groups which are against the immigration and its prejudicial effect on our country. Faelleslisten will stand for the coming municipal and county council elections.

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Joerg Haider

The Rise of an Austrian Extreme Rightist

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Introduction

Labeled by his critics as a "yuppie fascist" and the "Austrian David Duke," Joerg Haider is poised to become one of Austria's most powerful political leaders. Haider is the 49-year-old leader of the right-wing Freedom Party (FPO). After strong showings in Austria's general and provincial elections and the European Parliament elections over the past decade, the telegenic, millionaire Haider has declared again and again that his eventual goal is the chancellorship.

In the October 3, 1999 general elections, Haider and the FPO enjoyed an extremely strong showing. While final results await a count of the absentee ballots, the unofficial tally has the FPO emerging in a second-place tie with the ruling coalition People's Party, having obtained at least 27% of the popular vote. The Freedom Party will gain 12 parliamentary seats, for a total of 53. The ruling Social Democrats, while maintaining their first-place position, were left with the smallest lead since World War II.

To his supporters, Haider is a breath of fresh air, promising a stop to immigration, job security, social benefits, and a new breed of politician who follows through on his election promises. The charismatic populist promises to eliminate corruption, curtail abuses of the welfare state, and protect Austria's national interests from being overrun by illegal immigrants and unchecked global markets.

To his opponents, Haider is a dangerous right-wing extremist who is exploiting Austria's growing disenchantment with the current ruling parties to advance his xenophobic, racist, and intolerant policies. Throughout his public career, Haider has consistently parried accusations of anti-Semitism. His record, however, reveals numerous statements utilizing Holocaust terminology or legitimizing Nazi policy and activities.

Early Years and Family Life

A lawyer by profession, Haider lives with his wife and two daughters in Carinthia. He has an inherited 38,000 acre estate once owned by Jews who were forced to sell the land after the 1939 German annexation of Austria.

Joerg Haider was born in 1950 in Upper Austria to parents with direct links to the Nazis. His father joined Hitler Youth in 1929 and the Nazi SA storm troops a year later. The senior Haider reportedly traveled to Munich with Adolf Eichmann and Alois Brunner in 1933 as a member of the Austrian legion. Haider's mother belonged to the Nazi Party's League of German Girls. When asked to comment on his parents' wartime activities, Haider remarked: "In retrospect one is always wiser. As a descendant, one should not be so arrogant as to say,

"I would have known better."

Whatever lessons Haider learnt from his parents, he developed an affinity and allegiance to Germany at a young age. At age sixteen, he won a speech contest with a talk entitled, "Are We Austrians German?" His speech was later published by the neo-Nazi newspaper *Deutsche Nationalzeitung* (German National Newspaper) under the title "How German is Austria?" More recently Haider stated that he believes that Austrians are not a naturally distinct people, but rather ethnically Germans. Austria as a nation is an "ideological deformation," and efforts to create a distinct Austrian identity have failed.

The Freedom Party

The Austrian Freedom Party, founded in 1956, is the heir to the League of Independents. Formed in 1949, the League was the direct descendant of the faction that promoted pan-German nationalism for Austria both under the Habsburgs and in the years following World War I.

Initially reluctant to welcome the terms of Austrian independence, especially the neutrality clause of the State Treaty, the Freedom Party chose instead to take a pro-European position as a substitute for identification with Germany. As the only political group espousing free-market, pro-Europe views in Austria, the Freedom Party also included a liberal wing resembling the Free Democrats of the Federal Republic of Germany. The two tendencies were always uneasy with each other, and the party's origins were never wholly abandoned. The first two leaders of the Freedom Party were respectively a former member of Chancellor Arthur Seyss-Inquart's post-*Anschluss* (unity) Nazi cabinet of 1938 and an ex-SS officer.

Until recently, the Freedom Party was a marginal part of Austrian public life. In the elections of 1949 and 1953, the Freedom Party's predecessor scored around 5 percent; thereafter, the Freedom Party received between four to seven percent of the national vote. Under Haider's leadership, support for the Freedom Party has increased at an incredible rate.

Political Life

Since the age of twenty, Haider has held various positions in the right-wing Freedom Party, including as a member of parliament from 1979 through 1983. In 1986, Haider was elected party leader. Three years later, saying he would use provincial politics as a springboard for the chancellorship, Haider became the governor of Carinthia. In 1991, Haider was forced to resign from this post after publicly praising Nazi labor policy (see below), and became Deputy Governor. Haider re-entered the national parliament in March 1992.

Haider's success in the October 1994 national elections astounded political observers. In 1986, the Freedom Party received 5% of the vote. Only eight years later, in the 1994 elections, Haider and his party garnered 22.6% of the vote, achieving the dubious distinction of gaining more votes in a parliamentary election than any other European far-right party. In the 183-seat parliament, the Freedom Party jumped from thirteen to forty-two seats. Political analysts credited the Freedom Party's success to a receptiveness to Haider's anti-foreigner message, as well as with a widespread disgust for the stodginess and patronage of the Social Democrats and the Austrian People's Party.

Haider's rise caused the two mainstay parties of Austrian politics to suffer losses they had not experienced in their forty-nine year reign. The Social Democrats garnered only 35% of the vote, a drop of 8%, receiving only 66 seats. Their coalition partner, the conservative Austrian People's Party, dropped 4.4% to 28% of the vote, receiving only 52 seats. The coalition continued, until its breakdown in October 1995, with both party leaders refusing to welcome Haider as a coalition partner.

In October 1996, Austria's first direct election of MEPs to the European Parliament took place. In this election, the Social Democratic Party (SPO) suffered serious electoral setbacks, in contrast with both the Austrian People's Party (OVP) and Haider's Freedom Party (FPO), which increased their share of the vote. One of the principal factors that contributed to the FPO's success in this election was its anti-European stance. In gaining 27.6% of the vote, Haider's party broke through the projected 25% "natural ceiling" that had until then been assumed for the European far right.

In local provincial elections, Haider's party gained great popularity. The FPO emerged as the strongest party in the province of Carinthia, and a similar trend emerged in the elections to the municipal assembly of Vienna, which is Austria's most important local council. In these elections, the SPO lost the majority it had held without interruption since 1918 (except during 1934-1945). The FPO increased its share of the vote from 22.5% to 28%.

In 1997, Haider's party captured 28% of votes in elections to the European Parliament; the Freedom Party's total was 6 percentage points higher than it scored in December's general

elections. The results placed the Freedom Party in third place, behind the People's Party, the junior coalition party that scored 29.6 % of the vote, and the governing Social Democratic Party, which gained 29.1 % of the vote.

In March 1999, Haider was again elected governor of the province of Carinthia with 42 percent of the vote. In the June 1999 European Parliament elections, Haider's party lost four percent of the vote, down to 23.5%. The SPO, the Social Democratic Party of Austria, which gained 2.5%.vote. The FPÖ took 5 seats, a loss of one seat from 1996.

Political Agenda

Xenophobic and racist sentiment have permeated Haider's political career.

Anti-Immigrant statements

According to Haider, immigration offers no benefits to Austrian society. Rather, immigrants take jobs away from Austrians and bring in crime from Africa, Eastern Europe and elsewhere. His 1999 election campaign poster slogans include: "Stop the foreign infiltration" and "Stop the abuse of asylum." Posters showing Haider and his prime ministerial candidate Thomas Prinzhorn say "Two real Austrians."

Other infamous Haider statements on immigrants include: "The Africans who come here are drug dealers and they seduce our youth,"; "We've got the Poles who concentrate on car theft," he claims. "We've got the people from the former Yugoslavia who are burglary experts. We've got the Turks who are superbly organized in the heroin trade. And we've got the Russians who are experts in blackmail and mugging."

In February 1993, Haider and the Freedom Party launched a twelve-point petition campaign for ending foreign immigration and keeping the proportion of non-German speaking children in schools under 30%. Haider predicted he would get at least one million signatories. In what was viewed as a major defeat, the petition was signed by only 417,000, or 7.5% of the population.

During the 1994 election campaign, Haider's linkage of immigration and unemployment continued, causing the ruling coalition to accuse Haider of manipulating public fears over joblessness. Haider announced to Austrians "we have to stop immigration until unemployment is reduced to under 5 percent," claiming that the unemployment rate was 5.8%. The official unemployment figure at that time was 4.4%.

In 1996, Haider called "The government's so-called integration policy a disaster. They are ready to open the doors to another 153,000 foreigners who will take school places, training

places and flats (apartments)," Haider said. He continued, "When Turkish children demand protection money from our children at the playground, it's time to say, this is our state," Haider declared.

Haider has continued to wage a xenophobic campaign to expel foreign workers. In March 1997, Haider stated that he wants one third of all foreigners working in Austria to be sent home over the next two years.

According to Haider, "We take the right stand at the right time to save Austria against the dangers coming from outside."

Defending Nazi policy and Nazis:

According to his critics, despite public disclaimers and overtures, Haider has a public record of defending the policies of Nazi Germany and of justifying individual actions during those years. Haider has utilized terminology reminiscent of the Nazis, announcing, for example in October 1990 a "final solution to the farm question." Upon his election to the leadership of the Freedom Party, Haider rejected comparisons with the German Nazi Party, saying "The Freedom Party is not the descendant of the National Socialist Party. If it were, we would have an absolute majority."

Indeed, Haider first gained international attention in March 1986 during the controversy surrounding the return of Walter Reder, an Austrian born former major in the Nazi SS, who was freed by Italy from a life sentence he was serving for his role in the mass killing of Italian civilians in 1944. For Haider, the controversy was ridiculous, as Reder was "a soldier who had done his duty." Dismissing Reder's wartime activities, Haider stated: "If you are going to speak about war crimes, you should admit such crimes were committed by all sides."

Haider's most infamous comment came during a July 1991 debate in the Carinthia provincial parliament, when Haider, then governor, declared: "An orderly employment policy was carried out in the Third Reich, which the government in Vienna cannot manage." In face of a national and international uproar, Haider apologized for his remarks, but said "What I said was a statement of fact: that in the Third Reich a large number of workplaces were created through an intensive employment policy and unemployment was thereby eliminated." Haider, of course, did not mention to particulars of Nazi labor policy, including military buildup, slave labor, and concentration camps. Recently, Haider defended his 1991 statement, claiming he was referring to Nazi policy between 1933 and 1936.

In May 1992, while the government was embroiled in a scandal involving a provincial government's decision to honor a gathering of Waffen SS veterans, Haider defended the decision. Haider instead accused the Interior Minister in Parliament of engaging in "primitive

attacks" on "respectable" war veterans, while turning a blind eye to immigrant perpetrated crime.

More recently, Haider spoke out against the Austrian government's plans to compensate 30,000 Austrian victims of Nazi rule, including Jews, Communists and homosexuals, claiming that Austrian victims of the allies, such as civilians who fled Austria's occupation by US, Soviet, French and British troops, should also be compensated. As he told an elderly Austrian audience in April 1995, "It is not fair if all the money from the tax coffers goes to Israel." However, when the Parliament voted in June to set up a \$50 million compensation fund, Haider voted in its favor. Still insisting on the need for compensation for victims of the allies, Haider explained, "But we do not intend to be petty. Even though you will not join us to widen the scope of the fund we will not vote against the bill. We too want to draw a line under a chapter we are also responsible for."

In May 1995, the Freedom Party was the only major Austrian political party absent from ceremonies at Mauthausen death camp marking the 50th anniversary of the liberation of the camp. Just before the anniversary, Haider had referred to Mauthausen as a "punishment camp," implying that those interred there were criminals.

While addressing the reunion of Waffen-SS veterans, Haider declared that the reason people opposed them was "simply that in this world there are decent people who have character and who have stuck to their beliefs through the strongest headwinds and who remained true to their convictions until today." Haider's appearance at the ceremony was unknown until days before amateur videotape of the gathering was broadcast on German television in December 1995.

Following these revelations, Haider defended his appearance at the event, saying: "The Waffen SS was a part of the Wehrmacht and hence it deserves all the honor and respect of the army in public life." "Everything I said in that video was completely acceptable." "I participated in this event and I don't see any reason not to. While I reject National Socialism, I certainly do not approve of the wholesale disparagement of the older war generation. I stand by this generation and I fight against the way it is disparaged." Haider claimed he did not know the Waffen SS had been branded a criminal organization by the post-war Nuremberg war crimes tribunal, adding: "It doesn't interest me in the least."

In December 1995, after viewing the video which captured Haider addressing and mingling with former SS officers, Austrian public prosecutors launched a criminal investigation into Haider's comments and speech on the basis of the law against reviving Nazism. Following the investigation by the public prosecutor's offices, the Austrian ministry of justice announced that it was to drop the proceedings because of insufficient grounds.

During a parliamentary debate in July 1998 on a proposed new law requiring applicants for

Austrian citizenship to prove knowledge of German, Franz Larfer, an MP of the Freedom Party, used the word *Umvolkung*. This term was used by the Nazis to define the forced change of the ethnic composition of a population by immigration or compulsory transfer. This happened in Eastern Europe during the Nazi-period leading consequently to the annihilation of the inhabitants. The term is comparable to the expression *ethnic cleansing*.

In reaction to the use of this expression, members of the Austrian parliament booed and shouted and the session had to be interrupted. After Heinz Fischer, the president of the Austrian parliament, explained to Larfer the meaning of this word, Larfer returned to the microphone apologizing for applying it. As the media reported extensively on this incident, Haider defended Larfer's use of this term, and reiterated in a press conference the following day that his colleague was right in using this expression, explaining that the government applying a liberal immigration policy allows for extensive "foreign infiltration," which subsequently leads to *Umvolkung*.

Attempts to improve image:

In recent years, Haider has taken a number of public steps in an attempt to redeem his international image. During a 1994 visit to the United States, Haider visited the Holocaust Museum in Washington, D.C., declaring afterwards: I think that even those individuals who don't know much about history will realize that we must do everything to enforce tolerance, everything to enforce human rights and everything to strengthen democracy."

In May 1995, Haider and four companions visited the Simon Wiesenthal Center's Museum of Tolerance in Los Angeles. The visit came in the midst of a Freedom Party advertising campaign opposing a plan to make Nazi-hunter Simon Wiesenthal (in whose honor the Center is named by who is unaffiliated with the organization) an honorary citizen. Haider and the Freedom Party claimed the Museum was questioning Austrian democracy by hanging the democratically elected Haider's photo alongside those of Idi Amin, Pol Pot and Saddam Hussein. In fact, Haider's photo hung alongside politicians described by the Center as "right-wing demagogues," including Jean-Marie Le Pen and David Duke. Haider's request for a meeting with the Center's leaders was rebuffed.

In 1996, Haider appointed Peter Sichrovsky, a Jewish Viennese journalist, as his number 2 candidate for the European elections in October. Many attributed Sichrovsky's appointment to a move by Haider to avoid criticisms of anti-Semitism. Sichrovsky, in response, maintained that such accusations were themselves anti-Semitic: rather than accepting him as a parliamentarian, commentators could only remark on his religion. Haider denies that Sichrovsky was only selected as the Freedom Party's deputy leader because he is Jewish. On October 16, 1996, Sichrovsky was elected as one of six members of the European Parliament on the Freedom Party ticket.

Austria's Jewish community considers Sichrovsky, who now divides his time between Vienna and Chicago, an embarrassment and a traitor. Sichrovsky, who in reference to Haider had once written, "the scum has come to the surface," is now praising Haider as the hope for Austrian democracy. In a November 1996 interview with *The Jerusalem Report*, Sichrovsky admitted that he and Haider used each other. "I got a short cut to a political career." When the interviewer asked why Haider had chosen him, Sichrovsky responded "He definitely used me as a Jew."

Conclusion

Haider has fended off accusations of anti-Semitism, although there is evidence that some of his followers are demonstrated anti-Semites. Nevertheless, Haider has exhibited insensitivity to Nazi brutality and a refusal to appreciate the suffering endured by those who lived under Nazi rule. Haider's recent attempts to promote a more moderate political agenda, for the purposes of attracting votes from the center and gaining acceptance from the international community, do not erase his record of xenophobic policies.

No one can deny Joerg Haider's democratic right to espouse his views, nor can one question the Austrian public's legitimate right to support him. But the rise of Joerg Haider and his Freedom Party are indeed troubling to those who continue to hope for a more tolerant and inclusive Europe.

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Dr. Jörg Haider

Born January 26, 1959, in Bad Goisern, Upper Austria.

Jörg Haider attended grammar school in Bad Ischl, from 1968 to 1973 he studied law at the University of Vienna and received his degree as Doctor of Law in 1973.

From 1973 to 1976 he worked as assistant professor at the Institute for State and Administrative Law at the University of Vienna.

In 1970 Jörg Haider started his political career as Chairman of *Ring Freiheitlicher Jugend*, the youth organization of the FPÖe. From 1971 on he was also member of the FPÖe's executive board.

In 1976 Haider was appointed party secretary of the Carinthian FPÖe. From 1979 to 1983 he

was a Member of the Austrian Parliament and acted as the party's spokesman for social affairs.

In 1983 Jörg Haider was elected Chairman of the FPÖe of Carinthia and became a member of the regional government of Carinthia, where he was responsible for trade, tourism and road construction. At the FPÖe's 18th party convention Jörg Haider was elected Chairman of the FPÖe of Austria on September 13, 1986. Shortly afterward, in November 1986, federal elections took place. The FPÖe had its up to then greatest success with 9,7%, i.e. 18 seats in Parliament.

From 1986 to 1989 Jörg Haider was again a Member of Parliament and acted also as parliamentary party leader. In 1989 Haider was his party's leading candidate in the regional elections in Carinthia. For the first time the FPÖe succeeded in becoming the second strongest party and formed a coalition with the ÖVP (Christian Democrats). In May 1989 Haider was elected Governor of Carinthia by the regional legislature. In June 1991 the coalition in Carinthia broke up and Haider became Vice-governor. Since June 1992 Mr. Haider again serves in Parliament as the caucus leader of *Die Freiheitlichen*.

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AUSTRIAN FREEDOM PARTY (FPÖ)

Following the restoration of the Austrian Republic in 1945, the four occupying powers allowed Conservatives and Socialists to form parties, the ÖVP and the SPÖ, but the liberal element among the population was initially refused independent political representation.

With the establishment in 1949 of the "Verband der Unabhängigen" (Association of Independents - VdU), the foundation was laid for a third political force in Austria. The Association had the support of "liberal-freiheitlich" circles and of voters disappointed by the People's Party and the Socialists; it proceeded to develop new social ideas based on the principle of partnership. Anti-Marxist in character, the new group was particularly opposed to all kinds of class-warfare.

The two parties which formed the coalition government(ÖVP and SPÖ) consistently prevented the "Verband der Unabhängigen" from assuming any political responsibility and when, as a result of this, the party began to disintegrate, the new "Freiheitliche Partei Österreichs(FPÖ) was founded in 1955 by Anton Reinthaller. It took over the other group's party organization and distinguished its ideology more clearly from that of the other parties.

From 1955 to 1966, the FPÖ provided the only parliamentary opposition to the coalition formed by the ÖVP and the SPÖ. When the coalition broke up, the FPÖ was able to assume a more significant political role.

Attempts by the ÖVP, during its period of one-party government, to render the FPÖ completely ineffective met with no success. The SPÖ drew its own conclusions from this and acknowledged the FPÖ as a political partner in 1970. When the Socialists formed a minority government, the FPÖ was called to assume political responsibility, and during the period of SPÖ one-party governments (1971-1983) it represented a negotiating partner, independent of both SPÖ and ÖVP, whose voice played a role in making parliamentary decisions on Austrian domestic politics. In 1983, for the first time in its history, the FPÖ joined the government as the coalition partner of the SPÖ.

In 1986 Jörg Haider was elected federal party leader. In the immediately following parliamentary election in the same year the FPÖ won 18 seats, which increased to 33 in the 1990 election. Despite the secession of some members, who founded the Liberal Forum, the Party made considerable gains in the 1994 parliamentary election. 42 parliamentary seats speak a clear language: the determined and consistent policies pursued in the interest of Austria were for the first time supported by more than one million voters.

This upswing reached its first peak with Jörg Haider being elected Provincial Governor of Carinthia in 1989.

On account of this strong voter support, which enabled the FPÖ to share governmental responsibilities in almost all the provinces, the party has been able to implement its freedom ideas in concrete form. At the same time, however, the party continues its role as an opposition party which offers constructive criticism and sees itself as the driving force behind Austria's political renewal.

The excellent election returns of the last few years, which reflect the growing confidence of the voters in the party's political work, are seen by the party leaders as making it incumbent upon them to defend the interests of Austrian citizens to the best of their ability. In order to meet the challenges of changing conditions, the traditional way of regarding the political landscape as being divided into opposing camps must be abandoned and the powers of political parties limited. This is the reason why the extraordinary Party Convention at Linz in 1995 decided to change its name to "Die Freiheitlichen" - The Freedom Movement -, demonstrating in this way that they saw themselves as a reform movement on the one hand and a citizens' movement on the other. The new name is conceived as being synonymous with a dynamic civil rights movement that will be open to independent candidates and enable without party affiliation to participate in elections as both candidates and voters.

The FPÖ's next reform effort was the "Compact with Austria" project, in which some thousand experts were commissioned to develop a program designed to develop the Austrian democratic system into a citizen's republic.

The Nationalrat election of 1995, which was held only one year after the previous one, gave the FPÖ more than one million votes. For the FPÖ, 1996 was dominated by the European Parliament elections. The FPÖ succeeded in narrowing the gap between itself and the governing coalition parties in terms of both votes and percentage. 6 of the 21 Austrian parliamentary delegates representing Austria's interests in Brussels and Strasbourg were members of the FPÖ.

In 1997, in the course of an extraordinary Party Convention, the new party programme of the "Freiheitliche Partei Österreichs" was adopted. This programme defines the "new" FPÖ's ideological principles and thus substitutes the 1985 programme. The various chapters, for example "Freedom as the supreme good", "Human dignity as unassailable", "Europe - community of fate", "Democracy reformed - a free republic", contain the basic principles of the party's policy of renewal regarding all relevant areas in government, society, culture and economy.

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State elections in Austria

Landslide victory for right-wing extremists

13 March 1999

Last Sunday voters went to the polls in three of Austria's nine states (Kärnten, Tirol and Salzburg). The Austrian Freedom Party (FPÖ) of Jörg Haider, which employs racist and neo-fascist slogans, increased its vote in all three states. In Kärnten, the southern-most state of Austria bordering Slovenia, the increase was exceptionally large. There the FPÖ vote rose by 8.8 percent, giving the party 42.1 percent of the total, the first time it has gained the largest single party vote in a state election.

The FPÖ pushed the Social Democratic Party (SPÖ) into second place, with 32.9 percent--a 4.5 percent loss. For years, Kärnten was counted as a social democratic stronghold and the SPÖ played a key role in state politics. Up until 1989 the state president was almost always a social democrat. The conservative Austrian Peoples Party (ÖVP), from whose ranks the state president has come more recently, lost 3.1 percent of their vote, despite doing fairly well in the opinion polls before the election. Their total of 20.7 percent was less than half that of the FPÖ.

According to information from the Austrian polling institute SORA, voter movement was much stronger than usual. An exceptional number of former social democratic voters (26,000) cast their ballot for the FPÖ instead, with another 8,000 coming from the Christian

democratic ÖVP. Dissatisfaction with both the social and Christian democrats, who have dominated federal politics in Vienna for over 13 years, ruling in a grand coalition, was abundantly clear. In the past voters tended to switch between these two parties, and this was generally the pattern reflected in Tirol and Salzburg: the SPÖ gained in urban Salzburg, whereas in the rural areas and tourist centres of the Tirol it was the conservative ÖVP.

In Kärnten, where Haider stood as a candidate and the FPÖ concentrated its campaign, the right-wing extremists were able to benefit from growing social and political protests.

By the evening of the election, the SPÖ state chairman, and their lead candidate in the elections, had resigned. The former state premier Christof Zernatto (ÖVP), faced with an electoral debacle for his party, made it clear that he would not be putting his name forward as the next state prime minister. This means the road is open in Kärnten for Haider to take the post.

Kärnten is a small state with just half a million voters. However, the election result sent a shock wave throughout Austria and caused uproar internationally. It can no longer be excluded that the neo-fascist Freedom Party may become the strongest single party in Austria in June's European elections, and could even emerge as the victor in the federal elections this autumn.

Once already, in May 1989, Haider held the reins of power in Kärnten's capital Klagenfurt. However, at that time the SPÖ was the largest party and the FPÖ was only able to govern in a coalition with the Christian democrats. Nearly two years later, Haider was forced to resign after expressing his public admiration for Adolf Hitler and praising the "Nazi's employment programme" as a "model".

He then pursued his career at the federal level. In 1993 he initiated a referendum "Austria First!", which called for the rigorous expulsion of foreigners and asylum-seekers as part of a sweeping campaign against Austria's "überfremdung" (literally, "swamping with foreigners"). He systematically diverted the growing fear of rising unemployment and social decay into extreme right-wing, racist channels.

The recent election victory in Kärnten was also surprising because just last year the FPÖ was in a deep crisis and Haider had only been able to cling onto the leadership with great difficulty. As in other European parties of the extreme right, violent internal clashes had nearly led to the disintegration of the FPÖ. Following certain dark dealings and swindles, the party's former economic expert Peter Rosenstingl fled to Brazil, taking millions from the party coffers with him. Another leading member was found guilty of conspiracy to commit tax evasion.

Haider, who had often accused the other parties of corruption and dirty dealings, now faced

the same criticism. He was forced to admit that his family had made its millions from the Nazi policy of "arianisation". One of his great uncles used his position in the Nazi party in order to take control of a Jewish widow's possessions. The 30 million deutsche mark inheritance was able to bypass the taxman, and came into Haider's ownership in 1986. The self-proclaimed "champion of the little man" has since belonged to Austria's wealthiest elite.

In the face of internal criticism and inner-party disputes, Haider threatened several times to resign and withdraw from politics altogether. He hoped that the election in Kärnten would provide him with ammunition against his inner-party opponents. Even he was surprised at the scale of his victory. He told the press that he had expected to gain votes but had not thought the FPÖ would tally over 40 percent.

A similar political development can be observed in Austria as has been witnessed in other countries. The anti-social policies of the larger established parties--the social democrats and conservatives who had determined the fate of the country for many years--come more and more into conflict with the great majority of working people. Under the conditions of political crisis and paralysis in the working class, a political vacuum ensues that right-wing parties and groups can exploit, despite their own divisions and lack of orientation.

It is no accident that the racist demagogues have found support in Kärnten, where the social and political problems of Austria are concentrated most strongly. Unemployment is above average and the social crisis is most pronounced in this region with a weak infrastructure, and characterised by small-scale farming and tourism. The widening gulf between rich and poor is there for all to see. While millionaires swank about around (lake) Wörther See, and build opulent villas and castles in the other tourist centres, the European Union's agriculture policy is forcing more and more small farmers to abandon their holdings, facing entire families with ruin.

As well as whipping up racism, Haider very consciously stressed the social questions in his demagogic election speeches. He demanded that factories with more than 20 percent foreigners in their work forces should lose all state subsidies. He combined his well-known rabble-rousing against the European Union with the call for a guaranteed existence for farmers in the form of a "jobs premium". Families and single parents should receive more support, including state benefits. Symbolically, he distributed "family cheques" and promised a minimum benefit payment up to the age of six for every child. Moreover, he called for a drastic lowering of rents and for mass tax cuts. How he would finance his proposals was not spelled out. In any case, these promises were made to be broken.

There are also historical reasons why Haider did well in these elections, and in previous ones in Kärnten. There is still a strong Slovenian minority in southern Austria. In eight of Kärnten's districts, Slovenian is the second official language. Even before Haider there had been many racist attacks on Slovenians in Kärnten. In 1920 a referendum was held to

determine whether south Kärnten, the area around Klagenfurt and Villach, should become part of Yugoslavia. This provoked a strong German nationalist opposition that instead called for Anschluss (union) with Germany. Even before the vote was taken, violent battles fomented by the so-called "defence force" ensured that there was no question of the area joining Yugoslavia.

In the 1930s the Nazis were able to rely on this pro-German nationalist grouping, while Italian and Yugoslavian anti-fascists had to operate illegally in this area. After the war, these contradictions remained. The veterans of the anti-fascist struggle gathered inside the Communist Party. On the other side, many Nazi thugs hid away in Kärnten.

To counter the influence of the Communist Party, the social democrats also encouraged racist sentiments against the Slovenian minority and rested on German nationalist traditions. In the "Ortstafelsturm" (name-sign storm) of 1972, under social democratic state and federal governments dual-language street name signs were forcibly torn down, even though the Austrian constitution of 1954 obliged the provision of such signs. The signs have still not been replaced in some districts with a high percentage of Slovenians.

Haider has invented nothing new in Kärnten. In the past, the racism of the social democrats was hidden behind a thin façade of "social partnership". The end of this policy means that the social democrats are revealing their true colours. The social democrats could prevent Haider from becoming state premier by refusing to support him in the state legislature, where he would need a majority to enter office. But they do not want to do this. Instead, they are preparing to collaborate with him at the federal level. They are politically confounded and are striving to channel Austria's growing social conflicts in a racist direction.

Social democratic opposition to Haider consisted of making him superfluous by adopting his slogans. The policies of the two parties continued to merge. Increasingly, social democratic politicians came to applaud Haider. The mayor of Wolfsberg in Kärnten, Gerhard Seifried, said on the election eve that Haider had "proved to be the best social democrat". He became the first SPÖ politician to openly call for Haider to become state premier. Others then followed.

Despite certain exceptional circumstances in Austria, the election must be seen in the context of contemporary European and international relations. The coming to power of social democratic governments throughout much of Europe was an expression, if a limited one, of a mobilisation of the working class against the worsening attacks of the conservative governments on social conditions. This immediately created a political crisis in the ranks of the right-wing extremists. As these social democratic governments continued the anti-social policies of their conservative predecessors, and went even further, political frustration grew, providing the right with new impetus.

To prevent this requires a reckoning with the policies of social democracy and the building of a workers party that will not leave the social questions to the right-wing demagogues.

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excerpts of FPÖ's homepage:

[Welcome to the Austrian Freedom Party](#)

The FPÖ - The Movement for a Political Renewal of Austria

The FPÖ is the Force for Change in Society

The FPÖ is the only force for change in society in Austria, as it pursues a strategy to change the system without conforming to given balances of power. The aim is to achieve the liberal ideas of fundamental rights and of liberty by liberating the citizen from political parties. The jurisdiction of the Establishment parties SPÖ and ÖVP which branches out throughout the whole country - from schools to pensioners and to sport and motoring clubs - and which especially aims to keep people dependent with regards to work and housing, should be smashed. This will deprive the great coalition's cartel of fear, to which both parties fled to preserve their spheres of power, of its meaning and purpose, and free competition will also be introduced in the political sphere. In this sense the Liberal Party regards itself as a large civil rights movement. Austria should no longer be the republic of the Reds and Blacks but the home of the Austrians. That is the challenge to the rule of the "proporz" parties who talk a lot about democracy but in truth strive to hinder the free citizen.

We see our liberal aim as a free democratic society in the sense of a community of solidarity. The creation of an open society with the courage to allow diversity, which on the courage to allow diversity, which on the basis of values combines achievement with a sense of responsibility for mankind and nature, occupies the centre of our political interests.

Our Fundamental Values

Liberty

Liberty needs to be protected from oppression by the prevailing political system. There is therefore no liberty without order. However, liberty also means responsibility. Responsibility for oneself is the best protection from outside domination. Private property is the best guarantee of this. The greater the sense of responsibility the less necessity there is for regulatory intervention. Decency, honour and morality should determine the use of liberty.

Justice

There is no liberty without law and there can be no law without justice. This does not only mean equality before the law, in legislation, in jurisdiction and administration but also social justice: not in the sense of redistribution but rather as the duty of the community to help the needy, the right of the individual to more salary for more work and better performance, the recognition of unjustified inequalities.

Home

The avowal of Austria as our homeland is the basis of our political action. We want to preserve and maintain the natural environment and cultural heritage inherited from our forefathers in order to hand them on to our descendants in a worthwhile condition. If the family is our smallest communal good, our home Austria with its natural cultural and ethnic diversity is the largest communal good. Love of ones own homeland corresponds to respect for the home countries of other peoples. This positive form of patriotism is the answer to exaggerated nationalism and chauvinism on the one hand, and the utopia of a multicultural society on the other. It thoroughly promotes the idea of being European an making a responsible contribution to Europe.

Democracy

We stand for a liberal democratic republic on the basis of general human and civil rights. Neither can these rights be abrogated by democratic means. Democracy guarantees the highest degree of liberty and justice, in it all law must in fact originate form the people. However, democracy may not lead to the oppression of a minority by the majority, nor to exclusion. Tolerance is also necessary for its realisation.

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[20 Points for Austria](#)

ELECTION PLATFORM OF THE FPÖ

"To renew Austria"

Contract with Austria Austrians have been lied to in the past by the ruling coalition Socialist and People's Parties (SPÖ/ÖVP). They have broken all their pre-election promises before: on tackling the alarming budget deficit, on pensions reform, on administrative savings, on health reform, and on modernising the railways etc etc. We in the FPÖ (Austrian Liberal Freedom Party) have not duped the electorate and pledge in the future to keep our word in a signed "Contract with Austria". This should be put forward in the first hundred days of any new parliament. Our initiative consists of the following points:

1. A PLEDGE TO THRIFT

The constitution should be amended to limit the federal debt to 60% of the Gross Domestic Product (GDP). The maximum takings or "annual state grab" (taxes, fees, duties etc) should be limited to 40 % of the GDP instead of the current 44%. This amendment should be put to the people in a referendum. A transition period of three years is foreseen for these constitutional upper limits to become operational. Any government then violating these norms can be dismissed by the federal president.

2. A PLEDGE FOR MORE DEMOCRACY

A petition drive supported by over 100,000 citizens should suffice for a mandatory referendum, as in Switzerland. At present the forms of direct democracy such as the petition drive or referenda are ultimately controlled by the governing parties rather than the people. Parliament is only required to discuss, but not act upon, a successful petition drive and a referendum needs the consent of the government. Not only the federal president, but also key politicians at state and provincial levels such as governors and mayors, should be directly elected by the people.

3. A PLEDGE FOR MORE FREEDOM

The question of abolishing compulsory membership in the chambers should be put to the country in a referendum. At present people are forced to join the chambers and various other professional institutions. We believe this is archaic and infringes the right to freedom of assembly.

4. A PLEDGE TO SAFEGUARD FREEDOM OF THOUGHT

Austria operates the last state-run public opinion monopoly in Europe. This has already been condemned by the European Court for Human Rights. Private radio and television stations should be allowed.

5. A PLEDGE FOR MORE JUSTICE

The current practice whereby the Executive can direct or terminate legal proceedings shall be abolished. The appointment of High Court judges should not be influenced by political

parties.

6. A PLEDGE FOR MORE "CHECKS AND BALANCES"

Adverse findings and criticisms of the Central Auditing Authority must lead to action. This body is currently limited by parliament. This is a "watchdog" who can bark but not bite.

7. A PLEDGE TO PRUNE GOVERNMENT ADMINISTRATION

Austria leads the world in public administration and costs. Many services can be contracted out to the private sector. New laws and regulations should be cost-accounted. Reductions in the public payroll can be achieved through a hiring freeze. This forms part of a long term consistent savings programme.

8. A PLEDGE FOR LEAN GOVERNMENT

Bureaucracy has a habit of proliferating. Austria has three times as many ministers as Switzerland. Rationalisation in government could lead to more efficiency, and savings in luxuries such as ministerial cars and perks.

9. A PLEDGE TO SLASH PRIVILEGES

Politicians' privileges including exorbitant golden handshakes, severance pay and multi pensions must be abolished. Here government politicians get more than the US President and do less. Leading politicians in our party have voluntarily limited their salaries. "Jobs for the boys" should be abolished and appointments in the federal reserve bank and the state sector should be made on the basis of merit rather than the possession of the right party book.

10. A PLEDGE TO CUT SUBSIDIES

Austria is subsidised to death. More state and more taxes have solved nothing in the past. Many subsidies go to political hacks. The public funding of political parties should be halved and state support for the press should be totally eliminated. The latter is currently being examined by the European Union on the grounds that it distorts free competition.

11. A PLEDGE TO CUT TAXES

Austria is overtaxed and overregulated. Both damage the competitiveness of the Austrian economy and restrict the purchasing power of consumers. The tax system should be simplified and taxes cut. The top rate should be cut by three percentage points and for lower salaries by five points.

12. A PLEDGE TO SAFEGUARD ECONOMIC COMPETITIVENESS

Austrian industry suffers from high supplementary wage costs, permanent reductions in investment incentives and tax barriers which hinder the growth of domestic capital resources. The sell out of core areas of Austrian industry is well advanced. This has led to job losses. An active economic policy must foster private economic activities. Tax incentives must be selective, promote research and development and be accompanied by administrative

reforms.

13. A PLEDGE TO SAFEGUARD ALL EARNED PENSION BENEFITS

Austria holds the world record in early retirement schemes. The average retirement age is around 57 and going down. The system is widely abused and many so-called pensioners are in good health and continue to work doing lucrative part-time jobs in addition to pulling in the state pension. This waste and abuse has to end. A pension reform should have at its core the allowance of private provisions for retirement on top of those provided by the state. The transition to such a system has to assure the retention of full benefits already accumulated and paid for by employees to date. For pension benefits already earned, there shall be no reductions or other "penalty" payments. Older employees should be protected from early lay offs by a combination of partial pensions and continuance of salaried income from their firm. This would be an alternative to the current practice of early retirement.

14. A PLEDGE TO ALLEVIATE THE TAX BURDEN ON FAMILIES

The current system is unjust. A single monthly income is taxed much higher than the same income accrued from two jobs. We propose a minimum "per capita" tax free family income code. This would eliminate the current discrimination against those families who are less well off. This reform should be achieved through savings in the cost of government and not through greater tax burdens on singles.

15. A PLEDGE TO SAFEGUARD THE HEALTH SERVICE

The system is currently prone to waste and money is allocated not on the basis of performance but without any relation to services rendered. The actual budgeted cost for surgery or health services shall be reimbursed instead of the current practice where hospital stays are automatically reimbursed, however long it takes. Similarly a services based reimbursement of private doctors would take the pressure of the state hospitals.

16. A PLEDGE TO PRIORITISE THE SECURITY OF AUSTRIANS

Crime is on the rise but rates of conviction are sinking. Organised international crime is rising explosively. The police must be equipped with the same modern technology as the criminals. Sentences have to be harsher to have a deterrent effect and stop criminals from committing the same act again. For capital crimes, life long sentences should mean life sentence with no early release for "good behaviour". Foreigners sentenced for criminal acts should be deported.

17. A PLEDGE TO LIMIT IMMIGRATION

The existing immigration laws should not be softened up. Each potential immigrant should give proof that they have a job and accomodation. To enable the return of the numerous illegal immigrants in Austria, we propose ID or identification requirements such as exist in most industrial countries today. The current practice of granting citizenship well before the legally required ten year waiting period should be discontinued.

18. A PLEDGE TO STEM THE LOSS OF RIGHTS TO BRUSSELS

The inter-governmental reform conference next year will determine whether more powers should be surrendered to the European Union or whether Europe should become a confederation of states in which the member countries retain sovereignty. Austria should fight for the continuance of the the unanimity principle and limit the flow of power to the Brussels bureaucracy. Austria's vital interests must not be overruled by the EU. Austria should seek, as the United Kingdom did, to re-negotiate its high budgetary contribution to the EU coffers with the aim of reducing these payments by one third. Efforts to enforce clauses in the Maastricht Treaty which would mean majority rule by the EU over Austrian water resources must be resisted.

19. A PLEDGE TO ALLOW TENANTS OWNERSHIP OF PUBLIC HOUSING

Such tenants fork out the same as if they owned the dwelling outright. We would change the housing laws to allow tenants to become the rightful owners once they have made these payments, since there exists no reason to deprive them of such ownership.

20. A PLEDGE TO SAFEGUARD THE ENVIRONMENT

Environmental laws shall be reformed along the principle of "the polluter pays". When pollution emissions become expensive they will be reduced. Environmental burdens imposed on agriculture shall be reimbursed to farmers directly. This would protect farm incomes and at the same time reduce the use of environmentally damaging substances.

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[From a Party State to a Citizens' Democracy](#)

The Way to the Third Republic

The age of the party state with everything divided along party political lines is gone.

The result of a sober analysis of the current state of Austria is that the Second Republic as a party state with everything divided along party political lines has finally worn itself out.

This system - developed after World War II and tailored to meet the requirements of the franchise parties SPÖ, ÖVP and KPÖ has ended with a declaration of political bankruptcy in the face of the present and future challenges for our country.

This party political state, which is basically a state dominated by Chambers and Associations, is drawing its last breath on the threshold of the third century. New challenges demand new answers!

WE WANT:

- As little state as necessary, as much freedom as possible
- No nationalisation of the individual, but the humanisation of the state
- Less power for functionaries, more rights for the citizen
- Less demands by the public purse, more consideration for private wallets
- Less politicised morality, more morality in politics
- Less group egoism, more broad-ranging thought patterns
- Less pressure through the compulsion to join a political party, more freedom through more support for the citizen
- Fewer subsidies for the incompetent and more promotion of elites · Fewer bureaucratic chains, more intellectual and mental autonomy

Our Way of Achieving This is the Third Republic!

In spite of everything that is said to the contrary, the Third Republic as a new form of identity for the people and their representatives will lead to more democracy.

Politicians will have more responsibility because the citizen will also have more freedom and responsibility. Politicians will no longer be able to use anonymous institutions to hide from the electorate; the electorate will no longer be able to escape responsibility by delegating to anonymous institutions. Both sides will be drawn closer together.

The Third Republic is a Clear Concept for a Genuine Democratisation of Austria

- Citizens' democracy instead of a party state
- Direct elections instead of a deputy democracy
- Restructuring of state responsibilities instead of state omnipotence
- Tax limits instead of tax pressure · Identity between the people and their representatives

In this connection the academy of the Freedom Party has set up 45 working groups dealing with all politically relevant areas. Within the framework of the project Contract With Austria they will draw up measures and strategies designed to develop the democratic system in Austria with regards to a Third Republic.

The first results of these efforts, the "20 Points for a Contract with Austria" was published by the Academy in November 1995.

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Kapitel III

Österreich zuerst

Artikel 1

Österreich ist mehr als ein bloßer Zweckverband. Seine Bevölkerung ist durch den Willen zur Eigenständigkeit und Zusammengehörigkeit in regionaler Vielfalt verbunden. Dieser Wille findet seinen Ausdruck in der demokratisch, föderalistisch, und rechtsstaatlich verfaßten Republik Österreich.

1. Der Österreichpatriotismus äußert sich als Wille zur Eigenständigkeit und Zusammengehörigkeit der Österreicher, als Wille zur Aufrechterhaltung von Demokratie, Menschenrechten, Rechtsstaatlichkeit und Föderalismus, als Wille zur Pflege des kulturellen Erbes Österreichs und als Wille zur Erhaltung der Umwelt, Landschaft und Natur.

2. Die Identität Österreichs ist durch eine Vielfalt und Vielzahl regionaler Identitäten geprägt. Die Bevölkerung Österreichs hat nach leidvollen historischen Erfahrungen ihren Willen zur Zusammengehörigkeit im Rahmen regionaler Eigenständigkeiten bekundet.

Artikel 2

Das Bekenntnis zu Österreich begründet den dauernden Auftrag, die Demokratie als Grundlage des Österreichpatriotismus zu erhalten und weiterzuentwickeln. Darüber hinaus besteht die Verpflichtung, für die Selbständigkeit und Eigenständigkeit Österreichs sowie für die Erhaltung der Verfassungsprinzipien einzutreten.

Da sich nach freiheitlichem Verständnis der österreichische Patriotismus ausdrücklich auf ein demokratisch verfaßtes Gemeinwesen bezieht, resultiert hieraus auch ein dauernder Auftrag für die Freiheitliche Bewegung, die Demokratie bürgernah auszubauen und zu erhalten. Dieser Auftrag schließt die Erhaltung der rechtsstaatlichen, föderalistischen, sozialen und liberalen Verfassungsprinzipien ein.

Artikel 3

Aus der Zusammengehörigkeit aller Österreicher ergeben sich nicht nur Bürgerrechte, sondern auch Bürgerpflichten: insbesondere zur Solidarität, zur Aufrechterhaltung eines funktionierenden staatlichen Gemeinwesens und zur Leistung eines Beitrages für die innere und äußere Sicherheit.

Unter den genannten Bürgerpflichten sind insbesondere die Pflicht zur Solidarität mit den Landsleuten - etwa hinsichtlich der Unterstützung für Alte und Schwache -, die Vermeidung sozialer Härtefälle und dergleichen, die Pflicht zur Leistung von Beiträgen zur Erhaltung der Staatsfunktionen - etwa durch Abgaben bis maximal zu einer verfassungsgesetzlich gezogenen Obergrenze oder etwa durch einen persönlichen Beitrag zur militärischen Landesverteidigung oder zur Aufrechterhaltung der inneren Sicherheit im Bereich des Zivil- und Katastrophenschutzes -, zu verstehen.

Artikel 4

Das historische und kulturelle Erbe Österreichs berechtigt zu Stolz auf die erbrachten Leistungen, Traditionen und Errungenschaften. Der daraus erwachsende Patriotismus verpflichtet zu einer selbstbewußten österreichischen Politik und zu Widerstand gegen die kulturelle Verflachung, gegen die stets stärker werdenden Bestrebungen, Traditionen zu verunglimpfen und Österreich mutwillig herabzusetzen.

1. Angesichts des großen Anteils des alten Österreichs an der gesamtdeutschen und gesamteuropäischen Geschichte und des hiervon herrührenden kulturellen Erbes ist es legitim, mit Selbstbewußtsein und Stolz auch auf internationaler Ebene aufzutreten.
2. Eine Politik wird abgelehnt, die sich insbesondere seit dem Beitritt Österreichs zur Europäischen Union den massiven Vereinheitlichungs- und Nivellierungsbestrebungen zu Lasten der geistigen und kulturellen Substanz Österreichs anschließt.
3. Die Zeitgeisterscheinung, mit massiven Österreichbeschimpfungen und mutwilligen Herabsetzungen österreichischer Eigenheiten, öffentliches Echo zu erzielen, erfordert einen entschlossenen geistigen Widerstand aller patriotischen Kräfte.
4. Gerade auf medialer Ebene ist seit Jahren eine von kultureller Verflachung gekennzeichnete Entwicklung erkennbar; dies erfordert einen neuen geistigen und kulturellen Aufbruch, um speziell österreichische Traditionen und regionale Eigenheiten lebendig zu erhalten.

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Kapitel IV

Recht auf Heimat

Artikel 1

Unter Heimat sind die demokratische Republik Österreich und ihre Bundesländer, die historisch ansässigen Volksgruppen (Deutsche, Kroaten, Roma, Slowaken, Slowenen, Tschechen und Ungarn) und die von ihnen geprägte Kultur zu verstehen, wobei von der Rechtsordnung denklogisch vorausgesetzt wird, daß die überwiegende Mehrheit der Österreicher der deutschen Volksgruppe angehört

1. Der Heimatbegriff wird in räumlicher, ethnischer und kultureller Hinsicht definiert.

2. Dadurch werden das Heimatland, die historisch über Jahrhunderte ansässigen Volksgruppen sowie ihre kulturellen Traditionen, Leistungen und Errungenschaften als Kulturträger zu Schutzobjekten.

3. Das österreichische Volksgruppenrecht listet als Schutzobjekte die einzelnen historisch ansässigen (autochthonen) Volksgruppen auf, wobei die Judikatur denklogisch voraussetzt, daß die überwiegende Mehrheit der Österreicher der deutschen Volksgruppe angehört.

Artikel 2

Heimat in diesem räumlichen, ethnischen und kulturellen Sinne ist zu bewahren, zu schützen und zu gestalten.

1. Dies beinhaltet insbesondere den Auftrag zur Erhaltung einer lebenswerten Umwelt, zum Schutz und zur Weiterentwicklung der zivilisatorischen und kulturellen Traditionen im Rahmen eines freiheitlich-demokratischen Rechtsstaates und schließlich den Schutz des Bestandes sowie der kulturellen Identitäten der angestammten (autochthonen) Volksgruppen, wie dies der im Verfassungsrang stehende Art. 19 des Staatsgrundgesetzes über die allgemeinen Rechte der Staatsbürger vom 21. Dezember 1867 bereits vorgesehen hat.

2. Das Nebeneinander und das Zusammenwirken der verschiedenen Volksgruppen haben die Eigenart Österreichs bewirkt. Sie kann nur durch die Sicherung des Weiterbestandes der historisch ansässigen Volksgruppen erhalten werden, was gerade in Zeiten der Entwicklung überregionaler Zusammenschlüsse besonders notwendig erscheint.

Artikel 3

Jeder Österreicher hat das Grundrecht, über seine Identität und Volkstumszugehörigkeit selbstbestimmt und frei zu befinden. Es darf ihm aus seinem Volkstumsbekenntnis kein Nachteil erwachsen.

1. Das Grundrecht jedes Österreichers, seine eigene Identität und Volkstumszugehörigkeit selbständig und frei zu bestimmen, ist zu garantieren.

2. Dieses Recht ist nicht auf die historisch ansässigen Volksgruppen, wie sie unter Abs. 1 als Schutzobjekte des Heimatbegriffes erwähnt sind, begrenzt. Vielmehr ist es jedem Bürger selbst überlassen, ob er sich überhaupt einer ethnischen Gruppe zugehörig fühlt. In weiterer Folge hat jeder Bürger das Recht selbst zu bestimmen, welcher Volksgruppe er seiner Identität nach zugeordnet werden möchte. Allerdings kann er aus seinem Volkstumsbekenntnis nur in bezug auf die historisch ansässigen Volksgruppen subjektive Rechte ableiten.

3. Umgekehrt hat der Staat jedoch nicht das Recht zu regeln und zu bestimmen, welche Sicht seiner selbst der Bürger zu haben hat. Keinem Österreicher darf jedoch eine staatliche Benachteiligung oder eine private Diskriminierung aus seiner freien und selbstbestimmten Volkstumszugehörigkeit erwachsen.

4. Das freie Bekenntnis zum jeweiligen Volkstum ist eine Grundvoraussetzung für die Bewahrung und Weiterentwicklung der kulturellen Werte und des historisch-kulturellen Selbstverständnisses jeder ethnischen Gemeinschaft. Dieses Bewußtsein der besonderen Wesensart des eigenen Volkes muß untrennbar mit der Bereitschaft verknüpft sein, das Besondere auch in jedem anderen Volk zu achten.

Artikel 4

Österreich ist auf Grund seiner Topographie, seiner Bevölkerungsdichte und seiner beschränkten Ressourcen kein Einwanderungsland.

1. Das Grundrecht auf Heimat gestattet daher keine unbeschränkte und unkontrollierte Zuwanderung nach Österreich. Das Schutzerfordernis des Grundrechtes auf Heimat stellt ferner klar, daß Österreich auf Grund seiner räumlich begrenzten Ausdehnung, seiner Bevölkerungsdichte und seiner beschränkten Ressourcen kein Einwanderungsland sein kann.

2. Eine unbeschränkte Zuwanderung würde die ansässige Bevölkerung hinsichtlich ihrer aktiven Integrationsfähigkeit überfordern und dadurch deren Recht auf Wahrung und Schutz der eigenen Heimat gefährden. Multikulturelle Experimente werden abgelehnt, weil durch sie mutwillig gesellschaftliche Konflikte geschürt werden.

3. Das Schutzinteresse der österreichischen Bevölkerung erfordert den Erhalt der vollen Souveränität in Ausländerrechtsangelegenheiten.

4. Österreich hat aber den aus rassistischen, religiösen oder politischen Gründen Verfolgten politisches Asyl zu gewähren, sofern sie nicht über ein sicheres Drittland ins Bundesgebiet einreisen. Jeder Verfolgte hat aber weiterhin das Recht, sich zu seinem angestammten Volkstum zu bekennen und in seine eigene Heimat zurückzukehren. Insbesondere die zahlreichen Heimatvertriebenen, welche im Verlauf der tragischen Ereignisse der letzten Jahrzehnte in ihrem Grundrecht auf Heimat durch gewaltsame Vertreibungsmaßnahmen massiv verletzt wurden, gehen dieses Grundrechtes nicht verlustig und behalten ein Rückkehrrecht in ihre Heimat.

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Kapitel V

Christentum - Fundament Europas

Artikel 1

Die vom Christentum und antiker Welt geprägte Wertordnung bildet das wichtigste geistige Fundament Europas. Darauf beruhen die wesentlichen geistigen Strömungen vom Humanismus bis zur Aufklärung. Die kulturelle Prägung durch christliche Werte und Tradition umfaßt auch Angehörige nichtchristlicher Religionen und Menschen ohne religiöses Bekenntnis.

1. Die europäische Zivilisation hat ihre ältesten Wurzeln in der Antike. Das Antlitz Europas wurde in entscheidender Weise vom Christentum in seiner konfessionellen Vielfalt geprägt. Darüber hinaus wurde Europa auch durch Judentum und andere nichtchristliche Religionsgemeinschaften beeinflusst.

2. Die europäischen Rechtsordnungen fußen auf einem christlichen Grundwertekonsens.

Artikel 2

Die Bewahrung der geistigen Grundlagen des Abendlandes erfordert ein Christentum, das seine Werte verteidigt. Im Bestreben um den Erhalt dieser Grundlagen Europas sehen sich die Freiheitlichen als ideale Partner der christlichen Kirchen, auch wenn es zu verschiedenen politischen Fragen unterschiedliche Standpunkte gibt.

1. Die geistigen Grundlagen des Abendlandes sind die Idee der Menschenwürde und der Grundfreiheiten, die daraus abgeleiteten Vorstellungen von Demokratie und Mitbestimmung und der Rechtsstaatlichkeit, die Idee der Solidarität sowie der Respekt vor dem Leben und der Schöpfung.

2. Durch vielfältige Strömungen sind diese Grundlagen jedoch gefährdet. Der zunehmende Fundamentalismus eines radikalen Islams und dessen Vordringen nach Europa, aber auch ein hedonistischer Konsumismus, ein aggressiver Kapitalismus, das Zunehmen von Okkultismus und pseudoreligiösen Sekten und schließlich ein in allen Lebensbereichen vermehrt feststellbarer Nihilismus bedrohen den Wertekonsens, der deshalb verlorenzugehen droht.

3. Den großen christlichen Kirchen kommt eine entscheidende Rolle zur Bewahrung des europäischen Wertekonsenses zu. Da dies auch der Freiheitlichen Bewegung ein politisches Anliegen ist, sieht sie sich als natürlicher Partner der christlichen Kirchen. Daraus folgt, daß die FPÖ auch

für die Erhaltung des Religionsunterrichtes an öffentlichen Schulen eintritt und Bestrebungen, statt dessen einen hinsichtlich seiner philosophischen und weltanschaulichen Grundlagen fragwürdigen "Ethikunterricht" einzuführen, eine klare Absage erteilt.

4. Allerdings erwarten viele Menschen in Europa wieder vermehrt Anstrengungen der Kirchen, sich entschlossener gegen die geistigen Bedrohungen zu wehren und sich nicht mit der Rolle sozialer Betreuungsinstitute zu begnügen.

5. Der Liberalismus hat sich in seiner historischen Entwicklung stets gegen weltanschauliche und religiöse Intoleranz gewandt, die sehr häufig von religiösen Institutionen selbst ausgeübt wurde. In dieser historischen Phase ist ein Antiklerikalismus entstanden, der angesichts der geänderten Rolle der kirchlichen und religiösen Institutionen in Österreich überholt ist.

Artikel 3

Die Sicherung der Autonomie der Kirchen und anerkannten Religionsgemeinschaften erfordert die institutionelle Trennung von Kirche und Staat. Diese Trennung ist darüber hinaus auch ein wesentlicher Garant für die Wahrung der Freiheit des Einzelnen.

1. Die Sicherung der Autonomie der Kirchen und Religionsgemeinschaften erfordert eine institutionelle, nicht aber eine geistige Trennung von Kirche und Staat. Dies ist vor allem auch notwendig, um den parteipolitischen Mißbrauch von Kirchen zu vermeiden und um so die Vereinnahmung des Gewissens durch Parteiideologien zu verhindern.

2. Die institutionelle Trennung von Kirche und Staat hat mitgeholfen, jene Freiräume zu schaffen, die für die freiheitliche Tradition Europas bestimmend wurden.

3. Der religiöse Auftrag und die Wertorientierung der Kirchen und anerkannten Religionsgesellschaften erfordert Autonomie, um dadurch maximale Entfaltungsmöglichkeit zu gewährleisten. Dies ist ein weiterer und unverzichtbarer Beitrag zur Sicherung der Freiheit des Einzelnen, wie die historische Erfahrung lehrt.

Date: June 14, 1999

The Austrian Ministry for the Interior last night announced the preliminary Austrian results of yesterday's Elections to the European Parliament. Austria has 21 seats in the European Parliament.

| Party | votes | % | seats in the EP | % change to 1996 elections | seats in the EP in 1996 |
|-------------------------------|---------|-------|-----------------|----------------------------|-------------------------|
| Social Democratic Party (SPÖ) | 882,005 | 31,74 | 7 (+1) | + 2,59 | 6 |
| People's Party (ÖVP) | 851,343 | 30,64 | 7 (±0) | + 0,99 % | 7 |
| Freedom Party (FPÖ) | 652,458 | 23,48 | 5 (-1) | - 4,05 % | 6 |
| Greens | 257,043 | 9,25 | 2 (+1) | + 2,44 % | 1 |
| Liberal Forum (LIF) | 73,276 | 2,64 | 0 (-1) | - 1,62 % | 1 |

GOVERNMENT AND POLITICS

AUSTRIA'S POSITION IN THE WORLD

As a result of the end of the Cold War, Austria, which long held a marginal position at the borderline between East and West, has moved more to the centre of the larger Europe. The East-West conflict, which was the most decisive political factor in Europe since World War II has given way to new forms of partnership and cooperation in Europe. The range of activities designed to meet these objectives is broad - from improving conditions regarding political, economic and social stability to agreements in the field of military security. While the changes referred to above have, amongst other things, fundamentally improved the geopolitical context in general, and in particular for Austria, the community of nations is now confronted with a number of new dangers and risks, which range from uncontrolled mass migrations, violations of human rights and economic destabilisation to international crime and terrorism.

AUSTRIA'S POSITION IN EUROPEAN SECURITY POLICY

Since 1995, Austria has been a member of the European Union with observer status in the Western European Union (WEU), sharing this status with Ireland, Sweden, Finland and Denmark.

In this position Austria seeks to enhance the role of the WEU as an "integral part of the Union's development" and a factor in European crisis management.

In the Inter-governmental Conference Austria strongly advocated an increase in security, efficiency and coherence within the EU's Common Foreign and Security Policy (CFSP). These points were taken into account in the Amsterdam Treaty: Decisions concerning "common positions" must be based on a qualified majority, a unit for strategic planning and early-warning was created and the position of a "High Representative for CFSP" for the Secretary General was established. Austria also supported the decision that the EU is entitled to call upon the WEU for aid regarding the tasks within the Petersberg programme, i.e. humanitarian, peace-maintaining and -keeping actions and rescue operations.

A major element in the process of creating a new NATO is to foster the relations between the Atlantic Alliance and the former members of the Warsaw Pact as well as other states in Europe and Central Asia. These relations were significantly strengthened by the creation of the Euro-Atlantic Partnership Council as a forum for a multi-lateral dialogue, the consolidation of the Partnership for Peace, the signing of the NATO-Russia Founding Act and the establishment of a specific partnership with Ukraine.

It is Austria's task in the Partnership for Peace to focus on the standardisation of the armed forces designated for peace-keeping missions and the civil units, and to coordinate the required training operations. In civil emergency planning, nother focal point of Austria's activities, the emphasis lies on an extensive exchange of experiences and joint training.

Within its efforts to enhance the structures of European security, Austria played an active role in the course of the Balkan crisis. The Dayton Agreement provides for a multi-national peace mission to supervise the military aspects of the agreement. This multi-national peace mission, with Austria's contribution being a transport contingent, was prolonged by a period of 18 months in January 1997.

COOPERATION AT THE UNITED NATIONS

Austria has been a member of the UN since December 14th, 1955 and has since played an active role in solving the wide range of problems facing the organisation. It has been a member of numerous commissions and committees, such as the Committee on the Peaceful Uses of Outer Space, whose chairman since 1961 has been an Austrian diplomat, the Sea Bed Committee, the Human Rights Commission, the board of the United Nations Conference for Trade and Development and the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO).

In 1963, 1976, 1984 and 1991 Austria was elected a member of the Economic and Social Council (ECOSOC), the UN's main economic body, for a three-year term at a time. Twice it was chosen to serve on the Security Council: in 1972 for the 1973/74 term, and in 1990 for the 1991/92 term. Austria was also elected to the governing board of the United Nations Environmental Program (1990-1993), the governing board of the UN Development Program (1992/93) and the UN Human Rights commission (1991-1996).

Austria has always lent its active support to UN efforts to maintain world peace. Since 1960 Austria has contributed to many UN peace-keeping missions with more than 37,000 soldiers.

AUSTRIANS HOLDING INTERNATIONAL APPOINTMENTS

In 1971 former Austrian Foreign Minister and UNO ambassador Kurt Waldheim was elected Secretary General of the United Nations, a post which he held until late 1981. From 1986 to 1992 Kurt Waldheim was Austrian President.

Just as it is active at an international level in the framework of the United Nations, Austria also plays a part in Europe, of which it became a member in 1956. Two Austrians have been appointed Secretary General of the Council of Europe. Lujo Tonic-Sorinj served in this position from 1969 to 1974 and Franz Karasek from 1979 until 1984. From 1975 to 1978 the Austrian Parliamentarian Karl Czernetz was president of the Council of Europe's Parliamentary Assembly. Another Austrian, Peter Leuprecht, was Deputy Secretary General of the Council of Europe from 1993 to 1997. Austria is signatory to most of the council's conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms.

From 1987 to 1994 Gerald Hinteregger was Executive Secretary of the United Nations Economic Commission for Europe (ECE). From 1993 to 1995, Benita Ferrero-Waldner served as Chief of Protocol to UN Secretary-General at that time and was thus Austria's highest-ranking international civil servant in the United Nations. Since May 1995, Ferrero-

Waldner has been State Secretary in the Federal Ministry of Foreign Affairs.

In 1997 the former Chancellor Franz Vranitzky was assigned the overall coordination of the international efforts to improve the situation in Albania by the OSCE.

VIENNA AS A CONGRESS CENTRE

Austria's neutrality, its geographical position at the heart of Europe and its active participation in world affairs have meant that its capital, Vienna, has emerged increasingly as a centre for international congresses and conferences. Major international organisations have also made the city their permanent headquarters.

Vienna has been one of the permanent seats of the United Nations since 1979. Apart from the two specialized UNO organisations, the [International Atomic Energy Agency](#) (IAEA, in Vienna since 1957) and the United Nations Industrial Development Organization (UNIDO, in Vienna since 1967) the Vienna International Centre houses a number of other UN organisations and units, such as the United Nations Drug Control Programme (UNDCP), the International Narcotics Control Board (INCB), the Crime Prevention and Criminal Justice Division (CPCJD), Office for Outer Space Affairs (OOSA), United Nations Commission on International Trade Law (UNCITRAL), and the United Nations Information Service (UNIS).

OPEC, the Organisation of Petroleum Exporting Countries, has also had its permanent headquarters in Vienna since 1965.

In 1961, Vienna was the scene of the meeting between John F. Kennedy and Nikita Khrushchev, and it was the venue in 1970, 1971 and 1972 for the Soviet-American talks on the limitation of strategic arms (SALT). It was here in June 1979 that Presidents Jimmy Carter and Leonid Brezhnev signed the SALT II agreement.

Vienna is the seat of the Organisation for Security and Cooperation in Europe (OSCE, former CSCE). The Permanent Council and the Forum for Security Cooperation as well as the Organisation as well as the Organisation's numerous working groups meet throughout the year in Vienna. From 1986 to 1989 the third follow-up of the CSCE was held in Vienna. It ended with a meeting of the OSCE Foreign Ministers. From 1989 to 1992 the Vienna Hofburg was the venue for the two negotiations initiated by the Final Document of the Third CSCE Follow-up, the Negotiation on Conventional Forces in Europe (CFE) and the Negotiations on Confidence and Security Building Measures (NCSBM). The common advisory group for the CSE-treaty, signed in 1992, as well as the advisory commission for the Open Sky treaty meet in Vienna.

In 1993 the Austria Center Vienna hosted the United Nations World Conference on Human

Rights.

AUSTRIA WITH IN THE EU

Austria joined the European Union on January 1, 1995 along with Sweden and Finland. Prior to that the Austrians confirmed that they believed in the idea of European integration: In the referendum on EU-membership held in June 1997 a clear majority of 67% voted in favour of Austria's joining the EU.

Through its EU-membership Austria became part of the Common Market, thus becoming more attractive to countries both inside and outside of the Union due to its location between Eastern and Western Europe. These factors combined have opened up new possibilities for both consumers and producers.

The economic effects should not by any means overshadow the political importance of the European integration process. Today the European Union plays a crucial role in the stability of the whole continent. In the past few years it has become the main focus for all European countries. With its continuation of the integration process it is setting the direction of the whole of Europe. More and more decisions concerning Europe's future are made within the EU-institutions.

Austria now participates in this "direction-setting" and this is one of the strongest arguments in favour of its EU-membership. The EU-membership allows Austria to bring its specific concerns to bear on EU-policy, to have an equal voice in the decision-making process that will shape the future of both Europe and Austria. Franz Fischler, the former Austrian Minister of Agriculture, has been put in charge of Agricultural Matters in the European Commission.

In the second half of 1998 Austria assumed the presidency over the Council of the EU. During its presidency Austria emphasised, for example, on labour policy, the EU-reforms within the framework of Agenda 2000, the enlargement of the EU and the preparations for the introduction of the common European currency "Euro" on January 1, 1999.

CENTRAL EUROPEAN INITIATIVE (C.E.I.)

Austria is particularly interested in stable developments in the neighbouring reform countries and in the creation of a New European Architecture, in whose context regional cooperation is an important element, side by side with the integration of Europe. Without detracting from the central role of European integration in the creation of this New European Architecture, Austria considers the promotion of regional cooperation and indispensable means to this end, and regards its commitment to the C.E.I. an important activity for the benefit of Central Europe.

Organisationally, the C.E.I. comprises sixteen working groups and a Committee of National Coordinators. It holds annual meetings of heads of government. In addition to that, the C.E.I. Center for Interpretation and Documentation was established in Trieste (Italy) in 1996 under the chairmanship of the C.E.I. Its first director is an Austrian.

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ANTIFA INFO-BULLETIN, Number 220

Until this historic success for the FPO, extreme rightwing parties in Europe had been confined to much narrower voter acceptance. Germany's Republikaner and NPD, France's Front National and extremist parties elsewhere in western Europe are expected to study Haider's winning formula and emulate the FPO campaign in coming elections.

Commentators warned that the Haider win is an ominous sign for all of Europe. Israel's Justice Minister Yossi Beilin was quoted as calling FPO's surge, "terrible and frightening" and adding, "the world has not learned from history."

**alt.politics.radical-left
Eigen Edelweiss Erst ?**

Haiders' hete adem kleurt Europees asielbeleid

Met de verkiezingen zakt de sociaal-democratie - die in 1983 nog bijna 50% van de stemmen haalde - naar 33,4%. De extreem-rechtse FPO van Jorg Haider wordt met 27,2% de tweede grootste partij van het land.

Haider en zijn troepen vierden hun overwinning uitbundig in het Weense bierlokaal Napoleon. Op zulke bierfeesten zijn de gestrekte armen nooit ver weg. Vader Haider was voormalig nazi-jeugdleider in Oberdonau en moeder Haider was Bannmädchenführerin onder het nazisme. Zoon Jorg Haider werd miljonair door de erfenis van het Bärenthal, een enorm stuk land ter waarde van vijftienduizend miljoen Belgische frank dat tijdens de oorlog van de Joodse eigenaars werd gestolen. Haider komt snel bij de 'Freiheitliche Partei Österreichs' (FPO) die in 1956 door de voormalige SS-officieren Anton Reinthaller en Friedrich Peter werd opgericht. Jorg Haider looft de SS als plichtsbewuste mannen en prijst openlijk Hitlers werkgelegenheidsbeleid aan.

Deutschland Uber Allesch?

Jorg Haider heeft zich alvast volop op het kanselierschap voorbereid. In 1997 volgde hij in Harvard cursus aan het 'Institute for International Development' en nam hij deel aan de zomercursus van de elitaire Boston-universiteit 'On Budgeting in the Public Sector'. Net zoals zijn vriend Filip Dewinter is Haider voorstander van het harde, naakte Thatcher-kapitalisme. Hij eist privatiseringen van overheidsdiensten, onderwijs en sociale zekerheid. Hij wil meer flexibiliteit en wil de vakbonden aan banden leggen. En natuurlijk staat hij, zoals het Vlaams Blok, volop achter het Duitse Europa.

Tijdens de 'viering' van vijftig jaar 'Anschluss' noemde hij in navolging van Hitler de Oostenrijkse natie een 'misgeboorte'. De overwinning in Oostenrijk toont in elk geval dat het opkomend fascisme, alsook de teloorgang van de sociaal-democratie, een internationaal fenomeen is. Alle extreem-rechtse krachten hebben zich verenigd rond het nieuwe revanchistische Europa van de Duitse Mark, of de Duitse Euro. Dat relativeert meteen de 'anti-Maastricht'-demagogie en de 'Tirolse' of 'Vlaamse' demagogie van extreem-rechts.

Eigen Edelweiss Eerst ?

Naar de kiezer toe is het vooral met het uitzinnige racisme tegen migranten en vluchtelingen dat Jorg Haider verkiezing na verkiezing wint. Met slogans zoals 'Tirol voor de Tirolers', 'Geen moskee in Salzburg zolang er geen kerk in Mekka staat' drijven de fascistische wedloop op.

En, zoals elders in Europa, volgde de rooms-rode regering in Wenen... Op 1 mei stierf de Nigeriaanse student Marcus Omofumas na politiemishandeling. Op 27 mei arresteerde de politie tijdens 'Operation Spring' - de grootste razzia sinds 1945 - meer dan 100 vreemdelingen. Haiders' succes echoot over heel Europa. De dag na zijn

verkiezingsoverwinning besloten de ministers van justitie van Groot-Brittannië, Frankrijk en Duitsland de repressie tegen de vluchtelingen verder op te drijven. De Duitse minister van justitie Otto Schily sprak in ware Dewinter-retoriek: 'het is genoeg, hele groepen in onze maatschappij hebben te maken met een massale inwijking.' De verzamelde ministers stelden dat de overwinning van de FPO hen 'tot optreden dwingt'. Of hoe Haider's hete adem Europa bruin kleurt'

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Israël botst met Wenen over Haider

Oostenrijkse kardinaal deelt Israëlische bezorgdheid

TEL AVIV - Israël heeft gisteren gedreigd de betrekkingen met Oostenrijk te verbreken als Jörg Haider mag deelnemen aan de regering. De Oostenrijkse aartsbisschop Schönborn, op bezoek in Israël, vindt de bezorgdheid over Haider terecht.

Israëls minister van buitenlandse zaken, David Levi, had verleden week al gedreigd met 'heroverwegen van de betrekkingen'. Gisteren verscherpte hij zijn uitspraken na een keiharde confrontatie met zijn Oostenrijkse collega Wolfgang Schüssel. Het gesprek tussen beide heren, in Luxemburg, duurde een kwartier. Schüssel verzocht Levi zijn uitlatingen te matigen, en kreeg duidelijk nul op het rekest. Na het gesprek weigerde Schüssel Haider van regeringsdeelname uit te sluiten: „Een ieder die gekozen is, is een potentiële kandidaat voor onderhandelingen.”

Dit weekeinde had de Oostenrijkse bondskanselier Victor Klima premier Barak van Israël nog telefonisch verzekerd dat hij Haider van regeringsdeelname uitsloot. Maar tegelijkertijd verwierp Klima in een interview met de krant Ha'arets de Israëlische 'inmenging' in de Oostenrijkse aangelegenheden.

De Oostenrijkse aartsbisschop Schönborn toonde gisteren juist alle begrip voor zijn gastheren. De kardinaal zei de Israëlische bezorgdheid te delen over de verkiezingsuitslag in Oostenrijk, waarbij de Vrijheidspartij FPÖ van de de ultrarechtse Jörg Haider meer dan een kwart van de stemmen kreeg. „Velen van mijn landgenoten zijn zich terdege bewust van Oostenrijks problematische verleden en zullen alles in het werk stellen om het niet weer te laten gebeuren", verzekerde hij tijdens een bezoek aan het oorlogsmonument Jad wasjem.

Dat was nog eens andere taal dan de Israëlische tv-kijker de afgelopen dagen te horen kreeg in interviews. Eerst was daar Jörg Haider zelve. Hij vond dat de Israëliërs zich met hun eigen zaken moesten bemoeien. Hij was bereid advies te geven, want Israëls minister van buitenlandse zaken kan nog van hem leren als het gaat om de zorg voor de vrede.

Vervolgens kwam Peter Sichrovsky in beeld, een Oostenrijkse Joodse journalist, die ooit naam maakte met interviews met tweede generatie Oostenrijkse Joden en kinderen van nazi's. Sichrovsky, tegenwoordig FPÖ-lid en in Israël spottend 'hofjood van Haider' genoemd, vindt dat de Israëliërs zijn leider niet voor neo-nazi kunnen uitmaken. Haider groeide op in een nationaal-socialistisch gezin, maar „heeft een ontwikkeling doorgemaakt". De Israëlische interviewers begrepen hem niet, waarop Sichrovsky beloofde de zaak in Israël te komen uitleggen.

12 oktober 1999

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Austria



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Austria

Introduction

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Background: Once the center of power for the large Austro-Hungarian empire, Austria was reduced to a small republic after its defeat in World War I. After the annexation to Nazi Germany in 1938 and subsequent occupation by the victorious Allied powers, Austria's 1955 State Treaty declared the country "permanently neutral" as a condition of the Soviet military withdrawal. The Soviet collapse relieved the external pressure to remain unaligned, but neutrality had evolved into a part of Austrian cultural identity, which has led to an ongoing public debate over whether Vienna legitimately can remain outside of European security structures. A wealthy country, Austria joined the European Union in 1995 and, like many EU members, is adjusting to the new European currency and struggling with high unemployment.

Geography

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Location: Central Europe, north of Italy and Slovenia

Geographic coordinates: 47 20 N, 13 20 E

Map references: Europe

Area:

total: 83,858 sq km

land: 82,738 sq km

water: 1,120 sq km

Area-comparative: slightly smaller than Maine

Land boundaries:

total: 2,562 km

border countries: Czech Republic 362 km, Germany 784 km, Hungary 366 km, Italy 430 km, Liechtenstein 35 km, Slovakia 91 km, Slovenia 330 km, Switzerland 164 km

Coastline: 0 km (landlocked)

Maritime claims: none (landlocked)

Climate: temperate; continental, cloudy; cold winters with frequent rain in lowlands and snow in mountains; cool summers with occasional showers

Terrain: in the west and south mostly mountains (Alps); along the eastern and northern margins mostly flat or gently sloping

Elevation extremes:

lowest point: Neusiedler See 115 m

highest point: Grossglockner 3,797 m

Natural resources: iron ore, oil, timber, magnesite, lead, coal, lignite, copper, hydropower

Land use:

arable land: 17%
permanent crops: 1%
permanent pastures: 23%
forests and woodland: 39%
other: 20% (1996 est.)

Irrigated land: 40 sq km (1993 est.)

Natural hazards: NA

Environment-current issues: some forest degradation caused by air and soil pollution; soil pollution results from the use of agricultural chemicals; air pollution results from emissions by coal- and oil-fired power stations and industrial plants and from trucks transiting Austria between northern and southern Europe

Environment-international agreements:

party to: Air Pollution, Air Pollution-Nitrogen Oxides, Air Pollution-Sulphur 85, Air Pollution-Sulphur 94, Air Pollution-Volatile Organic Compounds, Antarctic Treaty, Biodiversity, Climate Change, Desertification, Endangered Species, Environmental Modification, Hazardous Wastes, Law of the Sea, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 83, Tropical Timber 94, Wetlands, Whaling

signed, but not ratified: Air Pollution-Persistent Organic Pollutants, Antarctic-Environmental Protocol, Climate Change-Kyoto Protocol

Geography-note: landlocked; strategic location at the crossroads of central Europe with many easily traversable Alpine passes and valleys; major river is the Danube; population is concentrated on eastern lowlands because of steep slopes, poor soils, and low temperatures elsewhere

People

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Population: 8,139,299 (July 1999 est.)

Age structure:

0-14 years: 17% (male 702,261; female 666,310)

15-64 years: 68% (male 2,792,484; female 2,713,397)

65 years and over: 15% (male 478,071; female 786,776) (1999 est.)

Population growth rate: 0.09% (1999 est.)

Birth rate: 9.62 births/1,000 population (1999 est.)

Death rate: 10.04 deaths/1,000 population (1999 est.)

Net migration rate: 1.32 migrant(s)/1,000 population (1999 est.)

Sex ratio:

at birth: 1.05 male(s)/female

under 15 years: 1.05 male(s)/female

15-64 years: 1.03 male(s)/female

65 years and over: 0.61 male(s)/female

total population: 0.95 male(s)/female (1999 est.)

Infant mortality rate: 5.1 deaths/1,000 live births (1999 est.)

Life expectancy at birth:

total population: 77.48 years

male: 74.31 years

female: 80.82 years (1999 est.)

Total fertility rate: 1.37 children born/woman (1999 est.)

Nationality:

noun: Austrian(s)

adjective: Austrian

Ethnic groups: German 99.4%, Croatian 0.3%, Slovene 0.2%, other 0.1%

Religions: Roman Catholic 78%, Protestant 5%, other 17%

Languages: German

Literacy:

definition: age 15 and over can read and write

total population: 99% (1974 est.)

male: NA%

female: NA%

Government

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Country name:

conventional long form: Republic of Austria

conventional short form: Austria

local long form: Republik Oesterreich

local short form: Oesterreich

Data code: AU

Government type: federal republic

Capital: Vienna

Administrative divisions: 9 states (bundeslaender, singular-bundesland); Burgenland, Kaernten, Niederoesterreich, Oberoesterreich, Salzburg, Steiermark, Tirol, Vorarlberg, Wien

Independence: 1156 (from Bavaria)

National holiday: National Day, 26 October (1955)

Constitution: 1920; revised 1929 (reinstated 1 May 1945)

Legal system: civil law system with Roman law origin; judicial review of legislative acts by the Constitutional Court; separate administrative and civil/penal supreme courts; has not accepted compulsory ICJ jurisdiction

Suffrage: 18 years of age; universal; compulsory for presidential elections

Executive branch:

chief of state: President Thomas KLESTIL (since 8 July 1992)

head of government: Chancellor Viktor KLIMA (since 28 January 1997); Vice Chancellor Wolfgang SCHUESSEL (since 22 April 1995)

cabinet: Council of Ministers chosen by the president on the advice of the chancellor

elections: president elected by popular vote for a six-year term; presidential election last held 19 April 1998 (next to be held in the spring of 2004); chancellor chosen by the president from the majority party in the National Council; vice chancellor chosen by the president on the advice of the chancellor

election results: Thomas KLESTIL reelected president; percent of vote-Thomas KLESTIL 63%, Gertraud KNOLL 14%, Heide SCHMIDT 11%, Richard LUGNER 10%, Karl NOWAK 2%

Legislative branch: bicameral Federal Assembly or Bundesversammlung consists of Federal Council or

Bundesrat (64 members; members represent each of the states on the basis of population, but with each state having at least three representatives; members serve a four- or six-year term) and the **National Council or Nationalrat** (183 seats; members elected by direct popular vote to serve four-year terms)
elections: National Council-last held 17 December 1995 (next to be held in the fall of 1999)
election results: National Council-percent of vote by party-SPOe 38.3%, OeVP 28.3%, FPOe 22.1%, LF 5.3%, Greens 4.6%, other 1.4%; seats by party-SPOe 71, OeVP 53, FPOe 40, LF 10, Greens 9

Judicial branch: Supreme Judicial Court or Oberster Gerichtshof; Administrative Court or Verwaltungsgerichtshof; Constitutional Court or Verfassungsgerichtshof

Political parties and leaders: Social Democratic Party of Austria or SPOe [Viktor KLIMA, chairman]; Austrian People's Party or OeVP [Wolfgang SCHUESSEL, chairman]; Freedom Party of Austria or FPOe [Joerg HAIDER, chairman]; Communist Party or KPOe [Walter BEIER, chairman]; The Greens or GA [Madeleine PETROVIC, parliamentary caucus floor leader and Alexander VAN DER BELLEN, party spokesman]; Liberal Forum or LF [Heide SCHMIDT]

Political pressure groups and leaders: Federal Chamber of Trade and Commerce; Austrian Trade Union Federation (primarily Socialist) or OeGB; three composite leagues of the Austrian People's Party or OeVP representing business, labor, and farmers; OeVP-oriented League of Austrian Industrialists or VOeI; Roman Catholic Church, including its chief lay organization, Catholic Action

International organization participation: AfDB, AsDB, Australia Group, BIS, BSEC (observer), CCC, CE, CEI, CERN, EAPC, EBRD, ECE, EIB, EMU, ESA, EU, FAO, G- 9, IADB, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IEA, IFAD, IFC, IFRC, ILO, IMF, IMO, Intelsat, Interpol, IOC, IOM, ISO, ITU, MINURSO, MTCR, NAM (guest), NEA, NSG, OAS (observer), OECD, OPCW, OSCE, PCA, PFP, UN, UNCTAD, UNDOF, UNESCO, UNFICYP, UNHCR, UNIDO, UNIKOM, UNITAR, UNMIBH, UNMOT, UNOMIG, UNTSO, UNU, UPU, WCL, WEU (observer), WFTU, WHO, WIPO, WMO, WToO, WTrO, ZC

Diplomatic representation in the US:

chief of mission: Ambassador Helmut TUERK

chancery: 3524 International Court NW, Washington, DC 20008-3035

telephone: [1] (202) 895-6700

FAX: [1] (202) 895-6750

consulate(s) general: Chicago, Los Angeles, and New York

Diplomatic representation from the US:

chief of mission: Ambassador Kathryn Walt HALL

embassy: Boltzmanngasse 16, A-1091, Vienna

mailing address: use embassy street address

telephone: [43] (1) 313-39

FAX: [43] (1) 310-0682

Flag description: three equal horizontal bands of red (top), white, and red

Economy

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Economy-overview: Austria has a well-developed market economy with a high standard of living. As a member of the European Monetary Union (EMU), Austria's economy is closely integrated with other EU member countries, especially with Germany. Austria's membership in the EU has drawn an influx of foreign investors attracted by Austria's access to the single European market. Through privatization efforts, the 1996-98 budget consolidation programs, and austerity measures, Austria brought its total public sector deficit down to 2.5% of GDP in 1997 and public debt-at 66% of GDP in 1997-more or less in line with the 60% of GDP required by the EU's Maastricht criteria. Cuts mainly affect the civil service and Austria's generous social system, the two major causes of the government deficit. To meet increased competition from both EU and Central European countries, Austria will need to emphasize knowledge-based sectors of the economy and deregulate the service sector, particularly telecommunications and energy. The strong GDP growth of 1998 is expected to dwindle back to 2.3% in 1999, and observers caution that this projection may be revised downwards in view of the Asian and Brazilian crises and Germany's lower growth projection.

GDP: purchasing power parity-\$184.5 billion (1998 est.)

GDP-real growth rate: 2.9% (1998 est.)

GDP-per capita: purchasing power parity-\$22,700 (1998 est.)

GDP-composition by sector:

agriculture: 1.4%

industry: 30.8%

services: 67.8% (1997 est.)

Population below poverty line: NA%

Inflation rate (consumer prices): 0.9% (1998)

Labor force: 3.7 million (1998)

Labor force-by occupation: services 67.7%, industry and crafts 29%, agriculture and forestry 0.7% (salaried employees, 1997 est.)

Unemployment rate: 7% (1999 est.)

Budget:

revenues: \$50.4 billion

expenditures: \$55.9 billion, including capital expenditures of \$NA (1998 est.)

Industries: construction, machinery, vehicles and parts, food, chemicals, lumber and wood processing, paper and paperboard, communications equipment, tourism (1997)

Industrial production growth rate: 4% (1998 est.)

Electricity-production: 52.15 billion kWh (1996)

Electricity-production by source:

fossil fuel: 34.4%

hydro: 65.6%

nuclear: 0%

other: 0% (1997)

Electricity-consumption: 56.1 billion kWh (1997)

Electricity-exports: 9.8 billion kWh (1997)

Electricity-imports: 9 billion kWh (1997)

Agriculture-products: grains, potatoes, sugar beets, wine, fruit; dairy products, cattle, pigs, poultry; lumber

Exports: \$62.5 billion (1998)

Exports-commodities: vehicles, machinery and equipment, paper and paperboard, metal goods, iron and steel, telecommunication equipment, textiles, medical and pharmaceutical products (1997)

Exports-partners: EU 62% (Germany 35.1%, Italy 8.3%), Central and Eastern Europe 17.6% (Hungary 4.9%), Japan 1.3%, US 3.7% (1997)

Imports: \$65.8 billion (1998)

Imports-commodities: vehicles, machinery and equipment, apparel, metal goods, oil and oil products, office and data-processing machinery, medical and pharmaceutical products, telecommunication equipment, textiles (1997)

Imports-partners: EU 68.9% (Germany 41.7%, Italy 8%), Central and Eastern Europe 11% (Hungary 3.1%), Asia 7.1% (Japan 2.2%), US 5.4% (1997)

Debt-external: \$24.33 billion (1997)

Economic aid-donor: ODA, \$513 million (1997); of which, bilateral \$298 million, multilateral \$215 million

Currency: 1 Austrian schilling (AS) = 100 groschen

Exchange rates: Austrian schillings (AS) per US\$1-11.86 (January 1999), 12.379 (1998), 12.204 (1997), 10.587 (1996), 10.081 (1995), 11.422 (1994)

note: on 9 January 1999, the European Union introduced a common currency that is now being used by financial institutions in some member countries at the rate of 0.8597 euros per US\$ and a fixed rate of 13.7603 Austrian shillings per euro; the euro will replace the local currency in consenting countries for all transactions in 2002

Fiscal year: calendar year

Communications

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Telephones: 3.47 million (1986 est.)

Telephone system:

domestic: highly developed and efficient

international: satellite earth stations-2 Intelsat (1 Atlantic Ocean and 1 Indian Ocean) and 2 Eutelsat

Radio broadcast stations: AM 1, FM 61 (several hundred repeaters), shortwave 1 (Austria's single shortwave station, Radio Austria International, transmits its programs to the world in six languages using 12 frequencies and six communication satellite relays) (1998)

Radios: 70% of all households had radios according to the 1993 census

Television broadcast stations: 51 (in addition, there are 920 repeaters) (1998)

Televisions: 2,418,584 (1984 est.)

Transportation

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Railways:

total: 5,849 km (there is also 594 km of private tracks)

standard gauge: 5,470 km 1.435-m gauge (3,418 km electrified)

narrow gauge: 379 km 1.000-m and 0.760-m gauge (84 km electrified) (1997)

Highways: 129,061 km

paved: 129,061 km (including 1,613 km of expressways)

unpaved: 0 km (1997 est.)

Waterways: 358 km (1997)

Pipelines: crude oil 777 km; natural gas 840 km (1997)

Ports and harbors: Linz, Vienna, Enns, Krems

Merchant marine:

total: 22 ships (1,000 GRT or over) totaling 67,066 GRT/95,693 DWT

ships by type: bulk 1, cargo 18, combination bulk 2, container 1 (1998 est.)

Airports: 55 (1998 est.)

Airports-with paved runways:

total: 22

over 3,047 m: 1

2,438 to 3,047 m: 5

1,524 to 2,437 m: 1

914 to 1,523 m: 3

under 914 m: 12 (1998 est.)

Airports-with unpaved runways:

total: 33

914 to 1,523 m: 4

under 914 m: 29 (1998 est.)

Heliports: 1 (1998 est.)

Military

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Military branches: Army (includes Flying Division)

Military manpower-military age: 19 years of age

Military manpower-availability:
males age 15-49: 2,091,902 (1999 est.)

Military manpower-fit for military service:
males age 15-49: 1,735,469 (1999 est.)

Military manpower-reaching military age annually:
males: 48,872 (1999 est.)

Military expenditures-dollar figure: \$1.8 billion (1999 est.)

Military expenditures-percent of GDP: 0.82% (1999 est.)

Transnational Issues

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Disputes-international: none

Illicit drugs: transshipment point for Southwest Asian heroin and South American cocaine destined for Western Europe

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Anti-Semitism Worldwide 1997/8

AUSTRIA

*A survey carried out in 1997 revealed that Austria had one of the highest levels of racism in the European Union. The Austrian Freedom Party continued to register electoral successes and its leader, Jörg Haider, declared his intention to run for chancellor in 1999. Only a few violent anti-Semitic incidents were registered. However, it seems that not all anti-Semitic incidents are reported to the authorities or by the press. Many racist and anti-Semitic publications continued to appear regularly. An article in the new weekly *Zur Zeit* revived an old anti-Semitic blood libel.*

JEWISH COMMUNITY

The majority of Austria's 10,000 Jewish citizens live in Vienna. Although only 0.1 percent of Austria's population of 8 million, the Jewish community' has a rich cultural life, which is reflected, *inter alia*, in the many periodicals appearing in Vienna, including *Gemeinde* and *Illustrierte Welt*. The Bundesverband der Israelitischen Kultusgemeinden (Union of Jewish Communities) is the umbrella organization of Austrian Jews.

EXTREMIST MOVEMENTS AND HATE GROUPS

According to Eurostat, the European Office of Statistics, increasing racism and xenophobia in contemporary Europe may partly be attributed to the high rate of unemployment. However this is not true of Austria. The country has the second lowest unemployment rate (after Luxembourg) in the European Union (EU), but racism, xenophobia and anti-Semitism are widespread. In fact, a survey carried out in 1997 by Eurostat and the Gallup Institute revealed that Austria had one of the highest levels of racism in the EU.

Extreme Right-Wing Political Parties

Since becoming party chairman in 1986, Jörg Haider has turned the **Freiheitliche Partei Österreichs** (Austrian Freedom Party -- FPÖ) into the most powerful and successful extreme right-wing party in Western Europe. With 40 deputies in the Austrian parliament and 6 in the European Parliament, the FPÖ continues to register electoral successes. At the end of January 1998, for example, it emerged as the sole winner of the elections in Graz, capturing 16 seats on the district council of Austria's second largest town.

Today, the FPÖ, whose leader is considered by 40 percent of the population to be a neo-fascist and who, according to a decision of Austria's High Court, may be called "the political foster father and ideologist of extreme right-wing terror," represents one-third of the Austrian population. Declaring as his goal in 1999 the chancellery and the establishment of what he calls the Third Republic, Haider introduced several fundamental changes into the FPÖ political program during the party's convention in Linz, on October 30. When, for electoral purposes, he proposed a policy of rapprochement with the church as well as abrogation of pro-German nationalist policies, he was sharply criticized by opponents within the party. The publication of

Haider's book, *Befreite Zukunft, jenseits von links und rechts* (Liberated Future beyond Left and Right) must also be seen as part of his effort to gain national as well as international respectability. Another example of these endeavors is his employment of a token Jew, the controversial Jewish writer Peter Sichrovsky, who organizes Haider's public relations in the US, and represents the FPÖ in the European Parliament.

In an attempt to portray himself as the defender of those concerned about the impact of the euro (the European currency) (on the employment situation and on purchasing power, Haider initiated a petition, between November 24 and December 1, demanding that a referendum be held on the introduction of the euro into Austria. This was in spite of the fact that the government had rejected the idea of holding a referendum, because it had already decided that Austria would become one of the pioneers and supporters of the euro. According to Haider, Austria should consider exchanging the schilling for the euro only after the planned EU currency proved to be stable, as Austria has a strong currency to defend. Only 254,077 people signed the petition, 4.4 percent of those entitled to vote in Austria.

Although Haider tried to mask the links of some party members with neo-Nazi activists, he was not able to prevent them from becoming public knowledge. For example, it was disclosed in early 1997 that FPÖ member Rene Schimanek, brother of the imprisoned neo-Nazi activist Jorg Schimanek, was deeply involved in the paramilitary neo-Nazi organization **Kameradschaft Langenlois**, founded in 1986 by his brother.

Extra-parliamentary Right-Wing Groups

Thousands of skinheads and militant neo-Nazis are active in groups and organizations that are considered dangerous to democracy in Austria (see *ASW 1996/7*). The banned **Volkstreue Ausserparlamentarische Opposition** (Ethnically Loyal Extra-parliamentary Opposition -- VAPO), the umbrella organization for many such groups, is still active underground, although its leaders are imprisoned.

Neo-Nazi support groups, such as **Nationalfreiheitliche Gefangenenhilfe** (National Freedom Aid for Prisoners) and **Forum für ein humanes und demokratisches Strafrecht und zur Erhaltung der Menschenrechte** (Forum for a Human and Democratic Penal Code and for the Defense of Human Rights -- FSM) continued their advisory work for Holocaust deniers and provided a cadre for neo-Nazi activities.

Several Austrian student organizations harbor racist and anti-Semitic sentiments. The **Österreichischer Kameradschaftsbund** (Austrian Comrades League) and **Österreichischer Turnerbund** (Austrian Gymnastics Association -- ÖTB) are the largest extreme right student associations. Anti-Semitic and Holocaust denial propaganda can often be found in *Der Kamerad* (The Comrade), published by the Austrian Comrades League, as well as in *Bundesturnzeitung*, of the Austrian Gymnastics Association. It should be noted that these organizations maintain links with like-minded groups in Germany. The Viennese radical right-wing student fraternity **Olympia**, for example, took over the presidency of the 20,000-member umbrella organization **Deutsche Burschenschaft** (German Student Fraternity -- DB), in 1997.

ANTI-SEMITIC ACTIVITIES

Violence, Vandalism, Threats and Insults

As in previous years only a few violent incidents were reported to the authorities or by the press, and only a few events become public. Nevertheless, three Jewish cemetery desecrations were recorded in 1997: in

Klagenfurth, St. Ruprecht, in March; in Matersburg, in April; and the small Jewish cemetery in Gmunden, in July. In addition, two bomb threats were received in October by Jewish institutions in Vienna. The anti-Semitic experience of a group of Italian Jews visiting Austria in August aroused public opinion. The tourists left their hotel and the country after the innkeeper shouted anti-Semitic insults and physically assaulted two of them.

Propaganda and Holocaust Denial

Racist and anti-Semitic publications such as *AFP-Information*, *Albus* (of the NSDAP section of Austria), *Braunauer Ausblick*, *Der Volkstreue* and *Halt*, continue to be distributed in Austria. The **Deutsch-Österreichisches Institut für Zeitgeschichte** (German-Austrian Institute for Contemporary History -- DÖIZ), headed by Walter Ochensberger, and the publishing house **Volkssturm**, owned by the Viennese FPÖ representative Helmut Kowarik, are the main distributors of Holocaust denial and anti-Semitic works in Austria today.

October 1997 marked the first appearance of the weekly *Zur Zeit*, of former FPÖ ideologue Andreas Mölzer. On December 5, a furor arose after it published an article by Prof. Robert Prantner reviving a ritual murder charge, and, indirectly, Jewish guilt for the death of Jesus. Prantner, a lecturer at the Heiligenkreuz Theological Academy, invoked the two main motifs of Christian anti-Semitism, ritual murder and deicide. The murder charge in question is connected to the Anderl von Rinn cult, which has been maintained in Austria since the 17th century when Jews were accused of the ritual murder of an Austrian boy, Anderl from Rinn. Although the pilgrimage to Anderl's birthplace was officially banned in 1985, and both the bishop of Innsbruck, Rein Stecher, and the Vatican issued a decree declaring that there had never been a ritual murder, the tradition has continued.

An anti-Semitic article, published in July 1997 in the monthly *Wiener*, by Thomas Köpf and editor Wolfgang Höllriegl, was directed against the Jewish community. As a result, *Wiener* was condemned by the Presserat (press association).

A book by Thomas Brezina, author of children's fiction, aroused protests because of its *Stürmer*-like illustrations by Robert Rottensteiner. The illustrations were eventually replaced.

During the month of November 1997, various pamphlets, such as "Huttenbriefe," as well as books with anti-Semitic and anti-democratic content, were distributed in Graz schools by sham organizations such as the **Institut für Geisteswissenschaftliche Didaktik** or **Steirische Kulturinitiative**. The **Presseclub Concordia**, the union of Austrian journalists, announced in its newsletter the release of Ernst Bauer's book, *Das Waldheim Komplott. Eine politische Sittengeschichte*, which depicts the Waldheim affair (see previous reports) as a conspiracy of the World Jewish Congress. The book is published by the **Ibera Verlag** in Vienna.

As in previous years, anti-Semitic propaganda in 1997 was mainly disseminated by the extreme right-wing media and through the Internet. Frank Swoboda and Peter Kurt Weiss continued to be the main operators in this field. The Ministry of Justice has been conducting investigations to decide whether the distribution of anti-Semitic materials through the Internet constituted an infringement of the criminal code. The most virulently anti-Semitic homepage of Austrian neo-Nazis is called **Bürgerschutz** (Citizens' Defense), operated by Weiss and Swoboda.

ATTITUDES TOWARD THE HOLOCAUST AND THE NAZI ERA

The exhibition "War of Extermination -- Crimes of the Wehrmacht 1941-1945" has been touring Austria since 1995. It should be borne in mind that tens of thousands of Austrians served in Hitler's Wehrmacht between 1939 and 1945. Public interest has been overwhelming and the exhibition has stimulated a wide public discourse.

As in Germany, the choice of site for erecting a Holocaust memorial to the 65,000 Austrian Jews murdered by the Nazis continued to be the subject of a public debate. This followed the discovery of remnants of the medieval Jewish community at the Judenplatz in Vienna, originally selected as the site.

RESPONSES TO EXTREMISM AND ANTI-SEMITISM

Although the Austrian authorities as well as concerned citizens invested efforts in the struggle against militant neo-Nazi groups, the establishment's attitude toward the extreme right, especially toward legal groups, appears to be equivocal and right-wing extremism is sometimes quietly accepted. For example, the head of Municipal Office 62, Hans Werner Sokop, responsible for residence permits for foreigners in Vienna, attracted attention because of his racist and anti-Semitic poems as well as his harassment of foreigners. In summer 1997 there were attempts to dismiss Sokop, which failed due to the lack of support from city councilors. Further, FPÖ member Walter Howadt has become the new Austrian ambassador in Pakistan, despite his repeated racist remarks.

Court Cases and Legal Proceedings

The suspected perpetrator of a series of bomb attacks that caused much harm in Austria from 1993 was arrested by chance in October 1997 (see previous reports).

During 1997 several activists of the militant neo-Nazi VAPO were found guilty of plotting to abolish the democratic system and replace it with a Nazi dictatorship, with Austria annexed to a Greater German Reich. They were given suspended sentences ranging from four to eight months. In addition, Herbert Schweiger, former Waffen SS member and publisher of the book *Evolution und Wissen. Neuordnung der Politik.* (Evolution and Knowledge. The New Political Order) was sentenced to 15 months imprisonment for neo-Nazi activities and publications.

A court case that aroused much interest in Austria was the suit filed by the film maker Andreas Gruber, against Helmuth Jossek, an FPÖ district councilor in Wels. Jossek called Gruber a *Volksschädling* (people pest) and *Stadtschädling* (town pest) after the latter described in his film *Hasenjagd* the escape of Soviet war prisoners from the Mauthausen concentration camp in early 1945. Gruber instituted proceedings against Jossek on the grounds that these expressions were part of the terminology of the Nazi regime.

Official and Public Action

Since October 1997 the Interior Ministry has been operating a site on its official Internet home page, where the public can report incidents of *NS-Wiederbetätigung* (revival of Nazism), meaning right-wing extremism, xenophobia and anti-Semitism. This may prove to be an important means to monitor and control hate crimes

in Austria.

The Stiftung Dokumentationsarchiv des Österreichischen Widerstandes, which monitors racist, extreme right and neo-Nazi propaganda on the Internet published in 1997 the book *Das Netz Des Hasses* (The Hate Net).

In summer 1997, the Anti-Defamation League opened a regional office for Middle and Eastern Europe in Vienna.

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Heil Haider! The Revitalization of the Austrian Freedom Party since 1986. *Politics and Society in Germany, Austrian and Switzerland*, vol. 4, nr. 3 (Summer, 1992), pp. 18-47.

by

Max Riedlsperger

Introduction On September 22, 1986 the Austrian newsmagazine profil carried a cartoon showing the newly elected chairman of the Austrian Freedom Party (FPÖ), Jörg Haider, in Carinthian folk dress, standing before a painting showing another, brown-shirted Haider wearing a red armband with a partially obscured, but seemingly recognizable black insignia on a circular white field. Brownshirt Haider is shown strangling his liberal predecessor, Norbert Steger, representing at least the cartoonist's interpretation of the significance of Haider's defeat of Steger for the leadership of the party the week before.

Two months later, on November 23, Austrian voters handed both major political parties stunning losses in parliamentary elections and increased the FPÖ's representation in the Nationalrat by half. Since then Chairman Haider has led his party to an unbroken string of victories in every state parliament (Landtag) election and in October of 1990 improved its 1986 parliamentary result by 60 per cent with a 16.6 per cent share of the vote. In June, 1991 Haider, then Governor of Carinthia, again roused charges of pro-Nazi sentiment with a remark widely portrayed as glorifying the Third Reich, yet ten days later his FPÖ again improved its voter share in a state election in Burgenland.

Since its founding in 1956, primarily by repentant former National Socialists, the FPÖ has been largely disdained by the major parties and has been imputed with right-radical, German-nationalist sentiment to such a degree that many observers, both domestic and foreign, can only see the sky-blue of its banner through a fifty-year old brown reform haze. The view cleared somewhat under the party's liberal course from the late 60's until 1986, but settled in again under the influence of Chairman Haider's pandering to German-nationalist sentiment in the debate over bi-lingual education in his adopted state of Carinthia and because of his unabashed reemphasis of the FPÖ programmatic assertion that '. . . by far the overwhelming majority of Austrians belong to the German ethnic and cultural community'. Indeed, an article by Hans-Georg Betz on the German Republikaner in an earlier issue of this journal cited the FPÖ as an example of ". . . a rising tide of right-wing radical parties in Western Europe" and Haider has been widely portrayed as almost a son of Hitler. If the dramatic increase in electoral support for the FPÖ were indeed the result of a resurgence of right-radical German-nationalism then there would be cause for concern.

It is, however, the contention of this paper that the electoral upsurge of the FPÖ has not primarily been the result of a resurrection of neo-nazistic, pan-German sentiment, nor do its voters have much in common with the minimally educated, anti-modernist, anti-western constituency of the Republikaner. To some degree the FPÖ's success is attributable to its exploitation of typical conservative law and order and anti-

foreigner sentiment and its emphasis on traditional moral values and national identity as cited by Betz as characteristic of right-wing radical parties elsewhere. On the other hand, its neo-liberal, anti-statist stance causes the neo-Nazis, with their totalitarian inclinations, to disdain it as "national-liberal." Also, unlike the parties usually cited as part of the right-radical resurgence, neither the FPÖ nor its message is new. It is only eleven years younger than the majority parties it likes to call 'old' and its roots in the revolution of 1848 are even older than those of the Socialist, now Socialdemocratic Party (SPÖ) and the conservative Peoples' Party (ÖVP). Only its emergence as a middle-sized party of political significance is new and the fundamental reason for the breakthrough of the past five years lies not in any shift to the right in the party's ideology, nor in any radicalization of the Austrian electorate. The answer rather, is to be found in the accelerated breakdown of Austria's historic political camps (Lager) and in the new possibilities for an opposition party to capture the newly mobile voters. Disaffection with the established Lager-parties has long been apparent in opinion research, but the trend was manifested in voter behavior only after Haider's election as Chairman of the FPÖ triggered a return, after twenty years, to government by coalition of the two major parties after the parliamentary election of 1986. In a post-modernist environment marked by frustration with and anger against expensive, scandal-ridden big government, the FPÖ became the natural recipient of the votes of an increasingly independent electorate. Haider's image as a German-nationalist has made his party's success appear to be part of a Europe-wide, right-wing resurgence, obscuring the real reason for its new political significance that lies in the shift of Austria from what has been called a 'two-and-a-half' party system to a three- or multiple-party system. This is not to deny the important role Haider has played in making his party the alternative of choice for protest voters. His youthful, athletic good looks and aggressive, one-line attacks on the 'worn-out' politics of the established 'old parties' work well in an age of politics dictated by headlines and sound bytes and appeal to a modern, not historic populist sentiment, with just enough German-national rhetoric to hold the nostalgic vote.

Lager Theory and the Founding of the 'Third Force'

The political Lager, whose disintegration have made the recent emergence of the FPÖ possible, were first conceptualized for the Second Republic in 1954 by historian Adam Wandruszka to explain why Austria, despite the dramatic impact of rapid modernization and retarded social homogenization, remained politically stable. The answer, he postulated, lay in the fact that the heterogeneous elements of a still substantially pre-modern society had, during the last half of the nineteenth century, been assimilated into three 'naturally- or divinely-willed' Lager which were able to provide the unity necessary to a society in the process of rapid change. The military implication of the term Lager was thoroughly appropriate to describe the division and ultimately tri-polarization of the political culture into ideologically rigid, mutually hostile, and by the 1930's, armed camps. At the time of his seminal publication, Wandruszka intended to illustrate a continuity of the parties of the nascent Second Republic with the democracy that had been tenuously established in 1918 and then violently interrupted, first by 'clerical fascism' in 1934 and then by Anschluß to the Third Reich in 1938. The difference after 1945 was that the elites of Catholic-conservative and the Socialist Lager had learned through bitter experience the folly of ideological intransigence and instead founded the Second Republic on the basis of a 'social partnership'. Under the system of Proporz designed to cement this relationship

the Peoples' Party and the Socialist Party divided posts in the government, the bureaucracy and public agencies of the economy between them in proportion to their representation in parliament (Proporz). This provided for a division of power and the capacity for each party to serve in a control capacity on the other. Decisions were made behind the closed doors of the coalitions committees and parliament was a meaningless debating society where votes were predetermined and parties voted as a block. Its critics called the system a Demokatur (a combination of German words for democracy and dictatorship) which was democratic only by virtue of the fact that the proportional representation of the elites running it was determined by election.

Subsequent cross-national studies of comparable political systems have come to place this system in the category of consociational democracies in which elites engage in horizontal political cooperation between the Lager while exploiting class ideological hostilities to rally the party faithful within their respective, vertically integrated pillars of society. In Austria, the lingering memories of the civil war mentality that had destroyed the First Republic forced the Peoples Party and the Socialist Party to cooperate in coalition governments for over twenty years for fear of what single-party rule might bring. Unlike consociational democracies elsewhere in Europe, that fear forced Austria into a bi-polar structure because neither coalition partner could tolerate the emergence of an opposition party that might conceivably coalesce with one against the other. 'For decades', Pelinka explains,

- the Austrian Second Republic possessed no culture of opposition. Parliamentary opposition as an anti-thesis to the system-destroying fundamental conflict between the two ideological-political Lager of the First Republic hardly existed, nor was there any payoff in this system. There was only a bonus for being in the government-- a bonus for the opposition was a strikingly un-Austrian phenomenon.

In this context, an oppositional culture should be understood as the acceptance of oppositional behavior in parliament. The lack of this oppositional culture is expressed in a generally internalized inclination to value political yea-saying more than nay-saying. The long-retarded onset of parliamentarianism in Austria and the consociational democracy installed in 1945 to overcome the trauma of the civil war of 1934 can be posited as the most important factors in explaining this lack of a culture of opposition.

It was precisely this lack of an opposition that, according to Fritzl and Uitz, motivated Wandruszka to devise his concept of the Lager as a means of legitimating the reestablishment of a 'third force' linked by historical continuity to the national-liberal parties of the Monarchy and the First Republic. What Wandruszka saw in government by Proporz after 1945 was not a concerted effort to rebuild the state and the society from the ground up, but rather a selfish struggle to secure sinecures for the party faithful. He hoped that the 'League of Independents' (Verband der Unabhängigen: VdU), founded in 1949, would serve as a 'Third Force' to serve as a 'balance on the political scale' between the Socialist left and the Catholic-conservative right as had the national-liberal parties in the early years of the First

Republic.

Historically, the national-liberal Lager had its origin in the revolution of 1848 when German-Austrian liberals hoped to bring at least the western part of the Empire into a united Großdeutschland. The failure of that revolution, the conservative unification of Germany in 1871, the shock of the Vienna stock market crash of 1873 and the realities of trying to make an economically backward country competitive in the increasingly integrated, capitalistic world market caused them to retreat from a liberalism that was substantially identified with ruthless capitalism, profiteering and disdain for the economic and social needs of the masses. They retained the traditional liberal emphasis on individual achievement, freedom of expression and resistance to the overwhelming role of the Catholic Church and became increasingly strident proponents of Anschluß to Germany leading many into the Nazi movement in the inter-war years. Initially, after the Second World War, the national-liberal Lager appeared politically bankrupt. Economic liberalism seemed anachronistic in the face of the massive need for state involvement in the reconstruction of the country. The decreasingly ideological Socialist Party came to represent social liberalism and the Peoples' Party the interests of property and bourgeois capital. German-nationalism was utterly discredited by its association with Nazism. What the human remnants of the national-liberal Lager most needed was integration into the new democratic society. Had the parties that made up the governing coalition been able to escape the past and trust each other as well make their peace with the former German-Nationals, it is possible that the Lager might never have revived. Indeed, when the third party movement emerged, it grew, not out of a desire to reestablish a Lager party in the classic sense, but rather as a protest against the coalition and its clumsy handling of de-Nazification from marginally incriminated, reenfranchised former Nazis, unincriminated bourgeoisie and farmers, veterans and immigrant ethnic Germans from the east. Public opinion polls by the Austrian Research Institute showing as much as thirty per cent of the electorate uncommitted to either of the Lager-based major parties, led its director, Herbert Kraus, to try and build a centrist, reform party free from the Lager mentality of the past. In 1949, Kraus who was totally free of any ties to the National Socialist regime and Viktor Reimann, who had been a political prisoner of the Third Reich, founded the VdU with the intention of creating a liberal, third-party alternative to the Demokatur of government by Proporz. In the 1949 parliamentary election, it parlayed this dissatisfaction into what was, until the FPÖ success of 1990, the largest voter share for a third party in the history of the Third Republic. Its elected representatives entered parliament hopeful of breaching the Proporz and democratizing the parliament by providing an alternative partner for either of the major parties. Instead, the prospect of a small coalition of the VdU with either of the major parties so terrified the coalition leaders, that their commitment to the antagonistic collaboration of consociational democracy was only strengthened. Austrian political culture was still too fragmented and democracy too alien to permit the kind of openness that shifting coalitions would have brought. The VdU was treated as a Nazi party reincarnate and consigned to the right bank of benches in the parliament and the right wing of the political spectrum in the minds of most Austrians. Robbed of the possibility of realizing its reform program, the VdU lost many of its supporters, who, after all, needed the benefits that only a governing party could give them. After an attempt by the party's right wing to transform it into a German-national party failed, it fused with the movement forming around former National Socialist Agriculture Minister Anton Reinthaller to found the FPÖ in 1956.

Out of the Ghetto of the German-national Lager

In contrast to the VdU, the FPÖ was, at the time of its founding, little more than a vehicle for ex-Nazis to reintegrate themselves into Austrian politics and revive the old German-national Lager. Reinthaller, however, died less than two years after its founding and under the unlikely leadership of his successor, former Waffen-SS officer Friedrich Peter, the FPÖ began its evolution towards becoming a party of the present, not the past. As it turned out, Peter was the ideal choice for Chairman. As a former soldier for the German, albeit National Socialist nation he held the respect of the German-Nationals and the war veterans. As a pragmatist, however, he soon recognized that German-nationalism had been invalidated through its association with Nazism and committed himself ' . . . to again pick up the thread of that which in Austria was broken at the end of the last century-- namely the further development of liberalism'. Although retaining the identification of Austria as a member of the German ethnic and cultural community as a link with its Lager past, the party set about establishing a new profile. Barred from significance in the parliament by the consociational tactics of the coalition, the FPÖ sought to establish itself in the public mind as the watchdog of the people against the machinations of the coalition. Its style was loudly oppositional as was evidenced in its early support for European unity and its criticism of the coalition's decision to join EFTA rather than the Common Market. Additionally, it attempted to awaken populist protest with a running commentary on corruption and scandal in government, demands for privatization of the bloated socialized sector of the economy and advocacy of increased freedom for private initiative. It mounted campaigns for the implementation of an official, secret ballot, proportionally representative electoral districts, depoliticization of the electronic media and the adoption of the ombudsman system to name a few. Although the ultimate realization of many of these demands may vindicate the party in retrospect, at the time, the exclusionary politics of the Proporz prevented the FPÖ from becoming anything more than the fraction in the 'two-and-a-half-party system.'

By the 1960's however, the coalition began to show the strains of the constant compromise necessary to hold it together. Both major parties secretly courted the FPÖ in case a small coalition should become necessary. In 1963, the end of consociational politics was presaged when the SPÖ, for the first time, broke with the practice under which the members of parliament of the coalition parties voted as a block and joined the FPÖ in opposing an ÖVP proposal to permit the return of Otto von Habsburg to Austria. The FPÖ naturally hoped that this would lead to a small coalition government with the SPÖ that would end its years in isolation, but a lack of faith in the stability of democracy and the the continued antipathy of many in both parties for the putatively right-extremist FPÖ combined to force them back together again.

If the elites of both coalition parties were still wary of a situation that might place the one of them in opposition and continued to rely on Lager-style electioneering to recruit the party faithful, twenty years of political stability and rising prosperity had erased the fears of the voters. In 1966 they voted a majority to the Peoples' Party making possible the first single-party government in the history of the Second Republic. Polls, testing voter consistency in the seven year period immediately thereafter, permit the conclusion that the decisive source of votes upon which that

victory was built was not the 26 per cent of the electorate that still identified with the Lager then represented by the ÖVP, but rather the reservoir of voters uncommitted to either Lager that VdU-founder Herbert Kraus had indentified two decades before. By 1970, the identification of single-party rule with civil war had faded and both Catholicism and Marxism had sufficiently declined so as to make it possible for Bruno Kreisky tap this same reservoir of uncommitted voters and permit his SPÖ to govern alone for the next thirteen years. Building on the 33 per cent of the electorate the Socialist Lager still commanded, Kreisky refashioned the SPÖ as a majority, 'catch-all' party and in the process put Austria on the road from a consociational to a centripetal democracy. Similarly, in the mid-1960's the ÖVP moved to deemphasize its confessional origins, portraying itself as the party of 'technocratic conservatism' and after 1972 as a party of '"progressive" Catholicism with open borders to other humanistic positions' in order to court the decreasingly ideological, post-industrial middle-classes. By the mid-1980's, shifting party loyalties and latent alienation had become the dominant factors in electoral behavior.

This deconcentration of the Lager-based party system became apparent however, only in the parliamentary election of 1986 and its aftermath. Even six months before, an IFES poll found no reason to indicate that what had been thought to be a trend towards a two-party system would not continue. Indeed 73 per cent of Socialists and 75 per cent of Catholic-conservatives polled identified themselves with the Lager of their parents, while only 33 per cent of those raised in German-nationalist homes indicated a preference for the FPÖ. This caused political scientist Anton Pelinka to conclude that, '. . . this Lager is hardly still in the position to reproduce itself. The German-national Lager is coming to such a point where it is hardly sufficient to insure a stable foundation for even a small party for the long run'.

The 1986 FPÖ upsurge thus caught everyone by surprise. An analysis of this election is not within the scope of this paper, however a few facts should illustrate its significance as the effective end of Lager voting. First of all, Traar and Birk found that the decision whether to vote for the SPÖ or the ÖVP was primarily determined by materialistic concerns; of only secondary importance were social factors and ideological factors were insignificant. For FPÖ voters, personalities were the decisive factor, with the drop to 1 per cent in sympathy polls in the summer before the election tied directly to the decline in the popularity of Federal Chairman, Dr. Steger and the rise to almost 10 per cent by election day to '. . . hopes for a new, more successful course' under the new Chairman Haider. Plasser, Ulram and Grausgruber found 'negative voting' and the candidates, above all the personality of Haider, to have been the overwhelming determinants in the choice of voters for the FPÖ in the 1986 election. Ties to or identification with the party were of no significance and issues even had a negative correlation. The total absence of German-nationalist tones from the FPÖ campaign, the high degree of voter mobility, the relative youth of FPÖ voters and the fact that 27 per cent of the FPÖ voters had switched over from the ÖVP and 23 per cent from SPÖ repudiate assumptions that FPÖ victory was part of a general, western European rise in extreme right-wing nationalism. In response to belabored efforts, primarily by the SPÖ, to tar the Haider-led FPÖ as a neo-Nazi party, Die Presse caustically observed that these results '. . . may even force the foreign media to think again. No rational person could believe that disciplined comrades had become unreconcilable Nazis overnight.'

The 1986 election was not politically realigning in the sense that the relative order of the parties according to size was affected. The changes within the FPÖ and its increased strength in parliament did, however, cause a restructuring of the government. The SPÖ retained its plurality, but chose to coalesce with the ÖVP rather than continue governing with the, now, Haider-led FPÖ. Haider defiantly took the FPÖ into opposition and, in a political culture decidedly different from that at the time of its founding, led it to a string of election victories that has, at least for the moment, made it an alternative for many to the historic major parties. This electoral upsurge has been closely identified with the person of Haider since it is totally congruent with his leadership of the party. Critics are almost obsessed with Haider and seek evidence in his speeches and writings of racism, anti-semitism, pro-Nazi nostalgia and fascistic sentiments and see dark significance in the steadily rising FPÖ public popularity. Likewise, FPÖ publicity excessively personalizes its recent political good fortune, portraying Haider as almost a political Siegfried, single-handedly slaying corrupt, old dragons labeled ÖVP and SPÖ.

What these excessively personalized perceptions of the recent FPÖ successes ignore is the deconcentration of the party system that made them possible. For years, the dominance of Chancellor Kreisky and the lack of an attractive alternative masked the decline of the Lager. Since 1983 however, the unpopularity of the coalition of Kreisky's successor, the scandal-plagued Fred Sinowatz, with the FPÖ led by neo-liberal Norbert Steger, whom the opinion-making Viennese newsmagazine profil liked to call 'the stumbler', and the reconsolidation of the SPÖ-ÖVP coalition in 1987 have combined to make voters susceptible to the neo-populist politics of protest. According Plasser and Ulram,

- In order for the latent mode of protest to be translated into active protest voting and for citizens annoyed with the parties to be turned into 'anti-party' and 'send-them-a-message' voters, a crystallization point was necessary, a political actor, such as when Jörg Haider and the FPÖ that he put on a neo-populist course stepped on the stage. What is characteristic (and also productive) in this has been less the German-national elements and . . . those associated with right-radical movements. [More important has been] . . . the capacity to encompass the broadly-based anger of the voters and to concentrate their protest stance as a possible alternative in the person of an accountable, charismatic leader.

While the Greens have also emerged in the past five years as a protest party of some significance, it has been the FPÖ that has been the principal beneficiary of these phenomena.

the 1990 parliamentary election will illustrate the decline of the Lager and the emergence of a new political culture that now gives a 'bonus' to the opposition rather than to the traditionally governing major parties. To counter this trend, the major parties have sought to take advantage of the high name-recognition of their state and federal government leaders and market them as personalities in campaigns that have little to do with issues and virtually nothing to do with the ideologies that A survey of these state elections and a brief analysis of shaped the Lager from which they

originally emerged.

While the political system had been experiencing a quiet deconcentration for some time, it was the return in 1987 to government by major party coalition that gave the FPÖ behind the pugnacious leadership of Jörg Haider, the 'opposition bonus' that has permitted it to emerge as a middle-sized party.

Another factor that can only be mentioned here, but which is of enormous significance in the emergence of the FPÖ as a viable choice for middle-class voters, is the parallel decline of the ÖVP, due in part to its structural obsolescence in a post-industrial society, its obstinate support of the presidential candidacy and presidency of Kurt Waldheim and its own inability to find a personality with a strong enough image to lead the party in competition with the attractive Socialist Chancellor, Franz Vranitzky and the FPÖ media-star, Jörg Haider. It remains to be seen whether its new Chairman, Eduard Busek, the third since the reestablishment of the ÖVP coalition with the SPÖ in 1987, can reverse what appears to be a dissolution into its increasingly incompatible component parts.

1986-1990: The Transition into a Mittelpartei? The first of the state elections that has revealed the deconcentration of the political system came in eastern Austria not quite a year after the revitalization of the FPÖ in the 1986. In Burgenland, where the SPÖ had governed alone since 1945, the FPÖ had averaged a bare 3.08 per cent of the vote since its founding and stood before the question whether it 'could manage a return to the Landtag' after a decade of being unrepresented. The major campaign tactic was a two-pronged assault on the entrenched SPÖ's federal and state policies. In this traditionally agricultural hinterland between Vienna and the Hungarian border the potential for a large protest vote was significant. The year before, farmers had mounted a tractor blockade in Vienna to demonstrate against the federal agricultural policy of the Socialists. In its election campaign, the FPÖ the appealed for farmers to demonstrate their dissatisfaction with the SPÖ, but also to vote against the ÖVP for its failure to implement the reforms it had promised in the parliamentary campaign the year before. Unemployment, which lay 3.5 per cent above the national average, was also an issue and was attributed primarily to the failure of the SPÖ governor to promote construction, while at the same time doubling the number of bureaucratic jobs given to party favorites. On the eve of the election, the FPÖ's general attack on SPÖ corruption at all levels was given local substance when Governor Kery was charged by the Accounting Office with using his influence to obtain state-subsidized, low cost mortgages for Viennese friends to build vacation homes in Burgenland. Following the party's long-standing opposition to nationalized industry, the Burgenland FPÖ found what post-election analysis showed to be a telling issue in demanding privatization of state's energy monopoly (BEWAG), which, it charged, was not only inefficient, but also spent tax-payers' money in contributions to the major political parties. When the results came in, the FPÖ had not only achieved its goal of returning to the state parliament, but won three seats in the process with a total vote of 7.32 per cent. The SPÖ lost 5.9 per cent from its 1982 majority, the ÖVP a modest 1.5 per cent and the FPÖ increased by 4.5 per cent. Polls conducted before the election as well as exit polls and cross-sectional analysis of electoral districts according to the relative strength of the parties in previous recent elections revealed that, while there were regional differences, when seen in the aggregate, the FPÖ win was fashioned by a voter shift of

1.9 per cent from the SPÖ and 1.1 from the ÖVP. Additionally, 2.1 per cent of former SPÖ voters switched to the ÖVP and .6 per cent to the Greens, while 2.5 per cent of former ÖVP voters switched to the SPÖ and .4 to the Greens. (See above, Table II.) Dissatisfaction with politics, with Governor Kery and the SPÖ in general and with the excessive influence of political patronage in the state economy were decisive factors in the SPÖ defeat and the FPÖ victory. As in the federal parliament election the previous year, the number of late-, switch-, and protest-voters climbed significantly, primarily to the benefit of the FPÖ. Because of Haider's vigorous campaigning and the trend towards the personalization of politics, the results, when seen in combination with the dramatic impact the FPÖ Chairman had had on the party's fortunes in the parliamentary election the previous year, contributed to what was becoming known as the 'Haider-Effekt'.

In Viennese city and state elections five weeks later, the FPÖ proclaimed a 'sensational' further step in the 'victory march of the Haider-FPÖ', however, the low voter turnout was at least significant in revealing the inability of the Lager to mobilize their electorates. Here, in the citadel of Austrian socialism, the SPÖ, although gaining an absolute majority of 54.9 per cent of the votes cast, received the support of only 33.4 per cent of voters eligible. The ÖVP declined 6.4 per cent to 28.4 per cent, a scant 17.3 per cent of those eligible. Both parties making up the federal coalition governing the country from the neo-classical parliament building downtown on the Ringstraße lost massive numbers of votes compared with 1983, while the FPÖ increased its total number of votes by over 15,000, raising its voter share from 5.4 to 9.7 per cent. (See Table I.) Even when taken together, the major parties which represent the remnants of Austria's traditional political Lager had managed to win the support of only 50.75 per cent of Vienna's eligible voters. Analysis of exit poll data by the Fessel Institut showed 63.7 per cent of the FPÖ vote to have come from the two major parties, 23.8 per cent from the SPÖ and 39.87 from the ÖVP. Among FPÖ voters, 26 per cent stated protest as the reason for their choice along with another 7 per cent who chose one of two specific FPÖ criticisms of the policies of the coalition parties as their motive. Another 21 per cent simply cited Haider, himself strongly associated with populist protest. Although this was simultaneously a city and state election, in the federal capital of Vienna the dividing line between local and federal politics is murky, which the FPÖ was able to use to its advantage. The public mood regarding politics in general was negative and the SPÖ, which had won a majority in every city election since 1945 save one and had named the federal chancellor for the past seventeen years, was bound to lose votes. The FPÖ had focused its negative campaign on the Socialists, accusing them of mismanaging city government for decades and of breaking their promises of 1983 and continuing revelations of party favoritism, inefficiency and corruption in VOEST, the giant socialized industrial concern, implied the guilt of Vienna's SPÖ by association. To attract the votes of the growing middle-class sector of the electorate, the FPÖ criticized the ÖVP as the handmaiden of the Socialists and portrayed itself as the underdog, because of an electoral law that required it to win two-and-a-half times as many votes to elect a representative as the major parties. Its positive program proposed 'a new way' to a healthier, more secure, efficient and planned Vienna. While exit polls give substance to the personalization of politics that is illustrated by the preoccupation of both the party and the media with the 'Haider-Effekt', what deeper analysis of this election reveals is the importance of protest in the results, whether in increases for the FPÖ and the other smaller parties or in the enormous victory for 'none of the above'.

The next test for the Haider 'election locomotive' came a year later in Lower Austria. As in Burgenland, the FPÖ had no real party organization and since its founding had never won more than 3.2 per cent of the vote in a state election, with a catastrophic 1.7 per cent in 1983, the first year of its small coalition with the Socialists at the federal level. In contrast to Burgenland and Vienna, the ruling party in Lower Austria since the founding of the Second Republic was the ÖVP and unlike Burgenland, the question was not whether the FPÖ 'could manage a return to the Landtag', but whether it could win its first seats ever. Coming eighteen months after the formation of the SPÖ-ÖVP federal government, this election in the country's most populous state was a critical test of the popularity of the coalition. Coalition with the SPÖ had not been helpful to ÖVP across the country. Polls concluded just two weeks before the election showed the ÖVP six index points behind the SPÖ. Its Chairman and Vice Chancellor, Alois Mock, led his party by a scant .14 at +1.11 on a scale from -5 to +5, while Chancellor Vranitzky led his SPÖ by 1.36 at +2.92. This poll showing Chairman Haider at -.38 ahead of his party at -.71 would not seem to square with recent election results, but may be seen as evidence that the FPÖ's successes were not primarily due to Haider's popularity, but rather to his ability to attract the support of voters expressing their hostility to the politics of coalition. Another poll completed at the same time showed the hard cores of the SPÖ and ÖVP having dropped to 19.4 and 14.3 respectively and the potential protest vote as high as 50 per cent. The election also became a test of 'Haider-Effekt', when not quite two months before, Haider was widely reviled in the press for putatively Nazistic, right-wing extremist thinking in response to his comment that 'the Austrian nation was an ideological miscarriage, because membership in an ethnic group is one thing and in a state quite another'.

Again, the FPÖ campaign relied on dissatisfaction with politics at the federal level railing against the 'Red-Black Unity Party' in Vienna, a tactic that acquired local significance when the state chairmen of those same coalition parties both agreed to reject the FPÖ as a possible coalition partner. Led by the moderate, widely respected former businessman and short-time Defense Minister Helmut Krünes, the FPÖ appealed to farmers, charging the ÖVP's Farmers League had sold them out to the Socialists on price supports as the cost of coalition. It also tapped resentment against Vienna by demanding more local control for states and towns as a means of achieving savings and reducing taxes and criticized the ÖVP's resistance to measures to protect against ecological damage. Although he shared the spotlight of publicity with Krünes, Haider gave his usual energetic support to the state party, speaking in over 150 separate communities. Ten days before the election, a poll predicting a turn-out of only 70 per cent sent the ÖVP into a panic, fearing that this would insure FPÖ representation in the state parliament and endanger its, hitherto permanent, majority.

Although voter participation declined only 3.3 per cent to 80.6, the ÖVP's fears were nonetheless realized. The FPÖ polled a healthy 9.4 per cent. The ÖVP lost 6.9 per cent of its 1983 voter share, falling to 47.6 per cent, but due to a favorable apportionment law still won a majority of 29 seats against 22 for the SPÖ and 5 for the FPÖ. The FPÖ also won the right to send one representative in the upper house of the federal parliament costing the ÖVP its absolute majority there.

Despite Haider's 'miscarriage' remark, only a rudimentary party organization and

Krünes' exclusion from the television debate of ticket leaders, the FPÖ was the only party, despite the decline in voter participation, to increase its total number of votes. The press that had roasted him so thoroughly only weeks before, again attributed the FPÖ victory to the 'Haider-Effekt' implicitly raising the question whether it represented a dangerous rising of right-wing radicalism. The more sophisticated analyses, however, continued to point to the importance of the protest vote which not only was becoming more pronounced, but also was now denied to the ÖVP as the price of ending its seventeen year status as an opposition party at the federal level. Cross-sectional analysis of the results by electoral district along socio-economic lines show that the ÖVP lost between 6 and 8 per cent of its voter share in the predominantly rural communities that had been its traditional source of strength, while among the better educated and in communities with high percentages of civil servants and people employed in service industries, the losses ranged to ten per cent and more. The SPÖ also lost voters, also with the sizes of the losses increasing proportionally with the numbers of civil servants and service industry employees, but with a lower range of percentage losses than the ÖVP. In summary, the trends of Burgenland and Vienna were continued in Lower Austria with the media attention to Haider still obscuring the structural reasons for the results. (See above, Tables I and II and Fig. 1.)

The putative breakthrough of the FPÖ to become a 'Mittelpartei' came five months later, on March 12, 1989. This was the date for the regularly scheduled election in Salzburg, but became 'Super Sunday' when SPÖ and ÖVP strategists in Carinthia and Tyrol decided to move the elections of their own state governments forward to that day as well thinking to derail the Haider 'election locomotive' by keeping him busy at home. Their plan backfired however, because it gave the FPÖ the opportunity to turn the three campaigns into a 'referendum on the coalition in Vienna'. Thus in Tyrol the historically dominant ÖVP was put on the defensive for its unpopular federal coalition with the Socialists and in Salzburg, the 'bonus' that the popular ÖVP incumbent Governor Haslauer should have enjoyed against his only minimally known FPÖ competitors for the middle class vote was substantially diluted. This strategy also played well in Carinthia, where FPÖ-Chairman Haider had been conducting guerrilla war on Vienna for years. Where issues were discussed at all, matters of regional concern, but subject to federal legislation dominated. In Tyrol and to some degree in Salzburg the FPÖ stressed its support for entry into the EC, but warned the government about the need to control transit traffic through Austria and enact strict pollution controls on commercial vehicles. In all three states, but particularly in Carinthia, the personality of Haider and his populist attacks on behalf of the 'little man' against the comfortable cooperation of the corrupt 'old parties' and demands for political renewal dominated the campaign. An electoral program derived from populist themes enunciated since 1986 at the federal level demanded the elimination of party privilege in the awarding of state contracts or appointments to public office, privatization of the state banking and insurance enterprises and more frugality in government.

The SPÖ, optimistic at being able to trade on the popularity of Chancellor Vranitzky and rebound from its second worst showing in history in Tyrol and its absolute nadir in Salzburg in 1984, was badly damaged at the outset of the campaign by the revelation of tax evasion by its ticket leader and party secretary in Salzburg, the forced resignations of Federal Interior Minister Blecha and Parliament President Gratz in response to allegations of corruption in the investigation of the sabotage sinking of the highly insured freighter Lucona and the leak of information from the Ministry of

Justice that it had sufficient evidence to undertake legal proceedings against ex-Chancellor Fred Sinowatz for having lied under oath. In retaliation, the SPÖ insisted on an inquiry into the behavior of the ÖVP-inclined Bundesländer insurance group, which revealed that an official of the firm had intervened with the Ministry of Justice in 1983 to have a telling document regarding the Lucona scandal suppressed. This bickering between the federal coalition parties could only redound to the benefit of the opposition parties and even revelations of the underreporting of income by FPÖ-General Secretary Heide Schmidt, Chairman Haider and many in his state party and the admission by Haider before a parliamentary investigation commission that he had had a secret meeting with the main Lucona scandal suspect appear to have had little impact on the protest vote.

The trend against the major parties that had been gathering strength since 1986 worked in all three elections to make the FPÖ the party of choice among the protest voters and the only winner. (See Tables I, II and III.) The ÖVP lost its thin majority in Salzburg and suffered a catastrophic loss of votes and its historic majority in Tyrol. The SPÖ's percentage losses were less drastic, but in both Salzburg and Tyrol new all-time lows were reached while in Carinthia its loss of the absolute majority created a opportunity for the FPÖ, now the second-largest party, to use the downgraded ÖVP as 'the balance on the political scale' to forge a nonsocialist coalition with Haider as Governor.

In Salzburg, while dramatic relative to its disastrous 1984 results, the FPÖ victory may be seen more as restoring the party to its traditional strength than as a breakthrough. Cross-sectional analysis by electoral district shows a return of FPÖ strength in the prosperous and dynamic capital city and its suburbs as well as in outlying communities with high concentrations of public employees or strong tourist industries. More than a quarter of all 1984 voters either switched parties or abstained which worked particularly to the benefit of the FPÖ. Its traditional strength among the best educated voters improved only slightly, but a significant breakthrough was made among skilled workers and employees in service industries.

In Tyrol, unlike Salzburg where the Governor Haslauer's popularity undoubtedly mitigated the general decline of the ÖVP and limited the FPÖ's inroads into its electorate, the 15.91 per cent loss relative to 1984 was massive. Cross-sectional analysis shows a close correlation between ÖVP losses and FPÖ gains across the board, with the greatest percentages of shifts in urban industrial communities, in the capital city of Innsbruck and in rural, working class communities.

In Carinthia, personalities played an overwhelming role in the outcome. The SPÖ had to campaign for the first time in over a decade without its popular Governor Leopold Wagner who had had to withdraw because of injuries incurred in an assassination attempt. His successor, although widely recognized as coolly competent, lacked the personal appeal to collect on the incumbent's 'bonus'. On the other hand, FPÖ Chairman Haider, in his adopted home state, enjoyed somewhat of a 'bonus' of his own for having resurrected the cause of German-speaking children forced into bi-lingual elementary school classes and for his popular attacks on the 'Reds' and 'Blacks' in the Viennese intellectual and political establishments. As in Tyrol, cross-sectional analysis shows a strong correlation between ÖVP losses and FPÖ gains, with a particularly impressive

15.8 increase in the capital city of Klagenfurt and nearly as impressive showings in other urban-industrial, urban service-oriented and rural service-oriented communities.

The last state election in interval between federal elections came seven months later in Vorarlberg on October 8, 1989. The FPÖ had always been strong in the 'Ländle', Austria's western-most state, but in 1984 had lost votes and its place as the third largest party to the 'Alternatives-United Green' list at a time when it was unsuccessfully struggling to achieve its program in its coalition with the Socialists in the federal government. In 1989 however, with the momentum of six successive state election victories and Haider's naming as Governor of Carinthia behind it and the Greens in disarray, the party's mood was optimistic. The ÖVP made preservation of its absolute majority the focus of the campaign and its popular Governor used the threat of resignation in order to win his incumbent's 'bonus'. Unlike the campaigns earlier in the year, the FPÖ focus in Vorarlberg was on local issues, including support for a number of environmental protection proposals and above all on breaking the ÖVP majority. With a percentage increase of 5.62 per cent of the total vote and a doubling of its representation in the state parliament, the FPÖ claimed a 'continuation of its victory march', with Haider as the 'father of the success'. Exit polls showed the FPÖ winning 2.3 per cent of the 1984 ÖVP vote while losing only .4 per cent -- 1.2 per cent from the SPÖ with no corresponding loss, .6 per cent from the Greens with a .3 per cent loss and a 1.6 gain of new voters and former abstainers, with only a .4 per cent loss. Subsequent cross-sectional analysis shows parallels with the sources of FPÖ victories in other state elections, but indicates that in Vorarlberg the FPÖ gains were not only to be seen as due primarily to ÖVP losses. (See Table IV)

Despite these gains, the FPÖ did not achieve its goal of overturning the ÖVP majority, but at 16.12 per cent and only 5 points and two seats below the SPÖ, the FPÖ had arrived at the point where it could hope to challenge the SPÖ for second place as it had already successfully done in Carinthia.

Space does not permit here a detailed analysis of the 1990 parliamentary election, but the results summarized below will illustrate the confirmation of the trends in the state elections discussed above. Defying the Austrian and Europe-wide trend against traditional major parties the SPÖ escaped with a loss of only .34 per cent for a total voter share of 42.79 per cent. This feat was achieved by hiding the scandals and other problems of twenty years of entrenched rule behind the telegenic face of Chancellor Franz Vranitzky. An ingenious write-in campaign that implied that one could simply vote for the Chancellor and not his party succeeded in snaring a full 40 per cent of the votes posted to the SPÖ and was given credit in post election analysis for having stopped what might otherwise have been a substantial voter defection. The ÖVP had no such media star to arrest its collapse and the trend against it that had become apparent in the state elections since 1986 was confirmed with a catastrophic loss of 9.23 percent for a total voter share of 32.06 per cent, its worst in history. The FPÖ claimed 16.64 per cent of the vote for its best result and therewith the status of a 'Mittelpartei'. Its campaign was a continuation of the themes of the past four years and featured attacks on the coalition parties for their complicity in scandals, criticism of promises not fulfilled, demands for tax reform, more individual freedom, less bureaucracy, environmental protection, privatization and a freer marketplace. The only issue which could possibly lend credibility to charges that the FPÖ was appealing

to the radical right was Haider's challenge to Austria's thirty-five year tradition of neutrality. The choice of Munich on the day of the ratification of the treaty for German reunification for his declaration that neutrality was a 'home-made stumbling block' in the way of EC admission seemed almost designed to court nostalgic, German-national sentiment. Certainly this is the way it was seen by his political opponents back in Austria who accused him of appealing to old and neo-Nazis and with 'propagating Anschluß sentiment'. As a campaign issue however, neutrality was seen as important by only 9 per cent of undecided, primarily middle-class voters and if Haider had deliberately planned his comment as an campaign ploy, it backfired, causing 14 per cent of those interested in the matter to to decide for the ÖVP. Personalities dominated the campaign and in this sense the FPÖ benefited from the attractive youthfulness of its ticket leaders, parliamentary fraction chairman Norbert Gugerbauer, General Secretary Heide Schmidt and of course sportclothes-model handsome Jörg Haider.

In 1990 however, more important even than personalities was the public's receptivity for the FPÖ's brand of anti-government populism resulting from dissatisfaction with the coalition's responses to new problems posed by the eastern European revolutions of the previous year. Refugees were coming into the country at a rate above that that had swelled requests for asylum in 1989 to 21,882. In April, the Socialist Minister of Interior had already reported that the 2.4 per cent increase in the crime rate in 1988 had been due to the increased immigration from eastern Europe. The 5 per cent further increase for 1989 and the acceleration that in 1990 ultimately pushed crime up 8 per cent incensed Austrians and brought applause for the FPÖ's charges that the SPÖ-led Ministry of Interior was soft on crime and that the ÖVP-led Foreign Ministry was too lax on the refugee problem. Seizing on this burning issue, the FPÖ grudgingly supported the right of asylum for the politically, religiously and racially persecuted, but stated that Austria, for social, cultural and ethnic reasons must not become a refugee camp for all of Europe. Governor Haider then rejected a SPÖ plan agreed to by the governors of the other eight states to disburse 18,000 refugees, temporarily quartered in eastern Austria, proportionally among all the states and the FPÖ campaign exploited the fears of the 'alien flood', demanding 'no importation of crime, immigration only in cases of need on the labor market and where adequate housing exists, introduction of seasonal status for foreign labor'. Although leftist critics saw this as more evidence of the FPÖ's right-ward tilt, the new, global wave of immigration had made such appeals part of the political mainstream in most of the prosperous countries of Western Europe in 1990. In Austria, such concerns were most evident in the erstwhile socialist citadel of Vienna where the new immigrants were the most numerous. There, the local party's exhortation, 'Vienna must not become Chicago', played not very subtly on the anxieties of voters who voted FPÖ in particularly large numbers where the eastern European invasion was the most apparent. In 5 out of 23 clearly working-class precincts, the FPÖ passed the ÖVP to become the second largest party. Here, in contrast to most areas of Austria, the 1990 electoral upsurge appears to have been a consequence of the particularly pointed local FPÖ exploitation of the crime issue in combination with the high incidence of foreigners in the city. Elsewhere, the percentage increases were quite in keeping with the trend in the state parliament elections since 1986. (See Figure 1 above and Table V below.) The political alienation and dissatisfaction with the SPÖ-ÖVP coalition that the FPÖ had successfully exploited in its state election campaigns had again brought it victory. In 1990, 16.2 per cent of the total FPÖ electorate switched over from the SPÖ and 27.6 per cent from the disintegrating ÖVP. In contrast, 1.9 per cent of former FPÖ voters were convinced by the SPÖ write-in campaign

for 'Kaiser Franz', while a miniscule .2 per cent switched to the ÖVP.

The FPÖ did best among the young who were less likely to be influenced by Lager considerations, winning 19 per cent of all first-time voters and 18 per cent of those under thirty years of age. Some reflection of the FPÖ's appeal to latent German-nationalism may be found in its 19 per cent support among voters over 70 in sharp contrast to the below-average 13 per cent of the generation that came of political age during the early years of the Second Republic. The remaining age cohorts between 30 and 60 supported the FPÖ at a 15 per cent rate. By occupation, skilled workers, with one in four voting for the FPÖ, were the largest group of supporters, followed by the traditional back-bone of the national-liberal Lager, self-employed professionals, at 21 per cent. Even among civil servants for whom party affiliation could be important in appointment and promotion, the FPÖ increased its voter share from 8 to 14 per cent. Cross-sectional analysis by community according to economic profile and past preference showed increases in a range from 5.1 to 6.2 per cent across the board except in megalopolitan areas where the increase was 9.2 per cent. In the results of a poll probing the motives of FPÖ voters (see Table VI below), only motives 3 and 6 do not in some way indicate dissatisfaction with the major parties or the policies of the coalition.

Populist protest is the dominant factor here and only in the responses to motives 2 and 4 can even remote right-radical sentiment be inferred. Clearly, in the past four years the FPÖ had defined itself as the party of protest, which is further demonstrated by the fact that a full 76 per cent of its voters had decided before the final two weeks in contrast to the 51 per cent of late deciders in 1986. In 1990, the FPÖ was, without question, the beneficiary of the structural changes that had loosened traditional party ties and made it an acceptable alternative to the parties that made up the governing coalition. All this was, however, obscured by the overwhelming personalization of the campaign to which the FPÖ contributed with its decision to pit Haider against the SPÖ's write-in campaign for Vranitzky despite his absence from the head of the FPÖ ticket. Thus, when the FPÖ again increased its voter share, the victory was attributed to a continuation of the 'Haider-Effekt'. Grounds to challenge this facile explanation of yet the latest victory of the FPÖ arose in 1991 out of an unexpected series of events and an unscheduled state election that permit the electoral success of the party to be differentiated from the significance of its charismatic and controversial Chairman.

Conclusion

The Burgenland Landtag election, although falling beyond the timeframe originally conceived for this study, has relevance because its results appear to confirm the thesis presented at the outset. It was held in Burgenland June 23, 1991, fifteen months before normally scheduled, as a consequence of the ruling SPÖ's desire for a vote of confidence for its chairman, Governor Sipötz who stood accused of having spied on candidates for appointive office and for its native son and ex-Chancellor Fred Sinowatz who had just been convicted of perjury with the implication that the entire state Executive Committee was also guilty. The FPÖ, with the momentum of more than four years of 'Haider-Effekt' and an eighteen per cent standing in the polls, agreed, thinking to make even more gains at the expense of the ÖVP. The ÖVP was in a particularly

unfavorable position for the campaign. It had suffered a disastrous loss in the 1990 parliamentary election with a particularly worrisome erosion in traditionally strong agricultural sectors and stood at only 29 per cent in the polls. Additionally it had to bear the burden of running its campaign in the middle of a bitter mud-slinging battle for the federal chairmanship between warring factions of the party.

The mission of the FPÖ campaign was to again deny the Socialists their absolute majority and state Chairman Rauter expressed as his personal goal the winning of two seats additional seats which would bring his party into the government and earn for it the status of a Mittelpartei even in Burgenland. Haider gave his usual energetic support with the standard attacks on socialism and corruption given specific focus by the recent embarrassments of Sinowatz and Sipötz. Suddenly, only ten days before the election, Haider, who had frequently violated the accepted norms of political correctness, made a statement that converted the 'Haider-Effekt' into a boomerang. The incident occurred during a speech to the Carinthian parliament when he suggested that the reduction of unemployment benefits to persons offered acceptable alternative employment would be an incentive to return to work. When the chairman of the opposition SPÖ fraction shouted that this was akin to the forced labor of the Third Reich, Haider retorted:

- No, this was not the case in the Third Reich, because the Third Reich had a sound employment policy, which your government in Vienna can't even manage. That, for once, also has to be said.

He continued that it was the SPÖ, and implicitly not the FPÖ, that for almost forty years had been led by high-ranking members of the Hitler Youth and then returned to his speech. After he had finished, an ÖVP speaker opened his remarks with a criticism of Haider's outburst, but then continued with the discussion at hand with no further incidents. About fifteen minutes later, after coming to realize the potential opening that Haider's remarks had made in the ranks of the FPÖ-ÖVP coalition, the SPÖ fraction leader used a point of order to call for a meeting of the fraction chairpersons

- . . . with regard to the statement by the Governor by which he put forth the labor market policy of the Third Reich under National Socialism as the model for the democratic Second Republic.

When the session resumed, Haider distanced himself from this implication attached to his earlier statement saying that he '. . . in no way had intended a positive evaluation of the labor practices of the Third Reich' and that he regretted ever making the statement. Despite this retraction, Haider's many enemies leaped at his indiscretion, making him the focal point of a storm of criticism from the press and the major parties. Chancellor Vranitzky demanded his resignation as Governor, the federal government debated damage control and the judiciary considered whether to charge him

with a violation of the anti-Nazi law. Then, two days before the Burgenland election, the ÖVP joined with the SPÖ and voted no confidence in Haider, thus forcing his resignation as Governor.

Within the FPÖ, the reaction to Haider's statement was mixed. Third Parliament President Heide Schmidt and fraction leader Gugerbauer called it 'unacceptable' and other prominent FPÖ figures were also critical of their frequently uncomfortable Chairman. The Federal Executive Committee did however, after a bruising eight hour meeting, rally behind Haider with a resolution condemning the 'scandalous political and media campaign' against the FPÖ and its Chairman. In Carinthia there was a mass demonstration of support for Haider and a public opinion poll commissioned by the FPÖ showed the party there with a 38 per cent popularity standing, close behind the SPÖ. In Burgenland, Haider-sycophant Rauter, ignoring the pleas of many of his colleagues, stood firmly behind his Chairman expressing his disgust at the criticism of a man who had simply 'told the truth'.

Austria-wide, and presumably also in Burgenland where the FPÖ had never had any strength until 1986, Haider plummeted from 47 per cent in March to a 33 per cent in July in the continuing poll testing whether 'this politician should play a more important role in the future'. Haider-critic Heide Schmidt however, soared to 53 per cent and the FPÖ generally lost only 2 points from March, a scant .65 per cent below its election results the previous October. In the Burgenland election, the FPÖ, despite an overall drop in voter participation, increased its number of votes by thirty percent relative to 1987 (See Table I) while the major parties again declined. A precise assessment of the impact of Haider's 'remark' must await the results of the in-depth studies of voter behavior and the judgment of time. Nevertheless, some tentative conclusions can be reached:

1. The 9.75 per cent the FPÖ received in Burgenland relative to the projections of from 11 to 13 percent projections the week before 'the remark', and the 1.32 per cent decline from the recent federal election combined with Haider's loss of popularity in opinion polls seem to confirm the early exit polls' conclusion that the 'Haider-Effekt' had dissipated.
2. If this is the case, then the FPÖ successes may be seen as at least partially independent of its Chairman. Despite the wishful thinking of much of the media which portrayed the Burgenland election as an FPÖ defeat, the party's increase in voter share, even if less than projected, must still be seen as a victory when compared with the continuing losses of the major parties.

Landtag elections in two further states, voting for the first time since beginning of the timeframe established for this study, need to be mentioned. On September 22, despite numerous predictions of an electoral disaster and reports of scandal and dissension within the state party, the Styrian FPÖ exceeded its most optimistic hopes of a ten per cent voter share, leaping from 4.59 per cent in 1986 to 15.38 per cent. The ÖVP was unable to maintain its absolute majority of thirty years, losing a massive 7.52 per cent, while the SPÖ declined 2.71 percent. Two weeks later, the Upper Austrian FPÖ improved even on the Styrian success, jumping to 17.7 percent from its record low of 5.03 per cent in 1985 and exceeded even its voter share in the federal parliamentary

election at the peak of the 'Haider-Effekt' in 1990. The ÖVP and the SPÖ declined 5.92 per cent and 6.56 per cent respectively, with some of the losses attributable to the FPÖ's exploitation of anger with the federal coalition's policies on immigration and asylum as it had so successfully in Vienna in the parliamentary election twelve months before. Taken together, these three state elections of 1991 may be seen as a continuation of the trends in voter behavior manifested in the other state elections since 1987 and a confirmation of the contention made at the outset of this article: namely that the FPÖ electoral upsurge since 1986 has been due to the breakdown of the Lager and to the perception of protest voters that the FPÖ is their best means for speaking out against the 'tyranny of the majority' as exercised by the coalition parties.

Over the previous five years Jörg Haider's charismatic and aggressively critical style had been particularly well-suited to win the votes of many who otherwise might have cast blank ballots or stayed at home. That the FPÖ's success since 1986 is not to be attributed to a rise in right-radical voting sentiment in Austria appears to be evidenced by the fact that Haider's popularity plunged following his remark about the employment policies of the Third Reich while sympathy for the FPÖ remained stable. To be sure, among Haider's recruits have been former right-wing FPÖ voters who had defected to the neo-nazistic NPD during the years of FPÖ's liberal emphasis and above all during its three year coalition with the Socialists. The major growth of the FPÖ in the past five years however, has been shown by election analysis not to come from any revitalized national-liberal Lager, but to have been built on an electorate that spans the political spectrum '. . . from right-fringe groups, to anti-government protest voters (among them former ÖVP- and SPÖ core voters) and to the apolitical "trendy voters"'. Understandably, given its roots in the German-national Lager, the FPÖ, like the German Republikaner, captures the nostalgic vote of German-nationalists and former Nazis. Also, like the Republikaner, the FPÖ has become the Austrian party of protest against the political establishment with particularly strong support among the young. Here, however, the parallels cease. The new FPÖ constituency is largely to be found among the better educated, upward-striving, service-sector employees of the cities and towns who have been the winners in the modernization of post-industrial society. They are pro-capitalist, pro-modernist, pro-Western and pro-European in their sentiments and the FPÖ's continued affirmation of Austria's place in the German cultural and ethnic community seems irrelevant when compared with the new sources of the party's support and the issues which animate its voters. They may resonate to modern, populist appeals, but there is little to suggest that they are right-radical, much less neo-Nazi. Whether its recent electoral successes makes the FPÖ the 'Mittlepartei' that Heide Schmidt triumphantly proclaimed after the last parliamentary election or a party at all remains in question. Its constituency is broad and for the moment has little binding it together except protest against the ruling coalition. Jörg Haider has personified these cynical, critical and above all youthful voters. The remark that lost him his position as Governor of Carinthia may yet turn out to be the mistake that makes him unacceptable as a political leader. Indeed, ever since Haider's emergence as Chairman and his formation of almost a Führer cult around him, there has been dissatisfaction at the highest levels that could not be openly expressed for fear of killing the "Haider-Effekt" that has benefited them all. On the other hand, the reaction of the voters, whose support has brought about the revitalization of the FPÖ, was far less censorious than that of the media whose coverage of Haider's embarrassment was regarded as exaggerated by 42 per cent of those polled. The fact that 44 per cent did not see the "remark" as damaging to the reputation of Austria and one-third even felt it was an

acceptable statement of the facts may in fact enhance his capacity to capture the votes of those wanting to protest the major parties' domination of the government, the intellectual establishment and the media. It is too early to consign the enormous political talent of Jörg Haider to the history of the party, yet regardless of his fate, as long as the SPÖ-ÖVP coalition survives, the 'opposition bonus' for protest parties will be available. The most recent research on the political cultural of the country shows Austrias to be characterized by 'a difuse attitude of protest, public cynicism, emotional agression and populistc resentment'. Under these circumstances and with attractive, critical leaders like the Third Parliamentary President Heide Schmidt, floor-leader Norbert Gugerbauer and others in the parliamentary fraction, the FPÖ will continue to have the potential to elect enough of its candidates to remain a party of significance in a political environment increasingly dominated by personalities and populistc protest.

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From Protest to radical Right-Populism

The Freedom Party of Austria 1990-1996

The deliberately provocative main title for this session was actually an afterthought which occurred to me as I was thinking about the Freedom Party plan: *From Party-State to Citizens' Democracy. The way to the Third Republic*. Its proposals are a reaction to the changes in the political landscape which has been the subject of Hans-Georg Betz's paper and to the obsolescence of Austrian corporatism addressed by Markus Crepaz. That the Second Republic should be replaced was viewed by those who see the Freedom Party and its Chairman Jörg Haider's as right-extremist and his proposal for a "Third Republic" as a cover for a "Fourth Reich."

I have long rejected the right-extremist label for the FPÖ and initially became acquainted with Hans-Georg when he called to chat about the FPÖ after reading the published version of my 1991 GSA paper analyzing "The Revitalization of the Austrian Freedom Party since 1986." In that paper I had taken exception with his inclusion of the FPÖ as part of ". . . a rising tide of right-wing radical parties in Western Europe," arguing a line similar to that subsequently taken by Michael Minkenberg regarding the New Right in Germany, namely that the resurgence of the FPÖ was due to structural changes in the Austrian electorate which had produced new cleavages and new lines of partisan conflict that place it outside the framework of right-wing extremism of the past. At that time I was reacting against the view of the *Dokumentationsarchiv des österreichischen Widerstandes* (DÖW) which effectively sees modern rightist political phenomena within the historical framework of fascism and National-Socialism and more recently has dramatized its position on the FPÖ by making Haider its "coverboy" posed with the symbolic flag of neo-Nazism for its 1993 *Handbuch des Österreichischen Rechtsextremismus*. The paper that follows does not represent a reversal of my earlier rejection of this interpretation, but rather a refinement that ensued when Hans-Georg asked me to contribute a chapter on the FPÖ to a book that he and Stefan Immerfall were planning to put together on right-radical populist parties. I initially declined, citing my preference to reserve the designation right-extremist for the abortion-doctor murderers, letter-bombers and the like. Distinguishing between right-radical and right-extremist, Hans-Georg expressed the belief that what I would write would be quite compatible with the foreseen orientation of the book and urged me to read his *Radical-Right-Wing Populism in Western Europe*, before refusing. Indeed I found that my perception of the FPÖ fit well within the framework of the book planned and agreed to participate. The remarks that follow are partially drawn from that contribution.

In reflecting on what is now almost exactly a decade of Haider leadership, I am presently inclined to divide the period into two parts, with the period from the October 1990 parliamentary election to the Vienna municipal election a year later as a period of transition. In the previous four years, the FPÖ had experienced dramatic increases in voter share in seven consecutive state elections. My 1991 GSA paper argued that these successes primarily benefited from a focus on problems that could be laid at the door of the SPÖ-ÖVP federal government coalition, e.g. unemployment, waste of tax monies, corruption and excessive political patronage, scandals, the need to privatize state-owned enterprises, lower taxes, reduce regulations on business and individuals and only in select cases on state issues. The statement that most

Austrians were part of the "German ethnic and cultural community" remained in the program, but overt appeals to the German-nationalism that has been at the core of the ideological camp from which the FPÖ emerged and which the DÖW sees as central to right-extremism were not evident.

The issues so effectively exploited in the period from 1986-1990 had been consistent FPÖ themes for thirty years, but had never made the FPÖ any more than the fraction in what was once described as a two-and-a-half party system. By the mid-80's however, the dissatisfaction with the modern welfare-state that had produced the successes of Margaret Thatcher in Great Britain and Ronald Reagan in the U.S. was beginning to develop in Austria as well. This had cost the SPÖ its absolute majority in 1983 and contributed to the 1986 revolt against the liberal leadership of its FPÖ coalition partner which made Haider chairman. When, following the 1986 election, the ÖVP accepted the invitation of the SPÖ to end its sixteen year absence from government, it moved to the Center, precisely at the time that a considerable segment of the electorate was becoming susceptible to the right-radical populism that had been growing in other Western-style democracies throughout the 80's.

Relatively protected from the currents that had stimulated the growth of right-radical populism elsewhere, *Die Wende* of 1990 brought Austria into the mainstream of those forces that Plasser/Uram have identified as responsible:

... erosion of the traditional social milieu, an increase in social fragmentation, the increasing individualization of economic and social risk, the splintering of the labor market, massive immigration, conflict between multiculturalism and ethnocentrism, dissolution of traditional party ties and the weakening of the ability of the traditional political figures to maintain party loyalty.

For Austria, they specifically cite "... a disgust with parties and politics that is significantly above average ... excessive manipulation of the political system by the parties ... pervasive patronage ... opposition reactions against an 'excessively powerful' government coalition" In applying the term radical right-populism to the FPÖ, Plasser/Uram have accepted a typology for these kinds of parties established by Hans-Georg Betz and I do as well, because it avoids the more typically used right-extremist label more appropriately reserved for those who act outside the democratic system and who either incite or resort to terror to promote their ends. The FPÖ definitely meets the socio-cultural, -political and -economic criteria of the radical right-populism. It is radical in its rhetoric against immigrants and "social parasites" and also because it wants to replace the statist Second Republic with a Third Republic based on the techniques of direct democracy, thus adding to the populist image it had long carried as the voice of the "little man" against the "big parties" and the dominance and privileges that their "social partnership" brought.

In 1990, the slogan, "Vienna must not become Chicago," used by the Viennese FPÖ in the 1990 federal parliamentary campaign, is perhaps the first evidence of the shift to a more radical and modern right-

populism. It implicitly connected immigration which had exploded in the wake of the fall of the "Iron Curtain" with the crime rate that had risen 5 per cent the previous year and was in the process of escalating to 8 per cent in 1990. Although it was less blatant than the ÖVP appeal, "Vienna for the Viennese," the FPÖ slogan was confirmation of its racism in the eyes of its critics. To the list of characteristics which they had long used to label the FPÖ right-extremist, were now added its exploitation of anxiety about immigration and antipathy for multiculturalism which in turn united the intellectual elites of the Left in what has become known as the "antifa" cause. Meanwhile, the erstwhile Socialist working class resonated to FPÖ complaints about the "social engineering" policies of the *schicki-micki* elites "up there," accepting its straight-line correlation between the increase in the numbers of foreigners and the rise in crime and unemployment. While the shrillness of its campaign was probably responsible for the loss of some better educated, white-collar voters, the gain among workers more than compensated and helped win the FPÖ the largest voter-share for a third-party in the Second Republic. (See Table 1.1). Elsewhere the FPÖ campaign retained more its protest-opposition character and the structural profile remained that of the 1986-1989 period.

The new radical right-populism that had surfaced in Vienna in 1990 became even more evident in that city's municipal elections the next year. There were three major issues: transportation, housing and foreigners and the FPÖ attributed revelations of mismanagement and waste in housing and subway construction to the essentially permanent rule of the SPÖ. Immigration, however, remained the burning issue. The FPÖ emphasized the pressure this put on housing and the availability of jobs, but focused on the schools where in some districts, it claimed, German-speaking children were reduced to a 20-25 percent minority. Despite charges of racism, almost 40 per cent of the population identified immigration as a serious, contemporary problem. Among them, every second voter saw the FPÖ as the most competent party to deal with the foreigner question, a factor that was cited as decisive for one third of FPÖ voters, particularly among those who defected from the SPÖ. Post-election analysis shows however, that protest remained the dominant factor behind the FPÖ success, with nothing to indicate nostalgic sympathy for German-national, fascist or National Socialist themes. Even Haider, who is so often portrayed as a "brown shirt" in modern dress, was among the least cited reasons for switching to the FPÖ. For the Viennese establishment, the consequences of this new political climate were stunning. The SPÖ slipped below 50 per cent for the first time in the Second Republic and the FPÖ climbed from 9.7 per cent in 1987 to 22.5 per cent. It tripled its number of seats in the city council and became the second largest party represented. Particularly striking was the fact that over 26 per cent of the working class and 35 per cent of all skilled workers voted for the FPÖ. In state elections in Styria and Upper Austria a few weeks before, the FPÖ also won successes attributed to a "... massive breach in the SPÖ core constituencies," the "foreigner question" and "welfare-cheating" and a transformation of the FPÖ "from a party of elites to a worker party."

Late in 1992, the FPÖ reached for even broader mass support when it attempted to capitalize on the government's rejection of its restrictive proposals on immigration by launching an initiative campaign entitled "Austria first." It proposed to add a statement to the Federal Constitution declaring that Austria was not a classic country of immigration and to institute a number of other measures to deal with public health, education welfare and housing that it contended were being adversely affected. A Gallup Poll initially showed 1.68 million in support, but then a high profile immigrants' rights group mounted a

counter-campaign that skillfully portrayed the initiative as a racist, implicitly nazistic, anti-foreigner crusade against industrious and indispensable guest workers and helpless refugees fleeing poverty, political repression and civil war and was given high-profile support by the SPÖ. Within the FPÖ, a handful of Liberals in the parliamentary fraction drew the same conclusion from a provision that would have limited the number of school-children who did not speak German as a mother-tongue to thirty percent of public school classes and set up parallel classes for the foreigners when that percentage was exceeded. When they failed to force its modification, former General-Secretary and 1992 FPÖ-presidential candidate Heide Schmidt, ex-Defense Minister Friedhelm Frischenschlager and a few others defected to form the Liberal Forum. When I questioned Haider on their contention that the mother-tongue stipulation meant ethnicity, not language competency, he denied the charge, arguing that the FPÖ had simply used the Berlin model adopted under the eminently respectable former mayor and subsequent Federal President Richard von Weizsäcker. While Berlin had indeed wrestled with the same problem, the criterion there was the "knowledge of the German language" of the "foreign children." It should, however, also be noted that the term "mother-tongue" was used in parliamentary discussions by both coalition parties and can by no means be seen as unique to the FPÖ. In response to further questions on this issue Haider left the impression that he is indeed concerned about more than mere language facility. The issue is culture and is related to his frequently-stated desire to protect "the homeland" against pressure for multicultural policies of the government. His statement that immigrants who were becoming integrated were "no longer a problem" suggests that the racist charge was bogus and that the real debate should have been about the FPÖ's real goal of preserving the cultural character of Austria against the inevitable changes that come with heavy immigration. That debate, however, did not occur and against the background of attacks on foreigners and counter-marches against right-wing terrorism in Germany and a massive candlelight parade against the "anti-foreigner" initiative in Vienna, fewer than half of those who had initially said they would support "Austria first" actually signed it. The media declared it a "flop," congratulated Austrians on having recovered from their recent drift to the Right and declared Haider politically dead.

Like Mark Twain upon hearing of a publication of his obituary, Haider might have remarked that the report of his death was an exaggeration. Less than two months later, the FPÖ extended its record of electoral successes in three state elections. In Carinthia it won 33.28 per cent and came within one seat of parity with the SPÖ and made small gains in both Salzburg and Tyrol. Exit polls in all three elections again showed protest against the SPÖ-ÖVP coalition, against its recently negotiated treaty for entry into the EU and fear of immigration to be dominant factors in the FPÖ vote. These motives are consistent with earlier gains and indeed the attitudes of the radical, populist "New Right" everywhere, but to suggest, as do the Austrian "Antifa," that they are a reflection of an unconquered past seems an exaggeration that fails to recognize that racism and xenophobia are modern phenomena that need not be and probably are not linked to National Socialism.

Illustrative of the volatility of this new electorate was the result of the June 1994 plebiscite to approve the treaty negotiated to join the EU. Thinking to exploit the populist trend where voters in EU-countries Denmark and France only narrowly approved the Maastricht Treaty and Switzerland declined to apply, the FPÖ urged a no vote, while trying to justify its retreat from its long-standing support for European integration on the grounds that the treaty gave too much power to the "Bureaucrats in Brussels." A

resounding 66.34 percent rejected this position, Haider's popularity ratings dropped into the cellar and his enemies in the media interpreted the vote as a defeat for the right-extremism they associated with the unsuccessful anti-EU campaign. What this interpretation failed to recognize was that the FPÖ successes of the past eight years had not been built on any kind of nostalgic right-extremist ideology, but rather on protest against the established order and more recently upon radical proposals to end the ossified status quo. A yes vote for the EU did not in any way temper the alienation of the electorate and the widely reported "Europhoria" did not rub off on the SPÖ-ÖVP coalition.

The FPÖ parliamentary campaign begun just three months later provides specific evidence to justify its categorization as a right-radical populist party according to the criteria outlined by Betz and Plasser/Ullrich cited above. Its themes however, do not represent extremism relative to a political mainstream which on the international level had already been diverted to the Right by Margaret Thatcher and Ronald Reagan. This new, populist Right is far from conservative however, and mirroring Newt Gingrich's "new American revolution," Jörg Haider proposed a "Third Republic" for Austria. For Americans simultaneously going through mid-term congressional elections, and particularly Californians who additionally were experiencing the high-spending Feinstein-Huffington senatorial race and Governor Wilson's bid for reelection against the background of the Proposition 187 campaign, the FPÖ's emphasis on crime, immigration and moral values would have been familiar. To emphasize the crime issue, Haider selected, as second on the FPÖ candidate list, a woman jurist and former ÖVP member who expressed her concern about crime and immigration and who implied her personal belief in the death penalty. In contrast to California where her support for the death penalty would have been too mild, *profil* unsubtly characterized her concern about crime as an obsession with "*Blut und Banden*" and criticized her statement that "life in prison must mean life" as simplistic. On immigration the FPÖ had established its credentials with the "Austria first" initiative. Even the easing of the problem due to highly restrictive legislation subsequently passed by the government may have redounded to the benefit of the FPÖ. Those who agreed with the criticism of *profil* that the legislation was excessive and just pandering to the voters to avoid defection were unlikely to have voted for the FPÖ anyway, and those anxious about immigration, even if they had shied away from an open admission of their concern by signing "Austria first" could attribute the improvement to FPÖ pressure. On the values front, with the ÖVP committed, "without any ifs, ands or buts," to continuing in coalition with an SPÖ that many Conservatives held responsible for the decline of values, the moral Right had no other place to go than to the FPÖ. Haider staked the FPÖ claim for this support in his book, *Die Freiheit die ich meine*, citing the social-welfare state and moral-free materialism as the source of the modern malaise. A good example of what is wrong with modern society he contends, is what has happened to the family, substantially because materialism has driven mothers to work. Taking on the feminists, Haider proposed tax incentives to permit mothers to remain home and raise their children and for those who must or want to work, he proposed more day-care centers unrestricted by class or party membership. In reaction, one critic drew the inevitable parallel with the Nazi policy of *Kinder, Kirche, Küche* and accused him of anti-foreigner racism for wanting to encourage the birthrate of Austrians. These ideological waters were however considerably muddied in the summer of 1994 by the wife of the SPÖ Chancellor, who, in an interview with *profil*, touted "family values" and criticized mothers who put their children in day-care at seven in the morning "... in order to earn maybe four- or five-thousand Shillings." The SPÖ was embarrassed and feminists exploded in rage, but a poll showed the public split virtually evenly on her

views. By extension then, it can be inferred that close to half the public does not see the views of Haider and the FPÖ on this issue as reminiscent of National Socialism.

Above all, in the 1994 FPÖ campaign, charges of scandal and patronage were critical. Accusations of party-favoritism, waste and corruption have been a hallmark of FPÖ campaigns since its founding and in his televised debate with SPÖ-Chancellor Vranitzky, Haider scored heavily on these issues. Taking a cue from Ross Perot, he held up a chart showing exorbitant salaries and pensions paid to the Chancellor's party colleagues in the Styrian Chamber of Labor and charged "secret deals" as just some examples of the "swamp" of finance, economics and housing policy created by the patronage of the "old parties" via the "social partnership" and exacerbated by twenty-five years of "Socialist" rule. Vranitzky declared these complaints "old hat," and not his responsibility, but they registered favorably for Haider in a post-debate poll. All these issues ended up matching closely with the most important motives cited for an FPÖ vote in exit polls.

*because the FPÖ seriously fights against scandals and patronage

*because the FPÖ represents proper right position in the foreigner question.

*because the FPÖ stands up against the power of the parties and for more rights for citizens.

Of the four remaining motives, three may be ascribed to diffuse protest and disgust with politics as usual. Only one: "the FPÖ most clearly represents my interests, or my tradition," may be interpreted as evidence of the German-nationalist ideology that is associated by FPÖ-critics with right-extremism, fascism and Nazism.

Nor was the party's biggest growth among voters typically associated with right-extremism. Shocking those who believed that the FPÖ had reached the limit of its natural constituency in 1990, it jumped almost 6 per cent to 22.5 per cent. While the FPÖ did lose middle-class voters to the Greens, the Liberal Forum and to abstentions, defections from the SPÖ alone accounted for two thousand votes more than its total increase. These SPÖ-defectors constituted almost a quarter of the entire FPÖ total, maintaining the position of workers as the largest single demographic group in the FPÖ that was achieved in 1990. (See Table 1.1 above.) 11.1 per cent of the total had voted ÖVP in 1990. Beyond the 6.7 per cent increase won by the FPÖ in urban centers with 'traditional' worker precincts, it won almost comparable increases in rural-agricultural and mixed regions as well as 5.6 per cent increases in industrial and service regions in economic problem zones in Styria, Upper Austria and Carinthia and in the western industrial and tourist regions. The smallest increase was 4.4 per cent in regions with a high concentration of well-qualified white-collar workers, who had traditionally been dominant in the FPÖ electorate.

Another issue which surfaced, but did not register on the voter's radar screens was Haider's provocative statement that the Second Republic was obsolete and should be replaced by a "Third Republic." Placed in the context of the history of the Second Republic, what Haider was effectively saying was that

Austrian democracy had out-grown the party- and neo-corporatism state upon which it had originally been based. Befitting contemporary reality, Haider argued, there should be a transition to a plebiscitary democracy in which the parties would serve only as a vehicle for electing representatives, who would then take their orders from an active citizenry rather than from a party *apart*. Appropriately, the FPÖ began calling itself the F-Movement, or "*die Freiheitlichen*," and adopted statutes in 1995 to incorporate the changes. It also proposed constitutional changes to provide for the direct election of governors and mayors and a strong Minister-President according to French and U.S. models. The federal government would be elected by Parliament and made responsive to the will of the people by frequent consultative referenda. While FPÖ-reformers see a future of increased local and regional freedom from the federal government and more active citizen participation, the "*Antifa*" called attention to Hitler's combination of his office of Chancellor with the office of President following Hindenburg's death in 1934.

This theoretical debate on the putative right-extremism of the FPÖ was overshadowed by a real extremist act, a bombing in the Burgenland village of Oberwart on February 5, 1995 where two Roma (gypsies) were killed. A link to the recent letter bombs of the German-nationalist, anti-foreigner "Bajuvarian Liberation Army" (BBA) was immediately suspected and later proven. Despite the lack of any evidence implicating the FPÖ, much of the quality press held the party responsible for creating a climate of hatred which encouraged such violence. In the parliamentary debate that took place three days after the Oberwart explosions, Haider rejected the "terror" that he anticipated "pious" Leftists would direct against him and his fraction, stating that the violence had no ideological stamp, but rather was the work of "... a network, that across Europe is working to destabilize democracies." Citing the minority rights problem as another possible cause, he touted his own success in Carinthia in this regard and indicted the SPÖ government of Burgenland and the ÖVP government of Oberwart for failing to integrate "... an ethnic minority that fifty years ago was practically exterminated in the penal camps National Socialism." The "pious terrorists" of the SPÖ did accuse him of minimizing the crimes of National Socialism by using the term "penal camp," but in this case, the criticism of a speech in which he specifically called attention to the genocide of National Socialism probably won him points among those fed up with the requirements of "politically correct" speech.

Yet another bomb exacerbated the tension between the FPÖ and the SPÖ in the early morning hours of April 20, when two young men were killed in an attempt to blow up an electrical tower in the village of Ebergassing near Vienna. Because "Nazi Hunter" Wolfgang Purtscheller had warned of the possibility of bombings around Easter and because April 20 is Hitler's birth date, there was some speculation that this might again be the work of right-extremists. Closer investigation however, revealed that the victims were autonomist/anarchist Leftists who had mistakenly blown themselves up in their attempt to protest the construction of the power line. Haider seized upon this to suggest that the other bombings were also the work of Left-extremists trying to discredit the FPÖ. The FPÖ-newspaper accompanied these charges with a diagram of "the network" tying together the headquarters of the bombers, the Communist, Social Democratic and Green parties, the Document Archive (DÖW), "antifa" writers, the state broadcasting service, *profil* and other prominent newspapers. The FPÖ attack grew even more shrill when it was discovered that the SPÖ Minister of Interior, Caspar Einem, had donated money to the left-radical publication *TATblatt* which it charged had encouraged left-terrorism. Einem had been appointed Minister of Interior only a few weeks before and had immediately become the darling of the media,

being touted as the new "anti-Haider" and a possible successor to Chancellor Vranitzky who had appeared lackluster in the election campaign the previous fall. Haider, whose reputation as a right-extremist had been established by the assigning of guilt by association, now turned the tactic to his own advantage, calling for a vote of no-confidence against the Minister of Interior. The Chancellor and speakers for the SPÖ responded in kind, charging that Haider's articles and interviews in rightist publications had been responsible creating a climate within which right-terrorism had arisen.

When this tantrum on both the Left and Right had passed, the problem of the deficit and how to deal with it still overshadowed all other political concerns. The SPÖ-ÖVP coalition that had been cobbled together following the 1994 election had been seriously strained in reaching a "savings package" in the spring. It then fell apart on Friday, the 13th of October, when the new ÖVP Chairman, Wolfgang Schüssel, withdrew from the coalition charging economic mismanagement and gambling that his popularity in the polls could bring a relative majority in new elections scheduled for 17. December and make him chancellor.

Jörg Haider had indirectly contributed to this chain of events when, following the election just a year before, he had offered to support a minority ÖVP government as a means of ending "business as usual." ÖVP Chairman Eduard Busek spurned the offer, honoring his pledge during the campaign to support the coalition "without any ifs, ands or buts." For those fed up with serving as handmaidens to the SPÖ, Busek's promise was the cause of the worst ÖVP showing in history. In April of 1995, Busek was replaced by Wolfgang Schüssel who then sought to define himself by trumpeting the newly fashionable, conservatives idea of smaller government, frugality and deficit reduction against his SPÖ partners in the government. Soon he was being touted as a "Haider-killer" who could sufficiently unite the middle-classes and bring an end to the twenty-five year dominance of the SPÖ, still called "Socialists" in conservative circles.

As if to cooperate, the SPÖ went into its own period of self-doubt. Vranitzky was widely reported to be "tired of office" and General-Secretary Josef Cap was fired causing *profil* to raise the question whether the SPÖ could "still be saved." In a poll published early in October by *profil*, the Chancellor ranked only fourth in the "Politicians' Hitparade," his worst showing ever and down 14 points from the previous poll. Jörg Haider, meanwhile, had gained 7 points and the top of the list was crowned by ÖVP-Chairman Wolfgang Schüssel who had become Austria's "political darling" by sitting back and letting the SPÖ wrestle unsuccessfully with the budget while criticizing it for wanting "to simply continue the frauds of the past for another year." Undoubtedly buoyed by his own personal popularity and the prospect that he might actually be able to lead his party to a majority, Schüssel grasped at the chance to become Chancellor and on Friday the 13. of October introduced a resolution, which then passed, setting 17. December as the date for the election..

The question that dominated the ensuing campaign even more than the budget impasse was whether Schüssel would form a coalition with the FPÖ. Haider indicated his openness to a coalition with the ÖVP, although stating that if the FPÖ were not the strongest party, he would remain in Parliament and nominate someone else as Vice-Chancellor. Nor would Schüssel rule out the possibility of a coalition with the FPÖ, thus prompting the SPÖ, the Greens and the Liberal Forum towards a decidedly "antifa"

campaign against Haider and the FPÖ. Schüssel, for his part, reversed the "politics of the Center" that had ruined his predecessor the previous year. Running as the "good Haider," he adopted much of the FPÖ's populist program for cutting the social-welfare state, writing off everything to the right of the ÖVP as "negative energy." For the first time, Haider was put on the defensive. Polls showed the budget, cutting government expenditures, the economy and taxes to be the dominant issues in the voters minds and the ÖVP as the more competent of the two conservative parties to deal with them. Moreover, the economy was improving and immigration, which the SPÖ-ÖVP government had brought under control, had declined in importance.

The center piece of the FPÖ campaign was a 20-point "Contract with Austria" which substantially meets the criteria for radical right-populism as outlined by Plasser/Ullrich and Betz. The "Contract" called for frugality, reduction in taxes, the replacement of subsidies to business with tax incentives, a reduction of subsidies to the parties and the elimination of those for the press, an end to early pensions while securing the stability of pension funds, the elimination of the national debt and the balancing of the federal budget, defense against a loss of rights to the EU, the strengthening of direct democracy through the initiative and referendum process and restricting immigration. It was packaged in a slick brochure with a picture of Haider against a gold background on the front with the text in party-color blue: "He has not lied to you! Simply honest, simply Jörg." The SPÖ countered with a brochure mimicking that of the FPÖ but entitled "the lies of Jörg Haider" and *profil* helped out with a cover replicating the FPÖ slogan, but reading: "He has lied to you!" and in the sub-text where the FPÖ boasted of Haider's honesty it promised in the related article: "His biggest lies collected and reproduced." Featured inside was a photograph of an F-billboard defaced to show Haider with a Pinocchio nose and a story charging him with conducting the most brutal campaign in the history of the Second Republic.

It was indeed a brutal campaign and a *profil* article, "Blood spots on a white vest" contributed. This was the title given to a report on the opening of an exhibition featuring graphic photographs of atrocities committed by the *Wehrmacht*, in which most Austrians have relatives who had served and like to think were not guilty of the war crimes attributed to the SS. *Profil* noted the visits by SPÖ, Green and Liberal Forum politicians and caustically reported on the ÖVP and FPÖ politicians who had been "too busy" to attend, but still found time to travel to the Ulrichsberg ceremony honoring Second World War veterans in far-off Carinthia. Real blood was shed that same week when there were more letter-bombings in the series that had targeted people sympathetic to immigrants. Most commentaries interpreted the new incidents as an effort to undermine the Second Republic and prepare the way for the third Republic urged by the FPÖ, while Haider reiterated his suggestion that the perpetrators were in fact left-terrorists conspiring to discredit him and his stand against excessive and illegal immigration and the party newspaper speculated that the culprits were autonomist-anarchists associated with those who had blown themselves up in an ill-fated bombing the previous spring and who were part of a "network" linked to the "Greens."

Despite the venom of the "antifa" campaign against the FPÖ and its commensurate response, the right-radical populist issues the FPÖ had so successfully exploited over the past five years had receded somewhat. A longitudinal poll over the period of the campaign showed that immediately before the election, the usual FPÖ themes of foreigners, costs and benefits of EU-membership, scandals and

corruption all at under ten per cent among questions cited as important. Early pensions and welfare cheating ranked at 16 per cent, with the budget, cutting government expenditures, the economy and taxes at 43 per cent and concern that savings be carried out with concern for the needy at 28 per cent. With its usual issues not resonating very loudly, a new "hot button" was found. It was art and focused on the role played by SPÖ Minister of Art, Rudolf Scholten, in subsidizing and directing its development. While conservatives in Austria, as in the U.S., have been long been uncomfortable with modern art and critical of government subsidization of it, what became a "culture war" in the 1995 election first began to develop in opposition to the production by the Claus Peymann, the leftist, German-born director of the venerable *Burgtheater*, of *Heldenplatz* by the renegade, "nest-befouler" Thomas Bernhard in October of 1988. In March of that year, Austria had struggled through a difficult commemoration of the fiftieth anniversary of the *Anschluß* by Nazi Germany and while the production's reminders of the enthusiasm with which the annexation was received by many and the implication that some of the same sentiment still existed were welcomed by the "antifa" Left, it outraged conservatives and was pilloried in the tabloids. Scholten's support and continued appointment of Peymann whose patronage of dramatists who promote the "antifa" campaign and multicultural agenda have made him an arch-enemy of both the ÖVP and FPÖ. Thus, in addition to its usual attack on "social parasites," particularly foreigners who misuse the welfare system, on waste, corruption, bloated salaries of party-appointed public officials and the like, the FPÖ posted a placard asking: "Do you love Scholten, Jelinek, Häupl, Peymann, Pasterk ... or art and culture? Given the recent letter-bombings, this targeting, not only of SPÖ politicians, but also of artists, caused dramatist Elfriede Jelinek to express her fear that "as a feminist, Leftist and not pure Aryan," she was also in danger." The real victim, Haider countered, was himself, targeted by "left cultural fascists" subsidized by Scholten. This attack may be seen as right-radical and populist on at least two levels: 1) The attack on modern art, which parallels that of Jesse Helms and U.S. Republicans on the work of the late Robert Mapplethorpe, et. al., reflects Haider's charge that such art is evidence of moral decline and the need to return to traditional values, and 2) it uses this moral position to call the very concept of state subsidies of art into question. At a time of drastic cuts in social programs across the board, the demand for the reduction or elimination of state subsidies in the "Contract with Austria" so transparently borrowed from the GOP legislative campaign of 1994, has wide appeal.

A journalistic bombshell that may have had more impact on the election than the real bombs of recent months was actually fired from across the border by the German ARD television network. It was the airing, just four days before the election, of an amateur video showing Haider speaking at a gathering of war veterans, including former *Waffen-SS* members, in Krumpendorf, Carinthia on 30. September held as part of the festivities surrounding the Ulrichsberg celebration the next day. In his prepared remarks Haider condemned the "political correctness" of the media which damned such "meetings of the older generation who just want to get together in comradeship and remember what they had been through together, what they had experienced and what they stand for today." There was no reasonable argument against such meetings he

said: "only that some people can't stand that in this world there are still respectable human beings, who have character and who stand by and have remained true to their convictions even against the tide.... We have money for terrorists, we have money for newspapers that urge terror [in reference to *TATblatt* and the anarchist/autonomist bombing of the past spring] and we have money for lazy rabble, but we don't

have money for respectable human beings." He then expressed his respect for

... this older generation, respect for their lives, respect for what they have been through and respect for everything that they have preserved for us.... And [in reference to an exhibit then on display with the support of public monies] whoever today says that the members of the war-generation and of the *Wehrmacht* were all criminals, he befouls his own parents, his own family his own father. And a people that doesn't honor its forefathers, is condemned to destruction. But since we want to have a future, we will teach the politically correct Leftists, that we are not to be destroyed and that respectability will ultimately be restored in our world, even if at the moment we are not in a majority, we are mentally and spiritually superior to the others and that is what is decisive.

Although ORF chose not to air the video showing Haider's speech at the gathering until after the election, it was widely and misleadingly reported in the press that he had called SS-veterans his "dear friends" and praised them for their character and convictions.

It is difficult to say precisely how much the Krumpendorf-video affected the election results, since it had been agreed that polling would stop ten days before the election and at that time 30 per cent were still undecided. A summary of the projections by four major polling institutes relative to the actual results suggests that the SPÖ, as might be expected, benefited the most. The Fessel-Institut exit polls also shows that of voters who had switched to the SPÖ, 56 per cent had made this decision in the last two weeks.

For the SPÖ, although this was its second lowest voter-share in history, the increase of 3.4 per cent from the previous year was significant and its first since 1975. Of the SPÖ total, roughly 2.75 per cent came from the FPÖ, presumably workers drawn back to the fold and approximately 1.85 per cent each from the Greens and Liberal Forum, probably a response to the threat of an ÖVP-FPÖ coalition. This was indicated already early in the campaign, at a time when the Gallup poll showed the SPÖ at 30-32%, the ÖVP at 25-27% and the FPÖ at 25-27%. When, however people were asked how they would vote if the decision whether Haider were to become chancellor were up to them, the FPÖ vote fell off to only 16%, while the SPÖ moved up to almost precisely what it actually won in the election. Beyond the fear factor, another ingredient in the SPÖ recovery was its promise to protect Austria from the excessive cuts in social programs that were causing massive strikes in France at precisely this time. Although the campaign against the possibility of an ÖVP-FPÖ coalition worked for the SPÖ, the losses of the Greens and the Liberal Forum meant that a "traffic-light" coalition (Reds-Greens-Liberals) was no closer to a working majority than before the election. Similarly, Schüssel's shift to the Right and "cat and mouse game" on the coalition question gained his party only 28.3 per cent, a scant .6 per cent above its historic low the previous year and left him no closer to power than before the election. The focused attack of all parties on Haider apparently had some effect. The FPÖ received 13,000 fewer votes than in 1994, and, when translated into voter-share, the 21.89 per cent this represented when the final adjustments were made in the count was well below the 24-26 per cent projected by the early polls and accepted as its goal. The .61 per cent decline and loss of two seats was also the first decline in either a state or federal election since Haider had assumed control of the party. The FPÖ however, continued to dramatically increase its standing as a party of skilled workers. (See above Table 1.1). Also, although the FPÖ may

have run another radical right-populist campaign, the motives of its voters were more diverse. Concern about immigration was indeed important, but it ranked only third, behind the stated motive: "because the FPÖ is for fiscal austerity and against abuse of the social-welfare system" and well behind its reputation for uncovering corruption and scandals. Haider, the tradition of the party, "sending them a message" and "lesser of the evils" ranked fourth through seventh in that order..

The results of the election really precluded anything other than a renewal of the grand coalition. In my chapter for the Betz-Immerfall book finished in late December, I agreed with the conventional wisdom and wrote that "...yet another edition of the SPÖ-ÖVP "grand coalition, albeit with the two-thirds majority necessary to pass constitutional amendments that was lost in 1994" would be concluded. I did not, however, subscribe to the speculation of some that the tide had turned against Haider and the FPÖ. Rather, I wrote:

... circumstances still seem to favor the FPÖ. Relations between the SPÖ and ÖVP are even worse now than they were before and Wolfgang Schüssel will be caught between a strengthened Vranitzky whom he viciously attacked during the campaign and a party disappointed over his failure to do much more than halt its hemorrhage of votes. The budget crisis remains, the ÖVP will continue to demand a smaller government and the SPÖ will try to salvage at least some of the social-welfare state.

Difficult negotiations for a new, grand coalition were indeed successfully concluded and a budget agreement was ultimately agreed upon, but the factors which contributed to growth *Politikverdrossenheit* over the past ten years and the commensurate popularity of the FPÖ remain. At this writing, the ÖVP again seems to be immersed in a internal ideological struggle and the increased prominence of conservative parliamentary fraction leader Andreas Khol promises only to increase tension vis-a-vis the SPÖ. Continuing public alienation was reflected in the Burgenland *Landtag* election on 9. June of this year when the FPÖ returned to its winning ways with a 14.57 per cent voter-share, up 4.83 per cent from 1991, while the SPÖ and ÖVP lost 3.66 and 2.17 per cent respectively. The magnitude of the FPÖ success was, however, less significant than it appeared. The previous election had taken place five years before at a time when the "*Haider-Effekt*" in *Landtag* elections had been dramatic. Only ten days before the Burgenland election however, Haider had made his comment to the effect that the "employment policy" of the Third Reich had had a favorable impact on reducing unemployment. In the ensuing uproar, he lost his position as Governor of Carinthia on a no-confidence vote engineered by the SPÖ with the support of the ÖVP whose Chairman was then made Governor. Thus the FPÖ won only 9.75% relative to the 11-13% projected in a poll the week before Haider's remark. In this context, half of the 1996 victory may be seen as a recouping of votes that were lost at the last minute in 1991. Indeed, the FPÖ did not claim a victory for its program, but instead interpreted it as a protest against the federal budget and as voice of disappointment with the results of EU membership in the only part of Austria designated as a "Goal-1-Region" and scheduled to receive the highest subsidies.

As we sit here, the votes are being counted for representation to the European Parliament and in the Vienna municipal elections. The 1. September submission date for this paper precludes any meaningful

discussion of these campaigns, but at the date of this writing it appears that disillusionment with the EU along with negative reactions to the austerity budget recently enacted by the SPÖ-ÖVP government and anger at the double- and triple-dipping salaries of its politicians will make the elections into a referendum on the latest iteration of the coalition. Protest may make the FPÖ into the second-largest fraction Austrian delegation in Strassbourg, perhaps only barely smaller than the SPÖ. In Vienna, polls show SPÖ-mayoral candidate Michael Häupl unchallenged in popularity, but his party incapable of holding the absolute majority it has enjoyed throughout the history of the Second Republic. The same issues that aid the FPÖ in the EU election are also at play in Vienna. Additionally, immigration has again become the "hot button" issue for the FPÖ in a campaign which *profil*, with a characteristic lack of subtlety, caustically calls "*Kraft durch Feinde*." In the spring, FPÖ opposition contributed to the decision of the government to postpone action on a controversial "integration packet" that would have permitted the entry of family members of immigrants who had been left behind. SPÖ mayoral candidate Michael Häupl would have liked to have let the immigration issue lie, but was subverted in August when his own party colleague, Interior Minister Einem, proposed opening the labor market to all foreigners who had lived legally in Austria for five years. This played right into the hand of the FPÖ which has called for the suspension of immigration and expulsion of all unemployed foreigners and those convicted of crime. With joblessness rising among Austrians and double-digit unemployment among foreigners, this core issue of right-radical populism seems certain to permit the FPÖ to further strengthen its position as the second strongest party in the Vienna municipal government. Furthermore, polls on the "Sunday question" indicate that if federal elections were also to be held today, the FPÖ would rebound from its loss last year and leap over the ÖVP into second position in the *Nationalrat* as well.

This recovery may suggest that the "Antifa" have "cried wolf" once too often. German political scientist Claus Leggewie implied as much in a forum entitled "This hysterical 'Nazi-Nazi' bellowing," published in the middle of the 1995 campaign by *profil*. He pronounced Austria an almost completely normal ("*stinknormale*") West-European democracy. One of the exceptions was a fixation on blocking a bourgeois coalition including Haider that reflected a failure to understand the modernization that had taken place in society. Only two conditions, he felt, would need to be changed to put Austria fully into the west-European democratic mainstream: 1) end neutrality and 2) join NATO. Ironically, Haider had proposed both in the wake of the end of the Cold War and German reunification and was charged with right-extremism for suggesting them. Writer and essayist Robert Menasse described Haider as an late-born Austrofascist, but admitted that he had been a "useful idiot" in that he had served as the catalyst in the process of democratic development that is now recontouring Austrian politics. Austrian political science professor Rudolf Burger disagreed with the Austro-fascist label calling Haider an eclecticist and sees those who profess to find in him the possibility of fascism as blinded by history and failing to understand modern Austrian and international realities.

Leggewie and Burger sustain the thesis posited at the outset of this essay, namely that the threat posed by the FPÖ is not that of a recrudescence of fascism. While other parties, intellectuals and journalists may believe that they know what is best for the country and frequently find totalitarian tendencies in its radical right-populism, the public in Austria, as here, seems to be dismissing their warnings as the irrelevant outrage of Left/liberal elites whose game is finally up. As long as Austrian governments continue to be constituted by parties with fundamentally opposed philosophies, then the current gridlock

seems destined to continue and the FPÖ stands to benefit in the opposition, despite the fact that its politicians are overwhelmingly cited as the most damaging to the image of the country. The increasing disgust of the voting public with "politics as usual" and the continuing erosion of party loyalty suggests that looser, electoral movements of the type foreseen by the F-reorganization of 1995 may be in the offing. An optimistic view of this trend is that the result will be the end of the "party-state" and a stronger parliament with closer ties of its members to their constituents and not the chaos and ensuing *Führer*-state dictatorship that the "Antifa" see reflected in Haider's proposed Third Republic. Certainly strong presidents and plebiscites recall the techniques used by Napoleon III, Mussolini and Hitler. Their dictatorships were, however, built in societies without any lengthy experience with representative democracy. Austria today, despite the budget crisis and debt problems that exploded as political issues in 1995, enjoys one of the world's highest standards of living and has matured as a democratic republic in the past fifty years. In a comparison of the responses of Austrians and Americans to the same or similar questions testing opinions on the issues identified with radical right-populism I found FPÖ voters quite close in their *Politikverdrossenheit* to the general American electorate, while the general Austrian electorate was somewhat less alienated. In any case Austrians show no support for warmed-over fascism and the technology that earlier generations feared would contribute to totalitarianism now seems more likely to weaken the power of central government. The changes proposed by the FPÖ are indeed radical and the sentiments driving them are right-populist, but would be mainstream among the American futurist-conservatives from whom Haider admits he has drawn ideas and inspiration.

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Der Haider, Jörg (HJ) and the FPÖ Election Victory of 1986*

I. The Haider "Putsch"

On September 22, 1986 the Austrian newsmagazine *profil* carried a cartoon of the newly elected chairman of the *Freiheitliche Partei Österreichs* (FPÖ), Jörg Haider, portrayed in Carinthian folk dress, standing before a painting showing another, brown-shirted Haider wearing a red armband with a partially obscured, but seemingly recognizable black insignia on a circular white field. Brownshirt Haider is shown strangling his liberal predecessor, Norbert Steger, representing at least the cartoonist's interpretation of the significance of Haider's defeat of Steger for the leadership of the party the week before. Haider's past pandering to the German nationalist emotions of his adoptive Carinthian homeland earned him the affectionate designation, *der Haider, Jörg* or simply HJ, suspiciously coincidental with the initials of the old Hitler Youth organization. While it is not unusual in Austrian colloquial expression for names to be reversed, the fact that the designation appeared to so amuse the new FPÖ chairman caused many to see the cartoon as an accurate reflection of the state of affairs in the party.

Two months later, on November 23, Austrian voters handed both major political parties stunning losses in parliamentary elections and increased the FPÖ's representation in the *Nationalrat* by half. At a time when the Waldheim affair has reawakened the world to memories of Austrian Nazism, an assessment of the campaign, the election results and the FPÖ's behavior since the election is of more than usual interest. Is history repeating itself as suggested by the cartoon? This brief, critical study of the 1986 election as a reflection of Austria's historical consciousness challenges the presumption that the FPÖ election victory represents a resurrection of Nazi tendencies and contends that it was a highly personal victory for Jörg Haider, who exploited a modern, rather than a historic populism, with just enough traditionalist rhetoric to hold the nostalgic vote.

Three months before the Haider "*Putsch*" against Steger, the FPÖ seemed on the verge of extinction. Public opinion polls showed only 2 per cent of the population inclined to vote for the party, which, since its founding in 1955, had informally claimed the legacy of the traditional national-liberal *Lager*. In reality, the *Lager* had lost most of its liberal character before the turn of the twentieth century, although retaining the "old-" or what is presently called right-liberal aversion to interference by either government or Church in business or individual affairs.

Attempts to place the FPÖ on a linear political spectrum have always been confounded by the fact that it is, or has been, a *potpourri* of liberals, ex-Nazis, undoubtedly some neo-Nazis and both conservative- and liberal-German nationalists. In 1955, when the FPÖ succeeded its more broadly-based predecessor the VdU, its leadership was substantially composed of repentant former Nazis. By the early 1970's however, a new, youthful leadership cadre had arisen and ultimately took power with the intention of reducing the importance of the German nationalism relative to liberalism. Virtually all these "neo-liberals" came from families that at the very least had been *großdeutsch* if not outright Nazi. Although they were, on the one hand, content with the intellectual liberalism and some of the social policy of the SPÖ and with the free market rhetoric of ÖVP on the other, remnants of *Lager* mentality precluded them

from activity in parties still bearing traces of either Marxism or Catholic Church domination. For them, German nationalism was obsolete and liberalism, even if long dormant, was an element of continuity in the *Lager* which could be used to transcend the German nationalist and ex-Nazi basis upon which the FPÖ had been built. But many of the basic values of these FPÖ liberals had been shaped in homes where Nazi crimes were not discussed and industriousness, efficiency, and attention to family and social obligations, were stressed as distinctively German virtues. Thus, while these young "neo-liberals" were genuinely committed to escaping the shadow which Nazism had always cast on the FPÖ, their unconscious language and actions frequently gave occasion for critics to see them as neo-Nazis clothed in trendy liberal jargon.

Friedhelm Frischenschlager, party ideologue and later controversial FPÖ Defense Minister in the SPÖ-FPÖ coalition government from 1983-1986, fits this description precisely. Under his leadership, at the beginning of the 1970's, a group of FPÖ-oriented students, young academics and other intellectuals formed the so-called "Atterseer Circle" and made it into a party "think tank." Out of the Atterseer discussions arose the momentum which ultimately resulted in the *Freiheitliches Manifest* which became the *de facto* program for liberalizing the FPÖ from its adoption in 1973 until 1985 when a new program incorporating most of the *Manifest* was adopted. This young, rising FPÖ elite, including future enemies Jörg Haider and Norbert Steger, was also growing increasingly uncomfortable with the chairmanship of former SS-officer Friedrich Peter and ultimately was able to force him out in 1978. After a short interlude with Graz mayor, Alexander Götz, as chairman their ultimate capture of the party was confirmed in 1980 when 36 year-old Norbert Steger was elected chairman over Dr. Harald Ofner, who has been described as "national" and a rightist. In his acceptance speech, Steger reiterated the centrist principles of the *Freiheitliches Manifest*, reminding the delegates that "the first real democrats in Austria were the National-Liberals. We can be the reincarnation of this movement if we have the courage to adopt political policy oriented toward the future." The FPÖ showing in the parliamentary election of the previous year seemed to support Steger's optimism. The party received over six per cent of the vote for the first-time since 1962 and had done well among first time voters, white collar and public employees and their managers, skilled and unskilled workers and many retirees. The 1979 acceptance of the FPÖ into the Liberal International, albeit as a right-liberal party, and Steger's election as Vice-President of the international body the next year further promoted the liberal image of the party. The culmination of the transition of the party from right-wing, nationalist splinter party to a modern, liberal party of the center appeared complete in 1983, when the SPÖ lost its ruling majority in the parliamentary elections and turned to the FPÖ to strike a coalition pact. But the price of respectability came high. Despite its rhetoric and a new party program in 1985 which praised individualism and a free market economy, the FPÖ was tied to the continuing Socialist program of subsidies for inefficient nationalized industries and generous social welfare benefits, while annual budgets grew more unbalanced and the public debt spiraled. Furthermore, scandal after scandal rocked the country. The fallout contaminated Steger as Vice Chancellor and toppled him from the position of respect he had enjoyed in the early 1980's as a consequence of his chairmanship of a parliamentary committee investigating corruption in the construction of a new General Hospital in Vienna. In a poll testing the correctness of ten politicians in both public and private life, Steger was ranked last.

By 1986 the party's liberal tilt had alienated much of its German nationalist wing, but no new

constituency had emerged. While the FPÖ liberals had correctly recognized that "the nationalist vote was increasingly to be found in the cemetery," they failed to understand that there was no significant liberal reservoir to tap for support. Furthermore, the protest voters who had always made up a significant segment of the FPÖ electorate were not likely to vote for a coalition party. As the FPÖ prepared for its September convention preparatory to the scheduled 1987 *Nationalrat* campaign, some observers mused that the coming election might be the party's last. An insurrection against the arrogance of Steger and his "eastern liberal establishment" had been developing for some time among the party leaders outside the capital and its environs. Already in December of 1984 Carinthian party chairman Jörg Haider demanded the withdrawal of the FPÖ from the coalition in anger over the submission of Steger and other members of the federal leadership to an SPÖ plan for a hydroelectric dam across the Danube at Hainburg. Finally in the late summer, Haider challenged Steger for the chairmanship to be decided at the party's mid-September convention in Innsbruck.

In an attempt to ward off a divisive floor battle at the convention, Steger warned that a Haider victory would spell the end to the coalition, while the press predicted chaos and a splintering of the party into oblivion. On September 14, chaos did reign in the Innsbruck *Kongresshaus*. Catcalls, footstamping, and whistles met pleas for solidarity by long-time chairman Friedrich Peter as well as from the FPÖ members of the coalition. One delegate used Frankfurt School "authoritarian typology" to describe some of the pro-Haider delegations ". . . as blindly predisposed to their idol and closed to any rational argument." In a last-gasp effort to salvage some semblance of unity, Steger took the stage and offered to step down as chairman in favor of Defense Minister Helmut Krünes if Haider would likewise withdraw and "end his murderous attack on the party." With this he held out his hand and in a dramatic gesture exclaimed "Jörg! Take this hand. Don't slap it away." But "Jörg" remained in the darkness of the auditorium surrounded by his jeering sycophants who shouted obscenities at the Steger ranks. As Haider supporters then paraded to the speaker's podium, the tumult grew and fistfights between the factions were only narrowly averted. Shortly before midnight the vote for chairman was taken and Haider emerged the victor with 57.7 per cent to Steger's 39.2 per cent.

A few Steger loyalists resigned from the party, but most of the "new guard" liberals easily shed the political deadweight of Steger and made their peace with their new chairman while FPÖ headquarters reported hundreds of new memberships. Even Haider's enemies did not tar him with the right-wing, German nationalist brush; Steger refused to call Haider a right-wing radical and contented himself with worrying about "Nazistic tendencies" which had again been unleashed. Certainly the behavior of some Haider's supporters during the convention gave cause for such concern. The journalistic "Waldheim hunters" of the spring who had again swarmed to the scent of a "Nazi story," gave prominent coverage to Steger's bitter ruminations and celebrated the resignation of each liberal as proof that the party had been captured by right-wing extremists. A number of newspapers reported an unconfirmed rumor that Haider supporters had shouted that Steger and his liberal gang deserved to be shot or gassed and showed off Hitler medallions at the least provocation. The party took immediate action to bring the man responsible for displaying the Nazi medals before a party tribunal to answer to his actions, but expressed ignorance about the gassing comments. In a *Profil* interview six months later, Chairman Haider expressed disbelief that any member of his party could be responsible and attributed the report to "a propaganda of lies that started immediately after the election." He supported this contention by stating that he and his General

Secretary Norbert Gugerbauer had tried to track down the story, but found no one to confirm it. The very next week, three Austrian television reporters in a letter to *Profil* confirmed that they had indeed witnessed the incident in the Innsbruck *Kongresshaus* bar-TV lounge immediately after the close of the convention in response to Steger's comment in a television interview that he might consider founding a new, liberal party. They furthermore stated that they had called Gugerbauer with this information, but when they admitted they had not seen any nametag on the person they thought was responsible, Gugerbauer responded: "How can you say this was a delegate? It could have been a stranger." Given the fact that the incident occurred when and where it did, it seems highly likely that the comment was a reflection of a "Nazistic tendency" unleashed as the consequence of the inebriated euphoria of a Haider supporter after years of bitterness against FPÖ liberalism and Steger's pact with the Socialists.

II. The Election Campaign

Even before Haider's victory at Innsbruck, *Die Presse* speculated that early elections would be propitious for the ruling SPÖ vis-à-vis the ÖVP and would leave the FPÖ and various Green and Alternative parties in total disarray. Chancellor Vranitzky surely hoped that his party might benefit as a consequence of the modest improvement in public support that had followed his replacement of the hapless Fred Sinowatz only a few months before and the change in the leadership of his coalition partner gave him an excuse to dissolve the government and call an election. The strategy worked to a degree. The SPÖ captured a slim relative majority, the Greens failed to realize the vote potential that public opinion polls in recent years had projected, and the ÖVP suffered its worst defeat in history. The FPÖ was the only real winner, almost doubling its percentage share of the total vote relative to the last election.

The foreign press typically saw the FPÖ victory as a shift to the right in Austrian politics. Coming six months after the controversial election of Kurt Waldheim as Federal President, some, particularly British, journalists made good press for their newspapers by painting dark images of a revival of National Socialism and anti-Semitism. In contrast, the German-language press outside Austria discounted any Nazistic flavor to the Haider victory. *Neue Züricher Zeitung* wrote that ". . . it would be false to characterize Haider as a neo-Nazi; it would be equally false to overlook the fact that he did not frighten away the 'never-say-die-ers.' Unfortunately neither of the major parties can reproach him on this." It further observed that the FPÖ kept its liberals with only a few prominent exceptions, and also captured much of the protest vote from the Greens. The somewhat left-leaning *Süddeutsche Zeitung* and *Frankfurter Rundschau* agreed that the Haider victory illustrated a move to the right away from the erstwhile liberalism of the FPÖ, but rejected the interpretation that it represented any increase in Nazi sympathies. The conservative *Frankfurter Allgemeine Zeitung* and *die Welt* of Hamburg agreed that the FPÖ victory represented a conservative trend and rejoiced that young people were finally beginning to reject the bankrupt ideals of the left.

If the end of a forty-one year reign of Socialists in the Austrian presidency and the further decline from the Socialist majorities in Parliament won under the leadership of Bruno Kreisky are what is meant by a "shift to the right," then the description fits. In this sense, the FPÖ success was part of a conservative retreat of many contemporary Austrians from what they regard as the excessively expensive, frequently

inefficient and sometimes corrupt policies of the social welfare state. It resembles similar developments elsewhere in Western Europe and North America and does not represent an upsurge in right-wing extremism any more than do the victories of Margaret Thatcher or Ronald Reagan, both of whom have exploited nationalism, racism, anti-unionism and militarism to an extent not even hinted in the FPÖ campaign. It was also a personal triumph by a telegenic, and boyishly attractive Jörg Haider, who, like Oliver North in the United States, won personal popularity not by the appeal of his ideas, but rather by the image he presented and the passion he evoked.

The opportunity for this victory was, in substantial measure, presented to Haider by the major parties themselves. Pre-election polls conducted by both parties showed a close race with neither likely to win a majority. Thus the two large parties campaigned as if preparing for an ultimate Viennese coalition waltz after the election, an analogy which the cartoonists loved to sketch. In this political dance, Jörg Haider, as the "defender of the little man," was portrayed as the courageous mouse biting the elephants about the ankles. His platform remained the electoral program worked out before the change in the party chairmanship and based on the right-liberal party program of 1985. It demanded the reduction of government controls over the economy and incentives for individual initiative, an end to privileges for party members, more direct democracy and an active environmental program. To these ends, during the campaign the FPÖ floated a tax plan which proposed a drastic reduction in the progressivity of the income tax to be paid for by reducing loopholes in the law and the reduction of State expenditures on social programs. Incentives were to be given to single-income families, so as to encourage women to return to the role of wife and mother. When questioned about the relationship between nationalism and liberalism Haider reiterated the program's liberal emphasis on preserving the basic rights and freedoms of the citizen, expansion of market economy and the promotion of competition and competitiveness; its national component was a commitment to the promotion of the freedom and self-respect of all nationalities within the world order. Although Haider frequently responded to questions of political philosophy with paraphrases of the 1985 program, the most effective aspect of his campaign was not an elucidation of FPÖ proposals, but rather a negative attack on the major parties, and the coalition it was widely presumed they would soon make. This strategy presupposed sufficient weakness in the traditional *Lager* so as to permit significant defections from the major parties in protest against the accumulation of problems neglected by both major parties, as well as by the Steger-led FPÖ. It was a non-ideological campaign, but Haider's past reputation held or recaptured the German-nationalist votes and the lack of any desirable alternatives kept the liberals loyal. In contrast to the dismal predictions before Haider's accession to the chairmanship, the FPÖ not only again captured the somewhat less than 6 per cent average share of the electorate it had held for the past two decades, but added almost another 4 per cent.

These results seem to confirm Kurt Steiner's tentative 1972 conclusion that Austria was being transformed into a mature or *depoliticized* democracy from the *consociational democracy* of the post-war era. In 1945, erstwhile political enemies from the Socialist and Christian-social camps manifested coalescent elite behavior as a means of imposing a new democratic structure on a fragmented political culture, while reverting periodically to at least the rhetoric of class-struggle to mobilize the *Lager* for elections. Bruno Kreisky broke with this pattern and reached beyond the Socialist *Lager* to build an electorate which gave the SPÖ absolute majorities from 1971 until 1983. During this period the mass

political culture became more homogeneous. Politics became identified with personalities and immediate issues and voters began to move across *Lager* lines. The absence of historic, ideological issues in the 1986 *Nationalrat* campaign was reflected in a high degree of voter mobility which saw 34 per cent of the FPÖ supporters decide only in the last two weeks of the campaign and 17 per cent only in final days before the election. *Die Presse* estimated that SPÖ and ÖVP voters had shifted over to Haider in equal numbers and caustically observed: "the fact that 24 per cent of new FE voters were ex-SPÖ voters may even force the foreign media to think again. No rational person could believe that disciplined comrades had become unreconcilable Nazis overnight."

Although the SPÖ-ÖVP coalition that has emerged from the failure of either major party to achieve a governing majority would appear to be a return to the practices of the past, the dynamics of elections are considerably different from those of period from 1945 until 1966. The political culture has become homogenized; party elites no longer coalesce to make a fragmented political culture governable, but rather compete for many of the same votes and coalesce when the electorate finds none of the lesser evils sufficiently attractive to entrust with the sole formation of government. As the *Lager* dissolve, single issues become more important as is illustrated by the emergence of the Austrian Greens and alternative parties, and the Haider victory points to the capacity of a "hot" personality to mobilize the protest vote.

III. The Haider Victory: neo-Nazism or populist opportunism?

To test the thesis that the 1986 FPÖ election victory does not reflect an upsurge in Nazistic tendencies, the remainder of this paper will focus on assessing the degree to which German nationalism, nostalgia for the era of the Second World War, and anti-parliamentarianism as indicators of pro-Nazi sympathy, were used to attract votes and whether they, in any way, direct the political behavior of the party since the election. Subsumed under German nationalism are racism and *Anschluss* sentiment, under anti-parliamentarianism, are totalitarianism, support for the suppression of civil and political liberties for political enemies and indifference or support for the elimination of parliamentary government. Under nostalgia for the era of the Second World War are subsumed the denial or minimization of Nazi war crimes and the glorification of militancy and military service. This list of sentiments was extrapolated from six questions posed by the Social Science Research Association in a 1976 field survey and cross-checked by another three questions in a follow-up survey in 1985 to test the degree to which opinions supportive of the principal features of Nazi ideology are still held by Austrians. Many of the subsumed sentiments simply can not be uttered openly, but may be inferred from support for the test items. In analyzing the electoral strength of the FPÖ in the 1986 election it must be assumed that these data are relevant only for that segment of the electorate that has traditionally voted FPÖ and may not be used to infer the sentiments of former SPÖ, ÖVP, independent and new voters who came to support the party after the succession of Haider. With the FPÖ success in the 1986 parliamentary election so closely tied to its new chairman, it is necessary to evaluate his putative sympathy for right-wing extremism as measured by German nationalism, anti-parliamentarianism and nostalgia for the war era.

German nationalism

Given the background of the FPÖ, it is not surprising that Social Science Research Association data show that German nationalists were more supportive of the FPÖ than any party. (See Table II below.) The reasons why Haider is so often seen as a panderer to Nazi-style, German nationalism lie in a combination of the political opportunism that has marked his entire political career and his choice of Carinthia as basis for his climb to political prominence. Like most of the recent leadership of the FPÖ, Haider comes from a *großdeutsch* family, but became active as a university student in the genuinely liberal party in his home state of Upper Austria. He was part of the movement to liberalize the party program in the 1970's and first attracted public attention in 1976 as one of the liberals who were attempting to force the resignation of former SS-officer Friedrich Peter as party chairman. At this time he was recruited by the Carinthian party chairman Mario Ferrari-Brunnenfeld to come with him to Klagenfurt as party secretary. Once in Carinthia, the youthful Haider quickly learned to pander to right-wing German nationalist elements as a means of mobilizing the political support which made him Austria's youngest member of parliament at the age of twenty-nine and soon the chairman of the state party organization. The issue which enabled him to unseat his former patron as Carinthian party chairman in 1983 and has brought the FPÖ within striking distance of becoming the state's second largest party, was the federal law that in Carinthia requires bi-lingual education in classes where Slovenian children desire instruction in their mother tongue. Since language is at the heart of nationalism, this issue is a good one to analyze relative to the test criterion. When the SPÖ convinced the ÖVP and Ferrari-Brunnenfeld on behalf of the FPÖ to support a progressive, minority rights law, Haider, who had initially supported the legislation, discovered the political popularity to be gained by opposition and became the champion of German-speaking children. At this point, according to Ferrari-Brunnenfeld, Upper Austrian Haider ". . . cozied up to the *Kärntnerheimatdienst* (KHD)," a right-wing, German-nationalist, patriotic organization and ". . . began to sleep in his Carinthian folkcostume." He supported the KHD proposal to eliminate the need for bi-lingual education by placing the Slovenian children in regional schools keeping "Carinthia German, free and undivided." While many have seen Haider's stance on this issue as the tip of a neo-Nazi iceberg, Ferrari-Brunnenfeld believes that he is just an opportunist who will affect virtually any political belief that furthers his career. But "blood and soil" politics, important in Carinthia, play less well or not at all in other parts of Austria. An illustration of how opportunist Haider has already begun to adapt to the needs of his new, federal position may be seen in his compromise with the SPÖ and the ÖVP on the school issue. In the 1986 parliamentary campaign and the months thereafter Haider assiduously avoided German nationalist themes which might have lent support to charges of neo-Nazism. This evaluation is corroborated by a report of an observation team sent by the Liberal International to evaluate whether the FPÖ should be permitted to remain in the organization. The attitude of the team before going to Austria was one of grave suspicion about the political turn taken by the FPÖ with the accession of Haider to the Chairmanship. The investigation confirmed the Liberal International's fears about the lack of liberalism in Haider's FPÖ, but the confidential report also stated: "We have found no evidence of neo-Nazism, fascism or right-extremism in Haider's speeches.

TABLE II QUESTIONS TESTING THE CRITERION OF GERMAN NATIONAL

1.

A breakdown of the responses is as follows: %

- All are equal 42 %
- Some are superior 23
- Some are inferior 16
- Other answers 8
- Don't know 11

1. 2. It was once said: "German-ness will one day solve the problems of the world." What do you think of it? (1976)

- It was once correct 14 %
- It is no longer correct 30
- It has always been nonsense 35
- It is correct 9
- Other answers 6
- Don't know 17

3. If there should be a vote on an Anschluß, as in 1938, how do you think Austrians would decide? (1976)

As before, almost all in favor 5 %

Not as before, almost all against 22

Majority would be in favor 7

Majority would be against 51

Other answers 4

Don't know 12

Nostalgia for the era of the Second World War

Haider's manipulation of the nostalgia issue was also the result of his Carinthian detour on the road from young party staffer in Vienna to party chairman. Some sense for the depth of feelings of nostalgia may be gained from the Social Science Research Association poll. (See Table III below.)

TABLE III QUESTIONS TESTING THE CRITERION OF NOSTALGIA FOR THE ERA OF THE SECOND WORLD WAR

1. What do you think of the following statement: "If Germany had won World War II, it would bein a better position in today's Europe"? (1985)

- True 14 %
 - False 51
 - Don't know 34
-
- 2. Should boys be raised to be peaceable or militant?
 - Peaceable 72
 - Don't know 7

In historically German-nationalist Carinthia, Haider found it expedient to defend the honor of those "who had only done their duty" as German soldiers during the war. As a member of the post-war generation he says that young people have more pressing problems than to argue about *Trauerarbeit*, mourning the crimes of the past. In this sense he not only appeals to the war generation, but to those in the younger generations who reject the need for a sense of collective guilt. As party secretary and later as chairman in Carinthia he had responsibility for the FPÖ newspaper, the *Kärntner Nachrichten*, and did not block stories about "the Holocaust lie," or the publication of complimentary articles about ex-Nazi politicians and military figures who had been convicted of war crimes. Haider denies culpability for these articles and argues that most of the so-called stories, were in fact letters to the newspaper and resemble those written to other Carinthian newspapers as well. His attempts to escape responsibility here lack credibility, but there seems little doubt that now, in a much larger political arena, he is trying disassociate himself from his apologetic image regarding Nazism, while at the same time refusing to withdraw his statements of respect for the soldiers who performed the military service required of them. Haider initially defended Waldheim with his blanket exculpation of veterans who "just did their duty," but when public criticism began to mount in the spring of 1987, Haider's sensitive, political antennae told him that a shift in course was opportune. The situation was ideally suited to his populist style and permitted him to make political capital at the expense of both major parties. Waldheim was, after all, the candidate of the ÖVP and Haider expressed the disappointment of many over the dishonesty of the symbolic head of the country. Haider also expressed the outrage of Austrians of all political colors, who felt betrayed by the Reagan administration's action against Waldheim on the basis of previously known documents which did not prove any guilt, but only cited "concrete suspicion." It was hypocritical, he charged, for the United States, which after all had bombed Dresden and dropped the world's only nuclear weapons on human beings, to assume that all soldiers who fought on the losing side in the war were guilty of war crimes, while at the same time providing asylum for human rights violator Ferdinand Marcus. Finally, he attacked Chancellor Vranitzky for his supplicatory trip to the United States immediately after Austria had been so unjustly humiliated.

Anti-parliamentarianism

Anti-parliamentarianism is the one test criterion of which Haider can not be accused, although a

substantial segment of the traditional FPÖ electorate appears to hold totalitarian views. (See Table IV below.) Activity in or around both federal and state

TABLE IV

QUESTIONS TESTING THE CRITERION OF ANTI-PARLIAMENTARY SENTIMENT

1. What should be done with dangerous political political opponents?

(1976)

- Imprison them 20 %
- Bring them to their senses by putting them under pressure 9
- Banish them 16
- Not worry about them 10
- Try to persuade them 30
- Other answers 9
- Don't know 6

2. If any part of the population or any organization were to try to abolish Parliament, what would you do?

(1985)

- I wouldn't care 11 %
- I would take action against this group with all the means at my disposal 35
- I would be against it, but would not get involved in the fight 40
- I would support all those who would abolish parliament 3
- Other answers and don't know 12

- 3. Is it better for a nation if one important politician determines what is to be done, or is it better if many citizens participate in the decision and discussion? (1976)
 - One person should determine determine alone 21 %
 - Many should participate 64
 - Other answers 10
 - Don't know 5

parliaments has been the central focus of Haider's political existence. If he has not been critical of the system, he certainly has been disparaging of its practice in Austria. Coalition politics, including those of his own party, are seen as built on compromise by party elites on behalf of themselves and the

bureaucrats they appoint and against the interests of the people. Haider ran his 1986 campaign against the probable coalition that would produce a "Red-Black Unity Party" and he promised to seek a coalition with the people expressed through the vigorous use of citizens initiatives to force reform on the coalition. Thus the FPÖ is to function as a "control party" through its criticism of coalition policies in parliament and by mobilizing a broad array of single-issue constituencies against the "*Demokrat*" of the grand coalition. Unencumbered by the burden of maintaining reasonable levels of employment while at the same time reducing the federal debt by the reform of nationalized industry, the FPÖ is free to mount populist attacks on "government by compromise." Haider is unsurpassed in present-day Austria as a popular, demagogic orator and the FPÖ can expect to continue to find support on environmental issues, political favoritism, inefficiency in government and nationalized industry and the like.

In conclusion, the question must be raised whether the FPÖ is now on the threshold of becoming a third major party or whether the 1986 victory was just a transitory phenomenon. Haider's victory was fashioned out of equal parts of German nationalism, liberalism and populist protest. For the future however, the party has no real need for a nationalist agenda. 1986 voter exit polls revealed that the FPÖ surprise victory was substantially built on the protest vote, mostly of people under the age of 45 who had experienced their political socialization in the years following independence. One-third of the under-30 cohort and 45 per cent of the 30-45 year-old age group cohort voted for Haider. This contrasts starkly with a pre-election analysis of the influence of generation on electoral behavior that showed only 3 per cent of the sample from these generations inclined to vote for the FPÖ. While this analysis states no firm correlation between age and values, it strongly implies that political values are significantly conditioned by the era within which a voter becomes politically conscious. It may therefore be concluded that nationalist issues such as whether Austria is a nation or is a constituent state of a larger cultural Germandom are becoming increasingly irrelevant. Similarly, anti-semitism as a subset of the German nationalist category is self-defeating. A recent opinion poll has shown strongly anti-semitic opinions held by only 7 per cent of the general population and a broad public rejection of politicians who would exploit such views. This contrasts markedly with the 24 per cent strongly inclined towards anti-semitism in 1973. The statistical decline suggests that, precisely in the under-45 age cohorts which voted in such large numbers for the Haider-led FPÖ, anti-semitism has no popular appeal. Even the Slovenian-school problem, which must certainly be seen in nationalist and racist terms, is a modern issue of a type similar to the rejection of bi-lingual education in Los Angeles and the English-as-an-official-language movement making headway across the United States. On this matter the FPÖ accepted a compromise that is far less right-extremist than policies being implemented today in areas of the United States where the Hispanic population is rising. Nationalists will continue to vote for Haider because of his past credentials and his continued ability in speeches to stroke resonant strings in "German hearts." What they do not realize is that Jörg Haider was never really a traditional German nationalist anymore than he was, and is again, a liberal. He has always been a political chameleon willing to don which ever suit of ideals is opportune. For the moment, in order to hold the votes of those whose political socialization has occurred first in an era of rising prosperity, democracy and Austrian state independence and now of high federal deficits and environmental threats, it appears that the FPÖ is fashioning its appeal on issues other than those subsumed under the category of German nationalism.

Although for different reasons, the FPÖ's liberal agenda is also empty. Haider's past support for liberal

programmatic development and continued lip service to the 1985 program was sufficient to retain all but the most embittered Steger supporters in the party. The substance of this liberalism consists of little more than hollow phrases of support for the little man and pious encouragement for individual achievement in the face of the leveling and oppressive social welfare state. Nevertheless, given joint ÖVP-SPÖ responsibility for managing nationalized industry as well as the stigma that will ensue from the inevitable layoffs resulting from rationalization measures, FPÖ criticism and sloganeering can be expected to find a sympathetic response in the electorate.

For a politician with political antennae as sharply tuned as those of Jörg Haider, the message of the 1986 elections must be clear. The recovery of lost German-nationalist voters and the retention of most FPÖ liberal voters would have produced, at best, two-thirds, of the vote total. The new and perhaps transforming element of the FPÖ success in 1986 was Haider's ability to mobilize the protest vote. It came in part from new voters, but also from the growing reservoir of swing voters, mostly under the age of 45 and relatively unencumbered by a *Lager* political mentality. Many had voted for the charismatic Kreisky, but were lost by his ineffectual successor Fred Sinowatz and not recaptured by Vranitzky. If the ÖVP, as the major alternative, continues to be unable to find an attractive leader, then the FPÖ could well parlay its advantage as an opposition party in a time of relative social-economic difficulty into voter support that would turn it into a third major party occupying a position from the right center to the right of the political spectrum. Its anti-big business, anti-big labor stance won strong support in the west and particularly in the rural tourist areas and service-oriented sectors of towns and cities. But in every *Land* the Haider-led FPÖ improved over

the performance of 1983, even in the "eastern liberal" citadels of Vienna and Lower Austria. A surprising number of workers even voted for the FPÖ, undoubtedly reflecting anxiety stemming from Socialist Chancellor Vranitzky's cutbacks in the huge VOEST concern.

Given the tenacity of the current problems and the difficulty the coalition is having reaching agreement on solutions, the FPÖ may well continue to prosper either as a voice of protest against the coalition or as a balance on the political scale in an open parliament should the coalition founder. While this would not necessarily make the FPÖ into a party of the center between the SPÖ and ÖVP, it would create the opportunity for it to become a major, pluralistic party that speaks to current issues on behalf of a broad range of Austrians.

To put the 1986 electoral upsurge of the FPÖ back into historical perspective, there are certainly some parallels and a thread of continuity with the rise of the NSDAP in Austria. German nationalist sentiment and anti-semitism are more prevalent in the FPÖ than they are in any other Austrian party and its anti-big business, anti-labor rhetoric is also reminiscent of the populist appeal of early Nazism. But the populism of Haider is not that of Hitler and the 1980's are not the 1930's. Austria has become a mature democracy and the issues which Haider has to exploit to make himself more than a figure of transitory significance must appeal to values that are incompatible with traditional Nazism. But apathy, the splintering effect of single-issue constituencies, and the increasing importance of media personalities as the negative hallmarks of mature democracies make Austria no more susceptible to populist extremism than other democracies in Western Europe and North America. In a time of crisis, the demagogic,

telegenic Haider could emerge as a major political force in Austria. But just because he was born in Austria and speaks German should not make him more dangerous or feared than men or women of a similar cut from France or Great Britain or the United States.

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From the " World Socialist Website" wsws.org

By Ulrich Rippert

13 March 1999

Last Sunday voters went to the polls in three of Austria's nine states (Kärnten, Tirol and Salzburg). The Austrian Freedom Party (FPÖ) of Jörg Haider, which employs racist and neo-fascist slogans, increased its vote in all three states. In Kärnten, the southern-most state of Austria bordering Slovenia, the increase was exceptionally large. There the FPÖ vote rose by 8.8 percent, giving the party 42.1 percent of the total, the first time it has gained the largest single party vote in a state election.

The FPÖ pushed the Social Democratic Party (SPÖ) into second place, with 32.9 percent--a 4.5 percent loss. For years, Kärnten was counted as a social democratic stronghold and the SPÖ played a key role in state politics. Up until 1989 the state president was almost always a social democrat. The conservative Austrian Peoples Party (ÖVP), from whose ranks the state president has come more recently, lost 3.1 percent of their vote, despite doing fairly well in the opinion polls before the election. Their total of 20.7 percent was less than half that of the FPÖ.

According to information from the Austrian polling institute SORA, voter movement was much stronger than usual. An exceptional number of former social democratic voters (26,000) cast their ballot for the FPÖ instead, with another 8,000 coming from the Christian democratic ÖVP. Dissatisfaction with both the social and Christian democrats, who have dominated federal politics in Vienna for over 13 years, ruling in a grand coalition, was abundantly clear. In the past voters tended to switch between these two parties, and this was generally the pattern reflected in Tirol and Salzburg: the SPÖ gained in urban Salzburg, whereas in the rural areas and tourist centres of the Tirol it was the conservative ÖVP.

In Kärnten, where Haider stood as a candidate and the FPÖ concentrated its campaign, the right-wing extremists were able to benefit from growing social and political protests.

By the evening of the election, the SPÖ state chairman, and their lead candidate in the elections, had resigned. The former state premier Christof Zernatto (ÖVP), faced with an electoral debacle for his party, made it clear that he would not be putting his name forward as the next state prime minister. This means the road is open in Kärnten for Haider to take the post.

Kärnten is a small state with just half a million voters. However, the election result sent a shock wave throughout Austria and caused uproar internationally. It can no longer be excluded that the neo-fascist Freedom Party may become the strongest single party in Austria in June's European elections, and could even emerge as the victor in the federal elections this autumn.

Once already, in May 1989, Haider held the reins of power in Kärnten's capital Klagenfurt. However, at

that time the SPÖ was the largest party and the FPÖ was only able to overn in a coalition with the Christian democrats. Nearly two years later, Haider was forced to resign after expressing his public admiration for Adolf Hitler and praising the "Nazi's employment programme" as a "model".

He then pursued his career at the federal level. In 1993 he initiated a referendum "Austria First!", which called for the rigorous expulsion of foreigners and asylum-seekers as part of a sweeping campaign against Austria's "überfremdung" (literally, "swamping with foreigners"). He systematically diverted the growing fear of rising unemployment and social decay into extreme right-wing, racist channels.

The recent election victory in Kärnten was also surprising because just last year the FPÖ was in a deep crisis and Haider had only been able to cling onto the leadership with great difficulty. As in other European parties of the extreme right, violent internal clashes had nearly led to the disintegration of the FPÖ. Following certain dark dealings and swindles, the party's former economic expert Peter Rosenstingl fled to Brazil, taking millions from the party coffers with him. Another leading member was found guilty of conspiracy to commit tax evasion.

Haider, who had often accused the other parties of corruption and dirty dealings, now faced the same criticism. He was forced to admit that his family had made its millions from the Nazi policy of "arianisation". One of his great uncles used his position in the Nazi party in order to take control of a Jewish widow's possessions. The 30 million deutsche mark inheritance was able to bypass the taxman, and came into Haider's ownership in 1986. The self-proclaimed "champion of the little man" has since belonged to Austria's wealthiest elite.

In the face of internal criticism and inner-party disputes, Haider threatened several times to resign and withdraw from politics altogether. He hoped that the election in Kärnten would provide him with ammunition against his inner-party opponents. Even he was surprised at the scale of his victory. He told the press that he had expected to gain votes but had not thought the FPÖ would tally over 40 percent.

A similar political development can be observed in Austria as has been witnessed in other countries. The anti-social policies of the larger established parties--the social democrats and conservatives who had determined the fate of the country for many years--come more and more into conflict with the great majority of working people. Under the conditions of political crisis and paralysis in the working class, a political vacuum ensues that right-wing parties and groups can exploit, despite their own divisions and lack of orientation.

It is no accident that the racist demagogues have found support in Kärnten, where the social and political problems of Austria are concentrated most strongly. Unemployment is above average and the social crisis is most pronounced in this region with a weak infrastructure, and characterised by small-scale farming and tourism. The widening gulf between rich and poor is there for all to see. While millionaires swank about around (lake) Wörther See, and build opulent villas and castles in the other tourist centres, the European Union's agriculture policy is forcing more and more small farmers to abandon their holdings, facing entire families with ruin.

As well as whipping up racism, Haider very consciously stressed the social questions in his demagogic election speeches. He demanded that factories with more than 20 percent foreigners in their work forces should lose all state subsidies. He combined his well-known rabble-rousing against the European Union with the call for a guaranteed existence for farmers in the form of a "jobs premium". Families and single parents should receive more support, including state benefits. Symbolically, he distributed "family cheques" and promised a minimum benefit payment up to the age of six for every child. Moreover, he called for a drastic lowering of rents and for mass tax cuts. How he would finance his proposals was not spelled out. In any case, these promises were made to be broken.

There are also historical reasons why Haider did well in these elections, and in previous ones in Kärnten. There is still a strong Slovenian minority in southern Austria. In eight of Kärnten's districts, Slovenian is the second official language. Even before Haider there had been many racist attacks on Slovenians in Kärnten. In 1920 a referendum was held to determine whether south Kärnten, the area around Klagenfurt and Villach, should become part of Yugoslavia. This provoked a strong German nationalist opposition that instead called for Anschluss (union) with Germany. Even before the vote was taken, violent battles fomented by the so-called "defence force" ensured that there was no question of the area joining Yugoslavia.

In the 1930s the Nazis were able to rely on this pro-German nationalist grouping, while Italian and Yugoslavian anti-fascists had to operate illegally in this area. After the war, these contradictions remained. The veterans of the anti-fascist struggle gathered inside the Communist Party. On the other side, many Nazi thugs hid away in Kärnten.

To counter the influence of the Communist Party, the social democrats also encouraged racist sentiments against the Slovenian minority and rested on German nationalist traditions. In the "Ortstafelsturm" (name-sign storm) of 1972, under social democratic state and federal governments dual-language street name signs were forcibly torn down, even though the Austrian constitution of 1954 obliged the provision of such signs. The signs have still not been replaced in some districts with a high percentage of Slovenians.

Haider has invented nothing new in Kärnten. In the past, the racism of the social democrats was hidden behind a thin façade of "social partnership". The end of this policy means that the social democrats are revealing their true colours. The social democrats could prevent Haider from becoming state premier by refusing to support him in the state legislature, where he would need a majority to enter office. But they do not want to do this. Instead, they are preparing to collaborate with him at the federal level. They are politically confounded and are striving to channel Austria's growing social conflicts in a racist direction.

Social democratic opposition to Haider consisted of making him superfluous by adopting his slogans. The policies of the two parties continued to merge. Increasingly, social democratic politicians came to applaud Haider. The mayor of Wolfsberg in Kärnten, Gerhard Seifried, said on the election eve that Haider had "proved to be the best social democrat". He became the first SPÖ politician to openly call for Haider to become state premier. Others then followed.

Despite certain exceptional circumstances in Austria, the election must be seen in the context of contemporary European and international relations. The coming to power of social democratic governments throughout much of Europe was an expression, if a limited one, of a mobilisation of the working class against the worsening attacks of the conservative governments on social conditions. This immediately created a political crisis in the ranks of the right-wing extremists. As these social democratic governments continued the anti-social policies of their conservative predecessors, and went even further, political frustration grew, providing the right with new impetus.

To prevent this requires a reckoning with the policies of social democracy and the building of a workers party that will not leave the social questions to the right-wing demagogues.

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Haider's Reach for Power

by

Max Riedlsperger (Cal Poly State University SLO)

Prepared for the the 1999 meeting of the German Studies Association

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Introduction

The title of this paper and the question posed by this magazine cover refer to FPÖ-Chairman Jörg Haider's claim that he should be elected head of government (*Landeshauptmann*) in Carinthia if his party were to capture a relative majority in the 7. March *Landtagswahl*. Simply the fact that Austria's leading newsmagazine would pose the question indicates the controversy surrounding his person. For most of Austria's literati, artists and intellectuals, the answer to the question on the cover of *profil* was clearly no! As Jennifer Michaels will note in her paper to follow, "there is little love lost between contemporary Austrian writers and Jörg Haider," and, I might add, the feeling is mutual. The reasons are too complex to be explored in any depth here, but some of them lie in deep and contentious differences over history and the way in which Austrian identity is perceived. The observations of the Trieste *Germanist* Claudio Magris are to the point. Writers, according to Magris, have embraced the idea of a "hinternational" Central Europe, "nowadays idealized as the harmony between different peoples ? of the Habsburg Empire, a tolerant association of peoples understandably lamented when it was over ?." While recognizing a certain legitimacy in this view, he notes that it was rooted in myth:

? in some measure a makeshift ideology, arising from the failures of Austrian policy in Germany. Incapable of bringing about the unity of Germany, the Austria of the Habsburgs sought a new mission and a new identity in the supra-national empire, the crucible of peoples and of cultures --- the "hinternational Danube basin." Writers almost always, tend to see only the "hinternational Danube," while historians also take account of the German-ness of Danubian Austria, with the Rheingold often gleaming in the blue Danube. The Austro-German outlook does not simply mean German nationalism: at certain moments in history -- it has indicated identification with the culture, which appeared likely to bring progress.

This latter view, of itself, is not racist, but it does see German culture as central to the integration, civilization and perpetuation of ethics and values for Central Europe. Following the collapse of the old Habsburg Empire in 1918, virtually all the political and cultural elites saw Austria as a part of the cultural German nation even if the victorious Allies prohibited the realization of a true, "greater

German" nation-state. Even the Nazi take-over of Germany did not end this view. Some simply saw Austria as the "better" German state, while others longed for inclusion in the "greater German Reich." The experiences between the *Anschluss* in 1938 and 1945 ended any illusions or desires for unity within a political German nation, but as late as 1956, the first poll on the question of identity showed 46 per cent identifying Austrians as part of the German ethnic, linguistic and cultural community.

The general ideological conflict described by Magris describes one of the fundamental reasons for the antipathy between the contemporary Austrian literary community and Haider. For writers, the "hinterland" is now the multicultural view while those of Haider and his FPÖ are contemporary iterations of the Austro-German outlook. Many of today's literary elite are of the student generation that revolted against the "Establishment" represented by the government of ÖVP-Chancellor Josef Klaus (1966-1979). To be Left and radical was chic, and the 68-er reveled in their "anti-Establishment" status as a kind of political "Other." In 1970, however, came a major transition, when Socialist Party-Chairman Bruno Kreisky became Chancellor. Kreisky was a darling of the 68-ers. To be sure, he was not of their generation, but as a Jew, even if one who had declared this inconsequential, and as a fighter against the "clerical-fascist" government of the 1930's and then a refugee from Nazism, Kreisky personified "the Other," both ethnically and politically. Under Kreisky, some of the 68-er became apprentice politicians while their friends took up junior positions in the schools, universities and the media and began their "march through the institutions" of the society. This was the "golden Age" of the Second Republic with a prosperity that afforded social-welfare benefits for everyone, including a rich and heavily subsidized cultural life. Many of the writers, artists and intellectuals who benefited, extrapolated, from what Magris describes as the "idealized harmony" of the Habsburg Empire, a model for the Second Republic that would be elevated and enriched by the contributions of the new "Other" who immigrated into what had been a largely German Austria. This pedagogic goal is described in an article in this year's *Contemporary Austrian Studies* as a manifestation of the motives of Kreisky and the *Linksintellektuellen* who rose to prominence under his leadership and the unbroken string of Socialist Chancellors who have succeeded him. Expressing the Austro-Marxist concepts of the 1930's,

?, the intellectuals first designed a leading role for themselves: only they provided the allegedly "scientific world view?." From this knowledge and the circumstances of the general unawareness and unpreparedness of the proletariat for their historical role resulted the second role of intellectuals: *the position of educators?*.. In the concept of the left intellectuals the attempt to create a synthesis between the intellectuals and moral leadership was realized: the intellectuals as educators acted no longer as mere articulators of the conflict, but also as the political "solution."

One of the goals of these writers-as-pedagogs was to end the myth of Austria as the victim of "Hitlerite aggression" as proclaimed by the expedient 1943 Moscow Declaration of the Allies and to force Austrians to acknowledge the factors that had led them into enthusiastic support for National Socialism and made them its willing agents. Without question, one of the most important factors had been the goal of *Anschluss* as a means of completing German national unification. While no one any longer expressed this hope, there were those who still insisted that they were part of the German ethnic, linguistic and cultural community. These problematic Austrians have been portrayed by modern writers as reactionary

provincials, nostalgic Nazis and neo-fascist right-wing extremists. A recent example of this attitude that has now become known as "*antifa*" is *Wiener Blut*, chosen by *Burgtheater* Director Claus Peymann as one of his last shots against the philistines of Vienna. In the words of the playwright Johann Kresnik: "Just a bunch of murderers, suicides and people in despair who don't know what they are supposed to do. That is Austria. That is *Wiener Blut*."

For the *Linksintellektuellen*, whether in politics, academia, the media, literature or the arts, Haider is a right-extremist whose success is rooted in his successful appeal to the kind of society that is portrayed by Kresnik and others. Some of the reasons are:

- The Nazi background of Haider's parents, his own early enthusiasm for German cultural nationalism and his purported nostalgia for National Socialism.
- Haider's support for traditional (read German-Austrian) values, his antipathy towards multiculturalism and his view that immigration is one of the major causes of the decline in the civility of modern society.
- Haider's drive to reduce the social-welfare state along with its generous subsidies to the press, literature and the performing arts, particularly the *Burgtheater* of Claus Peymann and the contemporary writers whose works he promoted.

In contrast, in a number of papers at GSA meetings, published articles and chapters in books, I have argued that the "Haider Phenomenon" was made possible by the erosion of the old *Weltanschauung*- or *Lager*-based political appeal with which Austrian parties had traditionally mobilized their electorates. Haider has understood how to exploit these changes and has transformed the FPÖ from a tiny German-national *Lager*-party that his predecessors Friedrich Peter and Norbert Steger had been trying to return to its liberal roots into a modern, radical, right-populist party at virtual numerical parity with the traditional parties that have dominated Austria since 1945.

The Haider-FPÖ is, to be sure, right -- first of all, because it is relentless in its opposition to the "Lefties" of the media and the academic, artistic and cultural "Establishment" and the "Reds" of the SPÖ. It demands a change from the SPÖ-ÖVP coalition that has stood since 1986 and the unbroken string of Socialist chancellors since 1970. It is radical in much the same sense that the U.S. Republicans were in 1994 when they touted a "New American Revolution Revolution." Haider even reworked Newt Gingrich's "Contract with America" as a "Contract with Austria" and studied Governor Pete Wilson's anti-immigration measures in California. In an essay for *Contemporary Austrian Studies* I explained my reasons for differentiating between what I see as the modern radical-right-populism of the FPÖ and the view that has been developed by *Dokumentationsarchiv des Österreichischen Widerstandes* (DÖW) which essentially contends that the Haider-FPÖ is a right-extremist reincarnation of the NSDAP. Since the DÖW position is widely accepted by the media, in academic and cultural circles as well as within the SPÖ, I was pleased to find that my view was paralleled by the eminent British historian of Austria, Peter Pulzer, in his review of the DÖW *Handbuch des Österreichischen Rechtsextremismus* in the same issue of *Contemporary Austrian Studies* where I made my case.

To be sure, Haider has made comments that give ammunition to those who portray him as a neo-Nazi, or at best as an apologist for Nazism who lacks remorse for its crimes and sensitivity for its victims. These "slips," they assume, reveal the "true Haider" who has been successful because he strikes pro-Nazi chords deep in the hearts of the many Austrians. In contrast, I believe his success has been not because of what he said, but rather because his disdain for the "political correctness" of his critics is widely shared. A substantial body of research shows that electoral support for the FPÖ has grown because it gives critical voice to modern concerns that a growing segment of the public feels have been ignored or mishandled by the "Tweedle-dum and Tweedle-dee" coalition of what Haider calls the "SPÖVP *Einheitspartei*." Haider is an unusually astute populist and as such is always ready to change. He is a moving target and his enemies have failed to move their sights to keep up with him. The consequence is that their continuing reminders of "slips" long past have become irrelevant and increasingly, people have come to question whether Haider's past political incorrectness is any reason to bar him from governmental responsibility. In Carinthia, this past March, voters answered the question posed by the *profil* cover with a convincing yes and at the same time, in elections in Tyrol and Salzburg, continued the trend in protest voting that has been characteristic of the period since 1986.

These three election campaigns gave me my first opportunity to test my past evaluations of the party which had been based on printed sources, interviews and video against the actual behavior of FPÖ politicians in their rallies in the *Gasthäuser* and in their one-to-one contacts with people in the streets. I assumed that if the "antifa" critics of the FPÖ were correct, I would see evidence of right-extremism in the numerous of meetings I attended. These included a regional strategy meetings of local precinct leaders, a number of *Gasthaus* speeches with question-answer sessions to one large rally with over 500 in attendance. I found no evidence to compell a revision of my earlier analysis and the election results seem to have moved significant numbers of politicians and journalists to a similar position.

The *Landtag* Elections of 7. March 1999

The Background:

Since 1989, "Super Sunday" elections have been held at five year intervals for the state parliaments in Carinthia, Salzburg and Tyrol. Given my title and the fact that the stunning FPÖ success in Carinthia gave Jörg Haider the power to organize the government and claim the prize of *Landeshauptmann* there, this paper will focus on that election and its immediate consequences. The other elections are, however, also important and not only because my goal was also to gain impressions about the FPÖ as a whole. Since they involve three states at one time and particularly because they are in Alpine Austria, well-removed from the dominance of Vienna, they have acquired more than just a provincial significance. They are particularly important this year as a possible harbinger of the Federal Parliament election that will take place the Sunday before this conference. For these reasons, I will begin with a short summary of the elections in Salzburg and Tyrol before turning to Carinthia. Although the circumstances in each state were different, common issues in all the campaigns were the following:

- **Unemployment.** Consistent with its positions on immigration and the demands to limit public

spending, even before the election campaign, Haider had proposed that foreigners unemployed for more than three months be expelled from Austria. The FPÖ seized upon the report of record unemployment of among foreigners in January 1999 and made this a campaign issue in all the March elections.

- **The Eastern Expansion** of NATO and subsequently the EU was portrayed as a danger that would increase the problem of cheap labor and would price Austrians out of jobs.
- **Rising Crime** and the abuse of public assistance were blamed on illegal immigrants.
- **Tax Reform** proposals focused on the FPÖ plan for a flat-tax.
- **Favoratism**, patronage, corruption, inefficiency and the waste of tax-money have long been part of the FPÖ populist appeal. In these elections the FPÖ laid these problems at the door of governments dominated by the same parties since 1945 and loudly asserted the need for a change.

Unlike Carinthia, Salzburg and Tyrol had to do without the energetic campaigning of Haider who helped so much in 1989 and 1994. With Haider's involvement limited to the opening rallies, the media widely predicted FPÖ losses in these states.

Salzburg:

Background:

Salzburg has always been a citadel of FPÖ support, averaging 12.77 percent of the electorate in state elections over a period when the party was barely above the 5 per cent barrier in federal elections. In the March 1989 *Landtag* election, the Salzburg FPÖ was an early beneficiary of the "*Haider Effekt*," almost doubling its voter share with a total of 16.37 per cent. In 1992, Haider carried out what has been called the "*Knight of the Long Knives*" against the "*old guard*" state leadership and won the election of his own man, Karl Schnell, a youthful, aggressive physician from Saalbach who became a willing executor of his policy of "*total opposition*." In 1994, the party won 19.5 per cent of the vote and for Schnell a seat in the state government under the system of proportional representation then in effect. By 1997, the FPÖ had reached 28-30 per cent in the polls giving reason to believe it might become the second largest party in the state in the 1999 election. Then, however, a crisis struck that made even stasis look optimistic by the time the campaign began. The problems started in October of 1997 when Schnell was accused of complicity in the theft of data on immigration from the computer of SPÖ-Chairman Buchleitner. Schnell had long been a thorn in the side of the SPÖ, exploiting his position to attack Chancellor Vranitzky's government in Vienna as well as to conduct a "*muck-racking*" campaign against the ÖVP leadership of Salzburg. The SPÖ had moved several votes of no-confidence to remove him, but without success. This time was different. Anticipating the need for SPÖ cooperation in the future, ÖVP-Chairman and head of government Franz Schausberger supported the SPÖ vote of no-confidence in what amounted to a coalition to expell Schnell from the government. Schnell's unlikely direct involvement in the petty crime was certainly not the reason. Even *profil*, which is usually hostile to the FPÖ, speculated that Schausberger had gone along with the SPÖ in return for its support of a his proposal for a constitutional amendment to replace proportional representation in state government with majority rule. Given the probability that the ÖVP would not win an absolute majority in the March 1999 election, Schausberger

seemed clearly to be firming up relations with his likely coalition partner.

Although the case against Schnell in the computer-theft matter was dropped for lack of evidence in May, 1998, the scandal created the opportunity for an attack on his leadership. The "old guard" who wanted revenge for the 1992 purge found common cause with some members of the state parliament fraction who wanted to end Schnell's version of Haider's politics of "total opposition" and work constructively with the ÖVP. Schnell supporters go so far as to see the fine hand of the ÖVP behind the challenge. The bickering tore the party apart throughout the first nine months of 1998 making the prospects for March 1999 election look bleak. Under heavy pressure from Haider, Schnell finally resigned in April throwing the party into a virtual civil war that was resolved only when Haider sent a "Diktat" via his two "King-Cobras," Gernot Rumpold and Susanne Riess-Passer to end the crisis. Rumpold and Riess-Passer degraded all but one of the 700 party functionaries to simple party members and took over temporary control of the party themselves. "That is the beginning of the end for Jörg Haider," *profil* reported one disgruntled functionary to say. This, added to internal crises in Tyrol and Carinthia had already made 1998 an "annus miserabilis" for Haider when a financial scandal broke involving FPÖ member-of-parliament Peter Rosenstingl. Polls showed the FPÖ at a three year low of 21 per cent at the federal level and the fractured Salzburg party was projected to win only 17 per cent in the March 1999 election. In Salzburg, new functionaries were elected at the precinct level and preparations made for a state convention in September to restore order. In the meantime, Haider, who had been rumored to be backing one of the dissidents, returned to his support of Schnell after the latter had made his trip to Canossa at Haider's estate in the Carinthian *Bärenthal*. Although the dissidents continued to criticize Schnell down to the eve of the convention, most of them did not appear for the show-down on 21. September in Saalfelden. With the blessing of Jörg Haider who flew in by helicopter to dramatize his support, Schnell was reelected state party Chairman with 82.2 per cent of the vote.

The Campaign:

As in every Salzburg *Landtagswahl* since 1945, the issue was how large the ÖVP majority would be. Franz Schausberger had taken over as ÖVP-Chairman and head of state government in 1996, two years after his predecessor had led the party to its worst (38.6%) showing ever. In order to increase his margin of victory and therefore ÖVP strength in the coalition with the SPÖ that was widely anticipated, Schausberger tried to mobilize all anti-SPÖ voters behind the ÖVP. Raising the specter that the "Reds" might try to make a coalition with "the blue enemy that besoils the state," he argued that a vote for the FPÖ would be wasted.

While suggesting that cooperation with the FPÖ-dissidents might be possible, he argued that a party headed by Schnell would never be allowed any governmental responsibility. In this campaign of personal smears, the FPÖ depicted Schnell as the candidate whose influence could not be bought. Schnell, with virtually no media presence, traveled through record winter snows to walk the streets and troop through butcher-shops, bakeries, stores and other businesses to make his case as the candidate of "the little man." Taking advantage of the fact that elections for town councils were also scheduled for 7. March, Schnell piggy-backed his appearances on to rallies for local FPÖ candidates. At the rallies I observed, he was not only *per-du* with the local candidates, but appeared to make close personal contact with the curious who

turned out. His message was everywhere the same: the permanent ÖVP government of Salzburg, now under the arrogant "Professor" Schausberger was mismanaged, wasteful and corrupt and ignored the interests of the people. The only evidence of that which the "Antifa" typically uses to impute anti-democratic or neo-Nazi characteristics to the FPÖ was the issue of foreigners. In the rally with more than 1000 in attendance that opened the campaign, Schnell echoed the Federal-FPÖ position stating "that the city and state of Salzburg do not need any new foreigners."

In the functions I attended, and these included two major *Gasthaus* rallies for Schnell, a forum for town council candidates, a strategy meeting of *Bezirksleiter* in Pinzgau and two walking tours with candidates through shopping districts, on only one occasion was the foreigner question a major issue. It arose when SPÖ candidates for the town council in Saalfelden attacked an article in an FPÖ campaign newspaper which criticized the policy they had pursued in allotting spaces in the communal Kindergarten for children below the age of five. The FPÖ article asked:

"Did you know preference must be given ...

1. to the children of foreigners so that they will learn German
2. to the children of welfare recipients so that they escape their poor social milieu and are gotten off the streets
3. to the children of single mothers and only then
4. to the children of the married couples of Saalfelden."

For this, mayorial candidate Hannes Jäger was accused of anti-foreigner racism. He angrily responded that it was not he and his party that discriminated on the basis of race, but rather the SPÖ-council majority which had established the priorities. I subsequently suggested to Jäger and independently to other *Gemeinderat*- and *Landtag*-candidates that perhaps these were precisely the children who needed this kind of early-schooling the most and that this stance was strongly reminiscent of the "Austria first" initiative of 1993 that had been so widely condemned as xenophobic and racist. To a person, these candidates responded that they had nothing against the hard-working foreigners who, over the years, had integrated themselves into Austrian society. They were, however, highly critical of what they call the "SPÖVP Unity Government" in Vienna for failing to deal with the allegedly many hundreds of thousands of illegal immigrants who had "submerged" into Austrian society. The legitimacy of this concern was given credibility by the figure of almost 20,000 would-be immigrants reported by the Minister of Interior to have been captured trying to illegally enter the country the previous year. Beyond this, the FPÖ exploited resentment against recent refugees who had stayed on in Austria at public expense rather than return to their homes once order had been restored. A doubling of the applications for asylum produced by the crisis then developing in Kosovo added to the fact that of the 95,000 Bosnian refugees who had come to Austria, 65,000 had stayed provided immediacy to this FPÖ campaign issue. An article in the party newspaper criticized the SPÖ of a conscious policy of making Vienna into a "multicultural city of immigrants?". As a consequence, Vienna, with thirty percent, already has the highest percentage of foreigners in Europe and is losing its identity."

The foreigner issue was also near the surface in other themes of the FPÖ campaign in Salzburg as well as in the campaigns in Tyrol and Carinthia:

- **Unemployment.** In addition to linking the unemployment problem to foreigners, the Salzburg FPÖ charged the Schausberger regime with responsibility for 1,250 bankruptcies during his two years in office and challenged the rosy economic picture being painted by the ÖVP by contending that that real unemployment was the "highest in decades."
- **The "Sell-Out"** of domestic banks, businesses and industries to foreigners was reputed to have exacerbated the unemployment problem.
- **The Eastern Expansion** of NATO and subsequently the EU.
- **Rising Crime** and the abuse of public assistance were blamed on illegal immigrants while Salzburg's intellectual and political elites simply covered up the evidence. The danger was, the FPÖ asserted, that without knowing what was going on, the public was simply accepting a higher level of criminality.
- **Other issues** were consistent with the FPÖ effort to portray itself as the party to reform the excesses of the welfare-state. Schausberger was criticized for wasting money on unnecessary mega-projects, for drawing a salary that was approximately 90% of that of President Clinton, the practice of awarding highly paid jobs to political cronies, too much welfare for "social-parasites," and too little for seniors, single-mothers, families, etc. Schnell proposed that all members of the state legislature who either retired or were not returned in the election voluntarily give up their right to a separation payment. All FPÖ-candidates took a pledge to abide by this in an attempt to imply that those in the other parties who didn't were guilty of taking advantage of their political positions. Although not really a state issue, the party's flat-tax proposal was introduced in an apparent effort to start the federal parliamentary election campaign early.

At the rallies I attended, the ticket-leader for the local town council began the meeting, introduced his team and addressed the local issues. He then introduced "Charlie" Schnell" who blasted the Schausberger government using quotations from the *Salzburger Nachrichten* to document his points, e.g. an article about a prostitute who who been receiving welfare. In the last week of the campaign each precinct put out a flier with its own message on the back, while on the front there appeared a picture of Schausberger and Buchleitner with SPÖ-Chancellor Klima. The text pointed out that two Salzburg candidates had engineered the expulsion of Karl Schnell from the government on bogus grounds and then amended the constitution to eliminate proportional representation in the state government. Using the picture to imply that the ÖVP and SPÖ had already agreed on a post-election coalition without bothering to wait for the decision of the voters, the flier urged Salzburg citizens to vote for Karl Schnell and his team as the only protection against this "arrogance of the mighty."

The FPÖ candidates and functionaries with whom I spoke exhibited enormous enthusiasm for "Charlie" Schnell and those who attended his rallies responded with the kind of indignation that his populist diatribe against Schausberger would be expected to elicit among those who would turn out for such an event. Among the general public, I found little enthusiasm for Schausberger and significant agreement with the FPÖ picture of him as out-of-touch and arrogant, but there seemed to be no real expectation that

his ÖVP would not win the relative majority necessary to keep him at the head of government. Indeed, a *Standard/Spectra* poll published the week before the election projected the ÖVP at 40% with the young and dynamic team fielded by the SPÖ at a likely 30 per cent. In contrast, the FPÖ was projected to win only 16 per cent (-3.5%) and I heard much speculation that the outcome might be as low as 14 per cent. Without the usual pre-election optimism, the Salzburg FPÖ set its goal at only 20 per cent, a scant, but realistic half-point above its 1994 showing.

The results came as a modest, but pleasant surprise for the FPÖ. Although losing one seat due to changes in the electoral law, it actually improved its voter share to 19.6 per cent, its highest ever. Even if the increase was only .1 per cent, given the difficult circumstances, the outcome was considered enough of a victory to rescue Schnell from his promise to resign if he did not reach his goal --- at least for the time being. The victory for Schnell may, however, not be definitive. His critics remain in the party and appear to be just waiting for Schnell's people in the new and difficult environment created by the end to proportional representation to make mistakes that will permit them to launch another attack. Susanne Riess-Passer, who is credited with having imposed order in Salzburg, expressed to me her feeling that the appearance of unity behind Schnell was only superficial and implied that she expects future problems with the Salzburg party. A devoted Schnell-supporter, bitter at the manner in which Riess-Passer and Rumpold on orders from Haider had handled last year's crisis, likewise expressed the belief that the problems between the Salzburg and Federal Party are by no means past.

Tyrol:

Background:

Tyrol, was also an early beneficiary of the "*Haider Effekt*." In 1989, the FPÖ rocketed into prominence, increasing its voter-share by more than 250 per cent. Most of this gain came at the expense of the ÖVP which lost 15.91 per cent and the absolute majority in votes cast, if not in seats in the parliament, but also at the expense of the SPÖ which lost 2.5 per cent. The 1994 election saw a slight continuation in the erosion of the ÖVP and the SPÖ, but no change in power.

The campaign:

The major question in 1999 was whether the ÖVP would be able to continue its political dominance? Polls projected narrow margins for the ÖVP on either side of a magic number of somewhat more than the 47 per cent that would be necessary to win an absolute majority of seats in the state parliament. The major issue, cited by 41 per cent of those polled, was concern about what was now inner-EU truck traffic across Tyrol between Italy and Germany. Far behind was concern about the health of families at 21 per cent and about foreigners at 20 per cent. Here, rhetoric against the EU and its transit policy which is blamed for bespoiling the air and the tranquility of the mountain landscape has had almost as much populist appeal as the foreigner issue in Vienna. As the head of the state government, ÖVP-Chairman Governor Wendelin Weingartner had cultivated an image of opposition to the EU-transit policy and distanced himself from the treaty negotiated by the Federal Government in which the Foreign

Ministry has been held by his own party since 1986. Indeed, ÖVP-Chairman-Schüssel was not even invited to participate in the campaign and from the labels on Weingartner's posters it would appear that he was a candidate of the Tyrolean- not the Austrian Peoples' Party. Weingartner's image as a fighter for Tyrol against Vienna and the EU made him a favorite of 58 per cent in a pre-campaign IMAS-poll, with the SPÖ candidate at 20 per cent, roughly his party's voter-share in the most recent elections. Franz Linser, ticket-leader of the FPÖ, was far behind at 9 per cent, probably indicative of the crisis his party had gone through the previous year.

As in Salzburg, the reasons for the 1998 crisis were complex, rooted in a traditional division between the Innsbruck party and the rest of the state, in tactical and ideological disagreements, in an organizational power vacuum and personal differences. For our purposes, they are less significant because the "fire brigade" sent out from the Federal Party in Vienna had successfully purged the dissidents and the establishment of Susanne Riess-Passer as the "chief *profi*" solved the organizational problems. Nevertheless, the FPÖ was not expected to improve significantly.

Among the three states electing new governments, the results were expected to have the least impact on Tyrol. Weingartner was, however, vulnerable. He did not have a personal powerbase in one of the three sub-groups which constitute the ÖVP and was under attack by the leader of its worker organization. Also, although he had long played the populist on the transit issue, against highway tolls and the like, as a banker-type, he was stiff and personally ill-suited to the role. Fixing on the unlikelihood that Weingartner would be able to continue what had been the permanent ÖVP absolute majority, the FPÖ pictured the probable coalition partners on a poster that made them look more like convicts than candidates. The one word title, "Trust" raised the question of the credibility of a coalition based on a partnership of the same parties that made-up the barely functioning government in Vienna. The subtitle, "control is better" echoed the traditional theme, "power needs control" that was the subtitle for the considerably more photogenic posters of the leading FPÖ candidates.

In addition to general FPÖ themes similar to those identified above as part of the Salzburg campaign, they focused on issues specific to Tyrol, including the unemployment rate, which they claimed was the highest in western Austria, the cost of living which was the highest in the entire country and on specific scandals which had wasted public tax monies. Linser accused Weingartner of having made a lot of noise about the transit problem, but of "having done absolutely nothing." Only the FPÖ had

voted against the treaty under which the problem had grown worse. Although not realistic issues in a state where the FPÖ was certain to remain the third-largest party and without governmental responsibility, the Tyrol-FPÖ also show-cased its proposals for child-care and a flat-tax that were the center-pieces of the campaign in Carinthia and a prelude to the federal election campaign later in the year. These, it argued, could be financed by eliminating waste and corruption in government.

Despite their best efforts, Riess-Passer complained that the FPÖ campaign had not attracted much notice, primarily because the ÖVP dominated the local press and because of an ORF policy that neutralized any influence television might have by scheduling the candidates' presentations for 11:30 in

the morning. From my impressions, this criticism of the media coverage is accurate. If the FPÖ complained that campaign was buried in the back pages of the newspapers and the dead hours of television coverage, the metaphor became tragically literal when avalanches struck the Paznauntal on 22. February. Weingartner, citing his need to manage the crisis, declared an end to active campaigning and the FPÖ went along out of a stated respect for the dead. The SPÖ candidate urged that a television debate with Weingartner be held as planned, while the other parties tried to woo votes without appearing too aggressive. Political Scientist Fritz Plasser predicted that this might give a "bump" to candidate Weingartner, who as head of government, "could now end the campaign and dedicate himself to crisis management which would be covered by television." Indeed the group MediaWatch quantified the media presence of the candidates during the avalanche crisis and found that no one was mentioned or had any speaking time other than Weingartner who dominated the coverage and may have won sympathy by showing tears on camera as he reported on the progress of the rescue effort. A "market"-Institut poll just a few days before the election confirmed Plasser's suspicions:

Before this catastrophe a bitter defeat was indicated for Governor Weingartner. In the meantime however, four-fifths of Tyroleans are satisfied with his crisis management and therewith increases the political acceptance of his party."

In an attempt to counter Weingartner's omnipresence in the media, FPÖ-Chairman Franz Linser remarked:

Instead of pushing for the attention of the cameras of international television, it would be better to develop plans for action in the case of crisis for those areas that are the most threatened by avalanches.

The extent to which the avalanches had an impact on the election results is disputed. While a poll conducted for the *Tiroler Tageszeitung* by the University of Innsbruck found "tradition and stability" to have been decisive for ÖVP-voters, 95 per cent of them denied that the catastrophe had affected their vote. Professors Pelinka and Plasser, both members of the university's political science department, separately ventured the same opinion, namely that Weingartner's stability and crisis-management had been significant in saving the ÖVP from the significant loss that had been anticipated when the campaign began. The only surprise was the relatively strong improvement of the FPÖ. Projected at the beginning of the campaign only to retain the 16 per cent it had won in 1994, the FPÖ, despite internal upheaval and a tax-scandal involving one of its delegates to the federal parliament, gained 3.6 per cent for a total of 19.7 per cent, only 2.1 per cent behind the SPÖ, which gained 2 points. The results of the two "voter-stream analyses" that were published, were contradictory, and given the fact that there was no change in the relative standing of the parties and little movement in the overall results of the remaining parties (ÖVP: -.1; Greens: - 1.7; Liberal Forum: -.2), it is better not to draw any firm conclusions. Although the initial results appeared to cost the Greens two seats in the *Landtag*, with one each going to the SPÖ and FPÖ, the absolute majority of the ÖVP seemed to have been preserved. Then, however, came allegations that some three hundred ballots had been incorrectly invalidated. In the

ensuing recount, the ÖVP lost only .02 per cent, but that was enough to force it to surrender a seat to the Greens and therewith the absolute majority it had held since 1945. In the absence of the proportional representation of all parties in the government, a coalition was necessary. For a time Weingartner appeared ready to go back on his vow never to coalesce with the FPÖ as long as it was headed by Haider, but ultimately and under reportedly heavy pressure from some party colleagues in Tyrol as well as members of the Grand Coalition in Vienna, he formed a government with the SPÖ. The official reason given was that the FPÖ insistence on a seat in government for Susanne Riess-Passer was intolerable because she would operate under "remote control" by Haider from Carinthia where it was expected he would become *Landeshauptmann* on the strength of the FPÖ victory there.

Carinthia:

Background:

Haider had been *Landeshauptmann* once before. In 1989, when the SPÖ lost its absolute majority, the ÖVP jumped at the chance to make a deal with the second-place FPÖ to achieve their mutual goal of denying leadership to the "Reds" for the first time ever. After a little more than two years of a relationship that had proved more difficult and less fruitful than it had anticipated, the ÖVP agreed to support the SPÖ in a vote of no confidence against Haider following his infamous remark about the employment policy of the Third Reich. ÖVP-Chairman, Christoff Zernatto became *Landeshauptmann* in return for a promise to support the candidate of the party with the most votes after the next election. Evidently, ÖVP distaste for Haider was less than working with the "Reds." Following the 1994 election when the FPÖ picked up two seats and the ÖVP one at the expense of the SPÖ, Zernatto agreed to a deal that would leave him *Landeshauptmann*, but would give the FPÖ a preponderance of control in the government. In the face of massive disapproval from Haider-enemy, then-Chancellor Franz Vranitzky, as well as Vice-Chancellor and ÖVP-Chairman Eduard Busek and a revolt among some members of his own state party, Zernatto went back on his agreement with the FPÖ and was subsequently elected *Landeshauptmann*, again with the support of the SPÖ. Haider turned his attention back to federal politics promoting "total opposition" and reasserting his goal of becoming Chancellor by 1998.

Although the FPÖ continued to establish itself as *Mittelpartei* capable, on occasions, of overtaking one or the other of the old *Großparteien*, neither an absolute majority nor a coalition that would enable Haider to reach his goal of becoming Chancellor appeared possible. 1997 closed with Chancellor Klima at an all time high in public opinion and a disappointing result for an FPÖ-sponsored initiative against adoption of the Euro left Haider in an evident state of depression. At a New Year's meeting he was critical of the "laxity" shown by some party's functionaries and threatened to resign unless "enthusiasm again becomes evident. I am not tired. Rather, my weariness is disappointment." When *profil* questioned FPÖ *Landeshauptmann-Stellvertreter* Karl-Heinz Grasser about Haider's evident frustration, he responded that his boss wasn't always right and that at this moment he wasn't particularly motivated. Haider responded by dressing down his lieutenant in a six-hour "crisis session" of the state party Leadership. He underscored his commitment to fight against a continuance of the "SPÖVP-embrace not only at the federal level, but in Carinthia where the election was about which party would be number

one." Haider's statement, "that in Carinthia, the strongest team would be presented" for the March 1999 election began speculation that he would be the ticket-leader. Ironically, SPÖ-Chairman Ausserwinkler's statement that he believed the party with the most votes should name the *Landeshauptmann* probably encouraged Haider to make the move back to Carinthian politics. Ausserwinkler undoubtedly thought that the specter of Haider would galvanize his own splintered party behind him and stem the flow of SPÖ voters to the FPÖ that had recently been the trend most everywhere. Thus, almost a year before the election, the SPÖ became fixated on what became virtually its only campaign theme: "Stop Haider." For his part, Haider remained coy stating that he would not announce his intentions until Fall. This changed however, when, in early June, Karl-Heinz Grasser announced his decision to withdraw from politics to work in the private sector. He stated that the primary reason for his decision was the extraordinary economic opportunity offered him, but added that he had become alienated by "the internal conditions of the party." He named a number of high-ranking functionaries as responsible and criticized Haider for not pursuing "... a more constructive course."

Grasser's statement capped a horrible six months for the FPÖ. The January furor in Carinthia had then been followed in short order by crises in Tyrol and Salzburg and the Rosenstingl Affair. When Haider finally announced his decision to head the ticket for the *Landtag* election, he said that all this had thrown him into such a state of despair that he had actually decided to withdraw from politics. Then, however, "? the general attack on the FPÖ" of which the seduction of Grasser into the private sector by a firm close to the SPÖ was "only a part of a higher strategy, " made him realize that it was "? his responsibility to the voters and citizens to remain constant and keep on." This was an "historic chance" to make the FPÖ the strongest party in Carinthia. "To become *Landeshauptmann* is the chance to prove that we can govern." To allay any charges that he was just using Carinthia as a stepping-stone towards his earlier dream of becoming Chancellor, he promised to serve a full term, as "? as long as the Carinthians want me."

The Campaign

Public opinion polls as campaign was getting underway showed *Landeshauptmann* Zernatto as distinctly the most popular candidate with 33 per cent, well ahead of Haider with 24 per cent and SPÖ-leader, Michael Ausserwinckler, who had recently dropped from 19 to 15 per cent. Despite Zernatto's personal popularity, his ÖVP was a distant third to the FPÖ and SPÖ which most polls were showing about even, in the 33-35 per cent range. But the SPÖ was in disarray, not the least because of a lack of enthusiasm for its ticket-leader. Michael Ausserwinkler had been a protégé of former Chancellor Vranitzky who had been called to Vienna as Minister of Health. There he made himself thoroughly unpopular for his efforts against public smoking and was then later basically thrust back on the Carinthian SPÖ where he was never really accepted. His relationship with the new Chancellor, Viktor Klima, was cool at best and there were even rumors that a group of SPÖ mayors was trying to dump him as the ticket-leader in the middle of the campaign. A physician by profession, "Auwi" was stiff in public appearances and attempted to soften his image by driving around the state in his "cute," red V-W Beetle to make personal contact with the voters. The Carinthian edition of *Kleine Zeitung*, described his approach as "*süß*" in contrast to the "*hart*" image of the FPÖ conveyed by its advertising line keyed to the rough and tumble

game of ice-hockey played in the stadium where its opening rally was to be held. Unmentioned, but implicit was also the tough image that the FPÖ had built through its negative, oppositional politics and emphasis of wedge issues over the past years. The slogan on the poster advertising the rally suggested that if the voters would penalize the SPÖ and ÖVP for their mismanagement and leave them short-handed in the state parliament, then, just as in hockey, the FPÖ could mount a "powerplay" on behalf of the people of Carinthia. Haider's two hour speech opening the Carinthian campaign and outlining the FPÖ line for all the elections in this *Superwahljahr*, took the usual tough positions against the privileges of politicians, urged protest against the political correctness of the government's cultural policy and warned of the dangers of the expansion of the EU to the East. He ridiculed the government parties in their clumsy efforts to find a compromise between their widely divergent views on reforming the elephantine tax code and announced: "We have the solution." It was a less radical version of a proposal worked out for the FPÖ by Prof. Alvin Rabushka, the U.S. originator of the flat-tax that has been embraced by Steve Forbes and many other

Republicans. Described by one off Haider's most consistent journalistic critics as a "wild idea of American ultra-conservatives," the flat-tax was touted by the FPÖ as a means of bringing significant savings to every income group from workers to entrepreneurs. It would end the unfairness and hopeless complexity of the existing system and, because of a temporary fall in revenue during the phase-in period, it would force government to become more efficient. Capital would be released to the private sector creating an economic boom that would increase employment, reduce welfare costs and, in the long run, even produce higher tax revenues.

In contrast to the hockey motive, another poster advertising the opening rally presented a line that was by no means "*hart*." The three laughing babies on this poster were thanking Jörg for what they were holding in their hands --- a *Kinderbetreuungsscheck*. This, Haider announced, was the centerpiece of the FPÖ's program to chart a "non-socialist path to renewal." On the back of a campaign handout that looked like a check, Haider promised that if elected *Landeshauptmann* as a consequence of the outcome of the election on 7. March, "every woman will receive a ÖS 5700 (\$460) monthly for each child from 1 to the age of 6." The reason, he said in his speech opening the campaign, is because "it is no shame when a woman receives the right to be with her children. But it is a shame when a policy is pursued that tears children of one or two out of the family."

In analyzing Haider's reincarnation as a "*blauer Softie*," *profil* was probably at least partially correct in presuming "electoral arithmetic," to be the motive. It should not, however, be forgotten that Haider, as spokesman on social matters in his early days in parliament was, in the U.S. use of the term, quite liberal. In an article criticizing Haider's expedient, zig-zag policy in all matters, a conservative defector from the FPÖ described him as "left of SPÖ-Social Minister Dallinger" at the time. However, since Haider assumed leadership and discovered the power of the right-radical populism, the growth of the FPÖ has been proportionally much greater among men causing the percentage of women in the electorate to sink from about 52 per cent in 1983 to 38-40. In response to the flattening of its growth curve by the mid-nineties, the FPÖ, in its strategy for the *Superwahljahr* of 1999, turned to women's issues. As Haider noted in an interview with *profil*: "The mistake in 1995 was presenting only '*hart*' issues, that we certainly won't do again." The *Kinderbetreuungsscheck* was to present the "softer side" of

the FPÖ and the male-bonding poster "my brother, Jörg and I," illustrates Haider's belief that "on themes such as children, the men will also go along. I don't see any problem with this."

His "powerplay" then, was on behalf of children and their mothers who were "hard-pressed because of their multiple roles." By the week before the election when I arrived on the scene, this "softer side" appeared dominant and the hockey pucks with the party logo that had been given out as campaign gifts in January were replaced by a cuddly "*Jörgl Bär*."

In the past, critics had attacked FPÖ proposals designed to encourage women to be stay-at-home mothers as reminiscent of the "*Kinder, Küche, Kirche* slogan of the Nazi era" Understanding that the unenunciated root of this criticism lay in the socialist view of the interrelationship of labor and value, the FPÖ proposed a "Charter for Women," attacking the government for failing to address the higher unemployment and lower wage rates of women. The *Kinderbetreuungsscheck* was the centerpiece of this agenda and was to go to mothers with children under school-age regardless of whether they chose to stay home and collect the money themselves or use it to pay for child care while they worked. To enthusiastic applause, Haider admitted that the FPÖ believed that it was better for the child and for society that a mother be able to remain at home as long as she could with her small children. Nevertheless, if a mother wanted or needed to return to work, the *Kinderbetreuungsscheck* would aid her as well. Labeling Ausserwinkler's charge that the program would destroy jobs for Kindergarten teachers "completely absurd," the FPÖ contended that it would promote the growth of a private, child-care industry and create new jobs. Among other benefits for mothers, the "Womens Charter" urged the expansion of the pension program to include mothers who were left out of the current system because they did not meet the criterion of fifteen years of work outside the home. While the view that these proposals were designed to send women back to the stove was not completely silenced, most of SPÖ criticism focused on what it considered questionable means for financing the schemes. Nevertheless, under this pressure from the FPÖ, family issues rose to the top of the political agenda in *Superwahljahr* 1999. The ÖVP pushed its proposal for financial support (*Karenzgeld*) for all mothers, to which the SPÖ responded that this money should only go to those who need it. Seeking to take advantage of this split and perhaps pave the way for a position in government following Federal elections in October, the FPÖ announced that it could work with the ÖVP on this, while taking credit for having initiated the discussion.

Another campaign handout was a postcard-sized glossy picture of Haider with "nine good reasons to vote" for him printed on the back. Four of these were common to the other state campaigns:

- reduction of taxes and the bureaucracy.
- opposition to the expansion of the EU, but with a particular emphasis on any

early admission of neighboring Slovenia.

- the flat-tax and other tax incentives to small and middle-sized businesses.
- the need to eliminate patronage and the waste of tax money.

Others were specific to Carinthia:

- the above-mentioned *Kinderbetreuungsscheck*,
- A promise to improve the standard of living, with a promised reduction in rents as the most specific proposal.
- A promise to reduce the cost of electricity and other fees
- The protection of agriculture and the environment, but not at a cost to the tax-payers. A promise to defend against efforts to divert water from Carinthia to water-poor regions to the south.
- Value should be accorded to *Volkskultur*; there should be an end to the monopoly over subsidies to the arts by the elites of the cultural bureaucracy and an end to subsidies for art that was scornful of traditional values.

A tenth reason, the postcard said, was SPÖ candidate Michael Ausserwinkler, but number one was the person pictured on the front.

The FPÖ campaign relied little on the media and instead concentrated on traditional rallies with free beer, speeches and a lot of handshaking. The nine themes on the postcard were those that Haider emphasized in his speeches at the two rallies I attended. He reminded his listeners that his election ten years ago had ended forty years of rule by the "Reds" and cited a list of changes he had made. But then, he said, collusion between the "Reds" and the "Blacks" had deprived him of the opportunity to make more progress for Carinthia and under his successor, ÖVP-Landeshauptmann Zernatto and his SPÖ enablers, the debt had quadrupled, income had dropped to the lowest in all Austria, there was record unemployment and the health system presided over by Michael Ausserwinkler had come to the edge of collapse. High rent and electricity prices had historically been SPÖ issues, but Haider asked:

What have they done? Nothing. In January the Socialist Chancellor said that rents were too high. He's right and particularly here in Carinthia. But for fifty years the Socialists have been responsible for housing.

This was particularly difficult for single-mothers and young families. Referring to his party's 'Womens Charter,' Haider asserted that the solution lay in providing low-cost housing in buildings where the construction costs had already been paid off. "But," he asked rhetorically, "has anyone ever heard of the rents being lowered? No!" The money, instead had gone to Socialist-dominated housing co-ops and for land speculation by banks in the control of one or the other of the coalition parties rather than being returned to the rent-payers. He also asserted that the government had paid too much for loans for new construction just as it had for contracts for electrical production, producing costs that were more than twice as high as in Bavaria. The *Kinderbetreuungsscheck* was enthusiastically received at both gatherings. Haider noted the criticism of the nay-sayers and explained how the program could be financed by diversion of surplus funds from paid-up housing contracts.

Haider also exploited popular anger at the EU on several counts. First, the eastward expansion of the EU, which he accused the coalition parties of favoring, must be stopped. "Schüssel [Foreign Minister]

says we must pay thousands of billions of Schillings to prepare these countries for the EU. Nobody says we should take care of our own?" To repeated applause Haider said: "Czechs and Poles work for one-third the wages of Austrians; if they are in the EU they will come in and take the jobs and Austrians will collect unemployment money?. Already, cheap labor from Portugal, Greece and elsewhere in the EU is depressing wages." To deal with this, Haider said, foreigners should be limited to twenty per cent of the labor force in any firm. The EU, which the **SPÖVP**-government in Vienna had joined via acceptance of what the FPÖ had criticized as the disastrous Maastricht Treaty, was, itself, part of the problem. Haider condemned EU-agricultural policy and excoriated the Minister of Agriculture who was a member of the ÖVP. The FPÖ was not alone in its criticism Haider noted, reminding his audience of a recent demonstration by farmers in Brussels. To indignant *jawohls* from the audience, Haider said: "They they were beaten back by the police while the Kurds [whose terrorist organization the PKK was then involved in some violent demonstrations throughout Europe on behalf their leader Abdullah Ocalan] can protest here under the protection of the Socialists without any action being taken against them!"

With regard to culture, Haider elicited ironic laughter from his listeners when he noted that support for childrens' singing clubs had been eliminated. "For that they have no money. But because Herr Ausserwinkler is so enthusiastic about the cultural contributions of Herr Kolig, he gave him ÖS 23,000 (\$1849) for a glass walking-stick which he filled with his own urine?. And they call that art. And you pay for that with your tax-money!" All this, Haider said, was due to "Betrayal by 7 years of **SPÖVP**-Dominance." With an SPÖ loss becoming increasingly apparent, Haider charged, that a move was underway to dump Ausserwinkler as soon as the election was over. Evidence of this was the 13 January meeting between Ausserwinkler's frequent critic and presumed successor, Helmut Manzenreiter and Zernatto. The purpose he guessed was to cook up a deal to divide the term of *Landeshauptmann* between them regardless of how the election came out. "This, my friends," he said,

we can stop only if we have a greater percentage of the voter share than the Socialists. Then Herr Klima will say "it is ok that Jörg Haider becomes *Landeshauptmann*, then at least he'll be out of my hair in Vienna." (Laughter and applause.) If you will give us the chance we will bring Carinthia forward. In the meantime I have also learned to keep my mouth shut so they won't have another excuse to get rid of me." (Laughter and extended applause.)

Haider's performance at both rallies was masterful. He appeared to know all of the local party functionaries personally, addressed them by their first names and with the *du*-form He used *ihr* with with his audiences and they returned the linguistic friendship addressing him as Jörg and with *du*. He spoke earnestly with many individuals on his way to and from the podium and showed an extraordinary ability to connect with people. This was particularly evident in the case of a young physician who loudly posed an aggressive question after Haider's speech and then followed him into the restaurant where the local functionaries and my group of observers were having lunch following the rally. Haider invited the man to sit down and have something to eat and drink while he explained his perception that that the FPÖ program was insufficiently attentive to the needs of rural medicine. Haider listened carefully and said he would look into the problems mentioned The man left this encounter apparently won over by Haider.

In many respects, the FPÖ campaign with its demands for lower rents and electricity prices, and money for child-car was almost socialist. The FPÖ admitted this, but pointedly noted that the reason these issues had to be addressed was that the SPÖ, which had held the absolute or relative majority in the land since 1945, had not. The FPÖ campaign was issue-driven, a high road it could afford to follow with polls showing it with a likely plurality in the election. Left with little but the issue of Haider, the SPÖ and the media aligned with it let no opportunity go by without calling attention to the incidents when Haider had putatively praised "the employment policy of the Third Reich" and "the values of the SS." These were, however, old charges and the Haider whom they targeted was not evident in this campaign. The FPÖ message in the final days of the campaign was that it was "time for a change." Carinthians were urged to initiate "a new phase of political renewal" which was personified by Haider. They were told "whoever wants Haider, must also vote for him" and they did, and in numbers that exceeded even Haider's expectations of 35-37 per cent.

The results brought the FPÖ its highest vote ever. With almost ten per cent less in the popular vote than the SPÖ, the SPÖ lost the majority that it had held since 1945. Nor could Zernatto's supposed popularity and the bonus that has traditionally accompanied incumbency save the ÖVP from its worst-ever showing.

Results of Carinthian Landtag Election of 7. March 1999 compared with 1994

| Year | SPOe | | FPOe | | OeVP | | Bund-99 | | KPOe | |
|------------|---------|-------|---------|-------|---------|-------|---------|------|-------|------|
| | Votes | % | Votes | % | Votes | % | Votes | % | Vote | % |
| 1999 | 108,469 | 32.89 | 138,816 | 42.09 | 68,308 | 23.79 | 12,895 | 3.91 | 1,354 | 0.41 |
| 1994 | 130,768 | 37.37 | 116,419 | 33.27 | 83,224 | 20.71 | none | none | none | none |
| Difference | -22,229 | -4.48 | 22,397 | 8.82 | -14,916 | -2.08 | | | | |

The results are even more dramatic when the electoral districts in which the FPÖ won an absolute or relative majority (blue) are seen relative to those won by the SPÖ (red) and ÖVP (gray).

The "voter-stream analysis" of the SORA-Institut published in *profil* and *Salzburger Nachrichten* showed the FPÖ having won approximately 10 per cent of the ÖVP voters from 1994. In agricultural districts that were formerly strongholds of the ÖVP, the FPÖ inroads ran from 8 to 12 per cent. The reason, given in the exit polls was the FPÖ stance against the EU-Maastricht Treaty. Also, the ÖVP lost almost 5 per cent to the FPÖ in the lake district west of the capital city of Klagenfurt where the FPÖ was able to exploit resentment over the failure of the Zernatto government to stem the decline of tourism. Even stronger gains were, however, made at the expense of the SPÖ which lost almost 20 per cent of its 1994 voters to the FPÖ. These gains were registered in industrial centers where there were defections of between 8.7 and 12.2 per cent from the SPÖ and even more impressively in the cities. For former SPÖ

voters, the *Kinderscheck* and promises to lower rents and energy prices seem to have been persuasive. While the SPÖ and ÖVP were only able to hold 73 and 77 per cent of their 1994 voters respectively, the FPÖ held 90 per cent

Without extensive exit-poll data on voter motives, any comments on why the FPÖ did so well in Carinthia is highly speculative. If, however, election results are a reflection of their campaigns and the public's response to them, then the success seems largely unrelated to right-radical appeal imputed to Haider and his party and summarized at the beginning of this paper.

- **Nostalgia for the Third Reich or neo-Nazi sentiment**: Aside from the effort of Christa Zöchling, a constant and bitter critic of Haider in *profil*, to call attention to the fact that FPÖ did not send representation to commemorations of the sixtieth anniversary of *Kristallnacht*, Haider and the FPÖ gave no further fodder to his critics and the press. Indeed, this is a difficult issue for either of the other major parties to use against the FPÖ in Carinthia. A long-time SPÖ head and *Landeshauptmann* from 1974-1988 had never denied, nor been hurt by his service as a high-ranking member of the *Hitlerjugend* and the stridently German-nationalist *Kärntner Heimatdienst*, which is characterized by the *Dokumentationsarchiv* as right-extremist, has close ties to the ÖVP.
- **German-national issues**: Haider's past stance on the German character of Austria and hard-line on bi-lingual education have been important reasons for the enmity of the *Linksintellektuellen* towards him. In 1988, these would-be defenders of the Carinthian Slovenes protested the passage of legislation by the Federal Parliament on the grounds that it provided too little support for bi-lingual education for Carinthian Slovenes and were constantly critical of Haider as he implemented it during his earlier tenure as *Landeshauptmann*.

Now, ten years later, in more than half of those districts where bi-lingual education was mandated, the FPÖ won a relative or absolute majority. (See graphic above.) The lack of attention paid by Carinthian-Slovenes to the concerns expressed by the *Linksintellektuellen* was revealed by a campaign leader for the combined Green-Slovene-LiF list, *Bündniss 99*. In reflecting with satisfaction on his group's 32.32 per cent voter-share in the Zell-Pfarre district, he grudgingly admitted: "98 per cent Slovenes live there. More and more of us are voting for Haider."

Multiculturalism wasn't really an issue except as it related to immigration. Haider's enemies see an underlying German-nationalism and racism in his demands for a stop to immigration and the repatriation of the unemployed foreigners, but FPÖ insistence that its position is simply a matter of jobs and the need to save money in social-welfare benefits for non-citizens seemed to defuse this criticism.

- **Demands for the reduction of the social-welfare state and subsidies to the press, literature and the performing arts**: The FPÖ campaign, with its emphasis on the *Kinderbertrugsscheck*, can certainly not be described as either right or extreme. The FPÖ readily admitted that this was an example of one area where big government could be beneficial and limited itself to criticizing

SPÖ favoritism, inefficiency and corruption in administering the social-welfare state. Its populism was, however, quite strident in attacking **SPÖ** cultural policy. Here the assault was against radicalism in art and on behalf of diverting subsidies to cultural programs in the schools and communities which by their nature would be traditional, rather than the experimental and *avantgarde* projects favored by the *Linksintellektuellen*.

Some of the FPÖ baggage commonly cited by its critics right-extremist may have indeed played a role, even though unexpressed in the campaign. For example, on one occasion, among people gathering for a rally, I heard some grumbling that the Slovenes were excessive in their bi-lingual demands. "Jörg knows how to take care of them," seemed the concensus. Also unmentioned, as far as I could tell, was the highly controversial traveling exhibit that makes the case that the *Wehrmacht* must bear a significant share of guilt for the war crimes of the Third Reich that has previously been shoved off on the SS. Haider is highly critical of this *Wehrmacht* Exhibit and has vigorously opposed the attribution of any blanket guilt to veterans or even to members of the SS unless they were specifically implicated in war crimes. This was the substance of his much-criticized speech to *Wehrmacht*- and SS-veterans at Krumpendorf in 1995. In contrast, Michael Ausserwinkler sponsored the staging of the exhibit in Carinthia. This exhibit is painful for veterans and even their children and I suspect his sponsorship worked either consciously or unconsciously against him and in favor of Haider among many voters. Having said this, I must also stress that the FPÖ did not try to exploit either issue in the campaign.

It is common, particularly in SPÖ and Green circles, among academics and other intellectuals to see the FPÖ victory in Carinthia as a reflection of this traditional borderland where "the clocks run differently." In contrast to this view that sees Carinthians voting for the FPÖ because they are closet Nazis, I believe that they perceive Haider's politically incorrect interpretations of history to be irrelevant and vote for the FPÖ in protest against an SPÖ-ÖVP-dominated status quo and in defiance of Vienna, *profil* and the "quality" press, academics, artists and other cultural elites who constantly dredge up what many voters consider to be ancient history. Fritz Plasser, Innsbruck political science professor and respected pollster for the ÖVP, saw the results of the elections as a "habitualized protest," not only in Carinthia but also in Salzburg and Tyrol where the FPÖ, despite serious internal problems, improved its standing as well. A vote for the FPÖ was based on the feeling that neither the formal nor the informal coalitions of ÖVP and SPÖ were working any longer and that it was time for a change. Herbert Dachs of the University of Salzburg agreed that the FPÖ vote was "massively a matter of feelings" and expressed the belief that "finally something has to change." Franz Birk of the IFES-Institut took a similar line emphasizing that in Carinthia it was "a vote for Haider and against frustration" to which could be added Plasser's belief that the focus of both SPÖ and ÖVP on blocking the election of Haider as Landeshauptmann even if the FPÖ were to win the most seats was a serious error. As Haider-intimate Gernot Rumpold put it, "when Manzenreiter tried to make that deal with Zernatto --- that was like Christmas."

Conclusion:

The continued growth in electoral support of the FPÖ, slight in Salzburg with all its background problems, and significant in Tyrol, provides evidence to sustain the interpretation that I have developed over the years and have summarized at the beginning of this paper. The interpretations of Plasser, Dachs

and Birk cited immediately above support this view. In a previous article I argued that *Landtag* elections, particularly the three falling together in Salzburg, Tyrol and Carinthia, constituted a trend for subsequent FPÖ growth at the federal level. Whether the elections of 1999 and particularly the election in Carinthia is the breakthrough that I heard FPÖ politicians and partisans talking about at their victory celebration election night in the Klagenfurt *Landhaus* remains to be seen. On the one hand, the capture of the relative majority by a party other than one of the two that founded the Second Republic was a first and suggests that the FPÖ has moved beyond being just a vehicle for the expression of frustration and protest. The election of Haider as *Landeshauptmann* on 8. April, is another indication that a corner has been turned in Austrian politics. His election in 1989 represented the first time that a head of government from a party other than the SPÖ or ÖVP had ever been elected, but then the FPÖ was only the second-largest party and needed the positive support of the ÖVP to end what both had styled the permanent dominance of the "Reds." This time, the loss of the voter support for both the SPÖ and the ÖVP was so great that their ticket-leaders resigned leaving Haider as the only candidate for the position of *Landeshauptmann* who had run for the office. Initially, there was much discussion about blocking the election of Haider. The SPÖ had focused its entire campaign on this promise and ÖVP-Federal Chairman Wolfgang Schüssel had stated that even if the FPÖ were to win the relative majority, Haider would not be elected *Landeshauptmann* with the help of the ÖVP. Under the circumstances however, these pre-election threats dissolved. Even the SPÖ was divided on what to do, but ultimately nominated its own candidate so as to at least contest Haider's election. The ÖVP was courted by Haider with conciliatory language about common goals that could now be realized and with promises of influence in his government. Confronted with the specter of voter wrath that might bring an absolute majority for the FPÖ in the new elections that Haider had threatened to force should he be denied the fruits of a victory, or the even worse possibility of unleashing him on the entire country as a martyr in the campaign for the federal election in October, the ÖVP backed away from its earlier threats. Technically, it honored Schüssel's promise to not help elect Haider by abstaining from the vote in the *Landtag*. In reality this was just as good as voting for him since it gave the FPÖ a majority of the votes cast and brought the election of Haider as *Landeshauptmann*.

Even beyond Carinthia, the election seemed to have effected a sea change in attitude towards Haider and his party. While artists and *Linksintellektuellen* predictably warned about the dangers of allowing Haider access to power, commentary in the press, even in normally hostile publications such as *Standard*, and *profil*, grudgingly acknowledged that the will of the people in Carinthia was for Haider to become *Landeshauptmann*. Public opinion was less equivocal. According to a poll conducted nationwide for *Kurier* immediately after the election, 57 per cent supported the election of Haider as *Landeshauptmann* and 73 per cent of FPÖ voters were sufficiently emboldened by the Carinthian victory to be willing to declare their party preference, up from 50 per cent in 1996. Likewise, the percentage of people who declared themselves absolutely opposed to voting for the FPÖ had dropped from 52 per cent to 38 per cent. An IMAS-poll conducted two weeks later showed similar results: 35 per cent of those questioned said they would be inclined to support participation by the FPÖ in the federal government and 13 per cent they would enthusiastically support such an option against an equal number who were opposed. The FPÖ climbed into a statistical dead-heat with the ÖVP on the question about which party one would support if the election were the next Sunday and Haider climbed 5 points to 37 per cent in the "Politiker-Hitparade" in response to the question: "Of which politician do I have a good opinion." Although light-

years behind Viktor Klima at 65 per cent in the popularity contest for Chancellor, Haider, with 14 per cent, nosed out ÖVP-Chairman and Vice-Chancellor Wolfgang Schüssel by one point.

Whether this momentum can be sustained is not clear at this writing. In the campaign for the EU-election on 13. June, the FPÖ, as an outspoken opponent of the Maastricht Treaty, stood to benefit from disillusionment over what membership had brought and the corruption scandal in the EU-Commission that broke the week after the March elections. However, with the air war against Serbia raging, the SPÖ, as the party in power benefited from the crisis. Moreover, the SPÖ had steadfastly maintained its commitment to neutrality which has become one of the central pillars of Austrian identity. With NATO bombing Serbia, public opinion against joining NATO soared to almost eighty per cent. Under these circumstances, it is small wonder that the SPÖ gained two percentage points in the EU-election to 31.74 per cent, while the FPÖ, which has argued for NATO membership as a realistic recognition of the end of the Cold War and the new geo-strategic threats to its security, slipped over four points to 23.58 per cent.

Stung by this defeat, the FPÖ announced a shake-up in several areas of its organization and immediately began its campaign for the federal parliament elections to take place on 3. October. Another IMAS-poll conducted in the wake of the EU-elections showed the FPÖ still in a statistical dead-heat with the ÖVP on the so-called "Sunday Question," but with both parties five points below their March levels while the the SPÖ and the pacifist Greens enjoyed a resurgence. Haider's relative absence from the federal political scene also seems to have had an effect on his personal standings in the polls costing him six points in the "Politiker-Hitparade" and dropping him back one point on the Chancellor question, into a tie with Wolfgang Schüssel at 13 per cent. The real test will, of course, come in the parliamentary elections the Sunday before this paper is presented. At that time we will better be able to speculate on the significance of the March elections examined here.

APPENDIX

Summary of the Criticisms of Haider

1. Although Haider enjoys what he calls "the blessing of a late birth" on 26. January 1950, that is, well after the end of the Nazi era, his parents had been enthusiastic, although unimportant Nazis.
2. The FPÖ, while adamantly denying any desires for another *Anschluss* to Germany, has always regarded the concept of Austrian nation as ahistorical political correctness. It regards the Austrian experience as part of German history and contends that the overwhelming majority of Austrians belong to the German linguistic, cultural and ethnic community, that is, the German nation in the apolitical, ethno-romantic sense.
3. In 1983, Haider led the Carinthian ticket to the FPÖ's only success in the otherwise catastrophic federal election of that year. A substantial reason for his success was his pandering to the discontent of the parents of German-speaking children in the 98 schools where Slovene-German bi-lingual education was mandated. This made Haider the darling of the traditional right-wing of

the FPÖ, but also provided ammunition for those who saw German-nationalism as a cover for pro-Nazi nostalgia if not outright neo-Nazism. The following are typically cited by his Haider's opponents as evidence.

- a. His comment that concept of the Austrian nation was an ideological miscarriage.
 - b. His comment about the effectiveness of the employment policies by which the Third Reich solved the unemployment problems of the 1930's.
 - c. His use of the term "penal camp" rather than "concentration camp" in a speech otherwise condemning the ethnic extermination policies of the Third Reich.
 - d. His criticism of "the Lefties of political correctness." Typical in this regard is Haider's September 1995 speech at Krumpendorf where he criticized the controversial *Wehrmacht* Exhibition that has been traveling throughout Germany and Austria in recent years for creating the impression "that the members of the war generation, the *Wehrmacht*, were all criminals. He expressed his party's commitment to a future in which the "older generation will be treated with respect" and to a society in which "order, justice and respect are still principles." This has been widely reported as praise for the values of the SS. This leap by his critics is justified only by the fact that the group to which he was speaking included not only *Wehrmacht* veterans, but also former members of the Waffen-SS. Haider only compounded the problem when justified his comments on the grounds that "Waffen-SS was a part of the *Wehrmacht* and that its members were entitled to the honor and recognition of regular army veterans unless it was proven that they had been involved in war crimes.
4. Despite Haider's 1995 internal party memorandum decreeing "*Schluß mit Deuschtümmelei*," his substitute appeal was no more welcome to the literati he dismisses as the "*multi-kulti Schicki-Micki*." In rejecting "ethno-Romanticism," Haider asserted that the FPÖ had "developed into the only Austria-conscious and patriotic party in the current party spectrum," as evidenced by its "Austria first" initiative to stop immigration and deal with the negative consequences for public health, education, welfare and housing as well as its opposition to the Maastricht criteria as the basis for entry into the EU.
5. Haider and the FPÖ decry the decline in what they call traditional (read German-Austrian) values. This they see as the result of the dominance of "*Multikultis*" in the government, the media, artist and intellectual circles and the schools and of the excessive immigration of the past decade. Hoping to parley broad anxiety about the perceived threats posed by the collapse of the Communist system in Eastern Europe and the civil war in Yugoslavia, the FPÖ mounted the "Austria-first" initiative campaign declaring that Austria was not a classic country of immigration and proposing measures to deal with the increased stresses on public health, education, welfare and housing. Led by "*Allroundkünstler*" Andre Heller, writers, artists and other intellectuals succeeded, along with the governing-SPÖ, in reshaping the initiative in the public mind as a racist, anti-foreigner campaign. Their efforts were crowned by a massive candlelight protest march, symbolically converging on *Heldenplatz* where Hitler had ceremoniously celebrated the *Anschluss* of his homeland just short of fifty-five years before.

FPÖwants to substantially reduce the scope of the state, which not only means the paring down of social-welfare benefits, but also its generous subsidies to the press, literature and the visual and performing arts.

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Rise of Right in Europe

May Presage Same Result in the U.S.

by Samuel Francis

Everything seemed to be coming up roses for the New World Order. The European Union finally agreed to issue a new currency for the happy peasants of what used to be the European nations to spend, and the U.S. Senate voted to expand NATO to the East, thus helping to insure that the happy peasants could count on their American counterparts to do their killing and dying for them in future wars.

Then the peasants went to the polls in Germany, and suddenly the New World Order roses started to stink.

On April 26, an obscure German political party called the German Peoples Union, or DVU as it's known by its German initials, walked out of the voting booths with a hefty 13 percent of the vote in parliamentary elections in the state of Saxony-Anhalt. The returns were twice what the tame pollsters had been predicting, and for the next week or so the tame world press screeched and screamed in a fit of paranoia.

The DVU, muttered the New York Times, was "seeking to capitalize on the frustrations of eastern German voters." The party, blathered the Washington Post, is "fiercely anti-immigrant" and is "feeding on voter resentment toward the 9 million foreigners living in Germany." The party's founder, Gerhard Frey, elegantly described as a "rich Munich publisher" "lavished enormous sums of money" on the elections, even though its main candidate, Helmut Wolf, is a "political unknown" and an "unemployed engineer," according to the Times. It might have been more convenient if Herr Wolf had been an unemployed housepainter, but the shoe was made to fit anyway.

The London-based Economist weighed in with its own contributions to unbiased reporting. In a story headlined "The ugly side of European politics," the magazine called up all the demons that lurk beneath the stagnant surface of the globalist consciousness. Not only is the DVU on the march, but also the leader of the rising French National Front, Jean-Marie LePen, "congratulated his German comrades," and in Austria, the local reincarnation of Der Fuehrer, Jorg Haider, is also moving up in the political world. It might not be Hitler and Mussolini embracing each other, but the world press made sure that was the image that came to mind.

In fact, the rise of the European right, for all the efforts of the press to explain it away as a fluke due to lavish spending by eccentric millionaires, may be an event of world-historical importance. What mainly drives these parties of the fringe in France, Austria and now Germany toward political power are two issues --- immigration and the construction of the transnational political regime known as the European Union --- and what these parties are saying, as difficult as it is to hear it above the mewling of the press, is a clear and firm affirmation of nationality.

Both immigration and the European Union appear to be swallowing national sovereignty and the ethnic and cultural identity that underlies national existence, but while nationalism is the powder in the new Euro-right artillery, its trigger is economic. In France, unemployment currently stands at some 12 percent, while in Saxony-Anhalt it's 25 percent, the highest in Germany.

You don't have to invoke the irrational in the form of "frustrations" and "resentments" to explain the emergence of the Euro-right. Frenchmen, Germans, Austrians and others have plenty of sound reasons to worry about perfectly legitimate and important issues concerning the future of their nations and their own personal futures in the new political megalith that rises over the continent. But of course in the mind of the globalists and their pet media, they're not legitimate issues. Anyone who worries about, let alone actually votes on, issues related to curtailing immigration or national sovereignty is obviously a crackpot and might well be an outright Nazi.

But it is precisely that attitude that allows the Euro-right to rise from obscurity. Having ignored or even welcomed immigration and the European Union for decades, the establishment parties of right and left in Europe now face political revolution, and they have good reason to worry --- at least for the future of their myopic agendas.

In the United States, the same kind of establishment, with the same mentality, the same globalist and anti-nationalist agenda and the same myopia, prevails in both parties, and neither one shows any serious inclination to resist the challenge to nationality. Here too, sooner or later, by ignoring those challenges and even allying with them, our political establishment is setting itself up for a fall. Here too, the peasants will walk into the voting booths, and what walks out will scare the globalist elites.

(Samuel Francis is a nationally syndicated columnist.)

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<http://members.aol.com/bloodand/who.htm>

BLOOD AND HONOUR ON LINE PROMOTE THE NATIONALISTIC PRIDE, BUT DOES NOT PROMOTE ANY KIND OF RACIAL HATE OR RACIAL VIOLENCE.

BLOOD AND HONOUR ON LINE DOES NOT PROMOTE ANY KIND OF ACTIVITY AGAINST THE UK/USA LAWS AND THE INTERNATIONAL LAWS.

B&H SPEAKS ABOUT A CULTURE AGAINST THE DRUGS WORLD, THE MESSAGE IS A SHINING HOPE FOR THE YOUNG PEOPLE TO PROTECT THEIR ROOTS.

OUR ENEMIES ARE THE DIVISIONS

OUR ENEMIES ARE THE MIDDLE CLASS DESIRES

OUR ENEMIES ARE NOT THE REDS OR THE OTHER COMMUNITIES, BUT WHO WANTS TO DESTROY OUR DREAMS.

SO BE PRIDE TO BE BRITISH,

BE PRIDE TO BE FRANCAISE,

BE PRIDE TO BE ITALIAN,

BE PRIDE TO BE GERMAN,

BE PRIDE TO BE BOHEMIAN,

BE PRIDE TO BE RUSSIAN,

BE PRIDE TO BE

BE HONEST WITH YOUR FRIENDS

BE AN EXAMPLE FOR THE OTHERS!

B&H on line

<http://www1.ca.nizkor.org/hweb/orgs/american/adl/skinhead-international/skins-united-kingdom.html>

The Skinhead International: United Kingdom

Newsgroups: alt.skinheads,alt.politics.white-power,alt.politics.nationalism.white

Subject: ADL: Skinhead International; United Kingdom

Summary: The ADL's "Skinhead International: A Worldwide Survey of Neo-Nazi Skinheads"

Followup-To: alt.skinheads

Archive/File: pub/orgs/american/adl/skinhead-international skins-united-kingdom

Last-Modified: 1995/09/19

The Skinhead phenomenon had its birth in the United Kingdom, arising as a youth cult in the early 1970's, and Britain is still regarded as the fountainhead of the movement worldwide. It was there that the Skinhead aspect and regalia developed - shaved heads, boots, tattoos - designed to symbolize tough, angry, rebellious working-class youths. (The steel-toed Doc Martens boots, de rigueur for Skins everywhere, are manufactured in Britain.) Along with the style went fixed attitudes: an extreme nationalism, a brash male chauvinism, a glorification of brute violence. Before long, a large number of British Skinheads were also displaying hostility towards non-whites, Jews, foreigners and homosexuals.

Filling out the format was "oi" music ("oi" is a Cockney greeting), which - for the racist Skins - meant the threatening sound of "white power."

Present estimates of the number of British Skinheads vary from some 1,500 to as many as 2,000. These figures represent a slight decline over the past year or two.

Blood and Honour

The main Skinhead "organization" is Blood and Honour, a loose sort of structure founded in 1987 by Ian Stuart Donaldson - professionally (and hereinafter) "Ian Stuart" - a Skinhead musician who was killed in an automobile crash in Derbyshire late in 1993. Stuart's band, Skrewdriver, has been for years the most popular Skinhead group in Britain and throughout the world. Under the name The Klansmen, the band has made records for the United States market - one of their songs was titled "Fetch the Rope." Stuart always preferred being called a Nazi rather than a "neo-Nazi." He once told the London Evening Standard: "I admire everything Hitler did, apart from one thing - losing."

Stuart's legacy, Blood and Honour (its name is the translation of an SS slogan) is a frenzied amalgam of racist lore and music. Organically it has been described as not so much a political organization as "a neo-Nazi street movement." Influential among Skinheads throughout Europe and the United States, Blood and Honour acts as an umbrella organization for 30 or more Skin rock groups, publishes a magazine (also called Blood and Honour)[1] and runs a mail order service for "white pride" paraphernalia, which is said to have thousands of accounts.

The Skinhead bands affiliated with the Blood and Honour movement have their own security guards. Not known for their restraint, these guards often battle perceived enemies at clubs where the bands perform and out in the street.

Since Stuart's death, Blood and Honour has reportedly fallen under the influence of Combat 18 (18 is a code for Adolf Hitler's initials), a violent neo-Nazi group that counts Skinheads and football hooligans among its followers.

"You don't become a member of Blood and Honour," a BBC report stated. "You support it by buying the records, carrying the flag, wearing the T-shirts and the tattoos."

And sometimes by other means...

"Paki-bashing"

Assaults on Asians ("Paki-bashing") and homosexuals ("fag-bashing") have become standard forms of Skinhead brutality, as have desecrations of synagogues and Jewish cemeteries. A march through South East London protesting racial violence recently was disrupted by Skinheads who pelted the marchers with bricks and bottles. The Skins then turned on the police whom they forced to retreat by attacking

them with stones and crash barriers.

On the night of September 11, 1993, 30 neo-Nazi Skinheads marched through Brick Lane in the heart of a predominantly Asian neighborhood, breaking shop windows and menacing residents. "We're being deprived of what's ours," a young Skinhead was quoted in the newspapers a few nights later, "but we're fighting back now!"

Many Skins have served time. Kev Turner, leader of the popular Skin band Skullhead, for example, can boast a 20-month sentence for assault. Another Skullhead regular, Neil Carter, was jailed for nine months for his part in an attack on a nightclub owner.

Football Hooligans

Skinheads are fanatical supporters of certain English soccer (football) teams. Along with the more numerous football hooligans - many of whom share their neo-Nazi views - Skinheads are among the ringleaders of the racism and violence that plague English soccer. Skinheads are frequently seen at matches making Nazi salutes and taunting black players with vicious racist barbs. Violence, however, is their specialty. Joined by non-Skinhead members of Combat 18 and unaffiliated hooligans, Skins attack other fans (both rivals and fellow supporters) and run riot through stadiums, pubs and train stations. While the mayhem is often spontaneous, there is increasing evidence that soccer-related violence is sometimes planned in advance and orchestrated by a few dozen individuals, many of whom have a neo-Nazi agenda.

Neo-fascist Connections

A number of hard-core Skinheads have been active in several neo-fascist groups that have long tried to control the Skinhead scene. Most prominent among these are the racist and anti-Semitic British National Party (BNP), and the aforementioned Combat 18. The BNP participates in elections and enjoys small pockets of support in areas of London, Yorkshire, and Lancashire. Combat 18, with a core of between 100 and 150 members, is committed to violence and harassment rather than political gains. While Skinheads formerly identified with the BNP - and reportedly assisted in some of its initial modest electoral success - they have increasingly switched their allegiance to Combat 18 in recent years.

Rock 'n' Roll

The message of the Skinheads booms from their music. It is violent, racist, paranoid, and "Nordic." All of the bands seem to catch the spirit of one called British Standard when it sings:

The Iron Guard of Europe
Has risen from the grave
They march along as one now
A New Order they must save.

Skrewdriver's "White Rider" brays:

You feel love for your people
Disdain for the fools
The enemies led by the Zionist tools...

Last Chance, a now-defunct British skinzine, recently reviewed the first Skrewdriver album to be recorded after Ian Stuart's fatal car crash in late 1993: Tunes such as "Hail Victory," "vampire," and "White Noise," would, it said, "bring a tear to many eyes."

Another auto accident - this one in March 1992 - killed three of the four members of the group Violent Storm, whose home was Cardiff, Wales. They were on their way to Heathrow Airport for a flight to Spain, where they were scheduled to perform at a Skinhead concert that featured other British bands. The lone survivor, "Billy," later joined "Miffy," "Clarkey," and "Stinko" in a new band, Celtic Warrior, to "sing about the things we feel are important" - such as the "evils of Zionism" and the struggle for "our race."

The visions of the Skinhead mind are starkly reflected in some of the bands' names: Brutal Attack [...], Battle Zone, Razor's Edge, No Remorse (this last referring specifically to the memory of the Holocaust). The recurrent theme of British Skinhead music is that only a race war, with the inner cities as battlegrounds, will bring about the reclamation of British soil. "White Warriors," epitomizes this:

Fighting in the city,
It's a matter of life and death,
It's as easy as black and white,
You'll fight till your last breath...
When the battle is over,
And the victory is won,
The White man's lands are owned
By the White people,
The traitors will all be gone.

The steamy enthusiasm of Britain's Skinheads is kept at a high pitch by an abundance of zines published by a huge amateur underground network. The zines, such as Blood and Honour, Boots and Braces, Truth at Last, British Oi!, Offensive Weapon and Aryan Warrior, are mostly crude, slapdash photocopy productions comprising events calendars, ads, interviews, fan photos, letters, Skin gossip, etc. and abounding in Nazi and Odinist imagery. They also serve as effective links with their brethren on the Continent and across the globe.

Whether or not the reports of a slow decline in Skinhead numbers are accurate, it is generally agreed by those who monitor their activities that the Skinheads of Britain represent no mere passing fad - as the

very longevity of the phenomenon shows. Having weathered 20 years of ebb and flow, it continues to poison young minds, perpetrate group violence and sing its vicious joy to the bewitched. (Anti-Defamation League, 73-76)

1. Similarly named publications have also appeared in California and Sweden.

Work Cited

Anti-Defamation League. *The Skinhead International: A Worldwide Survey of Neo-Nazi Skinheads*. New York: Anti-Defamation League, 1995. Anti-Defamation League, 823 United Nations Plaza, New York, NY 10017.

Disclaimer: not all skinheads are neo-nazis or white supremacists. There are many skinheads who are non- or anti-racist, and who come from a variety of different religious and cultural backgrounds. Nizkor recognizes their achievements in anti-racism: they are part of the traditional, non-racist skinhead subculture and are not the perpetrators of the hate crimes discussed here.

Unless otherwise specified, the word "skinhead" within these pages refers only to neo-Nazi and white supremacist skinheads, the perpetrators of hate crimes and participants in racist organizations. We cannot edit the body of the text above, because it was not written by Nizkor, and to change the wording would be fraudulent. Please keep in mind that not all skinheads are racist.

<http://www.hill.se/monitor/artikler/KRIG.HTM>

Brann i rasenes leir

Fredag den 17. januar ble den dansk/japanske nazisten, Thomas Derry Nakaba, arrestert etter å ha postet tre brevbomber. En politimann ble skadeskutt under arrestasjonen. 7 andre nazister ble også arrestert i det som ser ut til å være opprullingen av en terrorgruppe med tilknytning til det britiske Combat 18.

Nakaba var tidligere medlem av Danmarks nasjonalsocialistiske bevegelse (DNSB). Etter den fiaskopregede Hess-marsjen i Roskilde i Danmark i 1995, meldte han seg ut og dannet sin egen gruppe. De tre avsendte brevbombene var adressert til svarte idrettsstjerner i Storbritannia. I 1994 mottok svenske musikere og journalister tilsvarende bomber, uten at det hittil har lyktes noen å finne avsenderen.

Væpnet nazikonflikt

Det ser imidlertid ut til at hatet mot andre nazister er like sterkt som hatet til folk med annen hudfarge. I følge det elektroniske nyhetsbrevet til det amerikanske nazimagasinet Resistance, ble samtidig fire andre

brevbomber sendt til nazister i Storbritannia. De påtenkte mottakerne har det til felles at de står på motsatt side av C18 i den pågående krigen innbyrdes mellom nazister. Resistance går svært langt i å hevde at det er en sammenheng mellom alle brevbombene, og at C18 står bak.

Krig om penger

Striden, som står mellom C18 og deres allierte på den ene siden, og det svenske Nordland og det amerikanske Resistance på den andre, dreier seg om inntektene fra salg av nazirock. Sentralt i konflikten står gjensidige påstander om at motparten er engasjert i nazirocken bare for å tjene penger på den. I en artikkel i det svenske nazirock-bladet Nordland skriver Resistance-sjef George (Hawthorne) Burdi at C18 gjennom sin praksis Çer fiender av den hvite rase og hvit makt-bevegelsenÈ. En rekke naziband som har fått platene sine utgitt på C18 tilknyttede selskaper som White Terror, ISD og NS88 har ikke fått betalt til tross for relativt god omsetning. C18 dermot beskylder Hawthorne & co for å monopolisere nazirocken og kun være opptatt av profitten. For å gjøre rotet komplett finnes det en tredje, såkalt uavhengig retning, Hammerskins, som oppstod i USA. Problemet er bare at den franske seksjonen har sluttet seg til C18, mens den britiske støtter kretsen rundt Resistance.

Hvor står norske rasister?

Norske høyreekstremister har forsøkt å ri to hester i striden. De eneste uttalelser som har kommet i sakens anledning har vært vage formuleringer av typen -La oss nå være venner alle sammen. Fritt Forums salgsorganisasjon, NordEffekter, har ufortrødent solgt plater og materiale fra begge sider. Kretsen rundt Fritt Forum har startet en norsk versjon av Blood and Honour. Blood and Honour kommer opprinnelig fra England, hvor det ble etablert som et nettverk av rasistiske og nazistiske rockeband. Nettverket stod for utgivelsen av blader og plater, samt arrangering av hvit makt-konserter. De siste årene har Blood and Honour vært underlagt C18. Norske Blood and Honour har i midlertid tilbydd effekter fra alle leire. Nå ser det imidlertid ut til at den norske fløyen må revurdere sin nøytralitet. Nordland/Resistance-fløyen har nemlig erklært at alle som fortsatt har kontakt med C18, eller overhodet overveier å ha det, er ute av den internasjonale bevegelsen.

<http://www.bloodandhonour.com/jewwatch.html>

"BALKAN JEW WATCH": THEY ARE ALL CHOSEN!

The war raging in Eastern Europe is a text book case of all that which National Socialists have been preaching for decades. AND it gives the national revolutionary resistance movement a unique potential to organize on a grand scale, winning not only new supporters but also new allies, while our enemies stand out more and more like the cosmopolitan aggressors and imperialists they really are.

Still, it looks like our people once again are missing the train. While a conflict of world-shattering dimensions are raging, most of the so-called national socialists in western Europe seem to be more

occupied with who will play on the next WP gig or when the next memorial party will take place. While all the time deep down you can sense the rotten stench of outdated chauvinism and ethnic arrogance. Serbs are "reds", Serbs were "our enemies", Serbs are "only" Slavs, or "our boys" are fighting down there... Well, I shouldn't even bother to answer these arguments if it were not for their cursed frequency among "our" people.

Firstly, most Serbs are NOT "reds". The second biggest party in Serbia is the Nationalist Radical Party with close ties to both Le Pen and Sjinovski. And as for Milosovic, he is no more "red" than Saddam Hussein - and anyhow he is the sworn enemy of our enemies, which in my book makes him a friend now. Secondly, how long shall we decide the politics of our future and the company we keep by who was and who wasn't Germany's allies more than half a century ago? The Muslims of Bosnia were allies of the 3rd Reich too, as were many Albanians. (Plus a range of far more exotic people further eastS) Credit where credit is due, but that hardly makes them our present allies! Thirdly, the Slavs are Whites too, no matter what certain xenophobics blinded by the mirror image of their own imaginary superiority burp up between the bottles of beer and McDonald's burgers (most likely served to them by some Turkish wage slaveS). And finally, "our boys" are - unfortunately - fighting nowhere (not counting the real warriors in Serbia itself). Pompous teabaggers, braindead MTV warriors, ghetto soldiers and fancy frog eaters playing war from the safety of their command centres or cockpits high above the suffering civilians, are not, and never shall be, "our boys". Those who still believe that a passport is the proof of common identity and destiny are as much our enemies as those who issue the passports.

Which brings us to the nature of our real enemy. (In case someone forgot!) Just who is organizing the war against Serbia? The answer is an easy one. Naturally, it is none other than the chosen plague that has cursed this world with war and aggression since it once upon a time emerged from the deadly deserts of the unholy land. We won't bother with any analytic exercises this time. Just a few plain facts:

1. Nominally in charge is the errand boy Bill Clinton, whose cabinet by the words of American organized Jewry is more Jewish than ever before in the history of USA. Privately, Bill's lower head was dominated by the Jewess Monica Lewinsky, while the upper one is ordered about by his wife Hillary, who is at least believed to be of Jewish descent. Whatever, Mr. Clinton is, as pointed out, a mere front figure. The executers of the Zionist schemes are of the through-and-through Kosher variety.
2. Madelaine Albright, the old witch who initiated the bombing campaign, is a much publicized Czech Jewess.
3. The US minister of defence, is the Jew Cohen.
4. The press spokesman for the secretary of state, leading the verbal attacks on Serbia, is the Jew James Rubin.
5. US ambassador for war crimes (!) is the Jew David Scheffer. His bizarre excuse for NATO murdering civilians in Serbia and the Serb province of Kosovo, is that the Serbs are to blame for putting the

civilians in the way of the NATO bombs! (See interview in the Danish daily Politiken 19th of May.)

6. The general who is leading NATO's military aggression against Serbia, Wesley Kanne Clark, is son of the Jew Benjamin Jacob Kanne. Not too eager to make his ancestry public, the pseudo-protestant general, who learnt about his Jewish roots when he was 20, refused to comment on the case when International Herald Tribune questioned him. (See IHT 4th of May.)

7. The US negotiator of the Dayton "peace plan" Richard Holbrooke, who may very well be a Jew himself, disclosed to the International Herald Tribune that "my wife discovered she was Jewish in her 30s".

These Kosher conspirators, plotting for world Zionism, are on the side of NATO and its war against the White and proud nation of Serbia. On which side are you?

ALFRED SLAYERMAN

<http://reports.guardian.co.uk/papers/19980404-24.html>

POLICE KEPT NEO-NAZI ON PAYROLL

The Observer, sunday, 5 april 1998

Race crimes ignored as Met exploited Combat-18's links with Ulster loyalists, reports Henry McDonald

Special Branch officers turned a blind eye to racist violence in Britain by a neo-Nazi terror group because its founder was spying on Ulster loyalists for the police.

Charlie Sargent, the former leader of Combat 18 now serving a life sentence for murder, worked as a paid informer for the Metropolitan Police gathering intelligence on the Ulster Defence Association.

Combat 18's crimes went unpunished as Sargent provided information to the security forces about UDA gun-running operations in Britain. He was recruited to spy on the loyalist terrorists at the height of their murder campaign in the early Nineties.

All through this period the former Combat 18 leader planned and formulated arson attacks on anti-racism activists. This is contrary to Home Office guidelines which state that informants must "not actively engage in planning and committing a crime".

The revelation is made on ITV's World In Action programme tomorrow evening. The disclosure will confirm the already widely-held suspicions of other loyalist organisations that Combat 18 members were working as agents for the security services.

A Combat 18 cell in East Belfast was shut down at gunpoint by the Ulster Volunteer Force just before the loyalist ceasefire four years ago. UVF commanders in the area told The Observer that they believed the fascist grouping was infiltrated by police and MI5 agents acting on orders to inform on loyalists.

Combat 18 linked up with members of the UDA's London cell in the early Nineties when the loyalist organisation was seeking to buy detonators for bombs to be used in a campaign in the Irish Republic against what it claimed was the re-emergence of a pan-nationalist front consisting of the Dublin government, the SDLP and Sinn Fein.

A new more militant UDA leadership had emerged after the Stevens inquiry into the leaking of security files to loyalists in 1989. These younger leaders such as the Shankill Road UDA commander Johnny Adair and his "2nd Battalion" had links in the mid-1980s with neo-Nazi groups like the National Front in Belfast. Several members of the battalion were in a Nazi-skinhead group called Offensive Weapon.

They used their British fascist contacts to obtain detonators. Meanwhile, the RUC and other branches of the security services were finding it increasingly difficult to infiltrate the new UDA.

The RUC had just lost its prize loyalist informant, Tommy "Tucker" Lyttle, the former UDA commander, removed from the organisation in a hardline coup in 1989.

The police saw Combat 18 as a perfect vehicle to infiltrate the UDA, which by 1993 was out-killing all other paramilitary organisations in Northern Ireland.

A former Combat 18 activist tells the programme of their involvement with the UDA: "All the leadership... the generals of Combat 18, are known UDA members. They're in close contact with the commander of the UDA. They organise and run socials, provide security for visiting loyalists in this country."

Sargent's connection with the UDA came to light in 1993 when Frank Portinari and Eddie Whicker were arrested for their part in an attempt to smuggle handguns to Northern Ireland. World In Action claims these guns - and two other assignments that got through - were supplied by Combat 18.

After the arrests of Portinari and Whicker, Sargent began to work directly with the UDA's commander in East Belfast, regularly visiting the city. The East Belfast UDA leader also asked Sargent at a meeting in a central London pub to provide detonators and ecstasy tablets. This loyalist is known by the RUC to have amassed a small fortune from selling ecstasy in Northern Ireland.

In the World In Action programme an undercover policeman who infiltrated Combat 18 says he believed Sargent worked for Special Branch.

"I would get a call [from the police]: "Can you confirm this?" This was before I put any reports in.

Someone was getting intelligence before I could. I was in no doubt it had to be someone in the top two or three. Then I concluded it had to be Sargent himself, it had to be him," he said. While Sargent was developing links with the East Belfast UDA man and reporting back to his police handlers, he was also organising attacks on anti-racism activists and journalists.

In January 1995 police from Scotland Yard's Special Branch raided the home of fellow Combat 18 activist Will Browning. Among bomb manuals and an instruction booklet for snipers, the police found documentary evidence that Combat 18 was watching targets, including World In Action journalist Quentin McDermott who had worked on a previous investigation into the neo-Nazi group.

The programme asked a handwriting expert to examine one of the documents. He concluded it was written by Sargent. So, although a police informant, Sargent was still selecting people for attack.

The programme also alleges that McDermott was not warned about his name being on a Combat 18 hit list.

Two weeks after the raid on Browning's home, Combat 18 firebombed the home of Jill Emerson, an Anti-Nazi League activist in Gravesend, Kent. She and her three children survived because a fire door had been installed after an earlier threat. She had been running a campaign against a local Combat 18 member who was a friend of Sargent's.

The former Combat 18 activist on the programme admits that "Charlie wanted her torched" - implying that the police informant was still targeting victims.

Sargent's "career" as an informant came to an abrupt end after his expulsion from Combat 18. His fellow fascists accused him of being an informer after Danish and London police foiled a letter-bomb plot against media and sports celebrities towards the end of 1996. Sargent reacted violently to the accusation, and the furore caused a split in the far-right faction. In February last year Sargent and his close friend Martin Cross ambushed and stabbed Combat 18 supporter Chris Castle, an ally of rival leader Will Browning. Unknown to Sargent, Browning had been with Castle that day and had also been arrested.

The programme has a copy of a tape on which Browning's lawyer demands to know Sargent's relationship with Special Branch. Sargent allegedly told police that he was a Special Branch informer and demanded to see his handler during the interrogation.

In January this year Sargent and Cross were both found guilty of murder and jailed for life. Sargent has refused to discuss his role as a police agent inside Combat 18.

It is understood that the UDA leadership in Belfast has conducted an investigation into its members' links with Combat 18. Several members of the Inner Council, the UDA's ruling body, have expressed disquiet about contacts with the British far Right believing them to be untrustworthy and a security risk.

Meanwhile, Combat 18 has shifted its allegiance to hardline loyalists opposed to the UDA-UVF ceasefires. Combat 18 has published pictures of the "Trick or Treat" murderers led by Torrens Knight inside the Maze prison.

These killers belonged to the UDA when they carried out the Greysteel massacre of six Catholics and one Protestant at a bar on Halloween 1993. A year after they were convicted the killers were expelled from the UDA wings inside the Maze for opposing the peace process.

Eighteen months ago the Greysteel killers joined the anti-ceasefire Loyalist Volunteer Force wing, where they maintained a correspondence with Combat 18 activists in Britain.

One of Combat 18's supporters in Northern Ireland is Shaun Leighton, a convicted Ulster Resistance terrorist who has also switched allegiance to the LVF since the ceasefires. Leighton has written letters to Sargent's younger brother and also writes articles for Combat 18 publications.

Loyalism's relationship with the British far-Right has been a mixture of menace and high farce. In the Seventies the now defunct British Movement attempted to set up links with the UDA. As a gesture of their contempt, UDA commander Andy Tyrie sent Louis Scott, a prominent black member of the loyalist organisation, to meet the British Movement and inform them they were not interested.

In the Eighties the UVF met representatives of the Belgian Flemish Military Order, or VMO, with a view to buying explosives from the Euro-Nazi grouping. The VMO, which had a frighteningly large arsenal of guns and explosives, offered the UVF weapons on condition that the loyalists attacked Jewish targets in Ireland. The UVF declined and the connections with the VMO were severed.

The UVF's political wing, the Progressive Unionist Party, now denounces any loyalists who look for support among the micro-factions of the British far-Right. David Ervine, the PUP's chief negotiator, said Combat 18's politics were "an anathema" to Ulster loyalists.

"They tried to get a foothold in some clubs in East Belfast in 1994 and I personally threw their leaflets away where they belong - in the bin," he said.

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<http://www.welt.de/archiv/1999/04/26/0426eu665.htm>

Neonazi-Anschlag in London

Fünf Verletzte im Immigrantenviertel Shoreditsch - Reaktion auf Rassismus-Debatte

London - Neonazis haben offenbar zum zweiten Mal in acht Tagen einen Bombenanschlag in einem Ausländerviertel in London verübt.

Dabei wurden am Samstag im Stadtteil Shoreditch fünf Menschen verletzt. Zu der Tat bekannte sich die Neonazi-Gruppe „Combat 18“. Die Polizei geht nach eigenen Worten von einem „rassistischen Verbrechen“ aus.

Der Chef der Anti-Terror-Abteilung von Scotland Yard, Alan Fry, verwies auf die Gemeinsamkeiten mit dem ersten Anschlag am Samstag vergan ener Woche, bei dem 39 Menschen zum Teil schwer verletzt worden waren. In beiden Fällen explodierte die Bombe am Nachmittag in einem Ausländerviertel in der Nähe eines belebten Straßenmarktes, war in einer Sporttasche versteckt und mit Nägeln gespickt.

Die herumstehende Sporttasche hatte nach Polizeiangaben den Verdacht eines Passanten erregt. Der Mann brachte die Tasche in seinem Kofferraum zur nächsten Polizeiwache, doch noch in seinem Auto explodierte die Bombe. Der Mann wurde nur leicht verletzt. Die britische Presse feierte ihn am Sonntag als Held.

Shoreditch in Ost-London wird vor allem von Immigranten aus Bangladesch bewohnt. Vor 20 Jahren hatte dort der Antirassist Blair Peach gewirkt, an dessen gewaltsamen Tod an diesem Samstag mit einer Gedenkfeier erinnert wurde. Ladenbesitzer und Gastwirte in Shoreditch waren in der vergangenen Woche von anonymen Anrufern gewarnt worden: „Ihr seid die nächsten.“ Der britische Premierminister Tony Blair bezeichnete den Anschlag als empörend. „Wir werden alles tun, um die Verantwortlichen zu finden und sie vor Gericht zu stellen“, sagte er.

„Combat 18“ hatte sich auch zu dem ersten Anschlag in dem als „Schwarzenviertel“ bekannten Stadtteil Brixton bekannt. Die Zahl 18 im Namen der Gruppe verweist auf den ersten und den achten Buchstaben des Alphabets - A und H, die Initialen von Adolf Hitler. „Combat 18“ ist eine Absplitterung der rechtsextremen British National Party und war in den vergangenen Jahren schon mehrmals für Gewalttaten verantwortlich gemacht worden. Im Januar wurden bei Mitgliedern der Gruppe Todeslisten mit den Namen bekannter Antirassisten gefunden. Die Gruppe soll auch Verbindungen zu Fußballgewalttätern und protestantischen Extremisten in Nordirland haben.

Menschenrechtsgruppen und Ausländervereinigungen warnten am Sonntag vor einer „Kampagne des Rassenterrors“. Fachleute für die rechtsextreme Szene erläuterten, die Neonazis reagierten mit den Anschlägen auf eine breite gesellschaftliche Diskussion über Rassismus.

Die Debatte war durch die Veröffentlichung eines Untersuchungsberichts ausgelöst worden, der der Londoner Polizei vorwarf, „strukturell rassistisch“ zu sein.

<http://www.worldonline.nl/Channels/news/article.asp?ArtID=147959>

Gewonde bomaanslag Osdorp gearresteerd

Geplaatst: 7/2/99 11:29:00 AM

VIANEN/AMSTERDAM. - De 44-jarige man die donderdag bij de bomaanslag in Amsterdam-Osdorp gewond raakte, is gearresteerd. De politie onderzoekt welke rol de man bij het incident heeft gespeeld. Bij de aanslag kwam zijn 27-jarige vriendin om het leven.

Uit onderzoek is gebleken dat het om een afrekening gaat in het criminele circuit en dat het explosief niet voor de vrouw was bedoeld. Het is nog niet duidelijk voor wie wel, aldus de politie.

De Volkswagen Polo waarin de vrouw zat explodeerde op de Bonhoeffersingel in een rustige woonwijk, vlak nadat zij in de auto was gestapt en was weggereden. De man reed achter haar aan toen de auto explodeerde.

De man raakte gewond toen hij probeerde de vrouw, met wie hij samenwoonde, uit de auto te halen die na de explosie in brand was gevlogen. De brandwonden die de man opliep toen hij de vrouw uit de auto haalde bleken mee te vallen.

Na de explosie heeft de politie een woning doorzocht, waar het stel op bezoek was geweest, maar dit heeft niets opgeleverd. De recherche heeft zestien man op de zaak gezet.

<http://www.telegraaf.nl/krant/vandaag/teksten/bin.vrouw.html>

Vrouw (27) gedood bij bomaanslag op auto

vrijdag 2 juli 1999

AMSTERDAM, vrijdag. Een 27-jarige vrouw uit Amsterdam-Zuid is gistermiddag in Amsterdam-Osdorp geliquideerd door middel van een zware autobom.

De vrouw reed door een nieuwbouwwijk, toen haar zwarte Volkswagen Polo explodeerde. Over de vraag of het toeval is dat de auto op deze plaats ontplofte, laat de politie zich niet uit.

De politie spreekt van een "zeer zware autobom die onder of in de auto is geplaatst".

Haar vriend, een 44-jarige Joegoslaaf met wie de vrouw in Amsterdam-Zuid woonde, reed tijdens de explosie vlak achter haar. Hij probeerde de vrouw nog te redden, sleurde haar uit haar auto en liep zware brandwonden op.

Het drama voltrok zich gistermiddag even na twee uur, toen de vrouw stapvoets over de Bonhoeffersingel reed. Ter hoogte van nummer 13 explodeerde de auto. De knal was tot in de wijde omtrek te horen.

De Polo vloog onmiddellijk in brand. Buurtbewoners wisten het vuur vrij snel te blussen, maar net als haar vriend konden ook zij de vrouw niet meer te redden.

De politie zette de straat direct af, terwijl de auto door ME-busjes aan het oog van de vele nieuwsgierigen werd onttrokken.

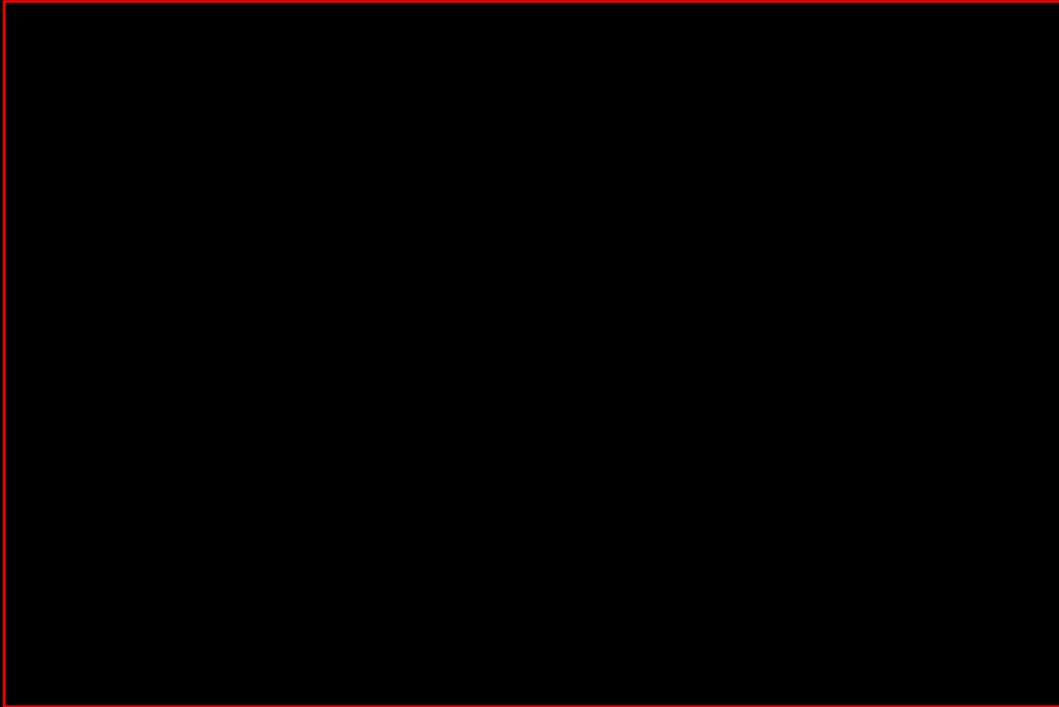
"De klap die we hoorden, was niet normaal meer. Zo verschrikkelijk hard", zei een geschokte buurman.

In het wegdek onder de auto zaten forse gaten. In de buurt sneuvelde een garagedeur en enkele ruiten.

Diverse auto's raakten beschadigd.

De politie heeft een team van rechercheurs op de zaak gezet en met een helikopter luchtfoto's gemaakt op de plaats van het delict. Om wat voor bom het exact gaat, is niet duidelijk.

Vorig jaar ontplofte ook al een autobom in Osdorp. Die wagen, een Audi, stond geparkeerd voor een school. Er vielen toen geen slachtoffers.



De 27-jarige Amsterdamse vrouw ligt in levenloos naast haar zwarte Volkswagen Polo, waarin even tevoren een zware bom is ontploft. Het drama voltrok zich gisteren even na twee uur in de Bonhoeffersingel, een straat in een keurige woonwijk in Amsterdam-Osdorp. Over de achtergrond van de aanslag heerst onduidelijkheid.

<http://www.volkskrant.nl/indruk/310020132.html?history=/i25000006>

Vrouw gedood door autobom in Amsterdam

2 juli 1999

Een autobom die donderdag in Amsterdam-Osdorp explodeerde, heeft het leven gekost aan een 27-jarige vrouw uit Amsterdam. Haar vriend, een man van Joegoslavische afkomst, liep zware verwondingen op toen hij haar uit het brandende autowrak sleurde. De politie gaat uit van een aanslag.

De bom ontplofte rond twee uur op de Bonhoeffersingel, toen de vrouw enkele tientallen meters had gereden. De auto had volgens buurtbewoners maandenlang ongebruikt in de buurt gestaan. Haar vriend reed in een auto achter haar. De identiteit van het stel is niet vrijgegeven.

Voordat ze met de auto's wegreden, waren de twee op bezoek geweest in de Marianellastraat, bij een uit

Macedonië afkomstig gezin. Volgens burens was het hier meestal een komen en gaan van bezoekers, maar meer is niet bekend. De politie doorzocht gisteren het hele huis.

De explosie, die de auto totaal verwrong, ging gepaard met een vuurzee. De buurtbewoonster die de politie alarmeerde, zegt dat ze vanwege de hitte niet dichterbij dan een paar meter in de buurt kon komen. Bovendien was ze bang dat meer ontploffingen zouden volgen. De vriend van het slachtoffer ging wel de brand in en slaagde erin zijn partner uit de auto te halen.

<http://www.telegraaf.nl/krant/vandaag/teksten/bin.autobom.html>

Autobom was voor ander bedoeld

3 juli 1999

De 27-jarige vrouw die donderdag om het leven kwam toen de auto waarin zij reed werd opgeblazen, is het verkeerde slachtoffer van een afrekening in het criminele milieu.

De bom die in de zwarte Polo was geplaatst was niet voor haar bedoeld, maar voor een ander. De 44-jarige Joegoslavische vriend van de vrouw is door de politie gearresteerd omdat de Amsterdamse politie wil weten welke rol de Joegoslaaf in het geheel speelt. Hij is een bekende van de politie.

Zeer waarschijnlijk kwamen de vrouw en haar vriend terug van een vakantie en hadden zij de bewuste auto voor enkele weken in de straat van een vriendin van de vrouw geparkeerd.

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National Intelligence Council

Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015

September 1999

This paper has been prepared under the auspices of the National Intelligence Officer for Strategic and Nuclear Programs, Bob Walpole; comments or questions should be directed to CIA's Office of Public Affairs on (703) 482-7677.

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Preface

Congress has requested that the Intelligence Community produce annual reports on ballistic missile developments. We produced the first report in March 1998 and an update memorandum in October 1998 on the August North Korean launch of its Taepo Dong-1 space launch vehicle (SLV). Our 1999 report is a classified National Intelligence Estimate, which we have summarized in unclassified form in this paper.

This year we examined future capabilities for several countries that have or have had ballistic missiles or SLV programs or intentions to pursue such programs. Using intelligence information and expertise from inside and outside the Intelligence Community, we examined scenarios by which a country *could* acquire an ICBM by 2015, including by purchase, and assessed the *likelihood* of various scenarios. (Some analysts believe that the prominence given to missiles countries "could" develop gives more credence than is warranted to developments that may prove implausible.) We did not attempt to address all of the potential political, economic, and social changes that could occur. Rather, we analyzed the level of success and the pace countries have experienced in their development efforts, international technology transfers, political motives, military incentives, and economic resources. From that basis, we projected *possible* and *likely* missile developments by 2015 independent of significant political and economic changes. Subsequent annual reports will be able to account for such changes.

Our projections for future ICBM developments are based on limited information and engineering judgment. Adding to our uncertainty is that many countries surround their ballistic missile programs with secrecy, and some employ deception. Although some key milestones are difficult to hide, we may miss others. For example, we may not know all aspects of a missile systems configuration until flight testing; we did not know until the launch last August that North Korea had acquired a third stage for its Taepo Dong 1.

We took into account recommendations made in July 1998 by the Commission to Assess the Ballistic Missile Threat to the United States and incorporated the results of several academic and contractor efforts, including politico-economic experts to help examine future environments that might foster ICBM sales and missile contractors to help postulate potential ICBM configurations that rogue states could pursue.

Key Points

We project that during the next 15 years the United States most likely will face ICBM threats from

Russia, China, and North Korea, probably from Iran, and possibly from Iraq. The Russian threat, although significantly reduced, will continue to be the most robust and lethal, considerably more so than that posed by China, and orders of magnitude more than that potentially posed by other nations, whose missiles are likely to be fewer in number—probably a few to tens, constrained to smaller payloads, and less reliable and accurate than their Russian and Chinese counterparts.

We judge that North Korea, Iran, and Iraq would view their ICBMs more as strategic weapons of deterrence and coercive diplomacy than as weapons of war. We assess that:

- North Korea *could convert* its Taepo Dong-1 space launch vehicle (SLV) into an ICBM that could deliver a light payload (sufficient for a biological or chemical weapon) to the United States, albeit with inaccuracies that would make hitting large urban targets improbable. North Korea is *more likely to weaponize* the larger Taepo Dong-2 as an ICBM that could deliver a several-hundred kilogram payload (sufficient for early generation nuclear weapons) to the United States. Most analysts believe it could be tested at any time, probably initially as an SLV, unless it is delayed for political reasons.
- Iran *could test* an ICBM that could deliver a several-hundred kilogram payload to many parts of the United States in the last half of the next decade using Russian technology and assistance. Most analysts believe it could test an ICBM capable of delivering a lighter payload to the United States in the next few years following the North Korean pattern.

—Analysts differ on the likely timing of Iran's first test of an ICBM that could threaten the United States—assessments range from *likely before 2010 and very likely before 2015* (although an SLV with ICBM capability probably will be tested in the next few years) to *less than an even chance* of an ICBM test by 2015.

- Iraq *could test* a North Korean-type ICBM that could deliver a several-hundred kilogram payload to the United States in the last half of the next decade depending on the level of foreign assistance. Although less likely, most analysts believe it *could test* an ICBM that could deliver a lighter payload to the United States in a few years based on its failed SLV or the Taepo Dong-1, if it began development now.

—Analysts differ on the likely timing of Iraq's first test of an ICBM that could threaten the United States—assessments range from *likely before 2015, possibly before 2010* (foreign assistance would affect capability and timing) to *unlikely before 2015*.

- By 2015, Russia will maintain as many nuclear weapons on ballistic missiles as its economy will allow but well short of START I or II limitations.
- By 2015, China is likely to have tens of missiles capable of targeting the United States, including

a few tens of more survivable, land- and sea-based mobile missiles with smaller nuclear warheads—in part influenced by US technology gained through espionage. China tested its first mobile ICBM in August 1999.

Sales of ICBMs or SLVs, which have inherent ICBM capabilities and could be converted relatively quickly with little or no warning, could increase the number of countries able to threaten the United States. North Korea continues to demonstrate a willingness to sell its missiles. Although we judge that Russia or China are unlikely to sell an ICBM or SLV in the next fifteen years, the consequences of even one sale would be extremely serious.

Several other means to deliver weapons of mass destruction to the United States have probably been devised, some more reliable than ICBMs that have not completed rigorous testing programs. For example, biological or chemical weapons could be prepared in the United States and used in large population centers, or short-range missiles could be deployed on surface ships. However, these means do not provide a nation the same prestige and degree of deterrence or coercive diplomacy associated with ICBMs.

The proliferation of medium-range ballistic missiles (MRBMs)—driven primarily by North Korean No Dong sales—has created an immediate, serious, and growing threat to US forces, interests, and allies, and has significantly altered the strategic balances in the Middle East and Asia. We judge that countries developing missiles view their regional concerns as one of the primary factors in tailoring their programs. They see their short- and medium-range missiles not only as deterrents but also as force-multiplying weapons of war, primarily with conventional weapons, but with options for delivering biological, chemical, and eventually nuclear weapons. South Asia provides one of the most telling examples of regional ballistic missile and nuclear proliferation:

- Pakistan has Chinese-supplied M-11 short-range ballistic missiles (SRBMs) and Ghauri MRBMs from North Korea.
- India has Prithvi I SRBMs and recently began testing the Agni II MRBM.
- We assess these missiles may have nuclear roles.

Foreign assistance continues to have demonstrable effects on missile advances around the world, particularly from Russia and North Korea. Moreover, some countries that have traditionally been recipients of foreign missile technology are now sharing more amongst themselves and are pursuing cooperative missile ventures.

We assess that countries developing missiles also will respond to US theater and national missile defenses by deploying larger forces, penetration aids, and countermeasures. Russia and China each have developed numerous countermeasures and probably will sell some related technologies.

Discussion

Introduction

The worldwide ballistic missile proliferation problem has continued to evolve during the past year. The proliferation of technology and components continues. The capabilities of the missiles in the countries seeking to acquire them are growing, a fact underscored by North Korea's launch of the Taepo Dong-1 in August 1998. The number of missiles in these countries is also increasing. Medium- and short-range ballistic missile systems, particularly if armed with weapons of mass destruction (WMD) warheads, already pose a significant, threat to US interests, military forces, and allies overseas. We have seen increased trade and cooperation among countries that have been recipients of missile technologies from others. Finally, some countries continue to work toward longer-range systems, including ICBMs.

We expect the threat to the United States and its interests to increase over the next 15 years. However, projecting political and economic developments that could alter the nature of the missile threat many years into the future is virtually impossible. The threat facing the United States in the year 2015 will depend on our changing relations with foreign countries, the political situation within those countries, economic factors, and numerous other factors that we cannot predict with confidence.

- For example, 15 years ago the United States and the Soviet Union were superpower adversaries in the midst of the Cold War, with military forces facing off in central Europe and competing for global power. Today, by contrast, the differences that separated the two countries during that period have been replaced by differences expected between modern nation states.
- Iraq is another example; 15 years ago it shared common interests with the United States. Since Iraq's invasion of Kuwait in 1990, Washington and Baghdad have been in numerous military and diplomatic conflicts.
- Finally, we do not know whether some of the countries of concern will exist in 15 years in their current state or as suppliers of missiles and technology.

Recognizing these uncertainties, we have projected foreign ballistic missile capabilities into the future largely based on technical capabilities and with a general premise that relations with the United States will not change significantly enough to alter the intentions of those states pursuing ballistic missile capabilities. Future annual reports will be able to take account of any contemporary information that alters our projections.

The Evolving Missile Threat in the Current Proliferation Environment

The new missile threats confronting the United States are far different from the Cold War threat during the last three decades. During that period, the ballistic missile threat to the United States involved relatively accurate, survivable, and reliable missiles deployed in large numbers. Soviet—and to a much lesser extent Chinese—strategic forces threatened, as they still do, the potential for catastrophic, nation-killing damage. By contrast, the new missile threats involve states with considerably fewer missiles with less accuracy, yield, survivability, reliability, and range-payload capability than the hostile strategic forces we have faced for 30 years. Even so, the new systems are threatening, but in different ways.

First, although the majority of systems being developed and produced today are short- or medium-range ballistic missiles, North Korea's three-stage Taepo Dong-1 SLV demonstrated Pyongyang's potential to cross the 5,500-km ICBM threshold if it develops a survivable weapon for the system. Other potentially hostile nations could cross that threshold during the next 15 years. While it remains extremely unlikely that any potential adversary could inflict damage to the United States or its forces comparable to the damage that Russian or Chinese forces could inflict, emerging systems potentially can kill tens of thousands, or even millions of Americans, depending on the type of warhead, the accuracy, and the intended target.

Classification of Ballistic Missiles by Range

| | |
|---|-------------------|
| Short-range ballistic missile (SRBM) | Under 1,000 km |
| Medium-range ballistic missile (MRBM) | 1,000 to 3,000 km |
| Intermediate-range ballistic missile (IRBM) | 3,000 to 5,500 km |
| Intercontinental-range ballistic missile (ICBM) | Over 5,500 km |

Second, many of the countries that are developing longer-range missiles probably assess that the *threat* of their use would complicate American decision-making during crises. Over the last decade, the world has observed that missiles less capable than the ICBMs the United States and others have deployed can affect another nation's decision-making process. Though US potential adversaries recognize American military superiority, they are likely to assess that their growing missile capabilities would enable them to increase the cost of a US victory and potentially deter Washington from pursuing certain objectives. Moreover, some countries, including some without hostile intent towards the United States, probably view missiles as a means of providing an independent deterrent and war-fighting capabilities.

Third, the probability that a WMD-armed missile will be used against US forces or interests is higher today than during most of the Cold War. Ballistic missiles, for example, were used against US forces

during the Gulf war. More nations now have longer-range missiles and WMD warheads. Missiles have been used in several conflicts over the past two decades, although not with WMD warheads. Nevertheless, some of the regimes controlling these missiles have exhibited a willingness to use WMD.

Thus, acquiring long-range ballistic missiles armed with WMD will enable weaker countries to do three things that they otherwise might not be able to do: deter, constrain, and harm the United States. To achieve these objectives, these WMD-armed weapons need not be deployed in large numbers; with even a few such weapons, these countries would judge that they had the capability to threaten at least politically significant damage to the United States or its allies. They need not be highly accurate; the ability to target a large urban area is sufficient. They need not be highly reliable, because their strategic value is derived primarily from the threat (implicit or explicit) of their use, not the near certain outcome of such use. Some of these systems may be intended for their political impact as potential terror weapons, while others may be built to perform more specific military missions, facing the United States with a broad spectrum of motivations, development timelines, and resulting hostile capabilities. In many ways, such weapons are not envisioned at the outset as operational weapons of war, but primarily as strategic weapons of deterrence and coercive diplomacy.

The progress of countries in Asia and the Middle East toward acquiring longer-range ballistic missiles has been dramatically demonstrated over the past 18 months:

- Most notably, North Korea's three-stage Taepo Dong-1 SLV has inherent, albeit limited, capabilities to deliver small payloads to ICBM ranges. Although the Taepo Dong-1 satellite attempt in August 1998 failed, North Korea demonstrated several of the key technologies required for an ICBM, including staging. As a space launch vehicle, however, it did not demonstrate a payload capable of surviving atmospheric reentry at ICBM ranges. We judge that North Korea would be unlikely to pursue weaponizing a three-stage Taepo Dong-1 as an ICBM, preferring instead to pursue the much more capable Taepo Dong-2, which we expect will be flight tested this year, unless it is delayed for political reasons.
- Pakistan flight-tested its 1,300 km range Ghauri missile, which it produced with North Korean assistance. (Pakistan also flight-tested the Shaheen I SRBM.)
- Iran flight-tested its 1,300 km range Shahab-3—a version of North Korea's No Dong, which Iran has produced with Russian assistance.
- India flight-tested its Agni II MRBM, which we estimate will have a range of about 2,000 km.
- China conducted the first flight test of its DF-31 mobile ICBM in August 1999; it will have a range of about 8,000 km.

Many of these countries probably have considered ballistic missile defense countermeasures. Historically, the development and deployment of missile defense systems have been accompanied by the

development of countermeasures and penetration aids by potential adversaries, either in reaction to the threat or in anticipation of it. The Russians and Chinese have had countermeasure programs for decades and are probably willing to transfer some related technology to others. We expect that during the next 15 years, countries other than Russia and China will develop countermeasures to Theater and National Missile Defenses.

Threat Availability Before "Deployment"

Emerging long-range missile powers do not appear to rely on robust test programs to ensure a missile's accuracy and reliability—as the United States and the Soviet Union did during the Cold War. Similarly, deploying a large number of long-range missiles to dedicated, long-term sites—as the United States and the Soviet Union did—is not necessarily the path emerging long-range missile powers will choose. In many cases, a nation may decide that the ability to threaten with one or two long-range missiles is sufficient for its doctrinal or propaganda needs. China, for example, has only about 20 ICBMs; its doctrine requires only that it be able to hold a significant portion of an aggressor's population at risk.

With shorter flight test programs—perhaps only one test—and potentially simple deployment schemes, the time between the initial flight test and the availability of a missile for military use is likely to be shortened. Once a missile has performed successfully through its critical flight functions, it would be available for the country to use as a threat or in a military role. Thus, we project the year for a first flight test rather than the projected date for a missile's "deployment" as the initial indication of an emerging threat. Moreover, using the date of the first projected flight test as the initial indicator of the threat recognizes that emerging long-range missile powers may not choose to deploy a large number of missiles and that an adversary armed with even a single missile capable of delivering a WMD-payload may consider it threatening. Using the first flight test results in threat projections a few years earlier than those based on traditional definitions of deployment, which may not apply as well to the emerging threats.

Potential ICBM Threats to the United States

We project that during the next 15 years the United States most likely will face ICBM threats from Russia, China, and North Korea, probably from Iran, and possibly from Iraq, although the threats will consist of dramatically fewer weapons than today because of significant reductions we expect in Russian strategic forces.

- The Russian threat will continue to be the most robust and lethal, considerably more so than that posed by China, and orders of magnitude more than that posed by the other three.
- Initial North Korean, Iranian, and Iraqi ICBMs would probably be fewer in number—a few to tens rather than hundreds or thousands, constrained to smaller payload capabilities, and less reliable and accurate than their Russian and Chinese counterparts.

- Countries with emerging ICBM capabilities are likely to view their relatively few ICBMs more as weapons of deterrence and coercive diplomacy than as weapons of war, recognizing that their use could bring devastating consequences. Thus, the emerging threats posed to the United States by these countries will be very different than the Cold War threat.

North Korea. After Russia and China, North Korea is the most likely to develop ICBMs capable of threatening the United States during the next 15 years.

- North Korea attempted to orbit a small satellite using the Taepo Dong-1 SLV in August 1998, but the third stage failed during powered flight; other aspects of the flight, including stage separation, appear to have been successful.
- If it had an *operable* third stage and a reentry vehicle capable of surviving ICBM flight, a converted Taepo Dong-1 SLV *could* deliver a light payload to the United States. In these cases, about two-thirds of the payload mass would be required for the reentry vehicle structure. The remaining mass is probably too light for an early generation nuclear weapon but could deliver biological or chemical (BW/CW) warfare agent.
- Most analysts believe that North Korea *probably will test* a Taepo Dong-2 this year, unless delayed for political reasons. A two-stage Taepo Dong-2 could deliver a several-hundred kilogram payload to Alaska and Hawaii, and a lighter payload to the western half of the United States. A three-stage Taepo Dong-2 could deliver a several-hundred kilogram payload anywhere in the United States.
- North Korea is much *more likely* to weaponize the more capable Taepo Dong-2 than the three-stage Taepo Dong-1 as an ICBM.

Iran. Iran is the next hostile country most capable of testing an ICBM capable of delivering a weapon to the United States during the next 15 years.

- Iran *could test* an ICBM that could deliver a several-hundred kilogram payload to many parts of the United States in the latter half of the next decade, using Russian technology and assistance.
- Iran *could pursue* a Taepo Dong-type ICBM. Most analysts believe it could test a three-stage ICBM patterned after the Taepo Dong-1 SLV or a three-stage Taepo Dong-2-type ICBM, possibly with North Korean assistance, in the next few years.
- Iran is *likely to test* an SLV by 2010 that—once developed—could be converted into an ICBM capable of delivering a several-hundred kilogram payload to the United States.
- Analysts differ on the likely timing of Iran's first flight test of an ICBM that could threaten the

United States. Assessments include:

- likely* before 2010 and *very likely* before 2015 (noting that an SLV with ICBM capabilities will *probably be tested within the next few years*);
- no more than an *even chance* by 2010 and a *better than even chance* by 2015;
- and *less than an even chance* by 2015.

Iraq. Although the Gulf war and subsequent United Nations activities destroyed much of Iraq's missile infrastructure, Iraq could test an ICBM capable of reaching the United States during the next 15 years.

- After observing North Korean activities, Iraq *most likely would pursue* a three-stage Taepo Dong-2 approach to an ICBM (or SLV), which could deliver a several-hundred kilogram payload to parts of the United States. If Iraq could buy a Taepo Dong-2 from North Korea, it *could have a launch capability* within months of the purchase; if it bought Taepo Dong engines, it *could test* an ICBM by the middle of the next decade. Iraq probably would take until the end of the next decade to develop the system domestically.
- Although much less likely, most analysts believe that if Iraq were to begin development today, it *could test* a much less capable ICBM in a few years using Scud components and based on its prior SLV experience or on the Taepo Dong-1.
- If it could acquire No Dongs from North Korea, Iraq *could test* a more capable ICBM along the same lines within a few years of the No Dong acquisition.
- Analysts differ on the likely timing of Iraq's first flight test of an ICBM that could threaten the United States. Assessments include *unlikely* before 2015; and *likely* before 2015, possibly before 2010—foreign assistance would affect the capability and timing.

Russia. Russia's strategic offensive forces are experiencing serious budget constraints but will remain the cornerstone of its military power. Russia expects its forces to deter both nuclear and conventional military threats and is prepared to conduct limited nuclear strikes to warn off an enemy or alter the course of a battle.

- Russia currently has about 1,000 strategic ballistic missiles with 4,500 warheads.
- Its strategic force will remain formidable through and beyond 2015, but the size of this force will decrease dramatically—well below arms control limits—primarily because of budget constraints.
- Russia will maintain as many strategic missiles and associated nuclear warheads as it believes it can afford, but well short of START I or II limitations.

—If Russia ratifies START II, with its ban on multiple warheads on ICBMs, it would probably be able to maintain only about half of the weapons it could maintain without the ban.

- We judge that an unauthorized or accidental launch of a Russian strategic missile is highly unlikely so long as current technical and procedural safeguards are in place.

China. Chinese strategic nuclear doctrine calls for a survivable long-range missile force that can hold a significant portion of the US population at risk in a retaliatory strike.

- China's current force of about 20 CSS-4 ICBMs can reach targets in all of the United States.
- Beijing also is developing two new road-mobile, solid propellant ICBMs.

—It conducted the first flight test of the mobile DF-31 ICBM in August 1999; we judge it will have a range of about 8,000 km and will be targeted primarily against Russia and Asia.

—We expect a test of a longer range mobile ICBM within the next several years; it will be targeted primarily against the United States.

- China is developing the JL-2 SLBM, which we expect to be tested within the next decade. The JL-2 probably will be able to target the United States from launch areas near China.
- By 2015, China will likely have tens of missiles targeted against the United States, having added a few tens of more survivable land- and sea-based mobile missiles with smaller nuclear warheads—in part influenced by US technology gained through espionage.
- China has had the technical capability to develop multiple RV payloads for 20 years. If China needed a multiple-RV (MRV) capability in the near term, Beijing could use a DF-31-type RV to develop and deploy a simple MRV or multiple independently targetable reentry vehicle (MIRV) ¹ for the CSS-4 in a few years. MIRVing a future mobile missile would be many years off.
- China is also significantly improving its theater missile capabilities and is increasing the size of its SRBM force deployed opposite Taiwan.
- We assess that an unauthorized launch of a Chinese strategic missile is highly unlikely.

Foreign Assistance

Foreign assistance continues to have demonstrable effects on missile advances around the world. Moreover, some countries that have traditionally been recipients of foreign missile technology are now sharing more amongst themselves and are pursuing cooperative missile ventures.

- Russian missile assistance continues to be significant.
- China continues to contribute to missile programs in some countries.
- North Korea may expand sales.

Moreover, changes in the regional and international security environment—in particular, Iran's Shahab-3 missile test and the Indian and Pakistani missile and nuclear tests—probably will fuel missile and WMD interests in the region.

Sales of ICBMs or SLVs, which have inherent ICBM capabilities, could further increase the number of countries that will be able to threaten the United States with a missile strike. North Korea continues to demonstrate a willingness to sell its missiles and related technologies and will probably continue doing so, perhaps under the guise of selling SLVs. In the past, we judged that political conditions made the sale of a Russian or Chinese ICBM unlikely and that the geopolitical situation would not change enough for either to decide that the sale of an ICBM would be in its national interest. We have not detected the transfer of a complete ICBM by Russia or China, nor do we have any information to indicate either plans to transfer one. Projecting the likelihood of such a transfer 15 years into the future is very uncertain, driven in part by unpredictable future economic conditions, how Moscow will perceive its position vis—vis the West, and future Russian and Chinese perceptions of US ballistic missile defenses. As we attempt to project the politico-military-economic environment for that period, we continue to judge it unlikely that Moscow or Beijing would decide that the financial and perhaps strategic inducements to sell a complete ICBM, SLV, or the technologies tantamount to a complete ICBM, would outweigh the perceived political and economic risks of doing so. ²

[Warning Times and our Ability to Forecast Missile Development and Acquisition](#)

In our 1998 annual report, we stated we had high confidence that we could provide warning five years *before deployment* that a potentially hostile country was trying to *develop and deploy* an ICBM. Because countries of concern could threaten to use ballistic missiles following limited flight-testing and before a missile is *deployed* in the traditional sense, we broadened our warning in the 1998 update memorandum to encompass the first successful flight test as the beginning of an "initial threat availability."

Our ability to provide warning for a particular country is depends highly on our collection capabilities. For some countries, we have relatively large bodies of evidence on which to base our assessments; for others, our knowledge of the programs being pursued is limited. Our monitoring and warning about

North Korea's efforts to achieve an ICBM capability constitute an important case study on warning. In 1994, we were able to give five years warning of North Korea's efforts to acquire an ICBM capability. At that time, the Intelligence Community judged that:

- The Taepo Dong-1 was a two-stage, medium-range missile that could be tested in 1994 and deployed as early as 1996.
- The Taepo Dong-2 was a larger two-stage missile that would provide P'yongyang and other countries the potential to deliver nuclear weapons to parts of the United States, and biological and chemical weapons further. The Community judged that the Taepo Dong-2 flight test program would begin within a few years of 1994 with initial deployment in 2000 or later.

Thus, the Intelligence Community warned that North Korea was pursuing an ICBM capability and would flight test an ICBM (the Taepo Dong-2) in the mid- to late 1990s. When North Korea did not flight test either Taepo Dong missile until 1998, and then used the Taepo Dong-1 as a space launch vehicle, it became clear that the Intelligence Community had:

- Overestimated that North Korea would begin flight testing the Taepo Dong-1 and Taepo Dong-2 missiles years earlier than turned out to be the case.
- Projected correctly the timing of a North Korean missile with the potential to deliver payloads to the ICBM range of 5,500-km.
- Underestimated the capabilities of the Taepo Dong-1 by failing to anticipate the use of the third stage.

North Korea demonstrated intercontinental-range booster capabilities roughly on the timetable projected in 1994, but with a completely unanticipated vehicle configuration. The Intelligence Community had expected North Korea to achieve an ICBM-range capability initially with the two-stage Taepo Dong-2, not the Taepo Dong-1 with an unguided third stage. North Korea's use of the Taepo Dong-1 with a third stage as a space launch vehicle was completely unexpected. Until the flight test, the Intelligence Community was unaware of the third stage and the intended use of the Taepo Dong-1 as a space launch vehicle.

Detecting or suspecting a missile development program and projecting the timing of the emerging threat, although difficult, are easier than forecasting the vehicle's configuration or performance with accuracy. Thus, we have more confidence in our ability to warn of efforts by countries to develop ICBMs than we have in our ability to describe accurately the missile configurations that will comprise that threat, especially years prior to flight testing. Furthermore, countries practice denial and deception to hide or mask their intentions—for example, testing an ICBM as a space launch vehicle.

We continue to judge that we may not be able to provide much warning if a country purchased an ICBM

or if a country already had an SLV capability. Nevertheless, the initiation of an SLV program is an indicator of a potential ICBM program. North Korea and other countries, such as Iran and an unconstrained Iraq, could develop an SLV booster, then flight-test it as an ICBM with a reentry vehicle (RV) with little or no warning. Thus, we consider space launch vehicles, especially in the hands of countries hostile to the United States, to have significant ballistic missile potential.

We also judge that we may not be able to provide much, if any, warning of a forward-based ballistic missile or land-attack cruise missile (LACM) threat to the United States. Moreover, LACM development can draw upon dual-use technologies. We expect to see acquisition of LACMs by many countries to meet regional military requirements.

Space Launch Vehicle (SLV) Conversion. Nations with SLVs could convert them into ICBMs relatively quickly with little or no chance of detection before the first flight test. Such a conversion would include the development of a reentry vehicle (RV). A nation could try to buy an SLV with the intent to convert it into an ICBM; detection of the sale should provide a few years of warning before a flight test, although we are not confident that we could detect a covert sale. Finally, many SLVs would be cumbersome as converted military systems and could not be made readily survivable, a task that in many cases would be technologically and economically formidable.

Countries might mask their ICBM developments as SLV programs. They could test the complete booster and in most cases the guidance system, which would have to be reprogrammed to fly a ballistic missile trajectory. They could not mask a warhead reentry under the guise of a space launch. Nevertheless, they could develop RVs and maintain them untested for future use, albeit with significantly reduced confidence in their reliability.

- If the country had Russian or Chinese assistance in a covert development effort, it could have relatively high confidence that the RV would survive and function properly.
- If a country developed an untested RV without foreign assistance, its confidence would diminish, but we could not be confident it would fail. Significant amounts of information about reentry vehicles are available in open sources. A low performing RV with high flight stability would be a logical choice for developing an ICBM RV with minimal, or no, testing. The developing country could have some confidence that the system would survive reentry, although confidence in its proper delivery of the weapon would be lower without testing.

Alternative Threats to the United States

Several other means to deliver WMD to the United States have probably been devised, some more reliable than ICBMs that have not completed rigorous testing and validation programs. The goal of an adversary would be to move the weapon within striking distance without a long-range ICBM. Most of these means, however, do not provide the same prestige and degree of deterrence or coercive diplomacy associated with long-range missiles, but they might be the means of choice for terrorists.

Forward-Based Threats. Several countries are technically capable of developing a missile-launch mechanism to use from forward-based ships or other platforms to launch SRBMs and MRBMs, or land-attack cruise missiles against the United States. Some countries may develop and deploy a forward-based system during the period of the next 15 years.

A short- or medium-range ballistic missile could be launched at the United States from a forward-based sea platform positioned within a few hundred kilometers of US territory. If the attacking country were willing to accept significantly reduced accuracy for the missile, forward-basing on a sea-based platform would not be a major technical hurdle. The reduced accuracy in such a case, however, would probably be better than that of some early ICBMs. The simplest method for launching a ship-borne ballistic missile would be to place a secured TEL onboard the ship and launch the missile from its TEL. If accuracy were a major concern, the missile and launcher would be placed on a stabilization platform to compensate for wave movement of the ocean, or the country would need to add satellite-aided navigation to the missile.

A concept similar to a sea-based ballistic missile launch system would be to launch cruise missiles from forward-based platforms. This method would enable a country to use cruise missiles acquired for regional purposes to attack targets in the United States.

- A country could launch cruise missiles from fighter, bomber, or commercial transport aircraft outside US airspace. US capability to detect planes approaching the coast, and the limited range of fighter and bomber aircraft of most countries, probably would preclude the choice of military aircraft for the attack. Using a commercial aircraft, however, would be feasible for staging a covert cruise missile attack, but it still would be difficult.
- A commercial surface vessel, covertly equipped to launch cruise missiles, would be a plausible alternative for a forward-based launch platform. This method would provide a large and potentially inconspicuous platform to launch a cruise missile while providing at least some cover for launch deniability.
- A submarine would have the advantage of being relatively covert. The technical sophistication required to launch a cruise missile from a submarine torpedo or missile tube most likely would require detailed assistance from the defense industry of a major naval power.

Non-Missile WMD Threats to the United States. Although non-missile means of delivering WMD do not provide the same prestige or degree of deterrence and coercive diplomacy associated with an ICBM, such options are of significant concern. Countries or non-state actors could pursue non-missile delivery options, most of which:

- Are less expensive than developing and producing ICBMs.

- Can be covertly developed and employed; the source of the weapon could be masked in an attempt to evade retaliation.
- Probably would be more reliable than ICBMs that have not completed rigorous testing and validation programs.
- Probably would be more accurate than emerging ICBMs over the next 15 years.
- Probably would be more effective for disseminating biological warfare agent than a ballistic missile.
- Would avoid missile defenses.

The requirements for missile delivery of WMD impose additional, stringent design requirements on the already difficult technical problem of designing such weapons. For example, initial indigenous nuclear weapon designs are likely to be too large and heavy for a modest-sized ballistic missile but still suitable for delivery by ship, truck, or even airplane. Furthermore, a country (or non-state actor) is likely to have only a few nuclear weapons, at least during the next 15 years. Reliability of delivery would be a critical factor; covert delivery methods could offer reliability advantages over a missile. Not only would a country want the warhead to reach its target, it would want to avoid an accident with a WMD warhead at the missile-launch area. On the other hand, a ship sailing into a port could provide secure delivery to limited locations, and a nuclear detonation, either in the ship or on the dock, could achieve the intended purpose. An airplane, either manned or unmanned, could also deliver a nuclear weapon before any local inspection, and perhaps before landing. Finally, a nuclear weapon might also be smuggled across a border or brought ashore covertly.

Foreign non-state actors, including some terrorist or extremist groups, have used, possessed, or are interested in weapons of mass destruction or the materials to build them. Most of these groups have threatened the United States or its interests. We cannot count on obtaining warning of all planned terrorist attacks, despite the high priority we assign to this goal.

Recent trends suggest the likelihood is increasing that a foreign group or individual will conduct a terrorist attack against US interests using chemical agents or toxic industrial chemicals in an attempt to produce a significant number of casualties, damage infrastructure, or create fear among a population. Past terrorist events, such as the World Trade Center bombing and the Aum Shinrikyo chemical attack on the Tokyo subway system, demonstrated the feasibility and willingness to undertake an attack capable of producing massive casualties.

Immediate Theater Missile Threats to US Interests and Allies

The proliferation of MRBMs—driven primarily by North Korean No Dong sales—has created an

immediate, serious, and growing threat to US forces, interests, and allies in the Middle East and Asia, and has significantly altered the strategic balances in the regions.

- Iran's flight test of its Shahab-3, which is based on the No Dong, and Indian and Pakistani missile and nuclear tests may fuel additional interest in MRBMs.
- Pakistan has M-11 SRBMs from China and Ghauri MRBMs from North Korea; we assess both may have a nuclear role.
- India has Prithvi I SRBMs and recently began testing the Agni II MRBM; we assess both may have a nuclear role.

We judge that countries developing missiles view their regional concerns as one of the primary factors in tailoring their programs. They see their short- and medium-range missiles not only as deterrents but also as force-multiplying weapons of war, primarily with conventional weapons but with options for delivering biological, chemical, and eventually nuclear weapons.

Penetration Aids and Countermeasures

We assess that countries developing ballistic missiles would also develop various responses to US theater and national defenses. Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.

- Many countries, such as North Korea, Iran, and Iraq probably would rely initially on readily available technology—including separating RVs, spin-stabilized RVs, RV reorientation, radar absorbing material (RAM), booster fragmentation, low-power jammers, chaff, and simple (balloon) decoys—to develop penetration aids and countermeasures.
- These countries could develop countermeasures based on these technologies by the time they flight test their missiles.

Foreign espionage and other collection efforts are likely to increase. China, for example, has been able to obtain significant nuclear weapons information from espionage, contact with scientists from the United States and other countries, publications and conferences, unauthorized media disclosures, and declassified US weapons information. We assess that China, Iran, and others are targeting US missile information as well.

Footnotes

1 An MRV system releases multiple RVs along the missile's linear flight path, often at a single target; a MIRV system can maneuver to several different release points to provide targeting flexibility.

2 The sale of an ICBM is prohibited by the START Treaty.

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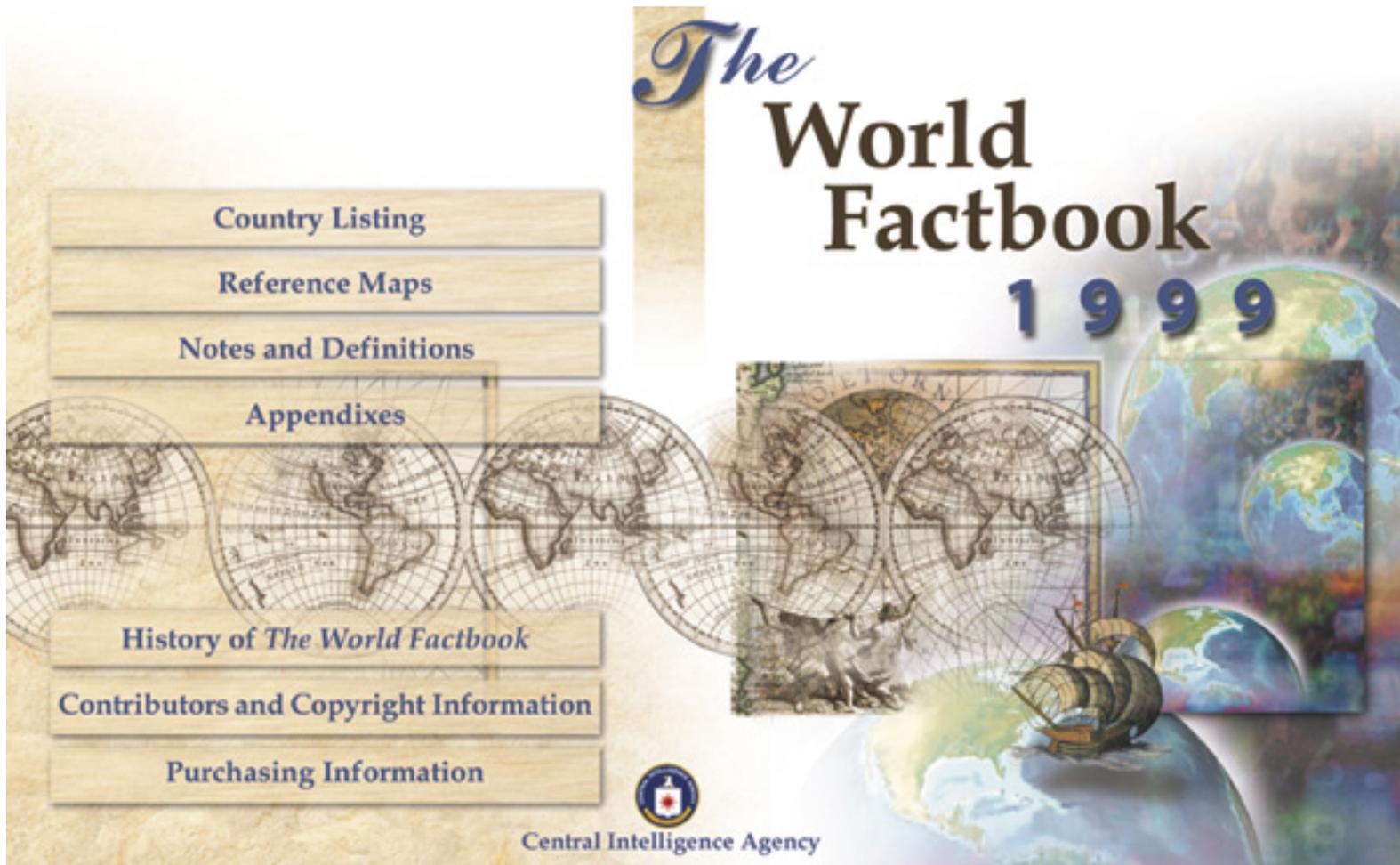
9. [National Intelligence Council](#)

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Francisco Franco Bahamonde

Francisco Franco Bahamonde (1892-1975)



He started his military career in the Infantry at the Academy of Toledo when he was thirty years old he was in charge of the Legion and continued his professional promotion being the youngest Brigade general in Europe. He was the Director of the Military Academy of Zaragoza, the Division General and the Chief of the Central Head State.

He was born at María street on the 4th of December in 1892. He was the second children of a middle-class family of sailors, he went to Sagrado Corazón school which was directed by Manuel Comellas. It seems he did not have a happy childhood. His father left the house and his mother was in charge of his education in an environment of pity and pompous modals. He was a boy with a meticulous aspect, obstipated, prudent and smart.

He could not enter the Naval School following the familiar tradition as it was closed for budgetary reasons after the disaster of 1898. Then he decided to become an Infantry officer and when he was fifteen years old he enters the Academy of the Alcázar of Toledo. Along the three years of his military training he got the respect of his mates in spite of his short height and his extremely fluted voice. He was destined to Ferrol and requested a transfer to Morocco.

There he discovered his passion for giving orders. He was an austere, shy man, with cold eyes and long silences, prudent and calculating, calm and authoritarian. Very soon he called the attention of politician and militaries for his value. In 1916 he was nominated a commander for his merits in campaign. After being seriously wounded he was sent to Oviedo. During the revolution of Asturias in 1917 he repressed with his usual coldness the miners.

In 1920 the Legion was created under the command of another Galician Millán Astray, and Franco accepted his incorporation in Ceuta. His book Marruecos. Diario de una bandera (Madrid, 1922), collected his memories of this time. He came back to the peninsula after being rewarded with a second medal for his military merit. Alfonso XIII promoted him to colonel lieutenant which meant the

command of the Legion when he was thirty years old. The King would be his best man when he married Carmen Polo in 1923. He continued his bright military career and in 1926 he was promoted to Brigade General, being the youngest person with this military grade in Europe.

Primo de Rivera revived the Academy of Zaragoza and Franco was nominated his director. He transformed it in a model of its kind.

After the proclaiming of the Republic, some reformations done by Azaña -as the suppression of the Academy of Zaragoza or the decree which abolished the promotions for war merits- annoyed Franco deeply who did not say anything but felt despised. When the government demanded a promise of fidelity to the militaries Franco did not accept his passing to the reserve. In 1932 he took up the command of the Brigade of Infantry of A Coruña and again -as he had done when he was in Africa for the second time- applied for the entrance in a Masonic lodge but he was rejected by the militaries.

After the triumph of the right in the elections of 1933 Franco promoted to Division general. During the revolution in Asturias in 1934 he received the charge from the government to suffocate it and at the front of the colonial troops he crushed the worker's movement. Lerroux rewarded him with the command of the military forces in Morocco. Then he would be nominated Chief of the Central Head State.

With the victory of the Popular Front he lost his hope that the Government requested the Army to re-establish the social order. He was sent to the Canary Islands as a general commander by he considered this decision as an exile, because they wanted to apart him from the peninsula.

The social tension grew everyday and after Calvo Sotelo's Murder, Franco did not believe that the government changed its behaviour. He abandoned his traditional caution because he considered that the situation was the suitable for a coup d'état. On the 17th of June the Army in Morocco arose against the democratic regime. Franco did not take part in the Defence Council created in Burgos by Mola but the war seemed to be on his hands.

On the 30th of January in 1938 he took up the name of Caudillo of Spain, all the State powers, as the General of the Armies supported by his mates in the Army and the Falange. He thought that he was only responsible in front of God and the History. On the 1st of April in 1939 the war finished. For Franco the most important as Tuñón de Lara said was not peace but victory.

The new state would continue for 37 years of absolute personal power. Franco was the most powerful of the rulers in Spain from Felipe II. But when he died in 1975 the regime died.

His ideology came from fascism and it was the ideology of a man with culture and a limited economic training with political ideas rooted in his experience in military life. Thus the Army guaranteed the order and the authority. Enemy of the masons and communism, monarchical without faith and republican without conviction, he had a non-liberal and centralist idea of the State.

In 1942 he wrote under the name of Jaime de Andrade, Raza, an exaltation of traditional values and an overestimation of militaries which would be taken to the cinema.

The international factor conditioned his political behaviour. During the second world war when Franco had an interview with Hitler in Hendaya on the 23rd of October in 1940 he did the least possible concessions in spite he believed in their victory. He avoided the commitment of entering the war with some evasive conditions like territorial vindication and the state of the country after the civil war. After the defeat of fascism he had to face the international isolation which although was not very strong made difficult the diplomatic and economic actions. The new circumstances or the cold war allow him to sign in 1953 the Alliance Treaty with USA and a Concordat with the Holy See. Two years later the UNO recognised his regime and in 1956 he had to accept the independence of Morocco.

After the failure in the autarchic policy of the first years he had to adapt to the necessities of the monopolist capital, starting the contradiction between the Confessional State and the Church. With the process of Burgos in 1970 his power was not so firm. He had a great confidence in his faithful Carrero Blanco but he died violently in 1973 and this was a deep blow for Franco. During his illness in the summer of the following year he did not want to yield the power to prince Juan Carlos. In September of 1975 Franco confirmed five executions. The repressive hardness came into contradiction with the growing crisis in the political system which could not continue after his death. On the 20th of November he was buried at the Valle de los Caídos which he had ordered to be built by the war prisoners.



An order from the Ministry of Interior on the 30 of September in 1938 agreed the unanimous request of the Town Council of calling his native town " El Ferrol del Caudillo" . This name was lost with the conquest of democracy when the first municipal corporation decided on the 28th of December in 1982 to recover the name of Ferrol.

Franco visited his town more than twenty times. The first one was on the 21st of June in 1939. His speech with the pronunciation from Ferro which he never lost was:

"Dear fellows. In this moment in which I live again hours from my childhood, I want to speak to you in this new daybreak of the country. This is a town full of virtues which the poison from Moscow could not destroy. We are raising the building of the Empire of Spain (...). I don't want a Ferrol which watches A Coruña or itself but which watches the sea. Why haven't I come to Ferrol before? Because I wanted to bring the victory (...)"

Many inaugurations he presided were carried out due to his personal initiative.

A picture of General Francisco Franco and General Emilio More [los dos que dirigieron la rebelión contra la Segunda República en el año 1936]



Francisco Franco, the Catholic Church and 2 million murders

Note: the quotes you'll find here are from *FRANCO* by Paul Preston, Copyright 1994 by Basic Books, a division of HarperCollins Publishers, Inc.

Franco was raised a devote Catholic, but saw no contradiction in wanton murder, cruelty and terrorism when he fought for the Spanish Army in Morocco, where he was a commander in Spain's Foreign Legion:

"Despite fierce discipline in other matters, no limits were put by Millin Astray or by France on the atrocities which were committed against the Moorish villages which they attacked. The decapitation of prisoners and the exhibition of severed heads as trophies was not uncommon. The Duquesa de la Victoria, a philanthropist who organized a team of volunteer nurses, would receive in 1922 a tribute from the Legion. She was given a

*basket of roses in the center of which lay two severed Moorish heads. When the Dictator General Primo de Rivera visited Morocco in 1926, he was appalled to find one battalion of the Legion awaiting inspection with heads stuck on their bayonets. Indeed, Franco and other officers came to feel a fierce pride in the brutal violence of their men, reveling in their grim reputation. That notoriety was itself a useful weapon in keeping down the colonial population and its efficacy taught Franco much about the exemplary function of terror. In his *Diario de zona bandera*, he adopted a tone of benevolent paternalism about the savage antics of his men. In Africa, as later in the Peninsula during the Civil War, he condoned the killing and mutilation of prisoners."*

After the army revolted against the Republican government of Spain in 1936, Franco quickly rose to be the leader of the insurrection, which was supported by the Catholic Church. Franco's propaganda presented him as a modern Catholic Crusader:

"The analogy was given the sanction of the Church on 30 September by the long pastoral letter, entitled 'The Two Cities', issued by the Bishop of Salamanca Dr Enrique Pli y Deniel. The Church had long since come out in favour of the military rebels but not hitherto as explicitly as Pli y Deniel. His pastoral built on the blessing given by Pius XI to exiled Spaniards at Castelgandolfo on 14 September in which the Pope had distinguished between the Christian heroism of the Nationalists and the savage barbarism of the Republic. Pli y Deniel's text quoted St Augustine to distinguish between the earthly city (the Republican zone) where hatred, anarchy and Communism prevailed, and the celestial city (the Nationalist zone) where the love of God, heroism and martyrdom were the rule. For the first time, the word 'crusade' was used to describe the Civil War."

The text was submitted to Franco before being published."

"Once established as Head of State, and with the eyes of Nationalist Spain now upon him, Franco's propagandists built him up as a great Catholic crusader and his public religiosity intensified. From 4 October 1936 until his death, he had a personal chaplain, Father Josi Maria Bulart. He now began each day by hearing mass, a reflection of both political necessity and the influence of Dona Carmen. In order to please his wife, when he was available he would join in her regular evening rosary, although, at this stage of his career at least, without any great piety." No one can say with total certainty what part Carmen Polo played in encouraging her husband's ambition nor how much he had been affected by Bishop Pli y Deniel's declaration of a crusade. Dona Carmen believed in his divine mission and such fulsome ecclesiastical support made it easier for her to convince him of it."

The Catholic Church was pleased at Franco's savagery, but the [atheist] Musolini and his Fascists were far more humane, and appalled: "Away from the pomp of Salamanca, Roatta, Faldella and other senior Italian officers were shocked by the relentless repression behind the lines.' Cantalupo requested instructions from Rome and on 2 March Ciano told him to inform Franco of the Italian Government's view that some moderation in the reprisals would be prudent because unrestrained brutality could only

increase the duration of the war. When Cantalupo saw Franco on 3 March, the Caudillo was fully prepared for the meeting. Cantalupo appealed to him to slow down the mass executions in Milaga in order to limit the international outcry. Denying all personal responsibility and lamenting the difficulties of controlling the situation at a distance, Franco claimed that the massacres were over 'except for those carried out by uncontrollable elements'. In fact, the slaughter hardly diminished but its judicial basis was changed. Random killings were now replaced by summary executions under the responsibility of the local military authorities. Franco claimed to have sent instructions for greater clemency to be shown to the rabble (*masse incolte*) and continued severity against 'leaders and criminals' as a result of which only one in every five of those tried was now being shot. Nevertheless, Rome continued to receive horrifying accounts from the Italian Consul in Milaga, Bianchi."

Even the Catholic Basques were not spared by Franco:

"With the Nationalist forces inexorably marching westwards, the Basques finally agreed to surrender to the Italians at Santona to the east of Santander on 26 August, 1948. In accordance with the agreement made, Basque political personalities embarked on two British ships, the SS *Seven Seas Spray* and the SS *Bobie*, under Italian protection. On 27 August, with Nationalist warships blockading the port, on Franco's orders, Divila told the Italians to disembark the refugees, which they refused to do, although they advised the Basques to go ashore. The prisoners were held by the Italians for four days but, on 31 August, Franco ordered Bastico to hand them over. He hesitated and only after assurances from Barroso that the surrender conditions would be respected did he relinquish the captives on 4 September. Summary trials began at once and hundreds of death sentences were passed. The Italians were appalled by Franco's duplicity and cruelty. Bastico sent Roatta to Salamanca to plead with Franco to stop the executions and allow the Basque leaders to leave the country. Roatta reminded the Caudillo that the Basques had surrendered after being offered such terms and pointed out that Italian honour was at stake. The Generalissimo simply ignored his arguments."

It wasn't just the athiest anarchists and socialists that the Catholic Church wanted Franco to slaughter: anyone who even believed in democracy was executed:

"Indeed, the Republican will to resist was kept alive only by the fear born of Franco's much-publicized determination to eradicate liberals, socialists and Communists from Spain. Baron von Stohrer wrote to the Wilhelmstrasse on 19 November 1938: 'the main factors which still separate the belligerent parties are mistrust, fear and hatred.'"" Franco told James Miller, Vice-president of the United Press, that a negotiated peace was out of the question 'because the criminals and their victims cannot live side-by-side'. Committed to a post-war policy of institutionalized revenge, he rejected the idea of a general amnesty and declared that the Nationalists had a list of two million reds who were to be punished for their 'crimes'. The political files and documentation captured as each town had fallen to the Nationalists were gathered in Salamanca. Carefully sifted, they provided the basis for an immense card index of members of political parties, trade unions and masonic lodges. The Republican zone was kept on a war footing by terror of Nationalist reprisals."

"Nationalists entered an eerily silent Madrid on 27 March. A delighted Ciano wrote in his diary. 'Madrid has fallen and with the capital all the other cities of Red Spain. The war is over. It is a new,

formidable victory for Fascism, perhaps the greatest one so far'." By 31 March, all of Spain was in Nationalist hands. A final bulletin was issued by Franco's headquarters on 1 April 1939. Hand-written by Franco himself, it ran 'Today, with the Red Army captive and disarmed, our victorious troops have achieved their final military objectives. The war is over.' Franco had the gratification of a telegram from the Pope thanking him for the immense joy which Spain's 'Catholic victory' had brought him. It was a victory which had cost well over half a million lives. It was to cost many more."

"WITH THE end of the Civil War, Franco's euphoria knew few bounds. Two closely cherished illusions had come together in the triumph. Victory gave substance to his carefully constructed self-image as the medieval warrior- crusader, defender of the faith and restorer of Spanish national greatness, with his relationship to the Church as an important plank in the theatrical panoply. On 19 March, Gomi wrote to Franco that the newly elected Pontiff Plus XII (Eugenio Pacelli) had sent him his blessing. On 3 April, Gomi again wrote to him in terms which can only have inflated his notion of his God-given mission: 'God has found in Your Excellency the worthy instrument of his providential plans.' The identification between the Church and the Caudillo was emphasized on 16 April in a broadcast in Spanish made by Plus XII on Vatican Radio. 'With immense joy', the Pope gave his apostolic blessing to the victors reserving special praise for 'the most noble and Christian sentiments' of the Chief of State. The text had been prepared by Gomi."

At least as late as 1940 Franco's prisons still held hundreds of thousands of political prisoners, who were being executed as fast as they could be `tried.' Even the Nazi Himmler was appalled - he believed most political prisoners should be rehabilitated rather than executed.



Not counting soldiers on the Republican side actually killed in the fighting, the probably total of executions carried out by Franco was in the vicinity of 2 million. The Catholic Church not only did not make any effort to stop the slaughter. Priests reported citizens who had not attended mass during or before the Civil War; than in itself was enough to result in execution.

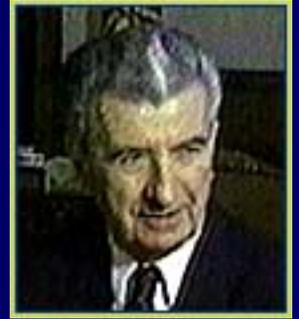
The Catholic Church remains committed, in the 20th century, to any and all means to eliminate those who do not submit to its authority.



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Kiro Gligorov

President, The Republic of Macedonia



For decades a high-ranking official in Yugoslavia's communist government, Gligorov became the president of Macedonia when it broke away from Yugoslavia in 1991. Now 81, Gligorov has carefully kept his small state (about the size of Ireland) out of trouble despite being surrounded by what locals call "the Four Wolves" -- Albania, Bulgaria, Greece and Serbia. Experts say it is a potential flash-point, because all four "wolves" have claims of one sort or another on Macedonia. It also has a weak economy and religious and ethnic tension between the Macedonian majority and an ethnic Albanian minority numbering 30 percent. But Gligorov has downplayed nationalism as obsolete and favors a political solution in Kosovo.



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Christopher Hill
U.S. Ambassador to Macedonia



A principal aide to Dayton peace accord architect Richard Holbrooke, Hill was a key member of the diplomatic team that helped negotiate an end to the 1992-95 Bosnian war.

Hill served as the State Department's most senior expert on the Balkans, directing the Office of South Central European Affairs.

In 1996, U.S. President Bill Clinton nominated Hill to become the first U.S. ambassador to Macedonia, a former Yugoslav republic that declared its independence in September 1991. The United States formally recognized Macedonia three years later.

Born in Paris in 1952, Hill graduated from Bowdoin College in 1974 and met his wife while they were both serving in the Peace Corps in Cameroon.

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Profile:

Richard Holbrooke



Richard Holbrooke is in 1941 uit Duits-Joodse ouders in Scarsdale, New York, geboren. Na zijn studie aan de Brown- en Princeton University vervult hij zijn militaire dienstplicht in Vietnam, bij het ministerie van Buitenlandse Zaken. Hij is lid van de staf van president Johnson en van de Amerikaanse delegatie bij de vredesonderhandelingen voor Vietnam in Parijs in 1968 en 1969.

In de jaren tachtig is hij assistent-staatssecretaris onder president Carter (1979). Onder Reagan verlaat Holbrooke de diplomatieke dienst en wordt investeringsbankier op Wall Street.

De jaren negentig. Bill Clinton zorgt voor de terugkeer van Holbrooke op het politieke toneel. Als staatssecretaris op Buitenlandse Zaken krijgt hij Bosnië als speciale opdracht. Clinton wil Holbrooke als ambassadeur bij de Verenigde Naties. Holbrooke's optreden als diplomaat zorgt voor veel bewondering.

Holbrooke heeft er nooit tegen opgezien om te onderhandelen met mensen die immorele dingen doen. "Als je de dood van mensen kunt voorkomen die nog steeds leven, dan bewijs je hen die al gestorven zijn een dienst door juist dat te doen", aldus Holbrooke.

In 1995 brengt Richard Holbrooke de strijdende partijen bij elkaar. Resultaat, de ondertekening van Vredesakkoorden van Dayton. Het levert hem een nominatie voor de Nobelprijs voor de Vrede en twee bijnamen op: de Bulldozer en Raging Bull.

Holbrooke en Milosevic onderhandelingen hebben met name betrekking op de oplossing voor de etnische oorlog in Bosnië. Deze gaan gepaard met de ochtendborrels, lange diners en informele gesprekken waarbij Holbrooke zijn minachting voor Milosevic nooit onder stoelen of banken stopt.

Zo maakten de twee in de zomer van 1995, aan de vooravond van de NAVO-acties tegen Bosnisch-Servische doelen, een wandeling door de bossen. Holbrooke verdedigde al lopend de NAVO-actie terwijl Milosevic hem probeerde mild te stemmen door de geur van koffie in Manhattan te prijzen. Maar Holbrooke, New Yorker in hart en nieren, was niet onder de indruk.

The man President Clinton sent to keep a lid on the Balkans is best-known internationally as "the architect" of the Dayton peace accords which ended the fighting in Bosnia in 1995. Holbrooke has been described by insiders as tenacious and tough, abrasive and arrogant and "an s.o.b." In the Balkans, he is also known as "The Bulldozer." Critics say he courts famous people and is very ambitious, but they also concede that he is brilliant and a clever tactician -- gifts that should serve him well in his encounters with wily Serb president Slobodan Milosevic. Holbrooke supplants Robert Gelbard, who is thought by some to have encouraged Serbian repression in Kosovo last in February 1998 by saying that the Kosovo Liberation Army was "without question a terrorist group."



If anyone knows Slobodan Milosevic, or can stand up to him, it's the special U.S. envoy to the Balkans. Holbrooke was the man who put together the 1995 Dayton peace accords that ended the shooting in Bosnia and brought a modicum of stability to that war-devastated region. Holbrooke has built a reputation as a tough negotiator with a penchant for arrogance and abrasiveness. His tenacity this time failed to budge Milosevic, but he will be around to pick up the diplomatic pieces once the Kosovo action ends. Holbrooke has been nominated by the President to be the next U.S. ambassador to the United Nations.



Van boerenzoon tot dictator Saddam Hussein

Mesopotamië was ooit het meest geciviliseerde land ter wereld. Met het sprookjesachtige Bagdad als cultureel en politiek centrum. Duizenden jaren later leeft het land op de rand van de diepste afgrond. Executies, martelingen, verdwijningen, leugens, hongersnood, armoede en oorlogen hebben hun tol geëist.
Aangenaam kennis te maken meneer Hussein...



Saddam Hussein wordt op 28 april 1937 geboren in het gehucht al-Awja (Tikrit). De arme boerenzoon wordt thuis door papa dagelijks afgeranseld. Kleine Saddam vindt dat natuurlijk niet zo leuk en zoekt heil bij zijn oom in Bagdad.

Hij probeert aangenomen te worden op de militaire academie van Bagdad. Zonder succes! Teleurgesteld driipt Saddam af en meldt zich in 1956 aan bij de revolutionaire en socialistische Arab Baath Partij. Op twintigjarige leeftijd maakt hij duidelijk dat het hem menens is. Saddam vermoordt een fervent aanhanger van de toenmalige dictator van Irak, Abdul-Karim Qassim.

Drie jaar later waagt Saddam het met een aantal anderen president Qassim om zeep te helpen. De aanslag mislukt echter. Hij wordt bij verstek ter dood veroordeeld en vlucht vermomd als vrouw op een ezel naar Syrië.

Hij keert in 1963 terug naar Irak nadat de Baath Partij de macht heeft gegrepen (Ramadan Revolutie). Tijdens dit negen maanden durende bewind houdt Saddam zich vooral bezig met het ondervragen en martelen van 'andersdenkenden' in het beruchte 'Paleis des Doods'.

De Baath Partij wordt echter op haar beurt weer omver geworpen en Saddam belandt in de gevangenis. In die tijd behoort Saddam al tot de top van de partij en weet zich zelfs tijdens zijn gevangenschap steeds verder op te werken. In 1966 wordt hij gekozen tot secretaris-generaal.

Nauwelijks een jaar later ontsnapt Saddam en bereidt een coup voor. Deze coup vindt plaats op 17 juli 1968 en heeft succes. Saddam's neef, Hassan al-Bakr, wordt president met Saddam als tweede man.

Al-Bakr vindt het op 16 juli 1979 welletjes en Saddam Hussein wordt zijn opvolger. Nog geen zes dagen daarna veroordeelt hij twintig top-functionarissen binnen zijn

eigen partij ter dood. Op 42-jarige leeftijd heeft Saddam Hussein de absolute heerschappij verkregen over het land van de Eufraat en de Tigris.

Martelingen, verdwijningen, executies en...

De afgelopen negentien jaar heeft Saddam met ijzeren hand over Irak geregeerd. Niets en niemand ontziend worden tegenstanders met honderden zo niet duizenden tegelijk uit de weg geruimd. Burgers worden zomaar opgepakt en verdwijnen in het niets... Martelingen, doodsvonnissen en mishandelingen zijn aan de orde van de dag.

Hoe meedogenloos Saddam is liet hij zien door chemische wapens in te zetten tegen de Koerden en tegen Iran. Door de oorlog met Iran kreeg het land acht tellen. De daarop volgende [Golffoorlog](#) en de VN-sancties hebben voorlopig het licht uitgedaan. Het land is knock out geslagen. Mits er niet heel snel, heel veel dingen gaan veranderen...

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Bullebak of Lieve Leider?

Kim Jong-il

Noord-Korea is een land van tegenstellingen. Over misoogsten en hongersnood staat weinig in de krant. Meer aandacht is er voor politieke propaganda. De dood van president Kim Il-sung luidt een rouwperiode in van drie jaar en het land raakt verder in de problemen. Zoon Kim Jong-il volgt zijn vader op maar het ziet er niet naar uit dat hij het tij kan keren.



Kim Jong-il wordt geboren op 15 februari 1942. In zijn jonge jaren volgt hij in Duitsland een militaire opleiding, maar hij is snel weer thuis. Hij kan de strenge discipline niet verdragen.

Al in 1973 wijst zijn vader hem aan als opvolger, maar het Volkscongres is tegen. Zij willen hem niet tot een van de vier vice-presidenten benoemen. Na de dood van Kim Il-sung moet Kim Jong-il zijn gezag nog vestigen in militaire kringen, al is hij met het overlijden van zijn vader meteen opperbevelhebber van het 1,1 miljoen manschappen tellende leger.

Kim krijgt achtereenvolgens de titel van secretaris-generaal van de Arbeiderspartij en de presidentstitel. Hij mag zich voortaan Grote Leider noemen, een titel gereserveerd voor zijn vader. In het vervolg is iedereen verplicht om hem zo aan te spreken.

Veel is niet bekend over de Lieve Leider, zoals het volk hem daarvoor moest noemen. Lief is hij bepaald niet: hij zou zijn tegenstanders koelbloedig uit de weg ruimen. Het westen heeft hem altijd verdacht van terreurdaden, zoals de bomaanslag op een Zuid-Koreaans vliegtuig in 1987, waarbij 115 mensen het leven laten.

Vrouwenverkrachter

Een Zuid-Koreaans studiecentrum schrijft 'The True Story of Kim Jung-il'. Hierin komt de dictator naar voren als een zware drinker en een vrouwenverkrachter. Er schijnen vele bastaardkinderen van hem rond te lopen. Daarnaast is Kim een ijdelruit: hij draagt schoenen met hoge hakken en extra dunne pakken die dunner afkleden.

De Noord-Koreaanse media dichten hem vele artistieke en intellectuele kwaliteiten

toe. Hij zou de belangrijkste filmmaker, uitvinder, dichter, componist van Noord-Korea zijn, en een militair genie. De nationale media is dan ook een instrument van de politieke leider om de bevolking zoet te houden en klaar te maken voor zijn overtuigingen.

Kim Jong-il schrijft zelf ook honderden epistels over zijn politieke ideeën. Hij vindt net als zijn vader dat ieder in zijn eigen onderhoud moet voorzien (de leer van 'Juche'). Hij is socialist en communist. Grote voorbeelden van Kim Jong-il zijn Lenin, Marx, Confucius en koning Herodes. Zijn lievelingskleur is rood, hoe kan het anders. Zijn motto is: 'revolutie is de grootste liefde'. Met revolutie komen de arbeiders aan de macht.

Reünie van Noord- en Zuid-Korea

Zijn doel is de reünie van Noord- en Zuid-Korea, waarna de revolutie moet plaatsvinden. Hiervoor moet hij enkele principes laten varen. Het land verkeert in een economische crisis en er heerst een ernstig voedseltekort. Door de hongersnood moet Kim Jong-il de leer van Juche opgegeven. Zijn eerste prioriteit is nu het terugdringen van armoede.

Kim Jong-il lijkt niets structureels te doen aan de problemen. Hij heeft niet genoeg in huis om de crisis te keren. Tot nu toe doet hij weinig om relaties met invloedrijke landen te herstellen, om te beginnen met Japan.

Japan verdenkt Noord-Korea er van enkele diplomaten te hebben ontvoerd. Tot dusver trekt Kim Jong-il zich weinig aan van de politieke situatie. Hij neemt liever prijzen en titels in ontvangst.

De Noord-Koreaanse autoriteiten publiceren tussen 1992 en 1994 ruim 700 gedichten en liederen waarin Kim Jong-il bejubeld wordt. Toch blijft Kim volhouden niet van gevele en pluimstrijkerij te houden. Kim Jong-ils favoriete bloem is een katoenplant, maar waarom gaf hij zijn naam toch liever aan een kleuriger exemplaar?

Terrorist of Verlosser?

Muammar Khaddafi

Voor de een is Khaddafi de grootste crimineel op aarde. Hij wordt namelijk in verband gebracht met tientallen terroristische aanslagen. De ander beschouwt hem als een broer en de leider van de wereldrevolutie voor een nieuwe beschaving.



De geschiedenis van Khaddafi lijkt erg veel op die van Saddam Hussein. Khaddafi wordt in 1942 in de buurt van Sirte straatarm geboren als zoon van een Bedoeïense boer en handelaar. De precieze datum van zijn geboorte is onbekend. Als een goede Bedoeïen betaamd heeft Khaddafi een hekel aan de Italianen en Engelsen die het min of meer voor het zeggen hebben in Libië.

In 1956 - als het land inmiddels zelfstandig is geworden - keert Koning Idris I zich af van het Westen en sluit zich aan bij de Arabische Liga. Khaddafi wordt een groot aanhanger van Nasser van Egypte die een pan-Islamitische werelddominatie voor ogen heeft.

Reeds op zestien-jarige leeftijd begint Khaddafi een groep getrouwen en vrienden om zich heen te verzamelen. Het doel: totale zeggenschap over Libië. Jarenlang bereidt het selecte groepje diverse coup-pogingen voor. Maar onderneemt vooralsnog geen actie...

Nadat Khaddafi in 1964 is afgestudeerd als meester in de rechten aan de universiteit van Libië, meldt hij zich aan bij de militaire academie in Bengasi. Een jaar later volgt hij een spoedcursus 'Moderne oorlogsvoering' in Engeland.

Kolonel Khaddafi roept in 1969 via de radio de republiek uit **COUP**

In 1969 sluiten Khaddafi en zijn revolutionaire vriendjes zich aan bij een groepje bejaarde militairen en gooien het bewind van koning Idris I omver. Khaddafi heeft de coup al jaren voorbereid en zijn legertje bezet alle sleutelposities in het land. Binnen de kortste keren heeft Khaddafi het koninklijke paleis, de ministeries, alle radio- en televisiestations en de kranten in handen. Voordat de bejaarde militairen goed en wel begrijpen wat er is gebeurd, worden ze door Khaddafi op straat geschopt. Khaddafi is op 27-jarige leeftijd de absolute alleenheerser over Libië. Hij wordt tot voorzitter van de Revolutionaire Raad en tot opperbevelhebber der strijdkrachten benoemd.

De nieuwe leider laat er geen gras over groeien. Alle buitenlanders worden gesommeerd het land te verlaten. Britse en Amerikaanse bases worden ontruimd. Khaddafi propageert Arabische eenheid onder islamitische vlag. In het [Groene Boekje](#) ontwikkelde hij zijn ideeën over een politiek stelsel dat noch communistisch noch kapitalistisch is. Hij ziet zijn plannen echter doorkruist door zijn eigen impulsieve, ondiplomatieke uitspraken en initiatieven. De betrekkingen met zo'n beetje alle landen in de wereld verslechteren.

In de tweede helft van de jaren zeventig gaat Libië openlijk diverse links-extremistische en terroristische groeperingen steunen. Khaddafi voorziet hen van van geld en de terroristen kunnen in Libië opleidingskampen oprichten. Khaddafi steunt bovendien [Idi Amin](#) van Oeganda, die een waar schrikbewind uitoefent.

Als de ontevredenheid onder de bevolking over zijn optreden toeneemt - vooral onder de intellectuelen en handelaren - worden er op grote schaal zuiveringen uitgevoerd.

Lockerbie

In 1979 doet Khaddafi afstand van zijn officiële regeringsfuncties, maar hij blijft de belangrijkste man van het land.

Wegens vermeende betrokkenheid bij internationaal terrorisme voert de Amerikaanse luchtmacht op 15 april 1986 een bombardement uit op zijn hoofdkwartier. Sindsdien lijkt hij een gematigder opstelling te kiezen. Alhoewel? De Verenigde Staten houden Khaddafi verantwoordelijk voor de bomaanslag op een Amerikaans passagiersvliegtuig boven het plaatsje Lockerbie in december 1989.

Pandeli Majko

Prime Minister, Albania



Until September 29, the 30-year-old Majko was the secretary general of the Socialist Party. But after [Fatos Nano](#) resigned suddenly as Prime Minister September 28, the party chose Majko over two other candidates to replace him. A mechanical engineer by training, Majko led student demonstrations in 1990 that ended four decades of communist rule. Although Albanians supplied weapons to ethnic Albanians in Kosovo, Albania is Europe's poorest country and has teetered on the edge chaos. It is in no position to play a significant role in Kosovo. Of further concern, former President [Sali Berisha](#), still lurks in the shadows as a potential spoiler and it is feared that if he returns to power he might lead Albania into a Kosovo war.

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Profile:

Slobodan Milosevic



Slobodan Milosevic, geboren op 29 augustus 1941 in Pozarevac, Servië. Hij studeerde rechten aan de Universiteit Belgrado en haalde in 1964 zijn titel. In militaire dienst is Milosevic nooit geweest.

In de beginjaren van zijn carrière (1968-1978) is hij manager bij Technogas in 178 verandert hij van baan en wordt lid van de raad van bestuur van de BEObank (United Bank van Belgrado).

In 1984 neemt zijn politieke carrière een serieuze wending. Hij neemt het leiderschap van de Communistische Partij Belgrado op zich. Tijdens interne etnische conflicten in Polje belooft hij de Serviërs dat zij nooit meer zullen worden bedreigd door de Albanezen.

Drie jaar later promoveert hij tot leider communistische partij Servië, waarna hij in 1989 wordt gekozen tot president van de Republiek Servië en wordt gezien als de aanstichter van de geweldadige Servische demonstraties. Doel is gebiedsuitbreiding van Servië. In 1997 volgt zijn benoeming tot president van Joegoslavië.

Milosevic dankt zijn enorme populariteit aan zijn toewijding voor de Servische eenwording. Bij de tegenpartij staat hij vooral bekend als 'de slager van de Balkan'

Few public figures have been targeted for the harsh criticism leveled at Milosevic. He has been called "the perfect Stalinist" for his stealthy rise to power. He has shown a willingness to turn on friends and allies and used wars, scapegoats and fear to acquire and consolidate power. The Observer of London has noted that "everything he touches turns to dust." A critic writing in a Scottish newspaper wrote that while Milosevic has played on Serbian nationalism in his repression of Kosovar Albanians, "he would switch to cubism if it would get him a bit of Spanish coastline."

The Yugoslav president has built his power base on one major pillar since his rise in 1989 as Serbia's president: his drive, sometimes at all cost, for a Greater Serbia. The mission has led his military, either directly or indirectly through surrogates, into murderous campaigns against Croatia, Bosnia and now Kosovo. Milosovic's take-no-hostages approach has earned him the title of "Butcher of the Balkans." His policy of ethnically cleansing areas where his opponents reside -- by removing entire populations -- has led to worldwide outrage. A wily master of bluff and brinksmanship, Milosevic, by his stubbornness this time, has led his nation over the brink and into military conflict with NATO.

Who wants to die for Slobodan Milosevic? He is one of the great losers of history. He failed to hold together the former Yugoslavia, and he failed to build in its place a Greater Serbia. In the past 10 years, he has launched four wars and lost three. He is currently on the verge of losing a piece of real estate held especially dear by Serbs. As Europe's most disruptive dictator since the fall of the Berlin Wall, he bears responsibility for the extermination of 250,000 in Bosnia and Croatia, for the European revival of concentration camps and massacres, for the displacement of millions in Bosnia and Croatia and Kosovo, for the impoverishment and ostracism of his own country.

Now Milosevic has again chosen war. Like a shark that has to keep moving to stay alive, he is willfully exposing the withered state of Serbia to the might of NATO for the sake of his own power. As always, he gambled that talk, hopes, threats and indecision would wear his enemies into retreat. When that didn't happen, he put in jeopardy virtually everything left to him, courting death for his people and damage to his country, the destruction of his military machine, the hastened secession of Kosovo and Montenegro, and perhaps even the end of his regime. He has wagered a single, grand bet that stakes his own and his country's future on a staggeringly high-risk confrontation. The West stands confounded by leaders who play by such rules.

For Milosevic, opportunism has been a way of life. The Serb standard bearer does not talk about his parents' immigration from Montenegro to the town where he was born, Pozarevac in Serbia. He was the son of a teacher who had studied to be an Orthodox priest and a puritanical schoolteacher. They orphaned him through suicide while he was still a young man--his father first, and his mother a decade later. Despite his father's interest in religion, Milosevic never embraced the church. At 18 he turned himself into a Communist Party zealot, assuming so thoroughly the image of a dedicated functionary that admiring colleagues dubbed him "Little Lenin." While still a student, he fell in love with and married Mirjana Markovic, daughter of a distinguished partisan and party family, and together they climbed her connections up through party ranks. Educated in the law, he filled high posts at Tehnogas and Beobank, but he was not really a lawyer, technician or banker. He was a party "fixer." By 1984 he was fixing his way through the national party, and by 1987, he led Serbia's Communist Party.

Yet for him communism was just a passing phase. His wife, a fervent Marxist, says ideology has never meant as much to Milosevic as it does to her. When he saw a chance to grab power, he pushed the communists aside and refashioned himself as a nationalist. In 1987 he went to Kosovo, the cradle of Serbian identity, to soothe the grievances of local Serbs, and he made his name by declaring, "No one shall be allowed to beat you." Milosevic was moved less by Serb nationalism than by its power to electrify. "After that night," recounted a Serb

Above all, Milosevic is a crafty autocrat. He relies exclusively on his own judgment, and little is done without his consent. While other institutions of state exist--a government, an elected Chamber of Citizens, ministries--he has limited their capacity to function. Only the police force works--an organization full of "his guys" that is exhausting in its myriad forms of harassment. The state is Slobodan Milosevic.

Much of his strength lies in the weakness of his enemies. In 1996 the Serb President did suffer a scare when three months of protests over fraudulent elections filled the streets with disillusioned citizens demanding democratic change. But he held out long enough to allow the opposition to self-destruct in personal rivalries. Since then his strongest potential challengers have opted to join his government instead of fight it. In 1997, when the constitution barred him from a third term as President of Serbia, he stuck to legal niceties and "won" election as President of the Yugoslav Federation, transforming that ceremonial post into his new seat of power.

Yet despite having proved himself a cunning politician, he is said to be insecure, even paranoid. U.S. diplomats, eager to point up what they see as limits to his popularity, say he is so fearful for his personal security that he refuses to go out in public. While he may partly be cultivating the dictator's aura of mystery, some Serbs say he is fundamentally a deeply suspicious, withdrawn and secretive person.

Still, observers say he commands a solid 20% core of support. Some of that may be the result of the undiluted populist propaganda that is fed relentlessly through the state media. And some of it may simply be old-fashioned pride and nationalism, emotions no less powerful and gripping in Yugoslavia than in any other country. But that loyal core is enough, in the words of one Serb, to allow Milosevic "to steal any election." It also gives him the causes and crises that make him irreplaceable. "We are for Sloba because he is for us," explained Velimir Djurica at his plumbing stall in Belgrade's black market last week. "The foreign boot must not be on us."

At once immoderate and capricious, Milosevic has made himself one of the West's most difficult enemies. Lessons learned from one encounter do not necessarily apply to the next. Washington concluded after Dayton, when NATO bombers seemed to bring him to the negotiating table, that he respected what he feared and would give in to force and threats. Milosevic learned something different: how to exploit the West's hesitation. Diplomats who thought that Dayton showed they "could work with him" discovered he rarely works well with anyone. He enjoyed his combat with Richard Holbrooke, whose status as special American envoy to the Balkans he considered worthy of attention. But he is said to detest Secretary of State Madeleine Albright as the archetype of all those trying to do in the Serbs. Pride drives the man, says a Western diplomat, "and

journalist, "there was a psychological change in him. All at once he discovered he had this power over people." Says Veran Matic, director of the independent Radio B-92, which was a target in Milosevic's crackdown last week: "He understands perfectly the mentality of the people, what political culture demands here, what rhetoric sells."

Defender of the Serbs--it was a seductive image, one that reached back across 600 years of Slavic victimization and imbued the solid, fleshy-faced and silver-haired man with the mystique of historical destiny. In a nation searching for a post-cold war identity, the aura served as an express ticket to total power. Conducting a new symphony of ethnic hate, Milosevic stepped into the top slot once occupied by Tito. Virtually his first act was to revoke the autonomy Tito had granted to the Albanians in Kosovo. Playing up nationalist passions, Milosevic helped ignite full-scale ethnic rivalry among some of the country's other republics. During that period, even the intellectual elite supported his nationalist euphoria. But once he had used them to cement his position, he cast them aside. He is faithful, says biographer Slavoljub Djukic, to no one except his wife once a person's usefulness is past.

Firmly ensconced as Serbia's boss, Milosevic proved to be smart, articulate and cunning. "He does not believe in ideas," says a Russian-born observer. "He makes no value judgments." So far as anyone can tell, he brought with him no grand plan for Serbia. His ambition appeared to consist of staying on top--forever. While he has showed a genius for tactics, he is perpetually forced to react to events, even ones he provokes.

Perhaps it is no accident that Kosovo, the venerated scene of Serbia's great defeat by the Ottoman Turks in an epic battle fought in 1389, marks both the beginning and possibly the end of Milosevic's career. Milosevic has displayed an uncanny knack for defeats. His 1991 war in Croatia to retain control of the old Yugoslavia eventually ended with hundreds of thousands of Serbs forced out of their homes, farms and villages. Today they make up a refugee population living hand to mouth inside Serbia, not even granted the privilege of Yugoslav citizenship. Yet the war served to polish Milosevic's nationalist credentials with the Serb masses.

Milosevic's war in Bosnia to expand Greater Serbia ended in another defeat. To save himself, he had to knuckle under to international diplomacy. Ever ready to discard what has become harmful, he dropped his backing for Serb kin in the breakaway state, eventually making peace at their expense at Dayton in 1995. He turned this humiliation into another kind of triumph when he paraded on the world stage as a peacemaker equal to the superpower leaders negotiating with him. Yet he was no more a man of peace than he was a communist or nationalist. He simply did what he had to do to stay in power.

rational analysis may not matter if he is humiliated in the process."

Certainly his Kosovo strategy has been confounding. In part, says a U.S. official, Milosevic seems closed off to reality. When negotiating, he relies on a mix of charm and tirades about the victimization of the Serbs. Says the official: "Every second sentence is wrong or a lie. He pours out his soul, but you don't know if he believes all that rubbish." He never says yes or no, never puts his own name to a formal agreement. While his vicious behavior in Kosovo has evoked comparison to Hitler, those who know him say Milosevic doesn't dream so large. "He wants to be the tinhorn dictator of Serbia forever," says a U.S. official. "Beyond that, nothing."

All these contradictions have kept Washington and its allies guessing. Few believe Milosevic's attachment to Kosovo is more than skin deep. Some Serbs say he stirred up the crisis to distract attention from the foundering economy. Yet in considering whether to placate the West or defy it, he is operating according to his own calculus of the risk to himself and his regime. The issue comes down to his feeling about the place where the myth of his own power was built. "He doesn't know," says a top U.S. official in Belgrade, "whether caving in makes him lose face to a point that challenges his power, or whether suffering the damage that would be inflicted on his security forces would undermine their control and their loyalty to him."

Many analysts have suggested that he wants to absorb enough punishment to provide cover for handing over Kosovo to international peacekeepers. "It's very Slavic," says the Russian observer. "He needs to be seen as compelled, so he can sell it to the 90% of Serbs who cling to Kosovo emotionally." But it is equally possible that he has something else in mind. Perhaps he thinks he can successfully endure all the bombing the West can muster and still continue to defy its plans for Kosovo, as his enemies exhaust their will before he exhausts his. "He truly believes he is tougher than the West," says a U.S. diplomat.

Milosevic has miscalculated disastrously before, but he has also brilliantly calculated his hold on power. Which will it be this time? There are those in Washington and Europe who hope that he has gone too far in presiding over death and destruction. Perhaps all those NATO missiles and bombs may finally convince the Serbs that they do not need Milosevic ruining their lives any longer. But reports from Belgrade suggest that the air attacks have Serbs rallying to Milosevic as never before. Once again, in Milosevic's Balkans, it is far from clear who has calculated best.

Power, say those who know him, is the one thing he truly loves. He exercises it daily, in matters large and small. From his subordinates, he brooks no challenges. When Serb officials began several months ago to obstruct the work of international monitors in Kosovo, it was clearly at his orders, a way of saying, notes a diplomat involved, "This is my turf, and I'm boss." He does not flaunt decorative symbols of office or stage showy ceremonies and cares nothing for state protocol. But if he shirks the glamour of power, he still loves delicious moments of control. When foreign diplomats appear at his door, he glows as he picks the chairs on which they will sit.

Slobodan Milosevic

BORN Aug. 20, 1941; in Pozarevac, Serbia

EDUCATION Graduated from Belgrade University, where he studied law, 1964

FAMILY He and wife Mirjana ("Mira") Markovic have a son and a daughter

BUSINESS YEARS Became chief of state-owned Tehnogas, 1973; served as president of Beobank (United Bank of Belgrade), 1978 to 1983

POLITICAL POSITIONS Belgrade Communist Party chief, 1984; Serbian Communist Party boss, 1987; President of Serbia, 1989; Yugoslav President, 1997



Chileense desperado

Augusto Pinochet Ugarte

Augusto Pinochet is geboren op 25 november 1915 in Valparaiso, Chili. Ook de carrière van deze dictator begint in het leger. Als generaal is hij in 1971 tot opperbevelhebber benoemd door de toenmalige president Allende. Chili bevindt zich op dat moment in een ernstige crisisperiode.



Allende heeft toendertijd niet geweten dat hij met vuur speelde. In 1973 komt door een bloedige staatsgreep een einde aan zijn socialistische bewind. De hoofdrol is voor Augusto Pinochet. Als leider van één van de junta's heeft hij zich ten doel gesteld alles wat Allende op beleidsgebied bereikt heeft teniet te doen.

Nog geen half jaar later, op 1 juli 1974, wordt Pinochet benoemd tot president van Chili. Jaren van terreur volgen. Op 11 september 1980 verstevigd Pinochet zijn positie nadat via een volksstemming een nieuwe Grondwet is aangenomen. Hiermee is het dictatoriale regime van Pinochet gelegaliseerd. Tot 1989 is het presidentschap van Pinochet verzekerd.

Tijdens het grondwettelijk vereiste referendum op 5 oktober 1988 stemde een meerderheid van de kiezers tegen Pinochet. In 1989 is het einde van zijn politieke carrière in zicht. Democratische verkiezingen leveren voor het eerst sinds jaren weer een burgerpresident op. Zijn naam is Patricio Aylwin. Na zijn aftreden als president op 11 maart 1990 blijft Pinochet nog militair actief als opperbevelhebber van het leger.

Uit de hele wereld klinkt protest als hij in hetzelfde jaar tot 'Senator voor het leven' wordt gekozen. Alleen het aangezicht van de Dwaze Moeders op het plein, die hun verdwenen kinderen onder de aandacht brengen, bevestigt dat deze man geen plek met een gouden rand in geschiedenis verdient.

Op dit moment is Pinochet weer volop in het nieuws. Zijn ziekenhuisopname in Londen kan een eventuele arrestatie tot gevolg hebben. Het is echter de vraag welke staat hiervoor de verantwoordelijkheid wil nemen.



Yevgeny Primakov



If Slobodan Milosevic has any sort of a friend, it is Moscow -- and unlike ailing President Boris Yeltsin, Prime Minister Yevgeny Primakov is a wily diplomat and former top spook renowned for his skill in playing Russia's admittedly weak geopolitical hand. Under pressure from the Communist and nationalist majority in his legislature, Primakov has fiercely opposed NATO air strikes. While Russia's desperate need for Western loans will limit any counterstrokes, Moscow has indicated that it will ignore the arms embargo against Yugoslavia in response to air strikes on Kosovo.



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Arkan

Zeljo Raznatovic

Arkan is een uit Bosnie afkomstige leider van de paramilitaire 'Tijgers'. Zijn soldaten zijn "nog niet" in Bosnie maar zullen dat wel zijn "als er ook maar één NAVO-soldaat voet op Joegoslavische bodem zet".

Arkans militie van circa duizend man pleegde in de oorlog in Bosnië tussen 1991 en 1995 tal van massamoorden. Aan de etnische zuiveringen in de regio's Bijeljina (800 doden), Brcko (tussen de 3000 en 6000 doden) en Zvornik (2000 doden) zou Arkan persoonlijk leiding hebben gegeven.

Volgens de Vereniging voor bedreigde volkeren was Arkans specialiteit in de oorlog in Bosnië het liquideren van intellectuelen en belangrijke personen uit het publieke leven.

Arkan is getrouwd met Svetlana (zie foto)



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Ibrahim Rugova

Leader, Democratic League of Kosovo



Although he has been called "the father" of the Democratic League of Kosovo (LDK) and was chosen "president" of Kosovo in an underground election by Kosovar Albanians, some believe Rugova's star has faded. His non-violent approach was too passive for the Kosovo Liberation Army (KLA) and Western officials say his authority has declined. No one has stepped forward to replace him yet, although one candidate is Jakup Krasniqi of "the New LDK" and spokesman for the KLA. Another is Bujar Bukoshi, "prime minister" of the ethnic Albanians' so-called government-in-exile. A third is Rugova's old rival, Adem Demaqi, who is known as "the Balkan Mandela" after spending 28 years in Serbian jails as a political prisoner.



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Javier Solana

NATO Secretary-General



NATO Secretary-General Javier Solana has repeatedly threatened to intervene in Kosovo to prevent a full-scale war between ethnic Albanian separatists and Serbian security forces.

When he learned of a civilian massacre near the village of Racak in January, Solana warned that NATO "will not tolerate a return to all-out fighting and a policy of repression in Kosovo."

So far, his threats of military force have not been carried out. Yugoslav President Slobodan Milosevic managed to avert NATO airstrikes in October through a U.S.- brokered cease-fire. But Milosevic's failure to withdraw troops from Kosovo as promised has again pushed Solana and his fellow NATO leaders to the brink.

Solana served as Spain's foreign minister for three years before being picked to succeed Willy Claes as head of NATO in 1995. Claes resigned over a corruption scandal in his native Belgium.

Solana was educated in the United States. Prior to serving as foreign minister, he was a university physics professor. He evolved from an anti-military student activist during the regime of Gen. Francisco Franco to a minister in a firmly pro-NATO government.



The NATO secretary-general has been big with forceful pronouncements on the importance of getting Slobodan Milosevic and his Serbian forces to back off in Kosovo, and he has also been a backer of NATO military intervention. Now Solana faces the difficult task of keeping NATO's notoriously fractious allies together politically, at least publicly, as the uncertainties of war unfold. Before assuming NATO's political leadership in 1995, Solana served as Spain's foreign minister.

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Profiel:
UÇK



Ushtria Clirimtare E Kosoves (UÇK) is het bevrijdingsleger van de Albanezen. Tijdens de oorlog in voormalig Joegoslavië vechten meer dan 5000 Albanezen samen met de Kroatische- en Moslim milities. Aan het eind van de oorlog, waarbij een staakt-het-vuren wordt overeengekomen, gaan de Serviërs door met hun geweldadige acties. Deze blijven in eerste instantie, tot verbijstering van de Albanezen, onbestraft.

Uit onvrede met de voortgang van het vredesproces ontstaat een groep van getrainde professionals, waaronder oud-soldaten van het Joegoslavische leger. Het UÇK is geen militaire organisatie en is niet verbonden aan een politieke organisatie. Het functioneert eerder als een lichtbewapende guerilla-beweging. De activiteiten van de organisatie spelen zich voornamelijk af onder de grond. Het vlekkeloze verloop van activiteiten is te danken aan de oud-medewerkers van de Nationale Veiligheidsdienst, die de leiding van de UÇK op zich hebben genomen.

In 1992 laat het UÇK voor het eerst van zich horen. De aanvallen tegen de Servische politie vinden voor het eerst in 1995 plaats. De aanvallen op Servische politiebureaus in juni 1996 leveren hen de titel terroristische organisatie op. Vanaf 1997 richten hun aanvallen zich op de Servische politie, hoogwaardigheidsbekleders en Albanezen die geheuld hebben met de Serviërs.

Homepage: (in Albanian) [UÇK](#)

[Here](#) you can find a Chronology of UÇK's actions since April 1996



CHRONOLOGY OF KLA's (UCK's) TERRORISM AND AGGRESSION, APR. '96 - FEB. '98

In an act of aggression against Serbia and its citizens, the Albanian terrorist organization calling itself the "Kosovo Liberation Army" (KLA) has carried out dozens of attacks against Serb civilians and police officers in Kosovo and Metohija in the past two years.

Many of the KLA's terrorist acts were also carried out against moderate Albanians loyal to Serbia, who were labeled "collaborators" by the KLA because they accepted and worked toward preserving the multiethnic structure of Kosovo. The KLA's goal is to "ethnically cleanse" Kosovo and Metohija of all Serbs so that an ethnically pure Kosovo could be swallowed by Albania to form a "Greater Albania".

1996

April 22:

Blagoje Okulic, a Serb refugee from Croatia, was sitting with a friend in a cafe when a masked member of the KLA opened fire on the customers with an automatic weapon. Okulic died in hospital. He was the first victim of the KLA.

Armand Daci (20), an ethnic Albanian student in dentistry school, was shot and killed by a sniper.

June 16:

In an attack against a police patrol near Podujevo, police officer Goran Mitrovic was heavily wounded.

June 17:

Around 11:55 p.m. a police patrol in the village of Siplje near Kosovska Mitrovica was attacked, resulting in the killing of Predrag Djordjevic (28) from Krusevac, and the wounding of Zoran Vukocic (30) from Nis.

The same day a bomb was hurled at the police station in Luzani, and the police officers on duty in the station were fired on by automatic weapons. No one was injured.

July 11:

One hour after midnight in the center of Podujevo terrorists carried out an armed attack against police officers, resulting in a heavy wounding of police officer Sredoje Radojevic.

Aug. 2:

Armed attack on three police stations (in Pristina, Podujevo, and the village of Krpimej) around 10 p.m.

Aug. 28:

Three bombs were hurled in the village of Celopek (border of the towns Pec-Klina-Decani), around 3 a. m. No one was injured.

In the village of Donje Ljupce police inspector Ejup Bajgora (44), an ethnic Albanian who worked at the Pristina Precinct, was shot and killed.

Aug. 31:

In the night hours two bombs were hurled into the courtyard of the Yugoslav Army's barracks in Vucitrn.

In the village of Rudnik (Srbica municipality) an armed attack was carried out on the police station.

In Podujevo, police officers at the juncture of the road Pristina- Podujevo-Kursumlija were fired on. No one was hit.

The police station in Glogovac was fired on with automatic weapons.

Oct. 25:

Two police officers were killed by automatic weapons near the village of Surkis in the Podujevo municipality -- Milos Nikolic, a police inspector of the Pristina Precinct, and Dragan Rakic from the village of Velika Reka, who was a police officer in the reserves and a manager of a company in Podujevo.

Nov. 16:

In the village of Rznica, in Decan municipality, around 10:30 p.m. a terrorist attack was carried out on the police station. No one was killed.

Dec. 26:

Faik Belopolja, an ethnic Albanian from Podujevo who was a forest worker in the Serbia Forest Service, was shot and killed.

1997

Jan. 9:

In the center of Podujevo at 5:30 p.m. Malic Saholi (52), an ethnic Albanian who was the manager of the supermarket "Vocar" and a deputy in the municipal council of Podujevo as a member of the Socialist Party of Serbia, was shot and killed.

Jan. 11:

In the Vucitrn village of Mijalic, around 7 p.m. more than 26 bullets were fired at the house of Ljubisa Mitrovic. No one was killed.

Jan. 13:

Shooting Fazil Hasani, an ethnic Albanian forest worker from the village of Brabonic (Srbica municipality) in the neck, KLA terrorists killed him and issued a statement denouncing Mr. Hasani as a "traitor".

Jan. 16:

Using remote-controlled explosives, the KLA attempted to assassinate the Dean of Pristina University, Mr. Papovic, at 8 a.m. as he was driving to the University. Both he and his driver Nikola Lalic were heavily wounded. The explosives were set off when their car was some 50 meters from Dean Papovic's apartment in Pristina.

Jan. 17:

In the village of Reketnica (Srbica municipality), at 1 a.m., ethnic Albanian Zen Durmisi (52) was shot and killed and his son Nazmi Durmisi was heavily wounded. The Durmisi family was labeled "pro-Yugoslav" by the terrorist KLA.

Feb. 1:

KLA terrorists from a moving vehicle fired on police officers. The officers fired back and killed all three terrorists.

March 5:

At 10:47 a.m., in front of the Pristina University School of Languages, a bomb in a container exploded. Four people were wounded, two ethnic Albanians -- Adrijana Dremka and Lindita Maksuti - - and two ethnic Serbs, Borivoje Popovic and Ivan Maksimovic.

A second explosives device weighing 4.2 kilograms, which had been placed at the base of the Vuk Karadzic monument in front of the School of Languages, was found and deactivated by members of the Anti-Ballistics Unit of the Pristina Precinct.

March 21:

Around 8 p.m., in the center of Podujevo, KLA terrorists fired five shots at police officer Branislav Milovanovic, wounding him heavily. In a statement, the KLA claimed responsibility denouncing officer Milovanovic as a "Serbian policeman, well known blood-sucker and anti-Albanian".

March 25:

Near the village Sicevo, Klin municipality, a group of attackers killed ethnic Albanians Jusuf Haljiljaj and Fehmi Haziraj (who were well known as loyal citizens of Serbia) and wounded ethnic Albanian Mehmet Gasi.

April 10:

In the village of Banjica near Glogovac, using automatic firearms, KLA terrorists killed ethnic Albanian

Ramiz Ljeka, who worked at the Glogovac Municipal Council.

May 6:

Around 10:30 p.m. in the village of Lozica near Klina, ethnic Albanian Hetem Dobruna (30), a farmer from the village, was shot and killed.

May 16:

In Srbica near Kosovska Mitrovica police officers Miomir Kicovic and Radisav Blanic were shot and heavily wounded.

June 19:

On the Pristina-Podujevo-Nis road near the village of Donje Ljupce in the Podujevo municipality, terrorists fired 12 bullets from automatic weapons at a police patrol. No one was injured.

July 3:

In the village of Trstenik, Glogovac municipality, in the early morning hours the KLA shot and killed ethnic Albanian Ali Calapek, a farmer who was a member of the Socialist Party of Serbia and a member of the local Election Commission in the 1996 elections.

July 21:

The Assistant District Attorney in Pec, Miroljub Petrovic, was shot and killed.

Aug. 3:

A police vehicle was fired on at 7 p.m., in the village of Bradis which is 10 kilometers from Podujevo.

Aug. 4:

At 9:30 a.m., on the road from the village of Rudnik to Srbica, KLA terrorists from Drenica fired on a police vehicle using automatic weapons. Police officers Milomir Dodic and Zoran Boskovic were heavily wounded, and a civilian who was in the car was lightly wounded.

Aug. 23:

Forest worker Sadi Morina, an ethnic Albanian, was killed in Srbica. Mr. Morina had already been receiving threats from KLA terrorists for a long time because he remained to work "in the service of Serbia".

Aug. 24:

In the village of Zub near Djakovica an ethnic Albanian, Kcira Ndue (32), was shot and killed, while his brother Bekim Ndue was wounded.

The police station in the village of Rznic near Decani was sprayed with gunfire.

Sept. 2:

At 10:55 p.m. Ljimon Krasnici, an ethnic Albanian denounced by the KLA terrorists as a "traitor", was killed in his home.

Sept. 12:

A dozen attacks were carried out on police stations in the municipalities of Pec, Glogovac, Decani, and Djakovica around 11 p.m. No one was injured.

Sept. 13:

Around 10 p.m. a hand grenade was hurled at the police station in Luzano, near Podujevo.

Sept. 14:

A hand grenade was hurled at the police station in Kijevo, near Klina.

Sept. 23:

Around 11 a.m. in the vicinity of the village of Kijevo, the KLA opened fire on a motorized police patrol. Milan Stanojevic, the commander of the Djakovica Precinct, was in the vehicle. No one was injured.

Oct. 13:

The police station in Calopek near Pec was attacked.

Oct. 16:

Around 1:30 a.m. there was a terrorist attack on the police station in the village of Klincina, which lies on the road Pec-Pristina. Adrijan Krasnici (25) from Vranovci near Pec died in the ensuing gun battle.

Oct. 17:

Around 1 a.m. the residential community Babaloc, located between Decani and Djakovica, where 120 Serbian refugee families who fled from Albania several years ago are situated, was attacked.

Oct. 20:

The OVK claimed responsibility for attacks on police stations in Babaloc, Calopek, and Klincina, as well as police patrols in Gerlica near Urosevac and Balinac near Klina, about which the public had not been informed earlier.

Nov. 18:

Around 7 p.m. in the village of Komoran near Glogovac, Camil Gasi, an ethnic Albanian deputy in the Parliament of the Federal Republic of Yugoslavia and the chairman of the Municipal Board of the Socialist Party of Serbia for Glogovac, was wounded heavily. His driver was wounded as well.

Nov. 25:

KLA terrorists held the police station in Srbica surrounded for 15 hours.

Around 7 p.m. in Decani, and after midnight in the village of Rznic, two terrorist attacks were carried out in which police officer Dragic Davidovic (32) from Berane was killed, and Ljubisa Ilic from Srbica, also a policeman, was heavily wounded. Bojan Trboljevac from Leposavic, Srdjan Pavlovic (26) from Zubin Potok, and Nedeljko Aksentijevic (30) from Kragujevac all subsequently died from mortal wounds.

Dec. 4:

The KLA claimed responsibility for an attack on Pristina Airport, claiming that it shot down a "Cessna 310" on Nov. 26 killing all five people on-board.

Dec. 15:

Around 1 a.m. on the road Srbica-Klina three masked KLA terrorists stopped a convoy of three cars with 16 Serbian civilian passengers. According to the civilians' testimonies, the terrorists -- who were armed with machine-guns and hand grenades -- threatened them with death.

Dec. 19:

Around 6 p.m. on the road Klina-Srbica, near the village of Josanica, eight masked and heavily armed KLA terrorists stopped the car of the civilian Milan Sapic from Lazarevac threatening, insulting, and searching his family and him.

Dec. 25:

Two terrorist attacks were carried out shortly after 3 p.m. against police officers in the Podujevo municipality: In the village of Zakut a police vehicle was fired on, and in the center of Podujevo explosives devices were hurled at the residential building where police officers live. There were no victims.

1998

Jan. 4:

The KLA claimed responsibility for a series of terrorist activities in the Former Yugoslav Republic of Macedonia: planting a bomb in front of the police station in Prilep, which caused no injuries but demolished five cars; attacking the police station in Kumanovo; and attacking the Municipal Court in Gostivar on Dec. 16, '97.

Jan. 9:

Shortly after 8 p.m., Djordje Belic (57) was shot and killed with an automatic weapon at the doorstep of his house in the village of Stepanica near Kijevo. Belic was the head of one of the three remaining Serbian households in that village.

Jan. 12:

In the town of Stimlje near Urosevac, shortly after midnight on the night of Jan. 11/12, there was an armed attack on the building in which seven families of police officers reside. The shots ended up in the

bedrooms of some of their apartments. Miraculously, there were no victims.

Around 8 a.m., in the vicinity of the village Gradac near Glogovac in Drenica, forest worker Sejdi Muja, an ethnic Albanian, was shot and killed. He and another Albanian had been stopped by a masked and armed three-member group of KLA terrorists, and after checking his ID card established that Muja was on their list of "traitors". They dragged him out of the car and shot him, leaving his body by the road. He was a "traitor" just because he worked in the Serbia Forest Service.

Jan. 13:
The KLA issued a statement stating that its headquarters was in Pristina. It also claimed responsibility for a series of terrorist actions carried out in the Former Yugoslav Republic of Macedonia: an attack on the Municipal Court in Gostovar and the police stations in Prilep and Kumanovo. It announced that it would expand its actions into Montenegro.

Jan. 14:
The headquarters of the Socialist Party of Serbia for Djakovica were stoned overnight, Jan. 13/14. All windows were broken. These were greetings for the "Serbian New Year" which is marked on Jan. 14.

Jan. 19:
In Srbica all graves at the Serbian Orthodox Cemetery were desecrated and vandalized. The monuments at the graves were completely destroyed.

Jan. 22:
After a KLA patrol had been stopping, harassing, and threatening citizens with death in the Srbica municipality the previous night, there was a confrontation between that patrol and a patrol of police officers. While chasing the KLA terrorists, who barricaded themselves in the house of Saban Jasari in the village of Donji Prekaz near Srbica, police officers killed the terrorist Hasan Mandzol and lightly wounded two Jasari brothers.

A three-member KLA group kidnapped the taxi driver Metus Skodru, an ethnic Albanian, and then took his cab, an Audi 90. They told him he could buy his cab back if he showed up at a designated place at a designated time, under the threat that he would be liquidated if he called the police.

Jan. 23:
On the night of Jan. 22/23, on the road Srbica- Klina near the village of Josanica, Desimir Vasic, a deputy in the Municipal Assembly of Zvecan was shot and killed.

On the same road, the same night, near the village Lausa Blagoje Nikolivc from the village of Drsnik near Klina was severely beaten until he became unconscious.

During the same night, KLA terrorists stopped, harassed, and threatened with death a group of Serbian women heading to Monastery Devic.

Jan. 25:

On the night of Jan. 24/25, in the town of Malisevo, in the very center KLA terrorists heavily wounded two police officers.

During the same night, KLA terrorists attacked the house of the Djuricic family in the village of Grabanica, near Klina in Drenica.

Terrorists hurled a bomb at the house of a police officer in Urosevac.

Jan. 26:

In the vicinity of the village of Turicevac, which is located between Klina and Srbica, KLA terrorists opened fire using automatic weapons on a helicopter belonging to Serbia's Ministry of Internal Affairs.

Jan. 27:

Again in the vicinity of Turicevac, an armed terrorist group stopped Veroslav Vukojcic from Leposavic and his neighbors Radmila and Zvezdana Vukajlovic. They beat them severely. The victims paid the terrorists to let them go -- Vukojcic paid 500 German marks, and Vukajlovic paid 850 marks.

Jan. 28:

A police patrol which was on its way to Decani to confiscate illegal weapons from the family Tahirsuljaja fell into a trap and was greeted with heavy gunfire from several houses. Nevertheless, the officers managed to arrest seven members of the Tahirsuljaja clan.

That evening, KLA terrorists fired at the house of Dragoljub Spasic in the village of Sibovac near Obilic.

Feb. 10:

A group of KLA terrorists appeared at a fundraising event for the KLA in New York City. They received funding from over 150 Albanians attending the event. On that occasion, the KLA terrorists proclaimed that they had killed 50 Serbian police officers and "corrupt" Albanians in 1997.

Feb. 12:

In Gornji Obrinj, in front of the village convenience store, Mustafa Kurtaj, an ethnic Albanian who worked at the post office in Glogovac, was shot and killed. He was shot in broad daylight, in front of twenty onlookers, as a warning to others. Prior to this, he had been repeatedly warned by KLA terrorists that they would kill him unless he quit his job at the state-run post office.

Feb. 15:

Nik Abdulahu, an ethnic Albanian employee of the Serbia Electric Utility, was shot and killed while at work, at the electricity substation in the village of Staro Cikatovo near Glogovac.

Feb. 18:

In the night between Feb. 17/18, KLA terrorists collected firearms from ethnic Albanians in Drenica, for whom they suspected that they did not support their cause. Those who did not turn over their weapons were given a deadline to do so, "otherwise," they were told, "you will be shot".

The police checkpoint near the village Dobre Vode in the Klina municipality was attacked with automatic weapons.

Feb. 19:

While returning from work, an employee of the state security service of Pristina Nebojsa Cvejic was shot and killed near the village of Luzani.

In Podujevo, KLA terrorists hurled bombs at a refugee center housing Serbian civilians who were "ethnically cleansed" from Croatia.

Feb. 20:

On the road Srbica-Klina, near the village of Lausi, KLA terrorists shot and killed Milorad Ristic, a private entrepreneur from Djakovica, and heavily wounded truck driver Zdravko Djuricic from Orahovac.

On the same day, on the same road, near the village of Josanica KLA terrorists opened fire on another truck, which was being driven by an ethnic Serb. However, an ethnic Albanian hitchhiker from the village of Lausi, who was sitting in the passenger seat and whom the driver had picked up in Klina, was killed by the KLA terrorists' gunfire.

That evening, on the road Klina-Djakovica, KLA terrorists set up a roadblock where they beat up police officer Milenko Kandic.

Feb. 22:

Ali Raci, an ethnic Albanian working at a Serbian- owned agriculture company, was shot and killed in the village of Dobre Vode at the entrance of the agriculture company. He had refused to give in to the KLA's earlier warnings and blackmail that he quit his job.

Feb. 26:

Using hand grenades and automatic weapons, terrorists attacked Serbian refugees from Albania housed in the refugee camp Babaloc (located on the road Decani-Djakovica) for the third time.

Feb. 27:

KLA terrorists attacked the houses in Srbica where Serbian refugees from Croatia are temporarily housed.

At Monastery Devic, KLA terrorists harassed the head nun for 30 minutes. They ordered her to tell the police that they will all be killed.

A KLA warehouse containing 12 kilograms of explosives with clocks, several trunks of shells, and over 120 rocket launchers was discovered in Prizren. Several terrorists were arrested.

Feb. 28:

The house of the Culafic family in the village of Donji Ratis (Decani municipality) was bombed.

Separately, in a confrontation between police officers and KLA terrorists in Drenica (Glogovac municipality), four police officers were killed: Miroslav Vujkovic, Goran Radojcic, Milan Jovanovic, and Radojica Ivanovic. Police officers Pavle Damjanovic and Slavisa Matejevic were heavily wounded. The exact number of terrorists who were killed is still unknown.

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William Walker

Head of the Kosovo Verification Mission



Walker is head of the Kosovo Verification Mission, an unarmed force of peace monitors in Kosovo charged with overseeing a cease-fire between the Yugoslav government and ethnic Albanian rebels.

Before the Kosovo post, Walker headed the U.N. Transitional Administration for Eastern Slavonia (UNTAES), responsible for the peaceful return of Eastern Slavonia to Croatian control. The region witnessed heavy fighting between Yugoslav and Croatian forces shortly after Croatia declared independence in 1991.

During 37 years in the U.S. Foreign Service, Walker served as ambassador to El Salvador from 1985-88 and also held diplomatic assignments in Bolivia, Honduras, Brazil, Japan and Peru.



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About PTSD

(Posttraumatic Stress Disorder)

Course/Prognosis: When it starts, How it seems to progress

PTSD occurs in response to a severe traumatic event. The person experiencing the traumatic event either witnesses or believes that death or very serious injury to themselves or others has, or is likely to occur. PTSD does not occur in response to mild or non-life threatening events such as losing a job. In that case the person may have adjustment disorder.

Symptoms will often begin immediately after the traumatic event. However, it is possible to have delayed onset of symptoms in which PTSD is developed many months or years later (i.e. after the abuse or combat has ended). If the symptoms do not begin until 6 months after the event the PTSD is coded as occurring "with delayed onset."

PTSD symptoms can last for many years (in fact for the rest of the person's life). Recent research on delayed onset has indicated that without treatment the consequences of a traumatic event can reoccur at any time. While it is possible to experience a traumatic event and not develop PTSD, for many people some form of treatment (either formal or informal) will be needed for them to overcome the effects of the trauma.

Common Symptoms

A key feature of PTSD is the re-experience of the traumatic event. This re-experiencing usually occurs in dreams (nightmares) and results in a significant sleep disturbance. The person can also have intrusive thoughts or images of the traumatic event during the day.

The person with PTSD usually displays increased arousal and responsiveness both in general and to stimuli related to the traumatic event. The person may become hypervigilant, in which they seem to be always on guard. They will often have a strong startle response in which their body responds very quickly and forcefully to even a sight stimuli. A common example of this was found in combat veterans who would dive for the floor and have major physiological reaction to a car back firing, even blocks away.

People with PTSD also tend to avoid stimuli that is related to the traumatic event. For example if a woman was raped outside of a Wal Mart store they may avoid even driving on the street on which the Wal Mart is located.

People with PTSD may also have major depression, somatoform or substance abuse disorders (or symptoms from those disorders).

[DSM Criteria](#)

How others tend to view a person with this disorder

The person with PTSD may be viewed as very uptight, nervous, or on-edge. They may be seen as emotional, or someone who "over reacts" to everything. The person may also seem flat or blunted, and someone who doesn't connect to anyone else. They will probably have trouble developing relationships, and may seem to be preoccupied with the traumatic event, discussing it and thing about it over and over.

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<http://soe.drake.edu/nri/syllabi/reha222/psychmods/anxiety/dsmPTSD.html>

Diagnostic criteria for Posttraumatic Stress Disorder

The person has been exposed to a traumatic event in which both of the following are present:

The person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.

The person's response involved intense fear, helplessness, or horror. Note: in children, this may be expressed instead by disorganized or agitated behavior.

The traumatic event is persistently reexperienced in one (or more) of the following ways:

Recurrent and intrusive distressing recollections of the event, including images, thoughts, or perceptions. Note: in young children, repetitive play may occur in which themes or aspects of the trauma are expressed.

Recurrent distressing dreams of the event. Note: in children, there may be frightening dreams without recognizable content.

Acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and dissociative flashback episodes, including those that occur on awakening or when intoxicated). Note: in young children, trauma-specific reenactment may occur.

Intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event.

Physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event

Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by three (or more) of the following:

Efforts to avoid thoughts, feelings, or conversations associated with the trauma

Efforts to avoid activities, places, or people that arouse recollections of the trauma

Inability to recall an important aspect of the trauma

Markedly diminished interest or participation in significant activities

Feeling of detachment or estrangement from others

Restricted range of affect (e.g., Unable to have loving feelings)

Sense of foreshortened future (e.g., Does not expect to have a career, marriage, children, or a normal life span)

Persistent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following:

Difficulty falling or staying asleep
Irritability or outbursts of anger
Difficulty concentrating
Hypervigilance
Exaggerated startle response

Duration of the disturbance (symptoms in Criteria B, C, and D) is more than 1 month.

The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.

Specify if:

Acute: if duration of symptoms is less than 3 months
Chronic: if duration of symptoms is 3 months or more

Specify if:

With Delayed Onset: if onset of symptoms is at least 6 months after the stressor

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What is Criminal Profiling?

by Brent E. Turvey, M.S.

I get a lot of email from students and law enforcement asking me about criminal profiling. Most would like access or directions to information, to open a dialogue with a sympathetic professional (having been laughed out of the offices of their advisors), and/or need some guidance in choosing graduate programs. But most importantly is the question that is repeated time and time again by those who contact me: What is Criminal Profiling?

I find this very heartening. It's good to know that there is such avid interest in my particular field from such a variety of upcoming and established professionals. It's not only good, but it's reassuring both professionally and personally, for reasons that I will get into.

If you have ever written me with any of the above requests, and you are interested in criminal profiling, you will take notice that I immediately turn the question around and throw it back at you, rather than actually taking the time to answer it myself. The question is frequently phrased as, "How do I become a good criminal profiler?" I almost always respond, "What do you think a good profiler is?"

As you can imagine, the responses that I get to this question are many and varied.

Below are some examples of the better answers that I have received. The authors of these statements will remain nameless, but if you recognize yourself here, take it as a compliment; you were brave enough to even ask the question to begin with. The willingness to take a risk and ask a question is a victory in the battle of education that is not won with any great frequency, I assure you.

"My definition [of a criminal profiler] is an investigator that studies the characteristics of criminals and how their mind works to solve cases."

"...in short, I view this discipline [criminal profiling] as a part of the totality of conducting criminal investigations. It can be used proactively and reactively."

"I believe criminal profiling to be examining evidence and deducting a possible suspect, or suspects of a crime."

All of the above are excellent answers, and in their own way are correct. This is, as I mentioned earlier, very promising, because it tells me that most serious students of the art of profiling see through the fallacies of television and film, and are able to think critically about the profiling process.

In fact, I rarely get inquiries about my potential need for people with psychic abilities anymore. Would that it were never, but some people still believe that criminal profiling has something to do with being psychic. In fact there's even this guy who's an ex-New York beat cop with his own web-site who calls

himself a psi-cop. Let me just set that record straight; criminal profiling involves no psychic abilities whatsoever. That is an artifact of the popular media.

But why does the perception pervade? It pervades because of the nature and the extent of training and attention to detail that criminal profiling involves. Most investigators and Forensic Scientists are trained to be experts in their specific discipline, with an eye to their specific forensic sphere. Even investigators are trained specifically in investigative techniques, perhaps only for one type of crime.

The criminal profiler should ideally be cross-trained in several disciplines. The profiler need not necessarily be an expert, but should have a deep appreciation and intermediate understanding of the tenets of at least the following disciplines:

Psychology: the study of individual behavior.

Sociology: the study of group behavior, groups being comprised of individuals.

Criminalistics: a general term for the scientific study of recognition, collection and preservation of physical evidence as it is related to the law. Some criminalists are specialists, some are generalists.

Forensic Pathology: A branch of medicine that applies the principles and knowledge of the medical sciences to problems in the field of law-from DiMaio.

Anyone without specific training from qualified experts, or experience in at least the above fields is not, in my opinion, capable of the complex processes involved in rendering a criminal profile.

This will no doubt make many of those in academia scream foul, as they have been the criminal statisticians for the past century and believe their studies of criminal behavior data to be paramount to the field of criminal profiling. While I would agree that collection and analysis of criminal data sets is a very helpful tool in an investigative process, I would not agree that it by any means constitutes criminal profiling. It's databasing, like ViCAP or ViCLAS, and it is only one part of a total profiling process (which is why computers will never replace profilers, because even a neural network cannot elicit individual meaning from individual behavior; it is simply too far complex and dynamic a heuristic to work with for the current technology).

This will also no doubt make many clinical psychiatrists and psychologists without training or experience in any of the forensic sciences cry foul. To that I say "Tough." Go out to some crime scenes. Get some training. Learn to appreciate the nature of physical evidence, learn to interpret autopsy reports, and learn what offenders do at crime scenes with their victims first-hand.

Now these statements probably will not upset many law enforcement officers because most of them

already have a deep appreciation of the forensic sciences from their local lab people (thank you lab people---you guys are the best) and from their local ME or Coroner (thanks forensic pathology type people--you guys can sleep in 'cause it's going to be a few hours before we're ready for you). However, more training is still needed by most law enforcement and they additionally will have to avail themselves to university courses in criminal psychology as they are available. And that's just to start.

What is involved in rendering a criminal profile, now that we've upset everyone who is in a position to utilize it as a tool?

To begin with, profiling is not studying data and taking a generalization and applying it to a particular offense to say, "This crime was most likely committed by a white male, age 26-40, who hates women and lives with his mother." That is generalizing and generalizing is bad. And it is also how you wind up on TV, stating that Richard Jewell is the Olympic Park Bomber, and subsequently looking like a "slapped ass" in front of the whole world (to coin a phrase from Halbert Fillinger, M.D., used many times in his lecture at the Arnold Markle Symposium this year).

Profiling is a process that begins, in the initial phase, with a careful and deliberate analysis of physical evidence at individual crime scenes. It is subsequently used to help explain the behaviors and motivations of specific offenders involved at those specific crime scenes. There are tendencies and typologies that can be helpful guidelines, but each crime is its own snowflake. One should appreciate that profiling is a deductive process; it involves reasoning from the specific out to the general--not the other way around, which is the inherent short-coming of simple statistical analysis.

Accepting, then, that criminal profiling is necessarily a deductive process, it becomes quite clear why criminal profilers must educate themselves as to the tenets of the above mentioned disciplines. In doing so, the criminal profiler becomes an expert observer of factual forensic evidence, and the subsequent deduction from factual forensic evidence to individual behavioral inferences. So the profiler must necessarily be able to reconstruct criminal behavior from factual forensic analysis.

The next part of the profiling process is the most difficult, because it includes inferring offender motivation from the reconstructed crime scene behavior. Two important rules about behavior; all behavior fulfills a need, and no one acts without motivation. Each individual offender has their own deeply personal motivations based on their experiences as a human being. And the behavior motivations in a crime scene must be considered in light of all the behavior, not just single instances. For example, an offender who covers the victim's eyes or face during an offense may do so because they know or are acquainted with the victim, or it may be that the offender is enabling a fantasy of some other individual that the victim is standing in for, or it may simply be that the offender is unable to look into the victim's eyes while doing horrible things to them. One behavior--many potential motivations. A careful analysis inclusive of the other crime scene behavior and forensic evidence may point to which motivation is most likely.

That's much of what criminal profiling is, at it's very core. And almost anyone with the right training,

experience and a lot of guidance can learn to do it. If someone tells you differently, it has been my experience that they are selling you a load of goods for some secondary gain.

What you get as a result of criminal profiling is a narrowed pool of suspects, potential investigative strategy based on that narrowed suspect pool, potential interrogation techniques once a suspect is developed, and, most importantly to the subsequent criminal prosecution of an offender--insight into motivation. I can assure you that these pieces of information can make a world of difference in any investigative effort.

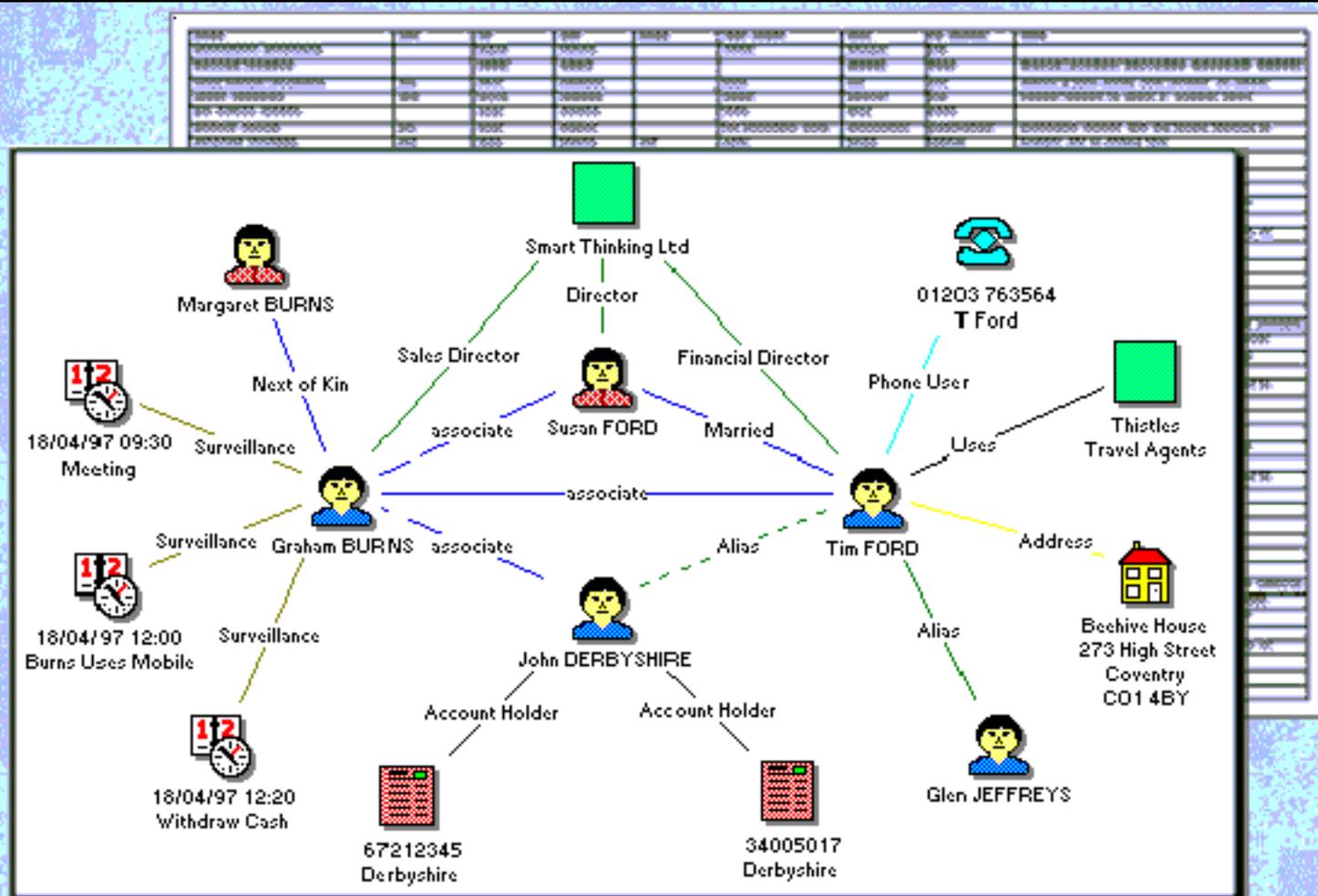
So that gets us back to the pervasive perception that profilers are psychic: The ability to be acutely observant to fact, which comes with deliberate training and experience, appears almost other-worldly to those without it. But it is not other-worldly, psychic, or anything remotely like that.

Now don't misunderstand me. I'm not saying it's easy, because it certainly isn't. Criminal profiling is demanding professionally, personally, and emotionally. If you can't guess how much, just read John Douglas' book *Mindhunter* and you'll see I've made the understatement of the century. But criminal profiling can be taught to those who are able and willing to learn just like any other discipline.

So much of my email is from people who are eager to learn, who are well grounded in the need for cross-professional training, and who have a deep appreciation for psychology and the forensic sciences. This is why I am so heartened to receive it and hope to continue to receive it. If this trend is any indication of the nature and background of future profilers, then I believe the profession is heading in a good direction. So keep it coming!

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Comparative Case Analysis



Crime Pattern Analysis (CPA) is one of the most abused terms in the current Police/Criminology world. Many systems claim to perform crime pattern analysis however when looked at more closely, they are often found to be different beasts altogether. A favourite is the rash of text-based search engines used by an increasing number of police forces for major incident investigation. They work by searching large databases looking for links between one crime and another. If you enter 'blood-splattered kitchen knife' they will go out and bring home every other reference to 'blood', 'splattered', 'kitchen', and 'knife' (more or less).

Although these systems deal with crime, all the system is doing is searching for matching similar strings of text. There is a distinctive lack of analysis taking place and the onus is still on the user to do all the thinking and come up with the right choice of search string. Until the text-based search engines develop the capability to analyse then they will remain clever database managers with attached graphical packages. Many of these systems are better described as Comparative Case Analysis systems.

Crime Pattern Analysis (CPA) in its true spatial sense can only be performed by systems which map crime distributions and then analyse these for significant patterns. At the simplest level this is the ability

to examine a number of different areas, such as police beats for example, and tell you which has the highest level of a certain type of crime. If this is performed by a mapping or Geographical Information System (GIS) package which can show you the output on a map, then all the better. If you have patience (and a sense of humour) you don't even need a computer for true CPA (though they do help when you are examining thousands of burglaries!).

At higher levels the system might be able to detect crime hotspots from the data by examining the whole area and focus on the highest concentrations of crime. It should be able to do this irrespective of where boundaries such as police beats are located. Criminals have an annoying tendency to ignore police station demarcation areas, and on occasion they make deliberate use of county boundaries by crossing from one side to another to commit their crimes in an attempt to confuse police detection techniques. Just like a GIS, the defining trait of a CPA systems is the ability to perform specific spatial analysis techniques.



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Deductive Criminal Profiling: Comparing Applied Methodologies between Inductive and Deductive Criminal Profiling Techniques

by Brent E. Turvey, MS
January, 1998

The mental health community christened the first psychological "syndrome" in 1980, when Posttraumatic stress disorder (PTSD) was officially recognized by inclusion in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III). Since that time, the investigative term "profile" has slowly become synonymous with the psychological term "syndrome" in the eyes of the legal community. The process of *criminal profiling* in its original form, as taught by Howard Teten and Pat Mullany at the FBI beginning in 1969, was completely different in origins and methodology from the construct of the *psychological syndrome*. With time, however, the two terms "profile" and "syndrome" have been wrongfully confederated because of the way some profiles are constructed, and the subsequent litigation [1], [2].

As the above infers, not all profiling methodology is the same, due largely to the fact that not all profilers are equally trained or able. In fact, this author will propose that there are essentially two very different types of profiling being done by criminal investigators and criminologists in the United States. The first profiling method will be termed Inductive Criminal Profiling, and is related conceptually to the construction of psychological syndromes and subsequent syndrome evidence. The second, less common, method of profiling will be termed Deductive Criminal Profiling. The purpose of this work is to overview the nature of Deductive Criminal Profiling, and demonstrate how its origins, assumptions, and methodology are fundamentally different from the origins, assumptions, and methodology of Inductive Criminal Profiling, and by inference syndrome evidence.

Inductive Criminal Profiling & Syndromes

For legal purposes, according to *Moenssens et al [3]*, a syndrome or a profile is "a set of behavioral indicators forming a very characteristic pattern of actions or emotions that tend to point to a particular condition." (note an emphasis on pointing to a condition, lending itself to purposes of treatment).

A more useful description comes from *State of Oregon v. Lawson [4]*, where the defense tried to introduce expert testimony stating that their client, Mr. Lawson, did not match the profile of a sex offender, and by extension of that logic could not therefore be one. The court in that case found that "Whether it is labeled a 'syndrome' or a 'profile', the type of evidence...involves comparing an individual's behavior with the behavior of others in similar circumstances who have been studied in the past."

An Inductive Criminal Profile is one that is generalized to an individual criminal from initial behavioral and demographic characteristics shared by other criminals who have been studied in the past. It is the product of incomplete, statistical analysis and generalization (very often without comparison to norms), hence the descriptor *Inductive*. This author takes the descriptor from the phrase Inductive Statistics, which is the branch of statistics involving generalizations, predictions, estimations and decisions from data initially presented [5].

The datasets currently used to compile and statistically generalize Inductive Criminal Profiles are collected largely from three sources:

1. **Formal and informal studies** of known, incarcerated criminal populations, and the inherent clinical and non-clinical interviews upon which those studies are based;
2. **Practical experience**, from which isolated anecdotal data is recalled by the profiler; and
3. **Public data sources**, including the popular media (for example, the FBI readily admits that newspaper articles are collected by its personnel and used to fill out its computerized database of violent criminal offender activity in the United States).

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| <p>Inductive Criminal Profiling:</p> | <p><u>The process of profiling criminal behavior, crime scenes, and victims from the known behaviors and emotions suggested by other criminals, crime scenes, and/or victims.</u></p> <p>In essence, as the term suggests, this is reasoning from initial statistical data to specific criminal offender behavior. In any event, Inductive Criminal Profiling is generally the result of some kind of statistical analysis, or finds it's reasoning in cases outside of the case at hand.</p> |
| <p>Example of the logic:</p> | <p>80% of known serial killers that attack college students in parking lots are white males age 20-35 who live with their mothers and drive Volkswagen Bugs-- Our offender has attacked at least three female college students on separate occasions; our offender has attacked all three victims in parking lots.</p> <p>Therefore, our offender, who is part of this large group who fit this "profile" called "serial killers" is a white male age 20-35, lives with his mother, and drives a VW Bug.</p> |

The advantages of the Inductive Criminal Profiling model are readily apparent. Foremost is that Inductive Profiling is a very easy tool to use, for which no specialized forensic knowledge, education, or training in the study of criminal behavior or criminal investigation is required. Additionally, general

profiles can be assembled in a relatively short period of time without any great effort or ability on the part of the profiler. The result is often a one or two page list of unqualified characteristics. These generalizations can accurately predict some of the non-distinguishing elements of individual criminal behavior, but not with a great deal of consistency or reliability.

There are currently a number of separate initiatives under way in both the United States and Canada to automate part or all of this process with databasing tools and neural computer networks.

The major disadvantages of the Inductive Criminal Profiling model are equally apparent to the critical thinker. Firstly, the information itself is generalized from limited population samples, and not specifically related to any one case, therefore it is not by its nature intended for reconstructing a "profile" of an individual person. It is a generalized set of representations, averaged from a small group of individuals who may or may not have been appropriately sampled, depending on the knowledge and ability of the person collecting and assembling the data. Secondly, and perhaps most commonly noted, is that Inductive profiles are generalized and averaged from the limited data collected only from known, apprehended offenders. An Inductive Criminal Profile does not fully or accurately take into account current offenders who are at large, therefore it is by its very nature missing datasets from the most intelligent or skillful criminal populations; the criminals who are successful in continually avoiding detection by law enforcement. A third major disadvantage is that, as with any such generalization, an Inductive Criminal Profile is going to contain specific inaccuracies that can and have been used to implicate innocent individuals. This occurs when an Inductive Criminal Profile is used as some sort of infallible predictive measure by an unprofessional, trigger-happy profiler. Recent examples include the 1996 case of Richard Jewell in the "Olympic Park Bombing" and, also in 1996, the Colin Stagg profile debacle in Great Britain.

Assumptions of the Inductive Criminal Profiling model include:

- * Small groups of known offenders, who commit the same types of crimes as unknown offenders, have commonly shared individual characteristics that can be accurately generalized back to initially similar individual unknown offenders.
- * Offenders who have committed crimes in the past are culturally similar to current offenders, being influenced by at least similar environmental conditions and existing with the same general and sometimes specific motivations.
- * Individual human behavior and characteristics can be generalized and even predicted from the initial statistical analysis of characteristics and behavior in very small samples.
- * Behavior and motivation do not change within an individual over time, being static, predictable characteristics

Inductive Profilers include the following groups of professionals, who have various backgrounds:

- * **FBI and ex-FBI profilers** who have been trained since John Douglas took over the Behavioral Sciences Unit in 1984. Current FBI profiles are on average less than a page long and offer no explanation for the content of the profile. Most law enforcement agencies that this author has

discussed the issue with have had little or no use for those types of profiles. Nor do most courtrooms.

* **Forensic Psychologists and Forensic Psychiatrists**, who rely solely on clinical personality measurements such as the MMPI when formulating any kind of criminal personality profile.

* **Many of the law enforcement profilers** who have received FBI training since 1984, including Georgia Bureau of Investigation, ATF, and various state and local detectives. GBI, as has been highly publicized, is the agency responsible for generating the Richard Jewell profile.

* **Criminologists**: a criminologist is defined as someone who studies criminal behavior. It does not imply training, education, or experience. The term criminologist generally refers to someone who does scholarly, scientific and professional study concerning the etiology, prevention, control, and treatment of crime and delinquency, including the measurement and detection of crime, legislation, and the practice of criminal law, the law enforcement, judicial, and correctional systems. It is a category that, despite its ambitious definition, can include almost anyone in actual application.

The professional backgrounds of those listed does not necessarily include forensic training in criminal psychology, abnormal psychology, or psychopathology, and certainly does not imply any kind of experience with investigating violent serial criminals. For example, most people are not aware that FBI agents do not have jurisdiction at any homicide unless it occurs in a federal building or on an Indian Reservation, giving most FBI agents no applied experience investigating this type of crime whatsoever.

Deductive Criminal Profiling

A descriptive, applied definition of the *Deductive Criminal Profiling* model, according to this author, is: "The process of interpreting forensic evidence, including such inputs as crime scene photographs, autopsy reports, autopsy photographs, and a thorough study of individual offender victimology, to accurately reconstruct specific offender crime scene behavior patterns, and from those specific, individual patterns of behavior, deduce offender characteristics, demographics, emotions, and motivations."

Note the heavy emphasis on an informed forensic reconstruction, and the exclusion of information from other similar offenders, or other similar offenses.

A Deductive Criminal Profile is one that is deduced from the careful forensic examination and behavioral reconstruction of a single offender's crime scene(s). After the offender's behaviors have been reconstructed, the crime scene characteristics are analyzed, and the victim characteristics are analyzed. From those combined characteristics, a profile with the characteristics of the individual who could have committed that specific offense(s), with that specific victim(s) under the conditions present at that specific crime scene(s) is deductively inferred. It is a forensically and behaviorally contained process. The process of deductive profiling is most appropriately termed *Behavior Evidence Analysis*, and depends on the analyst's abilities to recognize patterns of behavior within a single offender to deduce

meaning.

Offender emotions during the offense, individual patterns of offense behavior, and offender personality characteristics are deduced from that particular offender's crime scene behavior and victimology only.

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|--------------------------------------|--|
| Deductive Criminal Profiling: | The Behavioral Evidence Analysis a specific criminal, crime scene(s), and victim(s) exclusively from forensic evidence relating to the crime scene(s) and victim(s) of that offender alone. |
| Example of the logic: | <p>The body of a female victim is found nude in a remote forest location with 4 shallow, careful incisions on the chest, cutting across the nipples. The victim's genital areas have all been removed with a sharp instrument. Petechiae are evident in the eyes, neck and face above pattern compression on the neck. No blood is found at the crime scene. No clothes are found at the crime scene. The victim bears ligature furrows around her wrists with abraded contusions but no ligature is present. Fresh tire impressions are found in the mud approximately 20 yards from where the body is located.</p> <p>Therefore the offender in this particular offense bound the victim to restrain her while she was still alive indicated by the abrasions around the wrists associated with struggling. Our offender removed the ligature before disposing of the body, indicated by the fact that we didn't find it at the scene. The victim was likely asphyxiated with a material ligature about the neck, indicated by the pattern compression and the petechiae. The location where the body was found is a disposal site and not the actual location of the offense indicated by the fact that no blood was present at this location. The offender has a vehicle consistent with the tire impressions and is mobile. All of these details together indicate a competent, intelligent offender whom is likely able to sustain employment, and is very likely a sexual sadist. This is deductively suggested by the vehicle, the use of a secondary scene to dispose of the body to avoid transfer evidence, the removal of the victim's genitals, and the deliberate cutting to the victim's nipples intended to cause pain but not seriously injure.</p> |

The data used to infer a Deductive Criminal Profile for a particular criminal includes the following:

1.Forensic Evidence: A full equivocal forensic analysis must be performed before profiling can begin, to insure the integrity of the behavior and the crime scene characteristics that are to be

analyzed. Nothing can be assumed by the profiler.

2. Crime Scene Characteristics: Crime scene characteristics are determined from all forensic reports, all forensic analysis, and all forensic documentation which provides the nature of the interaction between the victim(s), the offender, and the location(s) of the offense during the occasion of a specific offense. In cases involving a related series of offenses, such as in serial rape, or serial homicide, crime scene characteristics are determined individually and analyzed as they evolve, or fail to evolve, over time. An offender's crime scene characteristics, in a single offense or over multiple offenses, can lend themselves to inferences about offender motive, modus operandi, and the determination of crime scene signature.

3. Victimology: Victimology is the thorough study and analysis of victim characteristics. The characteristics of an individual offender's victim population of choice, in a single offense or over time, can lend themselves to deductive inferences about offender motive, modus operandi, and the determination of crime scene signature. In Deductive Profiling, almost as much time is spent profiling each victim as the offender responsible for the crime(s).

The advantages of the Deductive Criminal Profiling model are very important. This model requires specialized education and training in forensic science, crime scene reconstruction, and wound pattern analysis. Because of this requisite specialized knowledge, Deductive Criminal Profiles tend to be more specific than Inductive Criminal Profiles, assisting greatly in the major goal of the profiling process, which is to move from a universal set of suspect characteristics to a more unique set of suspect characteristics.

Deductive Criminal Profiling is also useful for thoroughly establishing Modus Operandi behavior, as well as offender signature behavior, which assists in the linkage of seemingly unrelated crimes. According to Geberth [6], the Modus Operandi, or MO behavior, or method of operation, is a dynamic, learned behavior, changing over time, as the offender becomes more experienced. It involves only those actions that are necessary to commit the offense.

Signature behavior, or the signature aspect of criminal behavior, as Geberth [7] defines it, is comprised of those behaviors not required to commit the offense. Signature is comprised of significant personality identifiers that distinguish the nature of the offender's crime scene methodology. These significant and highly individualized personality identifiers are evident in such things as:

- * When an offender repeatedly engages in a specific order of sexual activity;
- * When an offender repeatedly uses a specific type of binding;
- * When an offender inflicts similar types of injuries to different victims;
- * When an offender displays the body in a certain manner for shock value;
- * When an offender tortures and/or mutilates his victims, and/or engages in some other form of specific ritualistic behavior.

Another very tangible advantage of the Deductive Criminal Profiling method is that, because it so

thoroughly explores victimology, and the nature of the interaction between the victim(s), the crime scene (s), and the offender, it can very pointedly demonstrate an individual offender's motivations in even the most bizarre or seemingly senseless offenses. As Geberth insightfully reminds us in his foundational work *Practical Homicide Investigation, 3rd. Ed.*, "No one acts without motivation." Deductive Criminal Profiling techniques explore offender actions through the physical evidence, through the victimology, and through the crime scene as the primary behavioral and motivational documentation, and illuminate that particular offender's motivation. The whole profile is logic statement, based solidly on the arguments made through an analysis of behavior patterns.

Also, due to this same thoroughness, learned or experiential generalizations can be kept from obscuring or misleading investigations. Investigators with a lot of years on the job, or a lot of experience investigating a particular type of crime, tend to formulate theories about a case early on. Instead of investigating the case, they may instead spend their efforts attempting to prove a theory. Deductive Criminal Profiling precludes theory generation, and subsequent bruised egos, until a full investigative analysis has been done.

The final major advantage of the Deductive Criminal Profiling method is that it examines behaviors of individual offenders as they occur over time. Change and growth are allowed for, analyzed, and recompiled back into the criminal profile. As something like offender MO behavior or motivations change or evolve over the course of multiple offenses in an offender's career, it is noticed and it used to better understand the offender.

The disadvantages of Deductive Criminal Profiling are somewhat few, but well worth noting. First is that it is not a quick fix or a cure all; it requires a great deal of effort and multi-disciplinary skill on the part of each member of the investigative team. Second, because it is such an intensive process, it can be extremely emotionally exhausting. Investigators that learn to use these techniques should take care to be emotionally grounded individuals and not be afraid to discuss any emotional difficulties with those close to them. And third, a Deductive Criminal Profile cannot not point out a specific known individual and say with confidence that they are likely responsible for a certain crime or series of crimes unless that offender's unique signature is known and established.

Assumptions of the Deductive Criminal Profiling method include:

- * No offender acts without motivation.
- * Every single offense should be investigated as its own unique behavioral and motivational existent. Given the nature of human behavior, no two cases are really ever alike.
- * Some offenders have unique motivations and/or behaviors that should be individuated from other similar offenders.
- * All human behavior develops uniquely, over time, in response to environmental and biological factors.
- * Criminal MO behavior can evolve over time and over the commission of multiple offenses.
- * A single offender is capable of multiple motives over the commission of multiple offenses, or even during the commission of a single offense.

* Statistical generalizations and experiential theorizing, while sometimes helpful, are incomplete and can ultimately mislead an investigation, and encourage investigative laziness. When we think that we have all of the answers in a case, not only might we only collect evidence that fits those answers, we might think that a thorough investigation is no longer requisite at all.

Conclusions

The Inductive Profiling model, due largely to the lack of uniform training and education on the part of those who use it, has proven time and time again to be an unreliable source of investigative guidance. No standard terminology exists to describe offender behavior, and no classifications that have been developed have ever been validated, such as the crime scene classification efforts in the *Crime Classification Manual* [8]. Furthermore, those classifications have been developed using the same structure as the DSM, despite the intention that the DSM be used for the purposes of treatment, and not being designed for the purposes of criminal investigation. The adoption of this clinical model, then, serves no other real purpose than to lend pseudo-clinical credibility to the classification. The model does not serve the purpose that it was designed for.

Furthermore, initial statistical analysis based on unproven classifications and non-uniform terminology are no replacement for a thorough forensic reconstruction, crime scene analysis, and victimological assessment in either a criminal investigation or in a court of law. Given this fact, and given the extensive liability of police departments in high profile cases involving overzealous investigators armed with Inductive Profile evidence, and the general inadmissibility of Inductive "Profile" evidence in a court of law, the practice of teaching investigators purely Inductive Profiling methods should end.

The multi-disciplinary Deductive Profiling method, though more time consuming in the investigative end, will prove to be more effective because of its usefulness as an investigative guide, its competency at linking crimes, and because of its very high probative value in terms of thoroughly establishing signature and motivation. In short, the Deductive Profiling method encourages deliberation, competency, thoroughness, and requires a high degree of intra- and extra-departmental cohesiveness and communication. The Inductive Profiling method encourages egocentricity, investigative short-cuts, and has been used in the past to replace a competent forensic investigation into fact.

In the past, when this author has attempted to explain the Deductive Profiling process to individuals involved in criminal investigations, those investigators have said, "It sounds like you're trying to trick us into doing more work." To which this author has always responded, "You're right."

ENDNOTES

1. United States v. Banks, 1988
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3. Moenssens, A., Starrs, J., Henderson, C., & Inbau, F., Scientific Evidence in Civil and Criminal Cases, 4th Ed., (New York: Foundation Press, 1995), pp. 1146-1147
4. State of Oregon v. Lawson, 1994
5. The American Heritage Dictionary, 2nd Ed., (Boston: Houghton Mifflin, 1982)
6. Geberth, Vernon "The Signature Aspect in Criminal Investigation," Law and Order, November, 1995, pp.45-49
7. Ibid.
8. Burgess, A. G., Burgess, A. W., Douglas, J., Ressler, R. Crime Classification Manual, Reprint Ed., (New York: Lexington Books, 1992) pp. 21-22

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FBI PROFILE OF SCARBOROUGH RAPIST
DESCRIPTION: INVESTIGATIVE ANALYSIS, F.B.I. VIRGINIA

NOVEMBER 17, 1988

Unsub:

[H.L.] - Victim

[J.R.] - Victim

[R.Z.] - Victim

[K.J.] - Victim

[L.A.] - Victim

[M.J.] - Victim

[I.A.] - Victim

Metropolitan Toronto Police, Toronto, Ontario, Canada, May 4, 1987, May 14, 1987, July 27, 1987, December 16, 1987, December 23, 1987, April 18, 1988, May 30, 1988. NCAVC - Serial Sexual Assaults (Criminal Investigative Analysis) Foreign Police Co-operation (F.P.C.)

The following criminal investigative analysis was prepared by Special Agent Gregg O. McCrary, in consultation with Supervisory Special Agent James A. Wright and other members of the national Centre for the Analysis of Violent Crimes (NCAVC). The analysis is based upon a review of the materials submitted by our agency, and the conclusions are the result of knowledge drawn from the personal investigative experience, educational background and research conducted by these crime analysts as by other NCAVC members. It is not a substitute for a thorough well planned investigation and should not be considered all inclusive. This analysis is based upon probabilities noting however, that no two criminal acts or criminal personalities are exactly alike and, therefore, the offender at times may not fit the analysis in every category. This analysis contains information of a confidential and sensitive nature; and is provided for your investigative assistance. It should not be disseminated except to other criminal justice agencies with a legitimate investigative or prosecutorial interest in this matter.

VICTIMOLOGY:

Analysis of the victims in an effort to determine their risk factor is of significance. The susceptibility of these women becoming victims of a sexual assault was examined in conjunction with their individual

lifestyles, background, and overall social and physical environments. We found nothing in any of these women's backgrounds or lifestyles that would elevate their risk of becoming victims of a violent crime and/or sexual assault. We consider all of these victims to be low-risk victims.

There are observable similarities in that the victims are white females 15-21 years of age, with six out of seven living in the Scarborough area and three of those living in extremely close proximity to one another. The significance of this will be discussed in greater detail in the crime analysis section of this report.

The fact that four of the victims either traveled from or through the downtown area immediately prior to the attack is noted, but is not felt to be of significance in this analysis. If the offender was selecting his victims from a downtown location and surveilling them to their residential area for the attack, we would expect to see a far more random geographical pattern to the attacks than there is. With the exception of the Mississauga attack, all are clustered in the Scarborough area.

Another notable similarity among the victims is their small physical stature, ranging from 5'1" and 95 pounds to 5'3" and 135 pounds. This will be discussed in more detail in the crime analysis section also.

HOSPITAL AND LABORATORY EXAMINATIONS:

The result of the medical and laboratory examinations of each of the victims is complete and specific details are readily retrievable from those reports, therefore, no attempt will be made to summarize the findings.

All reports are consistent with and tend to corroborate the individual victim's specific allegation regarding each attack.

CRIME ANALYSIS:

A meaningful behavioral analysis of a series of sexually motivated attacks is best accomplished by examining the assailant's verbal, sexual, and physical behavior during the commission of the attacks. In conjunction with these considerations, the following aspects are being set forth as significant.

The process by which an offender targets and/or selects his victims is of obvious importance.

We feel your offender uses bus stops for staking out points. He surveils streets rather than homes and does so at night. Some victims were victims of opportunity while others appear to have been previously targeted to a degree. We believe the offender has seen victims or potential victims in passing, but had no urge to attack and at other times has seen victims, had the urge to attack, but the moment was inopportune.

The successful attacks occurred when the urge, opportunity and victims coincided. The victims are being

targeted by the offender in the areas in which the attacks are occurring. He is following them short distances before attacking them.

The six victims in Scarborough were all approached from behind, while the victim in Mississauga was approached from the front. He gained control over all the victims by the immediate application of injurious physical force. He maintained control of the victims through the use of physical force and verbal threats of bodily harm and or death, all of which were often accomplished while brandishing a knife in a threatening and intimidating manner.

All victims were attacked outdoors, while walking alone, near their residence during the hours of darkness.

Typically, this type of offender starts his attacks in an area with which he is familiar. This familiarity is usually the result of the offender living or working in that area and gives him a sense of security and comfort as he knows the neighbourhood well, can plan escape routes etc. The behaviour exhibited by your offender is consistent with this premise.

We believe your offender resides in the Scarborough area, specifically within walking distance of the first, second and fifth attacks. Because he lives in his attack area it is of utmost importance to him that the victims not see him. This is one of the reasons he prefers to approach the victims from the rear. Upon contact he forces them face down into the ground and or demands they keep their eyes closed to ensure they do not see him.

The victim in Mississauga was approached in a slightly different manner. After following her for a distance on foot, he approached her under the guise of asking directions. This approach allowed the victim to see his face, but was short in duration as the offender did not finish his first sentence before physically assaulting this victim and forcing her face down to the ground. It is our opinion that the offender was less concerned about being seen by his victim as he does not spend a great deal of time in the Mississauga area and believes that it is unlikely he would be recognized or seen there again.

Another reason your offender approaches his victims from behind is that he harbours some inadequacies. These inadequacies are further evident in his verbal behaviour as he scripts many of his victims to say, "Tell me you hate your boyfriend and you love me." "Tell me you love me, tell me it feels good" and other ego-gratifying statements.

Another indication of his inadequacies is evident in his victim selection. He selected victims that appeared non-threatening to him. As noted in the victimology section, the victims are physically small and could offer no real resistance to the attack. Each victim was walking alone at the time of the attack and was virtually defenseless.

Anger, however, is the primary behaviour exhibited by your offender. His intent is to punish and degrade the victims as he is angry at all women. This is evident in the blitz style approach and the

majority of his verbal behaviour as well as the type and sequence of sexual acts forced upon the victims in conjunction with the punishing physical force used against them.

The typically profane verbal behaviour combined with scripting the victims to describe themselves as a bitch, a cunt, a slut etc., evidences his anger and his need to punish and degrade his victims.

This anger is also apparent in your offender's sexual behaviour. By forcing the victims to perform oral sex on him after he has repeatedly vaginally and anally assaulted them he is punishing, degrading the humiliating them. The type and sequence of sexual assault is consistently observable in the series of attacks.

His anger is unmistakable when observing the excessive physical force he uses against the victims. What is of concern is the escalation in violence observable in this series of attacks. He is using far more physical force against the victims than is necessary to control them. In addition to this, the offender has stuffed articles of clothing into the mouths of victims and in the case of the sixth victim, not only broke her collar bone, but poured dirt on her and rubbed it into her hair and onto her body. This is a symbolic gesture which expresses the assailants opinion of women.

We do not believe the offender would attack a victim with a premeditated idea of murdering her. However, we would opine, based upon our research and experience, that if confronted by a victim who vigorously resists his attack, your offender is the type who would likely become so enraged he could lose control and thereby become capable of unintentionally murdering the victim.

This type of behaviour is observable in your offender to a lesser degree in these attacks. In analyzing the interaction between the individual victims and the offender it can be seen that the victims feel overpowered by him and are generally compliant and submissive. Still, when the victims either misunderstand a command or delay, even momentarily responding to a demand, the offender immediately becomes enraged and escalates the amount of violence directed at the victim.

The offenders escalation in violence is observable also as the first three attacks could be seen as attempted rapes where no penile penetration occurred, while the rest of the attacks were successful rapes from the offenders view point as he achieved penile penetration. This expansion of the sexual nature of the assaults was accompanied by an escalation in the verbal and physical violence directed at the victims.

Also observable in the offender is the development of sadistic tendencies. He asked the seventh victim, should I kill you, thereby making her beg for her life. The sadist achieves gratification by the victims response to his attempts to dominate and control her either physically or psychologically, by posing a question that made the victim beg for her life he is deriving pleasure.

He has shown adaptive behaviour, indicating he is becoming comfortable in committing the assaults and feels unthreatened and in control. This is exemplified in the sixth attack. While he was accosting the

victim and attempting to gain control over her, a car pulls out of a driveway a few inches away and drives by them. He does not panic, but forces the victim into some bushes near a house and continues to assault her.

OFFENDER CHARACTERISTICS AND TRAITS:

Your offender is a white male, 18 to 25 years of age. It should be cautioned that age is a difficult category to profile since an individual's behaviour is influenced by emotional and mental maturity, and not chronological age. No suspect should be eliminated based on age alone. The behaviour exhibited throughout these assaults suggests a youthful offender rather than an older more mature one.

As noted above, we believe your offender lives in the Scarborough area. He is familiar with Scarborough, especially the initial assault sites, and, therefore, in all probability lives in the immediate vicinity of those first assaults.

The offender's anger towards women will be known by those individuals who are close to him. He will speak disparagingly of women in general conversation with associates.

He had a major problem with women immediately before the onset of these attacks. His anger would have been apparent not only for the particular woman involved but those close to him.

He is sexually experienced but his past relationships with women have been stormy and have ended badly. In all probability he has battered women he has been involved with in the past. He places the blame for all his failures on women.

If he has a criminal record, it will be one of assaultive behaviour. The arrests will likely be for assault, disturbing the peace, resisting arrest, domestic disturbance, etc.

His aggressive behaviour would have surfaced during adolescence. His education background will be at the high school level with a record of discipline problems. He may have received counseling for his inability to get along with others, his aggressiveness, and or substance abuse.

He is bright, but an underachiever in a formal academic setting.

He is nocturnal and spends a good deal of time on foot in the target assault area.

We believe your offender is single.

The offender has an explosive temper and can easily become enraged. This rage transfers over into the rest of his life.

He blames everyone else for his problems.

His work record will be sporadic and spotty as he cannot hold a job due to his inability to handle authority.

He is financially supported by his mother or other dominant female in his life.

He is a lone wolf type of person. He can deal with people on a superficial level but prefers to be alone.

The personal property of the victims which your offender took from the assault scenes is being kept by him. These effects are viewed as trophies by the offender and allow him to relive the assaults. He will keep these items in an area which is under his personal control which he feels is secure, but yet allows him ready access to them.

The nature of these attacks will continue to be episodic and sporadic. In all probability, they will continue to occur outdoors as he is familiar with the area and this familiarity gives him a sense of freedom and mobility which would be denied if he were to attack indoors. Each attack is precipitated by a stressor in the offenders life. This stressor could be either one in face or in his mind.

The offender recognizes his inadequacies and attempts to mask them, but very often overcompensates. These inadequacies are not known by casual acquaintances, but are well known by those closest to him.

POST OFFENSE BEHAVIOUR:

Your offender harbours no guilt or remorse for these crimes. He believes his anger is justified and, therefore, so are the resultant attacks. His only concern is being identified and apprehended.

Any further questions regarding this analysis or discussion regarding investigative strategy and interview techniques should be direct to SA Gregg O. McCrary or SSA James A. Wright, F.B.I. Academy, Behavioral Science Unit.

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<http://www.serialkillers.net/profiling/victimology.html>

The Importance of Victimology in Criminal Profiling

by Amy Goldman

The professionals in the field of Criminal Profiling have a challenging future ahead of them. While violent crime is on the rise, profilers are using any resources available to them to aid in stopping the offenders. One such resource is the victim of the crime. How can a deceased victim aid in the investigation? The answer is through a technique called: victimology. This paper will define victimology and depict its importance through examples pertinent to criminal profiling.

The definition of victimology varies from expert to expert. In its most narrow sense, it is finding out as much as possible about the victim. In the Crime Classification Manual, the authors define victimology as followed:

A complete history of the victim, including life-style, personality traits, employment, and so on.

This includes, but is not limited to the following:

- Family Background
- Reputation of victim
- Likes and dislikes
- Drug/Alcohol abuse
- Financial troubles
- The last known person(s) the victim spoke to and the circumstances.
- Any enemies or any reason known that someone may have wanted to kill the victim
- Routines the victim had (check mail every day as soon as s/he got home, foreexample)

Above are examples of various types of information a profiler would want to know about a victim. Each bit of information collected regarding the victim is a potential answer to the question: why did the offender choose this person to be his victim?

The most important aspect of victimology in relation to profiling is the fact that it narrows the offender type tremendously. Each question answered regarding the victim is actually a window to the offender's psyche and in turn, answers questions about the offender. Victimology is essential to profilers for many reasons. First, profiling the victim assists profilers when suggesting "pro-active techniques" used to draw the offender out into the open. In addition, victimology enables profilers to advise investigators as to which interrogation tactics to use when talking with the apprehended suspect. Furthermore, victimology aids in recognizing the next type of victim the offender will choose; therefore assisting in appropriate warnings to the public.

To begin, by assessing the type of victim the offender prefers, profilers can suggest pro-active techniques to bring the offender out in the open. For instance, Brent Turvey, MS explains the advantages of knowing the offender's victim choice in his article **BEHAVIOR EVIDENCE: UNDERSTANDING MOTIVES AND DEVELOPING SUSPECTS IN UNSOLVED SERIAL RAPES THROUGH BEHAVIORAL PROFILING TECHNIQUES**:

Knowing this is investigatively significant in this example because investigators will be able to establish generally where the rapist will be, at what time, and with which victims in mind to make his fantasy (his preferred sexual behavior of choice) come true. This opens the door for a great deal of pro-active investigative behavior in relationship to future victims.

Though alive in Turvey's example, the same would be applicable had the victims been dead...because the victimology would have remained the same. In other words, the victims would have still had the same characteristics because those are what attracted the offender to those victims to begin with. Due to the victimology in the above example, it is most likely that apprehension of the offender will occur in less time than if there had not been victim analysis.

Next, victimology assists in the development of interrogation techniques used by law enforcement when interviewing the suspect. While the correlation may not seem evident at first, it is there. The profiler has learned as much about the victim and now knows a great deal about the type of person the offender is. An experienced profiler will know that certain suspects will feel remorseful or lack remorse. The profiler will know this by the behaviors of the offender at the crime scene. The profiler will also know which tactics are most likely to yield a confession. He or she, who generally has a strong grasp on the behavior of people in general, will use knowledge from past cases to guide him/her in putting the pieces together. For example, in his book *MindHunter*, John Douglas (a retired FBI profiler) discusses the case of a twelve-year-old rape/murder victim. He learns all he can about the victim; he wants to know her reputation, if she was a trusting individual and so on. After getting a sense of the victim, Douglas begins looking at the physical evidence and assimilating what he thinks happened from the crime scene indicators. Based on his findings, he tells the investigators to interrogate the suspect at night to one, make the suspect feel more comfortable and two, to let the suspect know the seriousness of the investigation. Douglas gives a few other suggestions. Most importantly, the investigators were to place the murder weapon "...on a low table at a forty-five-degree angle to his line of sight so that he'll have to turn his head to look at it." He tells investigators to observe non-verbal clues closely--if he is the killer, he will not be able to ignore the rock. The next component was the actual wording to the suspect. Douglas tells them to blame the victim--no matter how this repulsed the investigators. The suspect did not ignore the rock; in fact, he began perspiring. The investigators did as instructed, blaming the victim for threatening the suspect. In the end, the suspect confessed to the murder of the twelve-year-old and the rape of another as well. Because Douglas learned about the victim, he also learned how she most likely would have reacted in the situation. In a sense, he was actually able to put himself in the shoes of both the victim and the offender. The pieces of the puzzle came together more clearly. John Douglas used what is generally known about the personality traits of that particular type of victim and combined them with the personality traits of the offender.

Finally, victimology is important to criminal profiling because it enables the profilers to recognize if a specific type of person is at risk. The case of a Saint Louis, Missouri rapist dubbed the South Side Rapist is indicative of an offender who targets specific types of victims. According the Saint Louis Dispatch newspaper, the rapist chooses women who live alone, have dark hair, are in the 35-40 year-old age group, and live in apartments. Although spread apart and committed in different jurisdictions, authorities are able to warn the types of victims the offender is targeting. There are better known cases demonstrating the importance of victimology in relation to criminal profiling. Ted Bundy's victims all had long hair parted down the middle. During 1985, about ten women with red hair were murdered along highways spanning several states (Serial Murder, Holmes & DeBurger). The victims of these killers had more in common than the unfortunate fate of meeting their killers. Profilers use victimology to locate the common denominator(s) among the victims. This not only enables them to narrow the possible offender type, but also to alert law enforcement as to the types of people to warn (via media coverage, for example).

To conclude, while violent crime is on the rise, the importance of victimology cannot be over-looked. The tool of victimology assists criminal profiles in several ways; including, but not limited to:

- Suggesting pro-active techniques to bring the offender closer to apprehension
- Advising law enforcement of interrogation techniques designed to get a particular offender to confess and
- To help find the common denominator(s) among the victims to one, narrow the offender-type possibilities and two, to enable law enforcement to make the public aware of who is most likely to be in danger.

The victim is, in this way, able to be an active participant in the investigation and is the only one, aside from the offender, who knows what happened during the committing of the crime.

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The Impressions of a Man: An Objective Forensic Guideline to Profiling Violent Serial Sex Offenders

by Brent E. Turvey

March, 1995

Author's Note: The following paper is done out of respect for, and in addition to, the important body of work generated by the National Center for the Analysis of Violent Crime, at the FBI Academy in Quantico, Virginia. Also, the use of the generic term "he" to describe the violent serial sex offender is with the full awareness that a population of female serial offenders has been documented.

THE PROBLEM

To date, no universally accepted typology for violent serial offenders exists. There is no common language that both the law enforcement community and the mental health community use to describe violent criminal behavior, or to discuss motive and means. Even the best classification efforts, produced by such groups of motivated and respected individuals as the National Center for the Analysis of Violent Crime, have yet to be widely accepted. This is largely because everyone associated with the field has their own idea about the criminal mind, and none of the professionals involved like to be told how to think about criminal behavior by someone else.

The progeny of this unhappy relationship between law enforcement and mental health is a lack of mutual understanding and discarded professional respect on both sides of the fence. Not enough Psychologists and Psychiatrists have been to a crime scene, and not enough investigators have studied principles of psychology, psychopathology, and human behavior. Each could greatly benefit from the experiences of the other. More importantly, the successful investigation of a violent serial offender often takes skills from both disciplines.

Even though a straight-forward typology for violent serial offenders can be useful, this work does not presume to present such a typology at this time. This work will discuss some general concepts and guidelines to assist the investigator of violent serial sex crimes in profiling and in mentally navigating the inefficient coexistence between mental health and law enforcement.

The science and art of profiling crime scenes, and subsequently offenders, from physical and psychological evidence is key to the investigation of a violent serial sex crime for which there is no known perpetrator. The profiling method is based on Locard's Principle of Exchange; anyone who enters the scene both takes something of the scene with them and leaves something of themselves behind. However, profiling goes beyond a scientific reconstruction of a crime scene. The unintended

psychological ramifications of Locard's Principle are powerful, but often ignored by even the most seasoned investigator. It has been demonstrated that what can be recovered at a crime scene, utilizing basic principles of psychology applied to the physical evidence, is an impression of the man who committed the crime (Burgess, et al.[2] & [3], Douglas, et al [5], & Hazelwood, et al., [10], [11], [12]) . That is the result of profiling. By the trained investigator, an impression can be lifted from a crime scene---residual psychological traces of the individual who created the world of that crime scene and lived in it for a given time. Ultimately, profiling the scene or scenes of a crime can give an investigator a more narrowed pool of suspects, insight into motive, and linkages of a given crime to other similar crimes. The opportunity to profile an unsolved crime is not to be ignored or wasted.

PHYSICAL EVIDENCE

The first thing to consider in working up the profile of a violent serial sex offender is the crime scene. It is a living document of the offender's actions, and it is the basis for much of the objective behavioral interpretation (victimology provides objective and subjective interpretation, but is not less valuable). Therefore, it is critical to first preserve the crime scene and then process it, documenting the physical evidence and being attentive to the smallest detail. Any recovered physical evidence is grist for profiling. Even the smallest item, such as a red fiber from a car rug taken off the victim's body, can provide valuable insight.

Every agency or department has its own crime scene protocol, some better than others. The key concept to remember here is choosing an approach that provides what is needed from a given scene, and then sticking with it. As a result, processing a scene becomes habit, and then eventually it becomes second nature. Planned consistency is a good investigative practice. For specific examples, reference Crime Scene Investigation, by Henry Lee, Ph.D., et al.[16], Physical Evidence, by Henry Lee, PhD.[17], Practical Homicide Investigation, by Vernon Geberth[8], & Criminalistics: an Introduction to Forensic Science, by R. Saferstein[19].

Some suggestions- Always consider whether or not a scene is primary or secondary. If you have a body in an isolated location, conduct a spiral search pattern using the body as a starting point; look for the suspect's path of entrance/path of exit, and look for other bodies. Also, don't release the body until you absolutely have to. Notify the M.E. or Coroner, but give yourself some time to document and collect the evidence. You only get one shot at the pristine body in context, and once it's gone, that opportunity is lost forever. If time of death is a viable consideration, that can be reasonably established without removing the body from the scene. But don't get hung up on it. No M.E. worth their salt would give a time of death that isn't a block between 2-3 hours. Anything much more finite, with rare exceptions, is ego.

Once the physical evidence has been collected and a scientific reconstruction of the crime has been done, profiling can follow.

PITFALLS

Profiling tends to rely heavily on varied offender typologies. Investigators put a series of questions to a crime scene and to an offender's behavior, and then discuss the answers in terms of a psychologically based typology. The major failure of most typologies of violent serial offenders is perspective. The offender is described in terms that express the investigator's understanding of the motivation behind offender's behavior. This can be very subjective and may be misleading to an investigative effort to understand an offender and link him to another crime.

Many investigators take psychology into their own hands and start from possible subjective motives, then pick and choose offender behaviors to explain their motive theories. That is backwards. Profiling does not mean coming up with a theory and then inserting an offender as best he fits.

Profiling means letting the physical evidence tell an investigator what behaviors occurred, then thinking about what was intended by the commission of those behaviors. By reconstructing a sense of motive from offender behavior patterns, the investigator can then reconstruct the offender's fantasy. This may help in the area of predicting patterns of future offender behavior.

Most investigators are chronically unable to overcome their own perspective when faced with one or more disturbing violent crime scenes. This is largely because they are not serial sex offenders. They do not think as offenders think. Marshall [18] puts a very fine point on it when he explains that what distinguishes rapists and non-rapists is the ability to perform the response of hostile aggression and sexual arousal at the same time. The violent serial offender can do this quite easily. Therefore, when we apply our own values and belief systems to the scene of a violent serial crime, we are necessarily at a loss for an explanation of behavior and fall back on easy, trite, and meaningless cliché explanations like, "crazy" and "sick". Offenders have their own intricate set of values. That is part of what defines a psychopath, according to Burgess et al.[3]--the lack of trust and commitment to a world of rules and negotiation. That is the perspective difference, and that is why many investigators are at a loss to explain motive in such cases, and are necessarily frustrated by the thought of attempting behavioral analysis.

In considering these factors, the most useful profile of a violent serial offender should include objective terms that best describe an offender's perspective and behavior towards the scene and towards the victim. Start first by thinking about what it is that they did at the scene. Describe offenders first by their behaviors. Then begin asking what desires those behaviors satisfy. Remember: violent serial sex offenders, in general, do not commit their crimes by accident. They are in possession, however elusive, of their own reasons for the behavior they act out with a victim.

PROFILING

The accepted method for profiling most crimes in law enforcement is prediction of behavior based on a

known motive. In violent serial crimes, the motive is unknown to the investigator. It is not about money, and it is not about uncomplex interpersonal revenge. Therefore, conventional methods of behavior prediction fail. Profiling provides a solution by approaching the problem from the opposite direction. The unknown motive is explained in terms of known behavior.

For successful and objective profiling, there are two concepts that must be accepted by the investigator before walking through the door of understanding violent serial sex offender behavior. First, violent serial sex offenders have generally lived out their crime in deliberate fantasy many times before they realize it with an actual victim. Second, most behaviors satisfy a wish, need, or desire. Accepting these two basic concepts, an investigator can deduce what a violent serial offender wishes, needs, or desires from crime scene behavior.

FANTASY

The published research of the NCAVC over the past ten years has established that fantasy occurs well in advance of the crime in the cases of serial sex offenders, serial rapists, and serial sexual killers(i.e. [10], [11], & [12]). For most of society, fantasy is a means of escape or a means of entertainment. It is temporary and generally understood as unreal. For the violent serial sex offender, fantasy evolves into something compelling and complex until it becomes the central behavior of choice, rather than a brief, unrealized mental distraction.

Take for example Edward Wyatt, a convicted serial rapist from the central and western United States. At age 18, he was convicted of criminal trespassing for peeping through a neighbor's window. Several years later, he was convicted of the same offense. He was found to be carrying a buck knife at the time. Over the next several years, while married and starting a family, he moved a number of times and changed jobs with the same frequency. When he began his series of rapes, he used a buck knife as a means of threatening and controlling his victims. He would enter their houses when they were alone. He would use the knife to threaten them, and then tie them up with duct tape. Once they were bound and blindfolded, he would force them to submit to vaginal, anal, and then oral intercourse, in that order. All the while, he would script them, saying repeatedly, "Tell me how good I am," or "Beg me to fuck you in the ass, whore!". When he kidnapped 17 year old Allison Shaw, to his own house, Edward Wyatt escalated to audio-taping and photographing the ordeal. It lasted several hours and took place in the living room in front of the Wyatt family Christmas tree. Allison was let go and later identified Wyatt as her assailant. During an interview while incarcerated for that crime, Edward Wyatt explained that he did not know if he would have eventually started killing his victims. In 1991, after serving 9 years, Edward Wyatt was granted parole. Fourteen months later, he was charged with burglary. After getting a search warrant, police discovered a ski mask, a video camera, and a stool in the trunk of his car. A subsequent search of his home revealed videotapes of Edward committing other crimes such as masturbating over a ten-year old girl while she slept (Flynn, [7]).

This case demonstrates a clear escalation from fantasy to behavior. Note that the escalation of behavior

keeps true to the flavor of the original fantasy. Edward Wyatt carried the knife with him from the beginning of his criminal career. The buck knife represented a wish, or fantasy, that was already present before the commission of the crimes, as the nature of his later crimes indicates. In the beginning, the knife was the link to an unrealized fantasy waiting in his mind for an opportunity. Later on, it was the means. Its consistent presence clearly suggests a deliberate escalation.

The crime itself is the fantasy planned and played out by the offender. The victim is subsequently cast and scripted. The victim is inserted into a role that the offender needs occupied for his fantasy to come true. The victim, then, is a reinforcing element. The victim serves as fortification to the fantasy. The escalation of fantasy and behavior requires constant reinforcement, and consequently a succession of victims. This kind of escalation has a great deal of momentum, and ultimately the burgeoning fantasy is the behavior of acting out the escalated fantasy. The fantasy becomes the motive and establishes the offender's signature [5].

Tandem escalation of fantasy and behavior itself serves a number of complex ends for the offender. The most basic values of the escalable fantasy to the offender are 1) provision of control 2) disassociation from the victim/crime to support the superficial personality veneer & 3) provision for later reenactment and fantasy fueling. This is where in the fantasy the trained investigator finds motive.

CONTROL--The fantasy provides an offender with a means of controlling a situation. As long as he can keep the world he creates with the victim true to his fantasy, he is in control. Levin & Fox, [6], put it this way: "Domination unmitigated by guilt is a crucial element in serial crimes with a sexual theme. Not only does sadistic sex-- consensual or forcible --express the power of one person over another, but in serial homicides, murder enhances the killers sense of control over his victims." The offenders engage in behavior that establishes that they are unquestionably in control.

One such way to establish control is a fantasy theme of extended periods of victim degradation and devaluation. With a live victim, offenders can use scripting (i.e.-- repeating severe epithets to the victim, or simply getting them say how powerful the offender is, etc.), sex (i.e.-- forcing the victim to engage in painful anal sex then immediately fellate the offender), and torture (i.e.-- biting and ripping away nipples, or pre-mortem cutting). Some offenders do not feel that they have control until the victim is dead, so they kill the victim relatively early on. Once the victim is dead and under control, they proceed to freely master the corpse by such means as postmortem mutilation (such as numerous curiosity incisions made throughout the body, or removal of an appendage), defeminization (which includes severe damage or removal to the sexual areas of a female), and ritual displaying of the corpse (leaving the body in a purposeful, humiliating position, unclothed, in a place where it is certain to be discovered, perhaps by loved ones). In both cases, the behavior clearly establishes the offender's control over the victim. To the offender, the fantasy that is played out, which elicits fear and humiliation from the victim, establishes the dominance of the offender over the world he creates; the world of a victim in a crime scene.

Consider the case of Dayton Leroy Rogers of Portland, Oregon. By the late 1980s, Rogers is known to

have killed eight women, all prostitutes. He had just married his first wife, when after an attack on a 15 year old girl with a knife, he was put into a sex offenders program. There, his fantasies grew and became more violent. He used narcotics, he drank heavily, he masturbated chronically, and he admits to having violent sexual bondage fantasies while engaging in intercourse with his second wife. He claims this heightened his sexual arousal. He would pick up prostitutes late at night and drive them to a remote location in Molalla forest. Once there, he would coerce them into letting him tie them up, but the nature of the bondage would be extreme and methodical. At some point he would engage in masturbatory acts with their feet. He would also torture them intermittently by slicing their feet, and biting or cutting their nipples. This would last until the early hours of the morning. According to some of the victims who escaped, he would regularly pause his assaults, leaving them in his truck to urinate outside, as he was consuming alcohol during the entire ordeal. Rogers would also script his victims by calling one of them "Maureen" after Maureen Ann Hodges, a favorite prostitute and eventual victim. Moreover, while Rogers had them tied up, tightly and painfully, he would threaten to strangle them, over and over, if they didn't verbally submit to his requests. Unless his victim could escape, he would kill them and dump their bodies in the forest. The decomposed bodies would not be found for some time, generally by hunters (King, [15]). Rogers would seek out his victims, take them to a location where he could gain control, and force them to play the object role in his fantasy.

Gilgun[9] finds the theme of control in sex offender fantasy so pertinent, she uses the classification "Controllers" in her typology continuum of child sex offenders. She cites one such offender as saying "I liked...the actual sex...Then the controlling, being in control of her life completely was a thrill for me. I thought about it more than I thought about my wife." Gilgun also found a recurrent theme of bargaining with "controllers," for example such statements to victims as "Do this[masturbate me] or you're not going out again!".

Behavior fuels the fantasy. Part of the fantasy is offender control or dominance, by any or all of the means mentioned above. The behavior of violent serial sex offenders clearly seeks to establish that control or dominance. It can be prescribed, among many other offender behaviors, by the location choice of the assault, by the script he uses with the victim, by weapons he may use or bring with him, by the mutilation he may inflict upon the victim, and so on. The offender does what he feels will keep him in control, and thereby fuels and reinforces his fantasy. Ultimate manifestation of the fantasy is offender behavior, which in turn reinforces the fantasy, which is again manifested in later behavior, which further reinforces the fantasy. This is an important concept to be mindful of in the development of a profile.

DISASSOCIATION-- To successfully blend in with society, many violent serial sex offenders develop a thick superficial veneer of personality that is entirely disassociated from their violent criminal behavior.

Disassociation is not an aberrant human characteristic. It is something that we all do to some extent, like the careful superficial behavior many individuals exhibit with their co-workers vs. their emotional transparency with close family. Violent serial sex offenders merely carry a human self-protective behavior to an unhealthy extreme.

Violent serial sex offenders are successful criminals. They are intelligent enough to avoid detection and persist in the repeated commission of their crimes. They live in our society with little or no leakage as to their true nature. Many are married or in a relationship. But it is disassociated.

Fantasy enables the disassociation. The more intricate the fantasy, the more objectified the victim, the more distance that is mentally created between the violent criminal behavior and the superficial veneer of personality. Mutilation of the victim and scripting of the victim that is dehumanizing also further the distance.

The true behavior of choice is successfully suppressed in social contexts by the offender's practiced superficiality. This may sound like indications of paraphilic fugue episodes or a second personality, but this is not the case. The behavior of the serial sex offender deliberately avoids detection, indicating that the offender knows full well that the behavior is not acceptable to society. The practiced superficiality of the violent serial offender in social contexts is deliberate, because it is practiced, and it does prevent leakage of the behavior of choice. Without that veneer of superficiality, provided for by the fantasy and the ritual, the violent serial offender would not be able to live in society and avoid detection for prolonged periods. There must be a disassociation from the crimes while in a social context.

Take for example Jerry Brudos of Salem, Oregon. Brudos began fantasizing about dressing up in women's clothes and kidnapping women for sexual purposes as an adolescent. He escalated to kidnapping a 15-year old girl at knife point when he was in his late teens. When he was married and starting a family, he procured his victims through various cons but also used a revolver for intimidation. He had a large collection of women's shoes and some women's lingerie. Brudos would get his victims to his garage, by force or con. There, he would force them to take off their clothes, put on some of the shoes and lingerie from his collection, and then tie them up. Jerry would masturbate while photographing them and himself, sometimes using mirrors rigged to his garage ceiling. Jerry would then strangle his victims. He tied them to heavy engine parts so that they would sink when he dropped them into the Willamette river. He is suspected of at least five similar murders including Jan Whitney, a college student who's car broke down, 19-year old Karen Ann Sprinkler, a freshman at Oregon State University, and Linda Dawn Salee. Police were issued a warrant and finally searched his home. Even though Jerry knew that they were coming to search home and garage and had several days notice, the police were still able to find evidence linking him directly to several of the murders. Among those possessions that Jerry chose not to remove from his garage were; his collection of photographs of the victims depicting their unwilling nudity and bondage in his garage, his collection of stolen footwear, the clothes of several of his victims, his collection of stolen lingerie, a molded paperweight made from the cast of one of the victims breasts. Also of note is that nude pictures of Ralphene Brudos, his wife, were found as well. All of this material facilitated his reenactment of the fantasy and subsequent offense in the absence of a victim. His wife Ralphene testified that he spent hours out in the garage, and got upset with her if she ever went in and violated his privacy. But to this day, as Jerry Brudos sits in the State Penitentiary in Salem, Oregon, he denies any and all knowledge of the crimes for which he was convicted. Despite his initial confession, claiming innocent by reason of insanity, then his recantation of that confession once the insanity plea was denied, he will not admit that he committed the crimes. Despite photos, despite eyewitness accounts, despite engine parts and rags found roped around the

bodies of dead victims linked to his possession, despite a large amount of damning physical evidence, Jerry claims to be innocent.

This author found Jerry Brudos quite polite and engaging during interviews (Turvey, [20]). He bought me a Coke and eventually showed me some of his prison scars. He was generally soft spoken, and although he wouldn't discuss his crimes, we did discuss the O.J. Simpson case.

His social veneer is so practiced, so polished and so believable, that he has become a trusted inmate at the Oregon State Pen. He has been allowed to work on state criminal computer records, and he installed the penitentiary's cable system (he is an electrician by trade). He is also in charge of restocking and repairing the penitentiary vending machines. The Penitentiary staff have only good things to say about Jerry as an inmate, and clearly had an amount of trust for him. In fact Jerry's largest complaint to this author, regarding the conditions of his incarceration, was the fact that he was denied his technical journals. All despite the fact that he is a convicted serial killer. This is not to say that his conditions should have been more miserable given the severe nature of the crimes he committed. However, clearly there did not exist an atmosphere surrounding Jerry Brudos that he was dangerous whatsoever during my visits to the state pen. We met in an open room with many other inmates and visitors, sat across from each other at short knee-high tables, and the only supervision was one guard and some video-cameras.

Because of the terms of his incarceration, Jerry Brudos comes up for parole every two years. He has been in the Oregon State Penitentiary for twenty-five years.

The use of a practiced social veneer provided for Jerry's existence in marriage, and continues to provide for him in prison. It is so believable that the prison staff have very little fear of him and give him their trust. This deliberate, protective social veneer, provided for by an intense ritualistic fantasy life, which is easily disassociated from because of it's complexity, may yet serve to free Jerry Brudos.

REENACTMENT-- Each offense, each victim experience, is a part of the offender's collective fantasy. Both are, if only in part, relived before, during and after subsequent offenses. The behavioral aspect of the fantasy is cumulative in that respect.

Reenactment serves two very important purposes for offenders that investigators must not forget; 1) it feeds back into the fantasy which reinforces the behavior to escalate, and 2) it gives sexual pleasure.

Reenactment is largely a mental exercise for the offender, often physically facilitated by periods of ritually orchestrated masturbation with various victim related props. It reinforces the control aspect of itself, because the fantasy can be engaged at the whim of the offender. It is also in itself stimulating for the offender while being preparatory for future offenses.

Each of the violent serial sex offenders mentioned in this work provided for the later reenactment of their crimes in fantasy. Edward Wyatt progressed to the point where he photographed and audio-taped his deliberately scripted rape of Allison Shaw. He then videotaped his later offenses. Dayton Leroy

Rogers kept some of his victims' clothing. He also committed his crimes in the same remote areas, so that with each progressive victim he could revisit the associative feelings elicited from previous victims; location type was an important part of his ritual. Jerry Brudos took photographs, and kept bags of his victim's clothes and shoes. Jerry also removed body parts, particularly a victim's foot which he kept in the freezer in his garage and a breast from which he cast a paperweight.

To mentally and sexually re-experience the emotional flavor from past episodes of victim degradation and dehumanization is the purpose of reenactment. It is also the time when offenders plan and "rehearse" escalatory behaviors. Offenders of violent serial sex crimes behave in a way that provides for reenactment. Investigators may gain insight into the elements of the crime that are the most stimulating to the offender by examining those providing behaviors closely. I.E.--examine still photographs taken by the offender for a reoccurrent body position, props such as shoes, or point of view.

It is not to be ignored that a great deal of fantasy behavior can be sexually motivated, because much of the fantasy behavior is sexual in nature. As will be discussed shortly, increased sexual arousal and offender satisfaction has been shown to be correlated with offender domination, victim resistance and victim degradation. The sexual stimulus of the behavior is intensified for the violent serial sex offender when coupled with those sadistic acts of brutality that elicit a fear/humiliation response from a victim.

The balance of fantasy behavior is rehearsed and deliberate. Reenactment is self-reinforcing for the violent serial offender. It can have both mental and physical expression. Disassociation and control also feed into the relationship between the offender and his crimes. As integral parts of the fantasy behavior, all three are a part of the central behavior of choice for violent serial sex offenders.

BEHAVIOR ANALYSIS

DSM-IV and the general population of the mental health community have accepted a fairly helpful definition of a psychopath or sociopath (these terms are interchangeable). Mostly it consists of a Chinese menu; fulfillment of 7 behaviors from a list of 10 known psychopathic behaviors equals a diagnosis of psychopathy. This is indeed a helpful laundry list of behaviors. However, many such lists are problematic and tend to be riddled with judgment and morale evaluation, often avoiding objectivity. For example, at a professional lecture on serial child molester/murderers, the author notes that respected Portland, Oregon psychologist Stanley Abrams used the phrase "evil" several times to describe offender behavior (Abrams, [1]).

The trained investigator should be able to understand that value judgments do not help, and can distract, a successful offender profile and subsequent investigation. Trained investigators and mental health should not harness an investigation to personal morals or belief systems. It will not solve the crime.

A golden calf of psychopathy check-lists and the DSM-III & IV is the idea that not only are psychopaths

morally bereft, they are not capable of intimacy, and they are not capable of empathy, being entirely egocentric. The phrase "cold and calculating" is used over and over to describe violent serial sex offenders in court, many considered psychopaths, because this is what the mental health expert sees during a pretrial examination and then later in the courtroom. A cool, practiced disassociation from behavior.

This final section will discuss some of that untouchable reasoning.

Part of psychopathy is antisocial behavior, which means behavior against society. Everyone agrees that these offenders do not reason in a way acceptable to society. What must be established is how their alternative reasoning works. That is the only doorway to explaining fantasy and subsequently motive. Making a morale judgment may make investigators feel better, but it will not get investigators closer to an unknown perpetrator of a series of violent offenses.

The NCAVC has generated some impressive work on the characteristics of violent serial sex offenders. Of note is Burgess et al.,[2] which discusses organized and disorganized crime scenes left by sexual killers. Also, they showed evidence of the frequency of certain offender behaviors over time in Burgess et al., [3]. Burgess and her colleagues showed evidence from their population of violent sexual offenders that several characteristic offender behaviors were quite frequent, and most notably consistent at a high rate of frequency were (reported in over 80% of the sex offender population in the study);

- 1) Compulsive, chronic masturbation.
- 2) Constant daydreaming.
- 3) Social isolation.
- 4) More likely to force fellatio and anal intercourse upon their victims. Decrease in the frequency of vaginal intercourse over time.
- 5) Average to superior intelligence with 15% in the very superior range.

The first three behaviors were reported to be consistent from childhood to adulthood. All provide for and are conducive to a rich and intense fantasy life.

Also, the NCAVC has generated serial sex offender research[12] supporting the theory that the increase of force and sadism at each progressive crime scene is correlated positively with offenders who have more victims over a shorter period of time. Earlier research[11] on the same population of offenders indicated from offender reports that increased offender sexual pleasure and satisfaction were positively correlated with victim resistance and an increased duration of the crime. That data shows that the mean average duration of an offense increased from 36 minutes to 94 minutes when the victim resisted. The bottom line here for the investigator of violent serial sex offenders is this-- violent serial sex offenders have the most number of victims, over the shortest periods of time, and victim resistance evokes offender sexual arousal and subsequently offense duration is increased. Again, violent serial offenders commit more offenses in less time, and spend more time at the scene with the victim when the victim resists, because sexual arousal is increased. In such cases of victim resistance and increased arousal, it is

noted that intercourse was delayed significantly by the offender.

EMPATHY-- The author had a very interesting experience in a parenting seminar during his final term as a psych major. At a round table discussion of the behavioral development of deviant children, the professor stated that we (the mental health community) can determine that a new stage in moral development has been reached by a child when he or she first begins to tease. Teasing requires perspective taking and empathy. The teaser must first assume the role of the teasee and understand what bothers them. Once they know what hurts, they can use it against them. Teasing behavior requires basic empathic skills and is a definite, measurable marker for a new stage of moral development.

Extending that logic; to receive any kind of sexual pleasure from a victim response such as humiliation, pain and submission, the offender must first understand what humiliates, frightens, and subordinates the victim. The violent serial offender does just that. He understands what is humiliating, what is degrading, and what is painful to the victim. He has already taken the viewpoint of the victim into full consideration, and understands it well. In fact he is dependent upon it. That is often how he is able to achieve and maintain control. That is often where he derives his pleasure and satisfaction. That is generally the only way he can fulfill the fantasy; he knows how to behave to get what he wants, needs, and desire from his victims.

This is further evidence that violent serial sex offenders have a very clear understanding of the consequences of their behavior towards the victim. They understand that the victim is humiliated and in pain, and in fact that is part of why they are doing it. They feel aroused and powerful when they are assured by victim responses denoting a state of submission and painful humiliation. To be aroused by the pain and domination of the victim, the offender first must understand that the victim is in pain and is dominated, and to successfully elicit those victim responses the offender must understand what behavior on their own causes it. Their behavior is ultimately self serving, but not born of a single perspective. Their behavior cannot, therefore, be described as purely egocentric. The violent serial sex offender uses non-egocentric, perspective taking thought processes to arrive at his egocentric pleasure.

Violent serial offenders do not lack empathy. They often depend upon it for successful engagement of their fantasy. It makes them feel good to know that they have made their victims feel bad. That is the essence of the violent serial offender's point of view. Egocentric entitlement coupled with a necessary empathy.

INTIMACY-- Intimacy is a great concern for most violent serial sex offenders. As Marshall[18] points out, sex offenders probably desire intimacy but lack the skills to achieve it in a healthy form.

What offender behavior suggests is a sort of one way intimacy where the victim is physically revealed to the offender, and completely under his control. Through this forced opening of physical intimacy, the offender may perceive an emotional and spiritual intimacy as well. Yet the offender takes pleasure in either the notion that intimacy is being forced from the victim, or the fantasy that the victim really has a desire for him to experience her intimately. He has revealed the victim in a private, intimate and violent

way, devouring the victim's own sense of personal security and control. Though incredibly unhealthy and destructive, this is how the violent serial offender achieves intimacy. That is how he understands it; through his violent criminally sexual behavior.

Consider a stanza of poetry written from that perspective, which was downloaded from the Internet, address: mimir@hardy.u.washington.edu (Al Billings), by "Hakim Bey" ---

"Burglarize houses but instead of stealing, leave Poetic-Terrorist objects. Kidnap someone & make them happy. Pick someone at random & convince them they're the heir to an enormous, useless & amazing fortune--say 5000 square miles of Antarctica, or an aging circus elephant, or an orphanage in Bombay, or a collection of alchemical mss. Later they will become to realize that for a few moments they believed in something extraordinary, & will perhaps be driven as a result to seek out some more intense mode of existence.

Bolt up a brass commemorative plaques in places (public or private), where you have experienced a revelation or had a particularly fulfilling sexual experience, etc.

Go naked for a sign."

The brilliant psychopath who wrote this passage believes in creation by control via sexual domination. In the act of controlling something, dominating it and forcing it (a kidnapped victim) to submit, something spiritual will happen. Something will become. The fantasy being that sexual domination equals the re-creation of the victim, and the enlightenment will follow that amounts to the offender giving life to something that was before lifeless. The offender sees himself as a god (the author is a member of the LOKI Society), making from every victim a new source of energy. In fact, from this individual's perspective, the offender is doing the victim a large favor. Each victim would then reinforce this fantasy. Again, the victim is the object for offender, selected here in generally non-random ways for scripting into a complex fantasy of spiritual and artistic metamorphosis.

Some might theorize that the inclusion of the victim in the fantasy of the offender suggests a desire to express intimate feelings on the offender's part. He is, after all, sharing with the victim his most private desires and personal feelings. However, the investigator must be aware that the victim remains an object to the fantasy. Not an equal partner.

The offender forces an unwilling victim into a role as the object of his fantasy. The offender gets what he wants from his object, and then disposes of it. Disposal can mean dumping the victim on the side of the road, badly in need of medical attention, or it can mean ligature strangulation of the victim's throat to the point of death and ritual display of the broken body in the front lawn.

CONCLUSION

Only when the crime scene is documented thoroughly and then the evidence collected properly can an objective profile of the violent serial sex offender begin. This means all scenes and relationships to scenes can be established or dismissed, and that all behavioral avenues can be explored by the trained investigator without barrier. The physical, scientific reconstruction should be the starting point of the offender profile, and all elements of the profile should match the realities of the physical evidence. This grounding of the profile in physical evidence is essential for objectivity.

Most investigators do not bother to or do not have the training to overcome their own perspective towards violent serial sex crimes. Subsequently, crime scene and behavioral analysis can be misleading and destructive to the investigation, yielding few clues from sparse evidence and providing little true insight into the genuine nature of the crime and the criminal mind responsible for it. Therefore, investigators should be trained to profile the offender and the crime scene in terms that are objective to the offender's perspective. Deduce motivation from behavior, rather than the other way around. Do not marry into one person's idea about the crime; investigate the nature of the offender's behavior in relation to all physical elements of the crime.

Violent serial sex offenders have an alternative morality. It is by definition antisocial. The question for the investigator is not whether or not behavior is right or wrong, or even good or bad. Once a victim or series of victims has been confirmed, morality ceases to be the most important issue. The only important issue at this point is how do we capture or neutralize the individual responsible.

The question for the trained investigator is what insight does the offender's behavior provide into his own morality, and how does that lend itself to motive and signature. What does the behavior say about what the offender has done in the past, is doing in the present, and will do in the future.

Violent serial sex offenders fantasize about their crime well before committing them. The fantasy has value to the offender because it provides for the control he needs/wants/desires, it supports the superficial nature of the offender's social personality, and it provides for later reenactment of the offense while fueling and rebuilding onto the original fantasy. From the behavioral elements of fantasy, motive can be deduced, and signature can be identified. The pool of suspects will necessarily shrink, and elements of behavior may become more predictable.

Clearly, the investigators who must undertake the task of solving such cases cannot be from either of the traditional schools of thought. Investigators cannot be strictly from law enforcement because they lack the psychological and sociological training regarding human behavior. Investigators cannot be strictly from the mental health community because those lack insight into the true nature of these type of crime scenes and advanced training in the forensic sciences. Also, professional jealousy and territoriality tend to keep both sides from consulting with, or truly communicating with each other. An investigator must be devoid of any weighty investment in the ends of either discipline to keep objective. An investigator

has but one duty, and that is to the victim. Solve the crime. Apprehend the offender. Any other social, political or organizational consideration must take a far second.

The successful investigation of a violent serial sex offender, due to the lack of obvious suspects and the extreme nature of fantasy behavior displayed by the offender, involves extensive behavioral profiling. Profiling takes strong skills from both the mental health and law enforcement community. In light of the rising number of serial crimes and the intense human suffering involved, the need for more objective profiling guidelines, cooperation and communication between both fields is evident.

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<http://www.wm3.org/html/profile.html>

*The following information is the **entire** linear Forensic Analysis & Psychological Profile entered into the record at Damien Echols' May 5th, 1998 hearing. This information is now part of the Public Record. Criminal Profiles are not conclusive and are only used as investigative tools to assist law enforcement. Bite marks noted in this report have been confirmed as human adult bite marks by a board certified forensic odontologist. Also see Turvey's Equivocal Death Analysis for [Melissa Byers](#).*

Psychological Profile and Forensic Analysis

by Brent Turvey, MS

TRIPLE HOMICIDE:

James M. Moore #ME-329-93

Steve E. Branch #ME-330-93

Chris M. Byers #ME-331-93

CRIME SCENE PROFILE:

Homicide of James M. Moore

8 Year Old white male;

Investigated by Arkansas State Crime Laboratory, Medical Examiner Division & City of West Memphis Police Department, West Memphis Arkansas

M.E. Case No. ME-329-93

Homicide of Steve E. Branch

8 Year Old white male;

Investigated by Arkansas State Crime Laboratory, Medical Examiner Division & City of West Memphis Police Department, West Memphis Arkansas

M.E. Case No. ME-330-93

Homicide of Chris M. Byers

8 Year Old white male;

Investigated by Arkansas State Crime Laboratory, Medical Examiner Division & City of West Memphis Police Department, West Memphis Arkansas

M.E. Case No. ME-331-93

EQUIVOCAL EXAMINATION AND PSYCHOLOGICAL PROFILE OF CASE EVIDENCE

BY:

Brent E. Turvey, MS

Forensic Scientist & Criminal Profiler

Knowledge Solutions, LLC
1271 Washington Ave. #274
San Leandro, CA 94577
(510) 483-6739
bturvey@corpus-delicti.com

FOR:

Stidham Law Firm, P.A.
203 North Second Street
PO Box 856
Paragould, AR 72451
Contact: Dan Stidham; (870) 236-7600
Client: Jessie Misskelly

LOCATION: On May 6th, 1993, all three victims were found, bound wrist to ankle with shoe laces, in the water of a drainage ditch, in a heavily wooded area called the Robin Hood hills, behind the Blue Beacon Truck Wash in West Memphis, Arkansas.

EXAMINATIONS PERFORMED: An equivocal forensic examination of all available crime scene and autopsy photos, crime scene video, investigator's reports, witness statements, family statements, autopsy reports and numerous other sources to be listed as referenced in the endnote section of this report. The purpose of this preliminary examination was to competently assess the nature of the interactions between the victims and their environments as it contributed to their deaths as indicated by available forensic evidence, and the documentation regarding that evidence.

Forensic Analysis

Established Timeline of Events:

According to statements made by Mark Byers to Det. Brian Ridge of the West Memphis PD during a formal police interview dated 5-19-93:

From 9:00AM to 2:45PM on 5-5-93, Mark Byers was at a clinic in Memphis having tests performed on him for his health condition.

According to parents of the three victims, Weaver Elementary let out around 3:00PM. All three victims, attendants of Weaver Elementary, would have left school at that time.

According to the Offense Incident Report on file with the West Memphis Police Department, Pamela Hobbs (the mother of Steve E. Branch), reported her son missing at 3:30PM on 5-5-93. She stated that her son left home after arriving there from school, and she hadn't seen him since. This report was filed at

9:25PM.

The following details are taken directly from statements made by Mark Byers to Det. Brian Ridge of the West Memphis PD during a formal police interview dated 5-19-93:

Mark Byers arrived home at 3:10PM. Chris Byers was not waiting outside the home as he was expected to do (Chris Byers did not have a key to the family home, and was supposed to wait for Mark Byers or Ryan Byers, his brother, to let him in). Ryan Byers arrived home at 3:30-3:35PM. At 3:50PM, Mark Byers drove Ryan Byers to the courthouse for a 4:00PM appointment where Ryan was a witness at a trial. Mark Byers left Ryan Byers at the courthouse, to pick-up his wife Melissa Byers from work. Mark instructed Ryan to get a ride home with Chad Bell and his mother if court got out before he returned. At 5:20PM, Mark Byers and Melissa Byers arrived at their home and found signs that Chris had been there but had been unable to get into the home through an open window. The front door was locked.

Mark Byers left the home to pick up Ryan at the courthouse, and on the way found Chris Byers playing on his skateboard. Mark Byers drove Chris home and gave him '2 or 3 licks' described as a spanking with his belt in front of Melissa Byers. This was punishment for Chris not waiting outside the family home until Mark or Ryan arrived home to let him in. Ryan had a key, but Mark Byers explained that Chris was too young to have a key.

Mark Byers then left the Byers home to pick up Ryan, and instructed Chris to clean up the area around the carport until he returned.

According to the Offense Incident Report on file with the West Memphis Police Department, Mark Byers reported his step-son, Chris Byers, missing as of 5:30PM on 5-5-93. In the report, Mark Byers states that Chris Byers was last seen cleaning the yard at that time. This report was filed at 8:10PM.

According to the Offense Incident Report on file with the West Memphis Police Department, Diana Moore reported her son, Michael Moore, missing as of 6:00PM on 5-5-93. She states in this report that she observed her son riding bicycles with his friends Steve Branch and Chris Byers at this time. She further states that she lost sight of them, and sent her daughter to find them. The daughter was unable to locate the boys. This report was filed at 9:24PM.

The following details are taken directly from statements made by Mark Byers to Det. Brian Ridge of the West Memphis PD during a formal police interview dated 5-19-93:

At 6:30PM, Mark Byers arrived home with his son Ryan from the courthouse. Chris was not outside the house, and he was not found inside the house. Melissa Byers was, at that time, on the phone with her boss.

From 6:30-7:30PM, Mark, Melissa, and Ryan Byers drove around the neighborhood and surrounding areas and looking for their missing son. There is an indication that they wanted to find him and then

proceed to dinner at a local restaurant. During this time, they came across a black police officer on patrol, informed him of their missing son, and Mark Byers claims that the patrolman advised them to wait to make an official report to police until 8:00PM. Mark Byers explained to the officer, at this point, that he was very concerned because his son had never disappeared like this before.

(Note: This is in direct conflict with statements made by Melissa Byers in an interview with Det. Allen of the West Memphis PD dated 5-25-93. She states in this interview that Chris had on several occasions disappeared for several hours at a time, and that she believed that Chris lied to her about going to the Robin Hood area at least once.)

At approximately 8:00PM, Officer Regina Weeks of the West Memphis PD arrived at the Byers residence in response to a phone call from Mark Byers that his son Christopher was missing.

At approximately 8:15PM, Diana Moore shows up in the Byers' neighborhood looking for her son James M. Moore. She makes contact with the Byers, and Mark Byers explains that this is the first time he was informed that Chris was with other children. Diana Moore explains that she saw Steve Branch on his bike, James Moore on his bike, and Chris Byers on the back of Steve Branch's bike.

At approximately 8:30PM, Diana Moore, Mark Byers, Melissa Byers, and Ryan Byers begin a search of the last known location of the boys near the Robin Hood area. It was dark by this time, according to Mark Byers.

At this time, Mark Byers leaves the search party alone and returns to his home to change his clothing. The search party included, but was not limited to Ryan Byers, Ritchie Masters, Brett Smith, and Brett Smith's sister. Mark Byers was wearing shorts and flip-flops, and changes into boots and coveralls.

After changing his clothes, he returned to the search area and met up with Officer Moore of the West Memphis PD. Together they searched the woods until 10:30 or 11:00PM.

At this time, Mark Byers returned home and called the Sheriff to request a search and rescue team. He was advised to call Denver Reed, the leader of the Crittenden County search and rescue team, in the morning.

Mark Byers states that, after this phone conversation, he drove out to the Blue Beacon Truck Wash with his son Ryan. There he told everyone inside what he was doing, informed them of the missing children, and then drove his vehicle around back. He and Ryan stood outside shouting towards the woods for the children, and honking the car horn. They continued this for some time.

After this, Mark Byers and Ryan Byers drove back to the Byers' home and met up with Melissa Byers, Terry Hobbs (Steve Branch's grandfather) and Diana Moore. They talked for a while, then decided to make another pass through the woods in a search effort.

Between 1:30-2:30AM on 5-6-97, Sgt. Ball of the West Memphis PD drove by the Byers residence, and spoke with Mark and Melissa Byers. He advised them that a search was ongoing, and that officers in the area were looking for the children.

Shortly after this, Mark Byers' friend Tony Hudson arrived at the Byers residence. He and Mark Byers went to the Mid-continent building, which had been blown over, and was being rebuilt. They felt that the boys might be playing over there. At that location, they noticed a black van which was locked, and which appeared to belong to the people performing repairs on the building. They searched this location from between 2:00AM to 3:00AM. According to Byers, the children were not found at this location.

At that point, Mark Byers decided to wait for daylight before engaging in further search efforts.

At daybreak, Terry Hobbs, Diana Moore and others arrived at the Byers residence to resume search efforts. The search of the Robin Hood area lasted until about 8:00AM.

At 6:30AM, Mark Byers had called Denver Reed and arranged to meet him at the search area with the search and rescue team at approximately 8:30AM-9:00AM. Between 8:30AM and 9:00AM on 5-6-93, Mark Byers and Denver Reed met, and the search of the Robin Hood area began again.

According to the handwritten, unsigned, un-initialed 6 page investigative report labeled 'Crime Scene Notes' dated 5-6-93, the first body of one of the missing boys was located on Thursday, May 6th, 1993 at 1:45PM, by Sgt. Mike Allen. A location is not given. However it is implied that the body was found in a creek. The first body was pulled from the creek by police officers at 2:45PM. Det. Ridge located the second body in the creek at 2:56PM, approximately 25ft South of the first body. At 2:59PM, the third and final body is located in the creek 5ft South of the second body.

According to an undated report drafted by Kent Hale, the Crittenden County Coroner, Mr. Hale was contacted by the West Memphis PD on May 6th, 1993 at 3:20PM. He was advised that they had found the bodies of three boys in the woods near the Blue Beacon Truck Wash. Upon his arrival at the scene, all of the bodies had been removed from the creek, which was actually a drainage ditch, by officers on the scene.

Per his official reports, all dated 5-6-93, Kent Hale pronounced all three boys dead at the scene as follows:

Steve E. Branch 5-6-93, 3:58PM
Chris M. Byers 5-6-93, 4:02PM
James M. Moore 5-6-93, 4:02PM

Autopsy Report

James M. Moore:

The following forensic information is taken directly from the official autopsy report filed by Dr. Frank J. Peretti of the Arkansas State Crime Lab, Medical Examiner Division, dated 5-7-93, Case No. ME-329-93 and/ or from The official coroner's report filed by Kent Hale, Crittenden County Coroner, dated 5-6-97.

The purpose of this section is not to present an all inclusive, detailed account and explanation of every piece of information in these reports, but rather to explore these reports, with the corresponding photos, for consistency, possible omissions, and to review injuries or patterns that this examiner deemed to be significant to the case.

The victim, James M. Moore was a white male, 8 years of age, born July 27th, 1984, who died of multiple traumatic injuries to the head, torso, and extremities with drowning. He was found in a drainage ditch, drowned in 2ft of water, near the bodies of two other 8-year-old male victims. He was found completely nude, with his wrists bound to his ankles by shoelaces.

Time of Death Estimates

The Coroner's report completed by Mr. Kent Hale states that lividity (the red discoloration in the skin caused by the pooling and settling of the blood within the blood vessels) was present. It also states that the lividity blanched with pressure. Lividity begins about thirty minutes after death has occurred. After 4 or 5 hours, dependent on environmental conditions, lividity fixes and will not blanch. It takes about 8 to 10 hours for lividity to become fixed. This could place the time of death (which can only be given as a range) of James Moore at sometime after daybreak on May 6th, 1993. However it is only one biological indicator, and no one indicator should be used to determine the time of death.

The Coroner's report completed by Mr. Kent Hale further states that Rigor Mortis (the chemical process of the exhaustion of ATP in muscle tissue, which begins after death, that results in the stiffening or contracting of muscles in the body) was present, but that it was difficult to assess due to the way the victim was bound. As a general biological guideline, Rigor Mortis begins about 2 to 4 hours after death. And full Rigor Mortis is complete about 8 to 12 hours after death. Cold slows Rigor Mortis down, and heat speeds the process up.

When Dr. Peretti conducted his autopsy of James M. Moore, on May 7th, 1993, he stated that 'Rigor was present and fixed to an equal degree in all extremities.' The time that the autopsy was conducted is not noted on the report, therefore is difficult to gauge how far the body was into rigor. However, Dr. Peretti was confident that Rigor was evenly present throughout the extremities, and that he made no mention of any dissolution. As a general guideline, Rigor reaches full even distribution within 12 to 24 hours after death. Also as a general guideline, Rigor begins to disappear within 12 hours after that, at which time decomposition begins. Again, by itself, the use of Rigor Mortis to determine a time of death, or a time range of death, is not advised. Several biological indicators should be used.

As the above suggests, a time of death of any kind is very difficult to estimate given the differences in metabolic processes between individuals, given varying individual anatomy, and given varying environmental factors. The presentation and stages of Rigor Mortis and/ or Livor Mortis (lividity) used to make such estimations are not absolute, and should be treated as guidelines, not hard and fast biological principals to be blanketly generalized from case to case.

Wound Pattern Analysis

This victim received more traumatic head injuries than any of the other victims in this case. Dr. Peretti states that defense wounds were present on the victim's hands. These wounds were very few, indicating that victim was incapacitated quickly after the attack began. So the nature of these head injuries, and the limited defensive type wounds, combine to indicate sudden, forceful, and repeated blows that resulted in abraded contusions, multiple lacerations, and multiple skull fractures.

There is an unexplained directional pattern abrasion just below the victim's right anterior shoulder area.

This unexplained injury does not correspond with any of the physical evidence collected at the location that victim was discovered. It is furthermore inconsistent with any of the naturally occurring elements that exist in that environment. The best conclusion that this examiner can reach is that this pattern abrasion was created by forceful, directional contact with something that was not found at that crime scene, whether it be a weapon, a surface or something else capable of creating that pattern.

The shoelace ligatures used to restrain this victim did not leave deep furrows, and also did not leave abrasions. This indicates that the victim was not struggling while the ligatures were in place. This indicates further that the victim was very much unconscious when the ligatures were affixed to his wrists and ankles.

We know that the victim drowned, that is to say that hemorrhagic edema fluid was present in the victim's lungs, indicating that the victim was breathing when he was placed into the 2ft of water in the drainage ditch at Robin Hood Hills.

Together, these facts suggest that the purpose of the ligatures in this victim's case was to keep the victim from moving around or being able to swim should he regain consciousness once he had been thrown into the water. It is this examiners opinion that the assailant in this case demonstrated all manner of awareness and cognizance at this location. The assailant knew that this victim was not dead when they threw this victim into the water, and that the ligatures would assist to complete the act of deliberate homicide should the victim become conscious.

Sexual Assault/ Rape Indicators

The victim in this case does not show any signs consistent with sexual assault or rape. As Dr. Peretti's examination concluded, no sperm were present in any of the orifices, no injuries were detected on or at

the victim's genitals and an examination of the victim's anus revealed no injuries in the mucosal surfaces, which are very tender and sensitive.

Mr. Hale in his Coroner's report states that the victim may have been sexually assaulted. That is not a helpful statement. What may have occurred is not at issue. It is more accurate to state, after a full examination, that there is no evidence of sexual assault. It further important to note that sperm evidence, along with many other types of physical transfer evidence, would have been washed away when the victim was placed in the water. So a determination of whether or not a rape or sexual assault occurred is not always possible under these conditions.

It is also important to note that though the victim's anus was dilated, this by itself does not indicate or suggest anal penetration. The anus is a sphincter; a muscle which is tight and closed in most living individuals, and always open and dilated in deceased individuals. When someone dies their anus relaxes and dilates. The presence of a dilated anus taken to indicate sexual assault or rape is a very common misinterpretation made by untrained individuals when examining those who have met with violent death.

Lack Of Injuries

When compared to the other two victims in this case, who were found at the same location, bound nude with shoelace ligatures in the same fashion, the most striking discrepancy is the lack of injuries suffered by this victim. In the crime scene and autopsy photos made available to this examiner, there were no readily discernible bite marks visible, the genitals have not been visibly disturbed or molested, and there are no discernible stab wounds. This lack of attention is very telling, and will be discussed in the Offender Characteristics section of this report.

There is again a lack of evidence to support any sort of strangulation. Dr. Peretti states that his examination of the neck of this victim revealed no injuries, and the photos that this examiner has seen support that conclusion.

There is also, again, a lack of mosquito bites to this victim, which, as mentioned earlier, suggests that he received his injuries elsewhere first. This because the injuries took time to inflict, time during which many mosquito bites would have been received, even after death.

Recommendations

It is apparent from the physical evidence in this case that James M. Moore was attacked with sudden, violent force from which he defended himself in only a limited fashion. It cannot be known whether or not this was done before or after his clothes were removed. After the attack, he was unconscious, as it was at this point that he was bound with the shoelace ligatures.

It is this examiner's recommendation that the clothes of James M. Moore, recovered from the drainage

ditch, be re analyzed by experts to determine if bloodstain patterns are evident. If present, they may tell us the nature and angle of blows delivered; if blood is not present, then this could help establish whether or not the victim was wearing clothes when he was attacked.

Furthermore, the piece of cloth (pictured clutched in the victim's hand at the right), found in this victim's hand at the scene, should be re-examined. This is a very critical piece of physical evidence that has not been fully examined by qualified individuals to determine it's full evidentiary value in this case. The cloth is a potential link from this victim directly to a suspect. Where this victim tore this piece of cloth from is a question that begs answering. And given that it could be physically matched back to the material of origin, this makes its evidentiary value all the greater.

Autopsy Report

Steve E. Branch:

The following forensic information is taken directly from the official autopsy report filed by Dr. Frank J. Peretti of the Arkansas State Crime Lab, Medical Examiner Division, dated 5-7-93, Case No. ME-330-93 and/ or from The official coroner's report filed by Kent Hale, Crittenden County Coroner, dated 5-6-97.

The purpose of this section is not to present an all inclusive, detailed account and explanation of every piece of information in these reports, but rather to explore these reports, with the corresponding photos, for consistency, possible omissions, and to review injuries or patterns that this examiner deemed to be significant to the case.

The victim, Steve E. Branch, was a white male, 8 years of age, born Nov. 26th, 1984, who died of multiple traumatic injuries to the head, torso, and extremities with drowning. He was found in a drainage ditch, drowned in 2 ft of water, near the bodies of two other 8-year-old male victims. He was found completely nude, with his wrists bound to his ankles by shoelaces.

Time Of Death Estimates

The Coroner's report completed by Mr. Kent Hale states that lividity (the red discoloration in the skin caused by the pooling and settling of the blood within the blood vessels) was present. It also states that the lividity blanched with pressure. Lividity begins about thirty minutes after death has occurred. After 4 or 5 hours, dependent on environmental conditions, lividity fixes and will not blanch. It takes about 8 to 10 hours for lividity to become fixed. This could place the time of death (which can only be given as a range) of Steve Branch at sometime after daybreak on May 6th, 1993. However it is only one biological indicator, and no one indicator should be used to determine the time of death.

The Coroner's report, completed by Mr. Kent Hale, further states that Rigor Mortis (the chemical process of the exhaustion of ATP in muscle tissue, which begins after death, that results in the stiffening

or contracting of muscles in the body) was present, but that it was difficult to assess due to the way the victim was bound. As a general biological guideline, Rigor Mortis begins about 2 to 4 hours after death. And full Rigor Mortis is complete about 8 to 12 hours after death. Cold slows Rigor Mortis down, and heat speeds the process up.

When Dr. Peretti conducted his autopsy of Steve E. Branch, on May 7th, 1993, he stated that 'Rigor was present and fixed to an equal degree in all extremities.' The time that the autopsy was conducted is not noted on the report, therefore is difficult to gauge how far the body was into rigor. However, Dr. Peretti was confident that Rigor was evenly present throughout the extremities, and that he made no mention of any dissolution. As a general guideline, Rigor reaches full even distribution within 12 to 24 hours after death. Also as a general guideline, Rigor begins to disappear within 12 hours after that, at which time decomposition begins. Again, by itself, the use of Rigor Mortis to determine a time of death, or a time range of death, is not advised. Several biological indicators should be used.

As the above suggests, a time of death of any kind is very difficult to estimate given the differences in metabolic processes between individuals, given varying individual anatomy, and given varying environmental factors. The presentation and stages of Rigor Mortis and/ or Livor Mortis (lividity) used to make such estimations are not absolute, and should be treated as guidelines, not hard and fast biological principals to be blanketly generalized from case to case.

Wound Pattern Analysis

There are numerous violent, traumatic injuries to this victim's face and head, as well as numerous superficial scratches, abrasions, and contusions noted throughout the rest of his body. Dr. Peretti, however, does not note the presence of extensive defensive wounds.

This indicates a violent, overpowering attack on this victim that he was unable to put up resistance against. The constellation of wounds are very similar to those inflicted on James Moore, however they are much more intense and include the victim's face.

This level of attention paid to the victim's face, in terms of depersonalization and rage, is indicative of familiarity and that will be explored later on in this report.

Furthermore, there is the existence of patterned injuries all over this victim's face that could be bite marks. Since the ME may have missed this crucial evidence, other areas of his body may show bite mark evidence as well. The autopsy photos of this victim supplied to this examiner were not of sufficient quality to make an absolute determination of any kind, and would require a thorough examination by a qualified forensic odontologist for an informed, conclusive analysis. *[Dr. Thomas David, board certified forensic odontologist, has confirmed the wound as a human adult bitemark and excluded Damien Echols, Jason Baldwin and Jessie Misskelley as the offender using bite impressions obtained from the men in prison]*

Bite mark evidence is very important in any criminal case because it demonstrates behavior and lends itself to individuation. It can reveal to an examiner who committed the act, because bite marks can be as unique as fingerprints. And, once established, it also reveals the act itself; biting.



Human adult bitemark confirmed by board certified odontologist, Dr. Thomas David

Another unidentified pattern compression abrasion can be found on the back of Steve Branch's head. The source of this injury caused a 3' inch fracture at the base of the skull with multiple extension fractures that terminate in the foramen magnum (that's the hole at the base of the skull where the spinal cord connects to the brain). Upon close examination, this pattern injury is consistent with compression made from footwear. Again, without better photos supplied to the examiner showing a variety of angles, it's very difficult to make a positive identification of any kind. But the pattern is consistent with a footwear impression, and would require a footwear impression expert to analyze and make an informed, competent determination.

The shoelace ligatures used to restrain this victim did leave deep furrows, and also did leave patterned

abrasions on both the wrists and ankles. This indicates that the victim was struggling while the ligatures were in place. This indicates further that the victim was very much conscious before or after the ligatures were affixed to his wrists and ankles.

We know that the victim drowned, that is to say that hemorrhagic edema fluid was present in the victim's lungs, as well as in the victim's mouth, indicating that the victim was breathing when he was placed into the 2ft of water in the drainage ditch at Robin Hood Hills.

Together, these facts, again, suggest that the purpose of the ligatures in this victim's case was to keep the victim from moving around or being able to swim should he regain consciousness once he had been thrown into the water. It is this examiner's opinion that the assailant in this case demonstrated all manner of awareness and cognizance at this location. The assailant knew that this victim was not dead when they threw this victim into the water, and that the ligatures would assist to complete the act of deliberate homicide should the victim become conscious.

Sexual Assault/ Rape Indicators

As Dr. Peretti's examination concluded, no sperm were present in any of the orifices, no injuries were detected on or at the victim's genitals and an examination of the victim's anus revealed no injuries in the mucosal surfaces, which are very tender and sensitive.

Mr. Hale in his Coroner's report states that the victim may have been sexually assaulted. That is not a helpful statement. What may have occurred is not at issue. It is more accurate to state, after a full examination, that there is no evidence of sexual assault. It further important to note that sperm evidence, along with many other types of physical transfer evidence, would have been washed away when the victim was placed in the water. So a determination of whether or not a rape or sexual assault occurred is not always possible under these conditions.

It is also important to note that though the victim's anus was dilated, this by itself does not indicate or suggest anal penetration. The anus is a sphincter; a muscle which is tight and closed in most living individuals, and always open and dilated in deceased individuals. When someone dies their anus relaxes and dilates. The presence of a dilated anus taken to indicate sexual assault or rape is a very common misinterpretation made by untrained individuals when examining those who have met with violent death.

Lack Of Injuries

There is again a lack of evidence to support any sort of strangulation. Dr. Peretti states that his examination of the neck of this victim revealed no injuries, and the photos that this examiner has seen support that conclusion.

There is also, again, a lack of mosquito bites to this victim, which, as mentioned earlier, suggests that he

received his injuries elsewhere first. This because the injuries took time to inflict, time during which many mosquito bites would have been received, even after death.

Recommendations

It is apparent from the physical evidence in this case that Steve E. Branch was attacked with sudden, violent force from which he defended himself in only a limited fashion. It appears as though this attack took place, at least in part, while his cloths were off and while he was restrained by the shoelace ligatures.

It is this examiner's recommendation that both a forensic odontologist and a footwear impression analyst review the aforementioned photos for evidentiary saliency. Without such experts it will be difficult to accurately assess the validity of the related evidence as indicated by the autopsy photos. The photos indicate pattern evidence that is consistent with bite mark and footwear impression evidence, but without an expert's eye and experience the usefulness of that evidence will be limited.

Autopsy Report

Chris M. Byers:

The following forensic information is taken directly from the official autopsy report filed by Dr. Frank J. Peretti of the Arkansas State Crime Lab, Medical Examiner Division, dated 5-7-93, Case No. ME-331-93 and/ or from The official coroner's report filed by Kent Hale, Crittenden County Coroner, dated 5-6-97.

The purpose of this section is not to present an all inclusive, detailed account and explanation of every piece of information in these reports, but rather to explore these reports, with the corresponding photos, for consistency, possible omissions, and to review injuries or patterns that this examiner deemed to be significant to the case.

The victim, Chris M. Byers, was a white male, 8 years of age, born June 23rd, 1984, who died of multiple traumatic injuries to the head, as well as the violent removal of his penis, the scrotal sac, and the testes, and associated cuts and stab wounds to the genital area.

This victim was found in a drainage ditch, in 2' ft of water, near the bodies of two other 8-year-old male victims. He was found completely nude, with his wrists bound to his ankles by shoelaces.

It should be noted that this victim's injuries were the most extensive, most violent, and most overtly sexual of the all the victims in this case. The nature and extent of this victim's wounds indicate that the assailant spent the most time with this victim. Additionally, this victim's toxicology report revealed non-therapeutic levels of carbamazepine in the blood. All of these differences are very important, and will be explored in the later sections of this report.

Time Of Death Estimates

The Coroner's report completed by Mr. Kent Hale states that lividity (the red discoloration in the skin caused by the pooling and settling of the blood within the blood vessels) was present. It also states that the lividity blanched with pressure. Lividity begins about thirty minutes after death has occurred. After 4 or 5 hours, dependent on environmental conditions, lividity fixes and will not blanch. It takes about 8 to 10 hours for lividity to become fixed. This could place the time of death (which can only be given as a range) of Steve Branch at sometime after daybreak on May 6th, 1993. However it is only one biological indicator, and no one indicator should be used to determine the time of death.

The Coroner's report, completed by Mr. Kent Hale, further states that Rigor Mortis (the chemical process of the exhaustion of ATP in muscle tissue, which begins after death, that results in the stiffening or contracting of muscles in the body) was present, but that it was difficult to assess due to the way the victim was bound. As a general biological guideline, Rigor Mortis begins about 2 to 4 hours after death. And full Rigor Mortis is complete about 8 to 12 hours after death. Cold slows Rigor Mortis down, and heat speeds the process up.

When Dr. Peretti conducted his autopsy of Chris M. Byers, on May 7th, 1993, he stated that 'Rigor was present and fixed to an equal degree in all extremities.' The time that the autopsy was conducted is not noted on the report, therefore is difficult to gauge how far the body was into rigor. However, Dr. Peretti was confident that Rigor was evenly present throughout the extremities, and that he made no mention of any dissolution. As a general guideline, Rigor reaches full even distribution within 12 to 24 hours after death. Also as a general guideline, Rigor begins to disappear within 12 hours after that, at which time decomposition begins. Again, by itself, the use of Rigor Mortis to determine a time of death, or a time range of death, is not advised. Several biological indicators should be used.

As the above suggests, a time of death of any kind is very difficult to estimate given the differences in metabolic processes between individuals, given varying individual anatomy, and given varying environmental factors. The presentation and stages of Rigor Mortis and/ or Livor Mortis (lividity) used to make such estimations are not absolute, and should be treated as guidelines, not hard and fast biological principals to be blanketly generalized from case to case.

Wound Pattern Analysis

There are numerous violent, traumatic injuries to this victim's head, specifically to the base of the skull. There was also evidence of the violent emasculation of the victim's sex organs, extensive lacerations and bruising to the victim's buttocks, as well as numerous superficial scratches, abrasions, and contusions noted throughout the rest of his body. Dr. Peretti also noted that there were numerous healed injuries of varying nature on this victim. Dr. Peretti, however, did not note the presence of defensive wounds.

Again, this indicates a violent, overpowering attack on this victim that he was unable to put up resistance

against. The general constellation of wounds to this victim is more advanced, more extensive, more overtly sexually oriented and includes the use of a knife.

This knife was used not only to inflict multiple stabbing and cutting injuries to the victim's inner thighs and genital area, it was used in the emasculation process. There is, unmentioned in either the ME's or Coroner's reports, what appears to be a clear impression of the knife handle on the right side of the large gaping defect left behind after the removal of the victim's penis, scrotal sac, and testes. This impression was created when the knife was thrust full length into the victim by the assailant, during the process of emasculation. This indicates forceful, violent thrusts. The nature of this emasculation, as indicated by these wounds, is neither skilled nor practiced. It was a rageful, careless, but purposeful act carried out in anger. It is the opinion of this examiner that this injury would have resulted in massive, uncontrollable blood-loss, from which the victim could not have survived without immediate medical attention.

It should also be pointed out that the nature of the stab wounds inflicted on the victim's genital area, separate from those received during the emasculation process, show marked irregular configuration and pulling of the skin. This indicates that either the knife was being twisted as the assailant stabbed the victim, or that the victim was moving as the blade was withdrawn.

As stated by Mark Byers, the step-father of Chris Byers, to Det. Brian Ridge of the West Memphis PD during a formal police interview dated 5-19-93, Mark Byers gave Chris '2 or 3 licks,' described as a spanking with his belt in front of Melissa Byers shortly before his disappearance. There are only three sets of injuries in Chris Byers' buttock area noted by Dr. Peretti in the official autopsy report that would seem to be the result of this spanking. Dr. Peretti does not venture to explain which of those three sets of injuries are the result of the spanking delivered by Mark Byers.

The first set of injuries is described as faint contusions on the surface of the right buttocks (not pictured). These injuries could be consistent with the parental whipping given to Chris Byers by Mark Byers.

The second set of injuries is described as five superficial cutting wounds on the left buttock (pictured on the left in this photo at the right). It should be noted that these injuries are actually lacerations, as indicated by the bridging between the open tissue, and the irregular edges. Both indicators are apparent upon close examination of the photographs. It is the opinion of this examiner that this set of injuries is most consistent with the parental whipping given to Chris Byers by Mark Byers. It is further the opinion of this examiner that after having received this set of injuries, which tore open the skin and would have resulted in some severe bleeding, the victim would have been unable to walk or ride a bicycle without incredible pain and discomfort.

The third set of injuries is the multiple linear superficial interrupted cuts on the right buttock region (pictured in the photo above on the right). These injuries are not consistent with having been made by a belt as they are cuts. The edges are not irregular, and the cuts are interrupted, again indicating movement by the victim or the assailant during the attack.

Furthermore, there is the existence of bruised ovoid compression injuries all over this victim's inner thigh that could be suction type bite marks. Since the ME may have missed this crucial evidence, other areas of his body may show bite mark evidence as well. The autopsy photos of this victim supplied to this examiner were not of sufficient quality to make an absolute determination of any kind, and would require a thorough examination by a qualified forensic odontologist for an informed, conclusive analysis.

Bite mark evidence is very important in any criminal case because it demonstrates behavior and lends itself to individuation. It can reveal to an examiner who committed the act, because bite marks can be as unique as fingerprints and positively identify a suspect. And, once established, it also reveals the act itself; biting.

The shoelace ligatures used to restrain this victim did leave deep furrows, and also did leave patterned abrasions on both the wrists and ankles. This indicates that the victim was struggling while the ligatures were in place. This indicates further that the victim was very much conscious before or after the ligatures were affixed to his wrists and ankles.

We know that this victim did not drown, that is to say that no hemorrhagic edema fluid was present in the victim's lungs, or well in the victim's mouth. This indicates that the victim was already dead when he was placed into the 2' ft of water in the drainage ditch at Robin Hood Hills. This is, again, very different from the other two victims in this case.

On a final note, Mr. Hale states in his supplemental report on Chris Byers that there is a stab wound on his head. This is actually incorrect, and rectified by Dr. Peretti who states in his autopsy report of Chris Byers that the same injury is a 1^o-inch laceration to the left parietal scalp.

Sexual Assault/ Rape Indicators

As Dr. Peretti's examination concluded, no sperm were present in any of the orifices. There were also no apparent injuries to the anus. However the victim was brutally emasculated, and shows some evidence of bite mark injury on the inside of his thighs. This victim was sexually assaulted, and the attack on this victim was highly sexual in its nature.

There are, however, no clear indications of rape (that is, forceful penetration). It is also important to note that though the victim's anus was dilated, this by itself does not indicate or suggest anal penetration. The anus is a sphincter; a muscle which is tight and closed in most living individuals, and always open and dilated in deceased individuals. When someone dies their anus relaxes and dilates. The presence of a dilated anus taken to indicate sexual assault or rape is a very common misinterpretation made by untrained individuals when examining those who have met with violent death.

Lack Of Injuries

There is again a lack of evidence to support any sort of strangulation. Dr. Peretti states that his examination of the neck of this victim revealed no injuries, and the photos that this examiner has seen support that conclusion.

There is also, again, a lack of mosquito bites to this victim, which, as mentioned earlier, suggests that he received his injuries elsewhere first. This because the injuries took time to inflict, time during which many mosquito bites would have been received, even after death.

Additionally, unlike Steve Branch, there is no overkill present in this victim's face. That is to say that this is another of the marked differences between the killings of Steve Branch and Chris Byers which is very important to note, and which will be explored more thoroughly in this report.

Recommendations

It is apparent from the physical evidence in this case that Chris M. Byers was attacked with sudden, violent force from which he defended himself in only a limited fashion. It appears as though this attack took place, at least in part, while his cloths were off and while the shoelace ligatures restrained him. He was sexually assaulted (an assault of a sexual nature, to areas of the body considered to be sexual, that does not include sexual penetration), and associated stab wounds indicate that he may have been conscious during several phases of the attack.

There is also evidence to suggest previous, but recent, physical abuse of Chris Byers. Given the use of corporal punishment by the father, Mark Byers, and given the healed injuries noted by Dr. Peretti, and the extent of the injuries to Chris Byers buttocks, this possibility should be thoroughly investigated.

It is this examiner's recommendation that a forensic odontologist review the aforementioned photos for evidentiary saliency. Without such experts it will be difficult to accurately assess the validity of the related evidence as indicated by the autopsy photos. The photos indicate pattern evidence that is consistent with bite mark evidence, but without an expert's eye and experience the usefulness of that evidence will be limited.

It is also the recommendation of this examiner that an expert in child abuse injuries be asked to review the photographs of the injuries to this victim and make a comment.

Victimology

James Michael Moore

The information available to this examiner regarding this particular victim was very limited. It is the opinion of this examiner that a full background investigation should be made of this victim, as well as establishing friends, enemies, regular activities, and that at least a full reconstruction be done of his last 24 hours before he was determined to be missing. It is also the opinion of this examiner that a

investigation into the medical records and school records of this child is requisite.

Background

The victim, 8 year old James M. Moore, was born on 7-27-84. At the time of the attack that resulted in his death, he lived on 1398 E. Barton in West Memphis, Arkansas with his mother, Diana Moore. His family is in the lower socioeconomic class.

He attended Weaver Elementary School, and was an avid Boy Scout. In fact he was wearing his Boy Scout shirt and cap at the time of his disappearance, both of which were recovered at the scene with his body.

Physical Traits

The victim is described by his mother, in the missing persons report filed with West Memphis PD on 5-5-93, as: 4 ft. tall, 60 lbs., with brown hair and blue eyes.

Clothing

On the evening of his disappearance, according to his mother, the victim was wearing blue pants, a blue Boy Scouts of America shirt, an orange and blue Boy Scouts hat, and tennis shoes.

Risk Assessment

This victim normally lived a low-medium risk lifestyle. He had a structured schedule involving school and extracurricular activities with friends and family. He was expected to be home for dinner, and his mother appeared to be aware of his whereabouts, generally. That is to say, he is normally at low-medium risk of being the victim of this type of crime because of his activities and lifestyle.

On the night of the victim's disappearance, he was not under the direct care of a parent or guardian. And he was engaging in activities away from his neighborhood and the protective eyes of the community. This put him at medium risk of being the victim of this type of crime.

However, he still would have been an extremely high-risk victim from the viewpoint of the assailant responsible for this crime for the following reasons:

The victim was in a group, not alone: the assailant would have had to successfully con or incapacitate all of the victims at once to prevent them from getting away. This is possible, but requires ability, strength and competence on the part of the offender.

The victim and his friends were young: young children are very carefully attended to, in general, and are

expected places, and will almost always be missed within a short period of time.

Steve Edward Branch

The information available to this examiner regarding this particular victim was very limited. It is the opinion of this examiner that a full background investigation should be made of this victim, as well as establishing friends, enemies, regular activities, and that at least a full reconstruction be done of his last 24 hours before he was determined to be missing. It is also the opinion of this examiner that an investigation into the medical records and school records of this child is requisite.

Background

The victim, 8 year old Steve E. Branch, was born on 11-26-84. At the time of the attack that resulted in his death, he lived on 1601 E. McAuley in West Memphis, Arkansas with his mother, Pamela Marie Hobbs. According to the Missing Persons Report filed by Pam Hobbs, at the time of his disappearance the family did not have a telephone at their residence. The Hobbs family is in the lower socioeconomic class.

Steve Branch attended Weaver Elementary School, and was an avid Boy Scout, according to statements made by Mark Byers.

Physical Traits

The victim is described by his mother, in the Missing Persons Report filed with West Memphis PD on 5-5-93, as: 4'2" tall, 60 lbs., blonde hair and blue eyes.

Clothing

On the evening of his disappearance, according to his mother, the victim was wearing blue jeans and a white T-shirt. He was also riding a 20" black colored 'Renegade' bicycle.

Personality/ Medical History

N/A

Risk Assessment

This victim normally lived a low-medium risk lifestyle. He had a semi- structured schedule involving school and extracurricular activities with friends and family. He was expected to be home for dinner, and his mother appeared to be aware of his whereabouts, generally. That is to say, he is normally at low-medium risk of being the victim of this type of crime because of his activities and lifestyle.

On the night of this victim's disappearance, he was not under the direct care of a parent or guardian. And he was engaging in activities away from his neighborhood and the protective eyes of his parents and the community. This put him at medium risk of being the victim of this type of crime.

However, he still would have been an extremely high-risk victim from the viewpoint of the assailant responsible for this crime for the following reasons:

The victim was in a group, not alone: the assailant would have had to successfully con or incapacitate all of the victims at once to prevent them from getting away. This is possible, but requires ability, strength and competence on the part of the offender.

The victim and his friends were young: young children are very carefully attended to, in general, and are expected places, and will almost always be missed within a short period time.

Christopher Mark Byers

Background

The victim, 8 year old Christopher Mark Byers, was born on 6-23-84. At the time of the attack that resulted in his death, he lived on 1400 E. Barton in West Memphis, Arkansas with his mother, Melissa Byers, his step-father, John Mark Byers, and his half brother, 13 year old Ryan Byers, who has dyslexia.

Chris was born Christopher Lee Murray. According to reports written by Pediatric Neurology, P.A., where Chris was a patient, Chris' biological father had 'multiple sociopathies' and was believed to be a paranoid schizophrenic. His biological father was also very aggressive, had a history of difficulty with the law as well as a history of substance abuse.

According to a police interview with Det. Allen dated 5-25-993, Melissa Byers states that John Mark Byers adopted Chris '2 or 3 years ago' at which time Chris' name was changed to Christopher Mark Byers. (Pediatric Neurology, P.A. lists the patient as Chris Murray throughout 1993, but as Chris Byers during 1990)

At the time of Chris Byers' death, the Byers family lived primarily from the disability pay received by Mark Byers, who claims to have been diagnosed with a brain tumor which he further claims results in black outs and slurred speech. Mark Byers was also trained as a jeweler, regularly attended swap meets, and claimed to be taking the prescription drug Tegretol for his seizures (trade name for Carbamazepine). At this time, Mark Byers was also a drug informant for the West Memphis PD, and enjoyed their confidence and trust, being on a first name basis with most of the detectives investigating this case.

Chris Byers attended Weaver Elementary School, and was not an avid Boy Scout, according to statements made by Mark Byers, but did attend one or two meetings and expressed a desire to become

more involved.

Physical Traits

Chris Byers is described by his stepfather, in the missing persons report filed with West Memphis PD on 5-5-93, as: 4'4" tall, 50 lbs., light brown hair and brown eyes.

Clothing

On the evening of his disappearance, according to his Mark Byers, the victim was wearing blue jeans dark shoes, and a white long sleeve shirt. He was also riding a 20" black colored 'Renegade' bicycle.

Intelligence/ Scholastic Achievement

The following information is according a medical report filed by Donald J. Eastmead, MD of Pediatric Neurology, P.A. in Memphis, Tennessee on 1/14/93:

Chris has been tested and appears to be at normal levels, and has a purported 'C' average, but attends special education classes.

Personality/ Medical History

The following information is according a medical report filed by Donald J. Eastmead, MD of Pediatric Neurology, P.A. in Memphis, Tennessee on 1/14/93:

'Chris is seen with his mother and stepfather (six years) for extreme impulsivity, destructiveness, opposition, defiance, hyperactivity, extremely low frustration tolerance and refusal to follow commands. There have been episodes of fire starting and anger outbursts with fighting towards the other children. The other children and their parents refuse to let their children play with Chris.'

On page two of that report, Dr. Eastmead gives three diagnosis' of Chris condition: Encephalopathy demonstrated by Attention-Deficit Hyerpactivity Disorder; Intermittent Explosive Behavior; and Conduct Disorder (it should be noted that the onset of conduct disorder before the age of 15 is one of the primary requirements of the Anti-social Personality Disorder).

Dr. Eastmead also states:

'Chris is certainly a difficult child who may require in-hospital treatment to gain control of his behavior. I am increasing the medication and changing it to Dexidrine 5 to 10 mg morning and noon, 5 in the afternoon, as well as adding Tegretol (Carbamazepine) 50 to

100 mg t.i.d. Tofranil caused visual hallucinations, and this will not be tried.'

It should also be noted that Chris had been prescribed a regular prescription of Ritalin since at least 4/21/92.

According to a missing persons report filed with the West Memphis PD on 5-5-93 by Mark Byers, Chris was on Ritalin at the time of his disappearance, but had not taken his medication that day.

According to an interview with Melissa Byers on 5-25-93 conducted by Det. Allen of the West Memphis PD, Melissa Byers claimed to be concerned that Chris was being sexually abused. She reportedly spoke with the school guidance counselor regarding this issue, and confronted Chris about it directly. This in response to Chris' pattern of destructive, violent, and defiant behavior, including several incidents of fire setting.

Risk Assessment

This victim normally lived a very high-risk lifestyle. Not only was Chris a defiant child with tendencies towards violence a destructive anti-social behavior, but he was susceptible, needing the attention and approval from others that he was clearly not getting in his home environment. There are also some very clear indicators that lead this examiner to believe that Chris was being physically, if not sexually, abused. These indicators include Chris' Conduct Disorder, his ADD, and the healed injuries noted in the autopsy report.

It is also clear that despite Chris pattern of behavior, Mark Byers and Melissa Byers put very little effort into regulating the behavior of Chris Byers. He certainly was not being monitored very closely on the day of his disappearance, despite statements by his parents that he was being punished for not waiting around outside his home until someone got home with a key to let him in. Chris Byers was an emotionally and physically vulnerable child who was constantly on medication, who desired the attention of others and who was constantly exhibiting defiant, violent, and impulsive behaviors. This was not a healthy child, living in a healthy home environment.

However, Chris still would have been a moderately high-risk victim from the viewpoint of any assailant responsible for this crime for the following reasons:

The victim was in a group, not alone: the assailant would have had to successfully con or incapacitate all of the victims at once to prevent them from getting away. This is possible, but requires ability, strength and competence on the part of the offender.

The victim and his friends were young: young children are very carefully attended to, in general, and are expected places, and will almost always be missed within a short period time.

Crime Scene Characteristics

Scene Type

A primary crime scene is most often defined as the scene where the most interactions between the victim and the offender take place. The crime scene that these three victims were found at was a disposal site only. It was secondary to the primary crime scene. This is established by the following factors:

The nature and extent of the wounds inflicted upon these victims, especially the emasculation of Chris Byers, required light, required time, and required uninterrupted privacy. As it was dark in those woods, and as search parties were traveling in and out of the area all evening, this dictates a secluded structure of some kind away from the immediate area of attention.

The nature and extent of the wounds inflicted upon these victims, especially the emasculation of Chris Byers, would have resulted in a tremendous amount of blood loss. Very little blood was found at this scene on the banks of the drainage ditch.

The stabbing injuries and emasculation injuries inflicted upon Chris Byers alone, because Chris was conscious during at least part of the assault, would have resulted in a great deal of screaming. Of all the sounds reported that evening by searchers and local residents, screaming was not among them.

It is the opinion of this examiner, then, that this crime as it stands is at least three crime scenes short of being solved. That is to say that there are at least four crime scenes total involved in this crime:

The abduction site (presumably in or near the Robin Hood Hills area)

The attack site (a nearby structure or residence)

The dump site (The drainage ditch where the bodies were found))

The vehicle used to transport (a truck of some kind)

Method of Approach

The three victims in this case were last seen together on two bicycles riding towards the Robin Hood Hills area. It is most likely that the assailant approached them while still together. This high likelihood and the sudden violent nature of the wounds, coupled with limited resistance on the part of the victims, is very suggestive.

These elements together suggest that someone that the victims knew and trusted approached them. They further suggest that once the confidence of the three victims was won, the assailant was able to take them to another location and gain control of them in some manner.

It is clear that the assailant was much larger and stronger than the victims, so physical intimidation and fear were factors. This would have been a factor in the initial approach. It is also clear that the assailant had a knife, but this would not have been displayed during the initial approach. The method of approach in this case was most likely a con of some kind to acquire trust, followed up at another location by a sudden, violent attack to gain control.

Methods of Control

The assailant in this case controlled his assault on these three victims with very specific, deliberate methods.

Firstly, he removed them to a location that he was familiar with, where he could feel dominant and establishes his authority by his presence alone.

Secondly, he delivered sudden and violent traumatic blows to each of the victim's heads. The superficial blows could have been corrective in nature, that is to say, delivered with the intent to gain compliance. However it is clear that the main body of injuries were rageful in nature, being deep, forceful, and resulting in extensive damage.

Thirdly, the assailant did bind each of the victims. Steve Branch and Chris Byers both show deep ligature furrows with ligature abrasions, indicating that they were alive and conscious while the bindings were in place. James Moore had no ligature abrasions, indicating he was unconscious while his bindings were in place. This indicates that the assailant did not feel the need to bind James Moore until much later in the offense. This indicates that either James Moore was completely compliant to the offender's commands, or that he was unconscious. Given the overall retaliatory nature of this attack, the level of excessive brutality, and the lack of emotional control demonstrated by the assailant in this case, it is the opinion of this examiner that James Moore was unconscious throughout most of this attack. He very likely received the first attack from the assailant, perhaps as an example to the other two victims.

Fourthly, there is the indication that Carbamazepine (Tegretol) was used on Chris Byers, as it was found in non-therapeutic levels in his system according to the toxicology report. It needs to be established what that child was taking at the time, in what doses, and what should have been in his system. If this child received a non-therapeutic dose of Carbamazepine, this could indicate an attempt at a fourth method of control on the part of the assailant.

The assailant's Methods of Approach and his Methods of Control speak to an offender who knew these victims well, and who had given some limited thought as to how to carry off this crime before doing so. However the use of available materials in the commission of the crime (shoelaces for bindings, potentially Carbamazepine), the amount of physical evidence left behind on the bodies (despite the fact that it was originally overlooked), and the anger evident in these assaults speak to an offender who did not set out on that evening to commit the crimes committed.

Amount of Force

There was a high level of suddenly applied physical force used to gain these victims' initial compliance once they had been removed to the primary crime scene.

There was a brutal level of physical force used throughout the assault on the victims. The victims were all given violent, traumatic blows to the head; Steve Branch received massive gauging and/ or bite mark injuries to his face; and Chris Byers received multiple stab wounds to his groin, up to and including a violent, unskillful emasculation.

The offender's need for these excessive levels of force, victim damage, and specific sexual violence indicate an extremely reactive, angry, retaliatory offender. These kids were being punished for some real or perceived wrong.

The amount of force and the nature of the force that was used on these victims suggest also that this assailant would not have bargained with or listened to the pleas of these victims. The assailant was enraged, and concerned only with teaching these victims a lesson, from his point of view.

Victim Resistance

The victims demonstrated only limited resistance to this attack. This is demonstrated by the very limited amount of defensive injury noted in the autopsy reports. This speaks to the sudden, unexpected application of force from an overwhelming assailant.

Type and Sequence of Sexual Acts

There is only physical evidence to suggest one overtly sexual act committed during the attacks on these three victims. That is the emasculation of Chris Byers. As will be explained, this is a sexual act with some sexual meaning to the offender. However it was more punishment oriented and should not be confused with something which would have necessarily sexually aroused the offender.

As explained in a prior section, the abrasions on Steve Branch's penis, which were likely self-inflicted, are not necessarily related to this particular attack. They do however, indicate a sexualized child which suggests a child who is being sexually abused.

Precautionary Acts

This case is replete with precautionary acts that were committed by the assailant. Precautionary acts are behaviors that the assailant purposefully engages in to protect his own identity, facilitate his escape from the scene, and destroy or deny the transfer of physical evidence (an uncomplex example would be a burglar who wears a mask and gloves; both are precautionary acts).

The following are examples of precautionary acts committed by the assailant. This is not meant to be an all-inclusive list, but rather to demonstrate the assailant's state of mind before, during and after the offense:

Removal of the victims to a location that he controlled: This act put the offender and the victims in an environment that the offender controlled. It facilitated an unseen, uninterrupted attack upon the victims, providing the assailant with the time to engage in those activities that he desired.

Disposal of the bodies in the water: This act very effectively washes all of the physical transfer evidence from the bodies of the victims. It also places the victims at a location separate from the assailant.

Destruction of the victim's clothing and related evidence: This act, carried out by dumping the victim's clothing in the water, used the water in the drainage to help wash away transfer evidence. It also serves the purpose of preventing investigators from finding the victim's clothing on the assailant should his residence or related location be searched.

Conclusions regarding these behaviors will be drawn in the Offender Characteristics section.

Purpose of the Assault

It is the opinion of this examiner that the primary reason for these killings was punitive. The victims were being punished for some real or perceived wrong. The reasons for this opinion have been thoroughly established in other parts of this report.

It should be pointed out at this point that this examiner is under the opinion that James M. Moore was a collateral victim. That is to say that he was not an intended victim, and that he died because of his association with the other two victims at the time. The anger of the assailant in this case, manifested in victim damage and sexual mutilation, is directed primarily at Steve Branch and Chris Byers. This would indicate that the strongest personal associations with the assailant are with Chris and Steve.

Number of Assailants

It is the opinion of this examiner that the number of assailants in this case was most likely two. The presentation is more consistent with two offenders than with one, or three.

This is for the following reasons:

The number of victims abducted and killed would have been more easily accomplished with two assailants.

It would have been easier to inflict the range of injuries on the victims with two assailants, especially for the emasculation of Chris Byers.

The nature, quality and extent of the injuries to Chris Byers and Steve Branch are markedly different, and suggest two separate offenders with very different ways of expressing their rage.

Steve Branch was bitten repeatedly about the face, with deep, tearing bites that left behind lacerations and poor detail. He suffered no stab wounds or cutting wounds. There is no sexual indication to the assault on his person, only punishment.

Chris Byers suffered comparatively less injury to the face, receiving the greatest attention to his genitals, which were stabbed repeatedly and then ultimately removed. In addition, the bite marks he appears to have suffered were of the 'suck mark' type, which is more sexually oriented. There is, in fact, a sexual aspect in the attack to Chris Byers' genitals, which clearly points to an offender ashamed of his own sexuality, and perhaps confused and angered by his own sexual attraction to males. Part of why Chris is being punished is for his own sexuality, and the sexuality that his genitals represent to the assailant. The offender punished Chris and established, or re-establish, sexual ownership of him through the emasculation. This is again most consistent with two separate offenders, because you would expect that assailant would have emasculated both or neither given his propensity.

It is further the opinion of this examiner that the attack on Chris Byers was carried out by a male assailant. But that the attack carried out on Steve Branch could have been either a male or female assailant. The Battered Child nature of the bite marks on Steve Branch, in the experience of this examiner, is more often associated with a female offender.

'Satanic Ritual' Assessment

This crime does not present at all as a satanic ritual, or cult related, homicide.

According to the Crime Classification Manual by Douglas et al, a designation of 141: Cult Murder has specific defining characteristics that are largely unseen in these particular homicides. They are as follows:

Victimology

Cult murders or satanic murders can be the result of randomly selected victims, but most often the victims are members of the group, or fringe members. Though it does generally involve multiple members.

Crime Scene Indicators

The crime scene will generally contain items or imagery that are symbolic to the group or cult.

The disposal methods involving the bodies tend to be thorough burials in mass graves when the killing is meant to intimidate a small group of people. Little attempt will be made to conceal the body when the purpose of the killing is to intimidate a larger number of people, however the body will often be positioned symbolically in such cases.

There are, however, generally indications of multiple offenders, as in this case.

Investigative Considerations

The leaders of cults or such groups tend to have a masterful ability to attract and manipulate people, exploiting their vulnerability. The purpose for killing tends to be to eliminate troublemakers and/ or tighten his control over the group.

'Serial Killer' Assessment

Victimology

The victimology in this case does not lend itself to suggesting a serial offender. In fact, quite the opposite is true.

Firstly, and most importantly, the victims would have represented a very high risk to any offender because there were three of them, and they were young children.

Three victims are a problem because if you grab one or two, the third could get away and later identify you. Serial offenders who grab kids off their bikes are going to take one, maybe two, victims at the most. But assaults or abductions of three victims or higher tend to occur when an offender breaks into a residence, or some other enclosed environment, with victims already inside. The offender would then be free to assault one victim at a time while able to control the others with bindings or a weapon of some kind.

Young children are a problem to serial offenders because they are missed very soon after they are acquired. So an offender grabbing a young child would most likely get as far away from the abduction site as possible before initiating any kind of activity such as an assault.

The Disposal Site

The disposal site was a drainage ditch with 2' ft of water located near a very busy Interstate, behind a very popular truck wash. The victim's clothing, the victim's bicycles, and the victim's bodies were disposed of there.

The disposal site itself is not visible from the Interstate, or even from the truck wash. In short, you'd have to be very familiar with the area to know that it was even there. You'd further have to be someone from the immediate area, which frequented that location recently, to know that there would be water available in which to dispose of the bodies. That drainage ditch can be dry, depending on a variety of factors.

Additionally, the assailant disposed of the clothes and the bicycles in that drainage ditch, suggesting that he needed to get rid all of the related physical evidence. And the location itself is very near where the point of initial approach would have to be in this case. Both of those items point, again, to someone who is a local resident who knew the victims. They felt they would be searched because of their relationship to the victims so they dumped all of the physical evidence; in stranger crimes where sexual assault or ritual is the motivation the assailant might have kept the clothes to relive the experience later in fantasy.

But more importantly, the location of the dumpsite itself does not suggest a serial offender. As indicated, it's simply too close to the point of abduction. If this assailant had been a stranger to the victims, then he would have grabbed them, and, knowing that others would be looking for the boys soon, he would have left the area immediately. Subsequently, the bodies would have been disposed of somewhere far away from West Memphis along down the Interstate, and a greater attempt would have been made to prevent the bodies from being discovered. All of this would have served to help a stranger or serial offender in his escape from the area, undetected.

Instead, the bodies were disposed of right where they were last seen, in the area where most of the people searching for them were looking. This suggests that the assailant wanted the bodies to be found quickly. No time was taken to conceal the bodies, because the offender did not have a great distance to go in order to be in his safe-zone. They were just dumped in the water, clothes, bicycles and all.

Wound patterns

The wound patterns inflicted on these victims are punishment oriented. That is to say that they were inflicted with the intention to punish these children for a real or perceived transgression. This is known because the wounds are violent, traumatic, and the product of rage. But in addition to that, the type of injuries inflicted, (i.e. the bite marks and the evident anger), pointedly indicate a custodial type homicide.

Because this is so, and because of the other factors discussed, it further lessens the likelihood of a serial offender or stranger being involved in this case.

Battered Child Homicide

Assessment

In this examiner's opinion, this classification is the most consistent with the physical evidence, crime

scene and victimological presentation in this case.

According to *Practical Homicide Investigation* by Vern Geberth, 3rd Ed., pp.642-643, the interpretation of patterns of bite mark evidence breaks down, generally, as such:

Homosexual Homicides tend to involve bite marks of the back, arms, shoulders, axillae (armpits, face, and scrotum of the victim).

Heterosexual Homicides usually involve bite marks delivered by the assailant to the breast and thighs.

Battered children most often have randomly placed bite marks on the cheeks, back, and sides. However, bite marks on battered children have also been found on the abdomen, scrotum, and buttocks. In child cases, biting seems to be done in a rapid, random, and enraged manner leaving tissue laceration, diffuse areas, and poor detail, as opposed to sexually associated bite marks, usually inflicted in a slow and sadistic manner and resulting in excellent detail.

Note: According to Dr. Lowell Levine (as detailed *Practical Homicide Investigation*), there are two general but distinct types of bite mark patterns. 1) Those which are inflicted slowly, which leave a central ecchymotic area or 'suck mark,' and a radiating linear abrasion pattern surrounding the central area resembling a sunburst. The type is most often found in sexually oriented homicides; 2) Those which resemble a tooth mark pattern. This is an attack or defensive bite mark and is seen most often in the battered-child type of homicide.

The bite marks in this case appear to be, in the majority, of the nature and quality described above in the Battered Child Homicide.

Based on this evidence, and the location of the disposal site, and the victimology, and the other injuries inflicted on the victims, it is the opinion of this examiner that this case represents a battered child or child-custodial homicide. To a greater extent the parents, and to a lesser extent the guardians, relatives and anyone else who was allowed frequent, trusted access to these children should be thoroughly investigated as suspects in this case.

Offender Personality Characteristics

There are very likely two offenders involved in the deaths of these children. This section will focus on the characteristics of the primary, retaliatory offender.

As already stated, the purpose of this offense was to punish the victim and to establish or re-establish sexual ownership of the victim Chris Byers. He is likely very similar in relationships with women in the rest of his life. His own violent and selfish sexual behaviors are indicative of how he is perceived by those who know him. He is likely a very selfish and explosive individual with a potentially violent temper. He wants those around him to think that he does not care how others view him. He would be

described by those who know him well as hostile, angry, and as someone who carries grudges. His sexual assault on the genitals of Chris Byers suggests that he projects a macho, heterosexual, in-control image to those around him despite deep homosexual urges.

This is an extremely egocentric individual who cannot take the criticism of others, or tolerate shortcomings of any kind. He would further be described as someone who requires instant gratification for his impulses, and who can react violently when those impulses are not satisfied.

He is glib and superficial, but also extremely manipulative. He must be dominant in all relationships with women. He can also become very possessive and irrationally jealous of those he feels are not spending enough time attending to his needs in his sexual relationships. His jealousy and possessiveness can and have manifested themselves in violent behavior acted out towards the females in his life.

Arrest History

The numerous precautionary actions taken by the offender, despite the fact the crime was not planned fully, demonstrate a level of knowledge and sophistication obtained through either repeated offenses, some level of exposure to law enforcement training and techniques, or previous arrests for similar crimes. The offender shows some knowledge of forensic methods, and attempts to dupe those specific efforts.

This offender has very possibly spent some time in prison, and if not is committing other petty crimes to support himself. He will most likely have been arrested or detained for incidents involving drugs, violent behavior, and assaultive behavior.

Marital Status

The offender's behavior and attitude suggest someone who is capable only of short term or sporadic on and off relationships with the females in his life. He very likely has been married more than once. His attitude towards women is very misogynistic, and his previous relationships with women would have involved a great deal of physical and/ or emotional abuse.

If this offender was married at the time of the offense, and indicators are not clear on this issue, then his marriage would have been in crisis at the time of this offense. And his wife may very well have been the compliant partner in this crime.

Residence

The offender lives within a few miles of the disposal site. This is indicated by the very poor attempt at concealing the bodies when disposing of them, and the fact that they were disposed of where they would be quickly found, in the area being searched by so many people including law enforcement.

It is very likely, in fact, that the offender was part of the search effort for these children, and that he placed the bodies in a specific location with perhaps the intent of being the one to later find them in an attempt to shift the blame.

Skill Level

Given the demographic location of this offense, and the fact that the offender was likely a local resident with a great familiarity of the area and the habits of the people in the area, it is not likely that the offender is educated past the high-school level. He would have performed poorly in school due to his aggressive nature, intolerance for others, and his overall impatience. He does not demonstrate characteristics of education at the high school level, though he may have obtained a GED at some point.

However the offender demonstrates a wealth of applied criminal knowledge about investigative techniques and forensic methods. He is not the kind of offender to leave obvious physical evidence behind at a crime scene without making some attempt to obscure it. He demonstrates foresight in his disposal behavior, as well as a complete understanding of the criminal nature and quality of his acts, as clearly shown in his extensive regimen of precautionary behavior.

Hobbies/ Personal Interests

As indicated by his use of one or more knives in the commission of this crime, this offender has a very intense interest in knives and likely has an extensive collection of them in his home. It also likely that the offender has the same type of interest in firearms, and in hunting.

He also very likely has a drinking problem, and/ or a very bad drug habit which he must commit crimes to support.

Employment

It is very likely that this offender is unemployed. He lacks the skills, discipline, and patience to hold down a full time job. When employed, he is often late, absent, or fails to show up at all. His temper and disposition keep him from legitimate work, and likely his true source of income is the sale of drugs or other illegal activity.

Transportation

If he does own a vehicle, it would be masculine, like a truck. This would also be consistent with the type of vehicle he would need to transport the victims to the disposal site. It would further be in strict keeping with his macho self-image of strength and control. The offender's own vehicle was likely used in this offense.

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"Recognizing Sadism: The Importance of Reconstruction and Wound Pattern Analysis in Criminal Profiling,"

presented on February 19th, 1999 at the American Academy of Forensic Sciences Annual Meeting in Orlando, Florida

by

Brent E. Turvey, M.S.

Knowledge Solutions LLC

1271 Washington Ave #274

San Leandro, CA 94577

<http://www.corpus-delicti.com>

Learning Objectives: This presentation has three primary objectives. Firstly, to discuss the current definitions of Sadism in the published literature, and subsequent crime scene criteria. Secondly, to give students a brief overview of the criminal profiling process employed by the author. And finally, to stress the importance of crime scene reconstruction and wound pattern analysis by virtue of two case examples where the determination of Sadism was in question.

A Sadist is clinically defined as a person who demonstrates a long-standing maladaptive pattern of cruel, demeaning, and aggressive behavior towards others. Symptoms include the following: Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of a victim is sexually exciting to the individual. The fantasies, sexual urges, or behaviors must also cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

In a therapeutic setting, Sadism is a diagnosis given after clinical interviews and an extensive analysis of patient history. In an investigative setting, criminal profiling is the process of inferring offender characteristics from carefully examined crime scene behavior. Criminal profiling has been used in the past to identify patterns of crime scene behavior that are suggestive of a Sadistic aspect. The method used by the author when rendering a criminal profile includes the following general steps:

Forensic analysis: Includes an overall assessment of the physical evidence, crime scene reconstruction and wound pattern analysis when possible. Involves a great deal of teamwork and information management. This phase gives the profiler the behavior that they are going to assess based on the veracity of the physical evidence; without this stage, the entire profile is suspect and potentially flawed.

Victimology: Essentially a complete history of each victim, including a 24 timeline and a risk assessment from both the victim and offender point of view. This should not be confused with a victim blame assessment, as so often has occurred in the past.

Evaluation of Crime Scene Characteristics: Includes an assessment of many crime scene factors, including but not limited to things such as location selection, method of attack, method of approach,

nature of materials used, nature and sequence of sexual acts, precautionary acts, Modus Operandi behavior, and Signature behavior.

Offender Characteristics: The criminal profile, deduced from information assessed in the first three stages. It does not involve comparison to other like crimes or like offenders. It includes only those characteristics that can be explained from the convergence of behavioral patterns suggested by the physical evidence, victimology and crime scene characteristics associated with a specific crime or series of crimes.

There are essentially two requirements for the criminal profiler to make an informed inference that Sadism evident in crime scene behavior:

1. Evidence of deliberate mental, physical, or sexual torture to a living, conscious victim;
2. Evidence of a prolonged event (time).

Both require that the crime scene behaviors which evidence torture, and which evidence that the victim was alive and conscious, be adequately reconstructed by qualified individuals. This may be within the training of the criminal profiler, but more than likely it will require a team-oriented approach to the profiling process involving the collaboration of several forensic disciplines.

Two cases illustrate this point.

Case 1: The abduction rape of a 22-year-old female victim. The Sadistic pattern of behavior evidenced by the offender in this case included torturing the victim with vice-grips, screwdrivers, and other tools in an enclosed van for a period of more than two hours.

Case 2: The rape-homicide of two female victims in their residence, a mother and a daughter, both of which suffered post-mortem evisceration and genital mutilation. The behavior in this case was incorrectly interpreted as sadistic, despite the fact that all of the wounds to the victim were post-mortem.

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http://www.serialkillers.net/profiling/who_is.htm

Who Is A Serial Killer

The (generalized) differences between serial killer vs. typical killer

First, let's talk about murder. What is it? Yes, one person killing another, but what do the crime books define it as?

Murder

The willful and unlawful killing of one human being by another. This does not include: deaths caused by negligence, suicide, attempted murder, accident, or justifiable homicide. The other crimes listed have their own category to which they belong.

Murder can be further divided into categories; 1st degree, 2nd degree and so on.

Generally, murder/homicide happens for a few very BASIC reasons.

- First, which actually fits into category 1, is an outcome of an event: a quarrel, rage, reaction to an insult, or jealousy (Holmes, DeBurger, Serial Murder).
 - Category 2, is the "for gain" type of murder. Examples of this would be: monetary gains, revenge, protection of ones self, or even power. (Holmes, DeBurger, Serial Murder)
-

Once we step outside of these "normal" motives for murder, we step into the far more serious-- such as serial murder. This is the type of murder that has perplexed all of us since Jack the Ripper.

But what, by definition, is serial murderer? Unlike the less complex murderer, serial killers portray several "elements":

- The most distinguishing factor is multiple victims (generally 3+ victims).
- A serial killer will continuously kill and not stop unless he/she is made to stop.
- Or, unless an event occurs which stops the killer. For example, the killer is institutionalized or incarcerated. This killing will have a "cooling down" or "cooling off" period, but will continue. A serial killer may even wait years before claiming another victim; the point is though: there will, undisputedly, be another victim.
- While "normal" murder most often involves persons who know one another, even in the slightest sense, serial killing has been, in the past, a stranger to stranger crime. It has only been recently that this is changing. For the most part though, we can say: the perpetrator and the victim usually do not know one another and have most often not had any previous contact.
- Serial killers, except in rare cases, work alone.
- For the serial killer, the motivation is not one of money, or the out-come of an event. The serial

killer is simply motivated to kill; as you or I need water, the serial killer needs to kill. Generally, their need to kill is fueled by fantasies which have been building for some time. Currently, the thought seems to be that the need for control, power, and dominance is the major driving force behind the killings.

- Motives for their killings are not as obvious as the for-gain or reaction murderer. Their motives are generally internal, which is the mystery which must be solved to figure out why one particular serial killer is killing.

So now we have differentiated between the typical murderer and the serial killer. Still, there is more. Like who, typically, is a serial killer? Men, women? How old are they? The answer to this is the best there is right now. The answer is a very generalized one, based on the traits of most known serial killers.

He is usually male, between the ages of 25-35, and he is usually white. The majority of the time, he will kill victims of his own race. The ages of his victims will vary greatly, depending on his particular "interests." His intellect ranges from below average to above average. He doesn't usually know his victims or have any particular hatred for them personally (though they might be symbolic to him in some way) most of the time...His victims never did anything to hurt him in any way...they are normally strangers to him. He doesn't come from one social class or another ; he can come from skid row or Park Avenue...just as his victims. He might be married, have children, and work...like many of us. Or, he might be so unstable that he either cannot work or works irregularly. He may not be able to maintain relationships with people, so may therefore be a loner.

Misconceptions about serial killers

There is often some confusion about exactly what a serial killer is. One of the biggest misconceptions is that a serial killer and a mass murderer are the same . This is not true. And a "spree killer" is neither a mass murderer or a serial killer.

* A mass murderer is someone, for example, who shoots everyone in the post office and then maybe even him/herself. They kill several people in a matter of hours and there is no cooling off period.

* A serial killer kills several people over a period of days, weeks, months, even years. **There is a cooling off period** and the killer goes through phases, or cycles.

Another misconception is that there is only 1 type of serial killer. In actuality, there are 4 distinctive types.

The 4 types are:

*The Visionary Motive Type

This is the group considered insane...psychotic. They often hear voices in their head telling them to commit the crime.

*The Missionary-Oriented Motive Type

This type displays no psychosis to the outside world, but on the inside, this killer has a need to rid the world of what he considers immoral or unworthy. This type of killer will select groups of individuals to kill off (prostitutes, for example).

*The Thrill Oriented Motive Type

These guys are in it for the fun. They get a high from killing. Of the 4 types, this is the one who enjoys killing...very sadistically. He is into the killing for excitement.

*The Lust Killer

And finally, our sexual killer. These are the ones who kill for the pure turn on. For them, the amount of their pleasure is in direct correlation with how much they can torture their victim; the more heinous their actions, the more aroused they become. This killer is in touch with reality and has relationships. In most cases, a serial murderer is a lust killer. Because the lust killer is so different from the rest, I am going to be putting up a whole section on just this type.

Also, each of these types can be broken down into 2 more categories--the organized and the disorganized. Sometimes, there is a third category which a killer is considered "mixed" by displaying traits found in both the organized and disorganized killers.

Another misconception is that these killers are complete and total loners who cannot function in society. While true some of the time, it's not true all of the time. We often think Ted Bundy was an exception because he seemed to lead such a normal life. Not so. The fact is, many serial killers capture their victims by conning them--impersonating authoritative figures, a friendly little chat. They even will dress neatly. These behaviors are most indicative of an organized killer.

To get a sense of the disorganized killer, picture the loner you may have thought all serial killers are. This is the type you may see on the street and think that he is at least a low-life. He normally has a past record of poor performance in school, in social situations, in his job. He is usually sloppy and a "night-owl." He would be the less intelligent of the 2 sub-types of offenders...to the point of showing a little too much interest in his crime--talking about it too much, checking out the crime scene.

Conclusion

A serial killer very often appears 'normal'. He is very often the last person his neighbors or friends would think is a serial killer. Even those who are "different" than most people (like don't associate much with others) are capable of appearing normal enough to not be considered a serial killer at first.

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<http://nsi.org/Library/Terrorism/bombthreat.html>

Bomb Threats and Physical Security Planning

Foreword

Bombing and the threat of being bombed are harsh realities in today's world. The public is becoming more aware of those incidents of violence that are perpetrated by vicious, nefarious segments of our society through the illegal use of explosives. Law enforcement agencies are charged with providing protection for life and property, but law enforcement alone cannot be held responsible. Every citizen must do his or her part to ensure a safe environment.

This pamphlet is designed to help both the public and private sectors prepare for the potential threat of explosives-related violence. While the ideas set forth herein are applicable in most cases, they are intended only as a guide. The information provided is compiled from a wide range of sources, including the actual experiences of special agents of the Bureau of Alcohol, Tobacco and Firearms (ATF).

If there is one point that cannot be overemphasized, it is the value of being prepared. Do not allow a bomb incident to catch you by surprise. By developing a bomb incident plan and considering possible bomb incidents in your physical security plan, you can reduce the potential for personal injury and property damage.

In making this pamphlet available to you, we hope to help you better prepare to deal with bomb threats and the illegal use of explosives.

Bombs

Bombs can be constructed to look like almost anything and can be placed or delivered in any number of ways. The probability of finding a bomb that looks like the stereotypical bomb is almost nonexistent. The only common denominator that exists among bombs is that they are designed or intended to explode.

Most bombs are homemade and are limited in their design only by the imagination of, and resources available to, the bomber. Remember, when searching for a bomb, suspect anything that looks unusual. Let the trained bomb technician determine what is or is not a bomb.

Bomb Threats

Bomb threats are delivered in a variety of ways. The majority of threats are called in to the target. Occasionally these calls are through a third party. Sometimes a threat is communicated in writing or by a recording. Two logical explanations for reporting a bomb threat are:

1. The caller has definite knowledge or believes that an explosive or incendiary bomb has been or will be placed and he/she wants to minimize personal injury or property damage. The caller may be the person who placed the device or someone who has become aware of such information.
2. The caller wants to create an atmosphere of anxiety and panic which will, in turn, result in a disruption of the normal activities at the facility where the device is purportedly placed. Whatever the reason for the report, there will certainly be a reaction to it. Through proper planning, the wide variety of potentially uncontrollable reactions can be greatly reduced.

Why Prepare?

If you accept the two aforementioned explanations for reporting that a bomb is about to go off, you can better prepare to foil the bomber or threat maker. Through proper preparation, you can reduce the accessibility of your business or building and identify those areas that can be "hardened" against the potential bomber. This will limit the amount of time lost to searching, if you determine a search is necessary. If a bomb incident occurs, proper planning will instill confidence in the leadership, reinforce the notion that those in charge do care, and reduce the potential for personal injury and property loss. Proper planning can also reduce the threat of panic, the most contagious of all human emotions. Panic is sudden, excessive, unreasoning, infectious terror. Once a state of panic has been reached, the potential for injury and property damage is greatly increased. In the context of a bomb threat, panic is the ultimate achievement of the caller not taking every step necessary to meet the threat.

How to Prepare

In preparing to cope with a bomb incident, it is necessary to develop two separate but interdependent plans, namely a physical security plan and a bomb incident plan. Physical security provides for the protection of property, personnel, facilities, and material against unauthorized entry, trespass, damage, sabotage, or other illegal or criminal acts. The physical security plan deals with prevention and control of access to the building. In most instances, some form of physical security may be already in existence, although not necessarily intended to prevent a bomb attack.

The bomb incident plan provides detailed procedures to be implemented when a bombing attack is executed or threatened. In planning for the bomb incident, a definite chain of command or line of authority must be established. Only by using an established organization and procedures can the bomb incident be handled with the least risk to all concerned. A clearly defined line of authority will instill confidence and avoid panic.

Establishing a chain of command is easy if there is a simple office structure, one business, one building. However, if a complex situation exists, a multioccupant building for example, a representative from each occupant entity should attend the planning conference. A leader should be appointed and a clear line of succession delineated. This chain of command should be printed and circulated to all concerned parties.

In planning, you should designate a command center to be located in the switchboard room or other focal point of telephone or radio communications. The management personnel assigned to operate the center should have the authority to decide whatever action should be taken during the threat. Only those with assigned duties should be permitted in the center. Make some provision for alternates in the event someone is absent when a threat is received. Obtain an updated blueprint or floor plan of your building and maintain it in the command center.

Contact the police department, fire department, or local government agencies to determine if any assistance is available to you for developing your physical security plan or bomb incident plan. If possible, have police and/or fire department representatives and members of your staff inspect the building for areas where explosives are likely to be concealed. (Make a checklist of these areas for inclusion in command center materials.) Determine whether there is a bomb disposal unit available, how to contact the unit, and under what conditions it is activated. In developing your bomb incident plan, you must also ascertain whether the bomb disposal unit, in addition to disarming and removing the explosives, will assist in searching the building in the event of a threat.

Training is essential to deal properly with a bomb threat incident. Instruct all personnel, especially those at the telephone switchboard, in what to do if a bomb threat is received. Be absolutely certain that all personnel assigned to the command center are aware of their duties. The positive aspects of planning will be lost if the leadership is not apparent. It is also very important to organize and train an evacuation unit which will be responsive to the command center and has a clear understanding of the importance of its role.

We have suggested that the command center be located near the switchboard or focal point of communications. It is critical that lines of communication be established between the command center and the search or evacuation teams. The center must have the flexibility to keep up with the search team progress. In a large facility, if the teams go beyond the communications network, the command center must have the mobility to maintain contact and track search or evacuation efforts.

Security Against Bomb Incidents

We mentioned earlier that, in dealing with bomb incidents or potential bomb incidents, two interrelated plans must be developed, the bomb incident plan and the physical security plan. Heretofore, we have primarily addressed the bomb incident plan. Now, before continuing with that plan, we will discuss security measures as they apply to "hardening" against the bomb attack.

Most commercial structures and individual residences already have some security in place, planned or unplanned, realized or not. Locks on windows and doors, outside lights, etc., are all designed and installed to contribute toward the security of a facility and the protection of its occupants.

In considering measures to increase security for your building or office, it is highly recommended that you contact your local police department for guidance regarding a specific plan for your facility. There

is no single security plan that is adaptable to all situations. The following recommendations are offered because they may contribute to reducing your vulnerability to bomb attacks.

The exterior configuration of a building or facility is very important. Unfortunately, in most instances, the architect has given little or no consideration to security, particularly toward thwarting or discouraging a bomb attack. However, by the addition of fencing and lighting, and by controlling access, the vulnerability of a facility to a bomb attack can be reduced significantly.

Bombs being delivered by car or left in a car are a grave reality. Parking should be restricted, if possible, to 300 feet from your building or any building in a complex. If restricted parking is not feasible, properly identified employee vehicles should be parked closest to your facility and visitor vehicles parked at a distance.

Heavy shrubs and vines should be kept close to the ground to reduce their potential to conceal criminals or bombs. Window boxes and planters are perfect receptacles for the bomber. Unless there is an absolute requirement for such ornamentation, window boxes and planters are better removed. If they must remain, a security patrol should be employed to check them regularly.

A highly visible security patrol can be a significant deterrent. Even if this "patrol" is only one security guard/night guard, he/she is optimally utilized outside the building. If an interior guard is utilized, consider the installation of closed circuit television cameras that cover exterior building perimeters. Have an adequate burglar alarm system installed by a reputable company that can service and properly maintain the equipment. Post signs indicating that such a system is in place.

Entrance/exit doors with hinges and hinge pins on the inside to prevent removal should be installed. Solid wood or sheet metal faced doors provide extra integrity that a hollowcore wooden door cannot provide. A steel door frame that properly fits the door is as important as the construction of the door. The ideal security situation is a building with no windows. However, bars, grates, heavy mesh screens, or steel shutters over windows offer good protection from otherwise unwanted entry. It is important that the openings in the protective coverings are not too large. Otherwise, a bomb may be introduced into the building while the bomber remains outside. Floor vents, transoms, and skylights should also be covered. Please note that fire safety considerations preclude the use of certain window coverings. Municipal ordinances should be researched and safety considered before any of these renovations are undertaken.

Controls should be established for positively identifying personnel who are authorized access to critical areas and for denying access to unauthorized personnel. These controls should extend to the inspection of all packages and materials being taken into critical areas.

Security and maintenance personnel should be alert for people who act in a suspicious manner, as well as objects, items, or parcels which look out of place or suspicious. Surveillance should be established to include potential hiding places (e.g., stairwells, rest rooms, and any vacant office space) for unwanted individuals.

Doors or access ways to such areas as boiler rooms, mail rooms, computer areas, switchboards, and elevator control rooms should remain locked when not in use. It is important to establish a procedure for the accountability of keys. If keys cannot be accounted for, locks should be changed.

Good housekeeping is also vital. Trash or dumpster areas should remain free of debris. A bomb or device can easily be concealed in the trash. Combustible materials should be properly disposed of, or protected if further use is anticipated.

Install detection devices at all entrances and closed-circuit television in those areas previously identified as likely places where a bomb may be placed. This, coupled with the posting of signs indicating such measures are in place, is a good deterrent.

We in ATF recognize the necessity for businesses to maintain good public relations. Corporate responsibility, however, also encompasses the safety and protection of the public. The threatened use of explosives necessitates that in the interest of safety and security, some inconvenience may have to be imposed on visitors to public buildings. The public is becoming more accustomed to routine security checks and will readily accept these minor inconveniences.

Perhaps entrances and exits can be modified with a minimal expenditure to channel all visitors through someone at a reception desk. Individuals entering the building would be required to sign a register indicating the name and room number of the person whom they wish to visit. Employees at these reception desks could contact the person to be visited and advise him/her that a visitor, by name, is in the lobby. The person to be visited may decide to come to the lobby to ascertain that the purpose of the visit is valid. A system for signing out when the individual departs could be integrated into this procedure.

Such a procedure may result in complaints from the public. If the reception desk clerk explains to the visitor that these procedures were implemented in his/her best interest and safety, the complaints would be reduced. The placement of a sign at the reception desk informing visitors of the need for safety is another option.

Responding to Bomb Threats

Instruct all personnel, especially those at the telephone switchboard, in what to do if a bomb threat call is received.

It is always desirable that more than one person listen in on the call. To do this, a covert signaling system should be implemented, perhaps by using a coded buzzer signal to a second reception point. A calm response to the bomb threat caller could result in obtaining additional information. This is especially true if the caller wishes to avoid injuries or deaths. If told that the building is occupied or cannot be evacuated in time, the bomber may be willing to give more specific information on the bomb's location, components, or method of initiation.

The bomb threat caller is the best source of information about the bomb. When a bomb threat is called in:

- Keep the caller on the line as long as possible. Ask him/her to repeat the message. Record every word spoken by the person.
- If the caller does not indicate the location of the bomb or the time of possible detonation, ask him/her for this information.
- Inform the caller that the building is occupied and the detonation of a bomb could result in death or serious injury to many innocent people.
- Pay particular attention to background noises, such as motors running, music playing, and any other noise which may give a clue as to the location of the caller.
- Listen closely to the voice (male, female), voice quality (calm, excited), accents, and speech impediments. Immediately after the caller hangs up, report the threat to the person designated by management to receive such information .
- Report the information immediately to the police department, fire department, ATF, FBI, and other appropriate agencies. The sequence of notification should be established in the bomb incident plan.
- Remain available, as law enforcement personnel will want to interview you.

When a written threat is received, save all materials, including any envelope or container. Once the message is recognized as a bomb threat, further unnecessary handling should be avoided. Every possible effort must be made to retain evidence such as fingerprints, handwriting or typewriting, paper, and postal marks. These will prove essential in tracing the threat and identifying the writer.

While written messages are usually associated with generalized threats and extortion attempts, a written warning of a specific device may occasionally be received. It should never be ignored.

Decision Time

The most serious of all decisions to be made by management in the event of a bomb threat is whether to evacuate the building. In many cases, this decision may have already been made during the development of the bomb incident plan. Management may pronounce a carte blanche policy that, in the event of a bomb threat, total evacuation will be effective immediately. This decision circumvents the calculated risk and demonstrates a deep concern for the safety of personnel in the building. However, such a decision can result in costly loss of time.

Essentially, there are three alternatives when faced with a bomb threat:

1. Ignore the threat.
2. Evacuate immediately.
3. Search and evacuate if warranted.

Ignoring the threat completely can result in some problems. While a statistical argument can be made that very few bomb threats are real, it cannot be overlooked that bombs have been located in connection with threats. If employees learn that bomb threats have been received and ignored, it could result in morale problems and have a longterm adverse effect on your business. Also, there is the possibility that if the bomb threat caller feels that he/she is being ignored, he/she may go beyond the threat and actually plant a bomb.

Evacuating immediately on every bomb threat is an alternative that on face value appears to be the preferred approach. However, the negative factors inherent in this approach must be considered. The obvious result of immediate evacuation is the disruptive effect on your business. If the bomb threat caller knows that your policy is to evacuate each time a call is made, he/she can continually call and force your business to a standstill. An employee, knowing that the policy is to evacuate immediately, may make a threat in order to get out of work. A student may use a bomb threat to avoid a class or miss a test. Also, a bomber wishing to cause personal injuries could place a bomb near an exit normally used to evacuate and then call in the threat.

Initiating a search after a threat is received and evacuating a building after a suspicious package or device is found is the third, and perhaps most desired, approach. It is certainly not as disruptive as an immediate evacuation and will satisfy the requirement to do something when a threat is received. If a device is found, the evacuation can be accomplished expeditiously while at the same time avoiding the potential danger areas of the bomb.

Evacuation

An evacuation unit consisting of management personnel should be organized and trained. The organization and training of this unit should be coordinated with the development of the bomb incident plan, as well as with all tenants of a building.

The evacuation unit should be trained in how to evacuate the building during a bomb threat. You should consider priority of evacuation, e.g., evacuation by floor level. Evacuate the floor levels above and below the danger area in order to remove those persons from danger as quickly as possible. Training in this type of evacuation is usually available from police, fire or other units within the community. You may also train the evacuation unit in search techniques, or you may prefer a separate search unit. Volunteer personnel should be solicited for this function. Assignment of search wardens, team leaders, etc., can be employed. To be proficient in searching the building, search personnel must be thoroughly familiar with all hallways, rest rooms, false ceiling areas, and every location in the building where an explosive or incendiary device may be concealed. When police officers or firefighters arrive at the building, the contents and the floor plan will be unfamiliar to them if they have not previously reconnoitered the facility. Thus, it is extremely important that the evacuation or search unit be thoroughly trained and familiar with the floor plan of the building and immediate outside areas. When a room or particular area is searched, it should be marked or sealed with a piece of tape and reported to the supervisor of that area.

The evacuation or search unit should be trained only in evacuation and search techniques and not in the techniques of neutralizing, removing or otherwise having contact with the device. If a device is located, it should not be disturbed. However, its location should be well marked and a route back to the device noted.

Search Teams

It is advisable to use more than one individual to search any area or room, no matter how small. Searches can be conducted by supervisory personnel, area occupants or trained explosive search teams. There are advantages and disadvantages to each method of staffing the search teams.

Using supervisory personnel to search is a rapid approach and causes little disturbance. There will be little loss of employee working time, but a morale problem may develop if it is discovered that a bomb threat has been received and workers were left unaware. Using a supervisor to search will usually not be as thorough because of his/her unfamiliarity with many areas and his/her desire to get on with business.

Using area occupants to search their own areas is the best method for a rapid search. The occupants' concern for their own safety will contribute toward a more thorough search. Furthermore, the personnel conducting the search are familiar with what does or does not belong in a particular area. Using occupants to search will result in a shorter loss of worktime than if all were evacuated prior to search by trained teams. Using the occupants to search can have a positive effect on morale, given a good training program to develop confidence. Of course, this would require the training of an entire work force, and ideally the performance of several practical training exercises. One drawback of this search method is the increased danger to unevacuated workers.

The search conducted by a trained team is the best for safety, morale and thoroughness, though it does take the most time. Using a trained team will result in a significant loss of production time. It is a slow operation that requires comprehensive training and practice.

The decision as to who should conduct searches lies with management, and should be considered and incorporated into the bomb incident plan.

Search Technique

The following room search technique is based on the use of a twoperson searching team. There are many minor variations possible in searching a room. The following contains only the basic techniques. When the two person search team enters the room to be searched, they should first move to various parts of the room and stand quietly with their eyes closed and listen for a clockwork device. Frequently, a clockwork mechanism can be quickly detected without use of special equipment. Even if no clockwork mechanism is detected, the team is now aware of the background noise level within the room itself.

Background noise or transferred sound is always disturbing during a building search. If a ticking sound

is heard but cannot be located, one might become unnerved. The ticking sound may come from an unbalanced airconditioner fan several floors away or from a dripping sink down the hall. Sound will transfer through airconditioning ducts, along water pipes, and through walls. One of the most difficult buildings to search is one that has steam or hot water heat. This type of building will constantly thump, crack, chatter, and tick due to the movement of the steam or hot water through the pipes and the expansion and contraction of the pipes. Background noise may also include outside traffic sounds, rain, and wind.

The individual in charge of the room searching team should look around the room and determine how the room is to be divided for searching and to what height the first searching sweep should extend. The first searching sweep will cover all items resting on the floor up to the selected height.

You should divide the room into two virtually equal parts. This equal division should be based on the number and type of objects in the room to be searched and not on the size of the room. An imaginary line is then drawn between two objects in the room; e.g., the edge of the window on the north wall to the floor lamp on the south wall.

First Room Searching Sweep

Look at the furniture or objects in the room and determine the average height of the majority of items resting on the floor. In an average room, this height usually includes table or desk tops and chair backs. The first searching height usually covers the items in the room up to hip height. After the room has been divided and a searching height has been selected, both individuals go to one end of the room division line and start from a backtoback position. This is the starting point, and the same point will be used on each successive searching sweep. Each person now starts searching his/her way around the room, working toward the other person, checking all items resting on the floor around the wall area of the room. When the two individuals meet, they will have completed a "wall sweep." They should then work together and check all items in the middle of the room up to the selected hip height, including the floor under the rugs. This first searching sweep should also include those items which may be mounted on or in the walls, such as airconditioning ducts, baseboard heaters, and builtin wall cupboards, if these fixtures are below hip height.

The first searching sweep usually consumes the most time and effort. During all the searching sweeps, use the electronic or medical stethoscope on walls, furniture items, and floors.

Second Room Searching Sweep

The individual in charge again looks at the furniture or objects in the room and determines the height of the second searching sweep. This height is usually from the hip to the chin or top of the head. The two persons return to the starting point and repeat the searching technique at the second selected searching height. This sweep usually covers pictures hanging on the walls, builtin bookcases, and tall table lamps.

Third Room Searching Sweep

When the second searching sweep is completed, the person in charge again determines the next searching height, usually from the chin or the top of the head up to the ceiling. The third sweep is then made. This sweep usually covers high mounted airconditioning ducts and hanging light fixtures.

Fourth Room Searching Sweep

If the room has a false or suspended ceiling, the fourth sweep involves investigation of this area. Check flush or ceilingmounted light fixtures, airconditioning or ventilation ducts, sound or speaker systems, electrical wiring, and structural frame members.

Have a sign or marker indicating "Search Completed" conspicuously posted in the area. Place a piece of colored Scotch tape across the door and door jamb approximately 2 feet above floor level if the use of signs is not practical.

The room searching technique can be expanded. The same basic technique can be applied to search any enclosed area. Encourage the use of common sense or logic in searching. If a guest speaker at a convention has been threatened, common sense would indicate searching the speakers platform and microphones first, but always return to the searching technique. Do not rely on random or spot checking of only logical target areas. The bomber may not be a logical person.

In conclusion, the following steps should be taken in order to search a room:

1. Divide the area and select a search height.
2. Start from the bottom and work up.
3. Start backtoback and work toward each other.
4. Go around the walls and proceed toward the center of the room.

Suspicious Object Located

It is imperative that personnel involved in a search be instructed that their only mission is to search for and report suspicious objects. Under no circumstances should anyone move, jar or touch a suspicious object or anything attached to it. The removal or disarming of a bomb must be left to the professionals in explosive ordnance disposal. When a suspicious object is discovered, the following procedures are recommended:

1. Report the location and an accurate description of the object to the appropriate warden. This information should be relayed immediately to the command center, which will notify the police and fire departments, and rescue squad. These officers should be met and escorted to the scene.
2. If absolutely necessary, place sandbags or mattresses, never metal shields, around the

suspicious object. Do not attempt to cover the object.

3. Identify the danger area, and block it off with a clear zone of at least 300 feet, including floors below and above the object.

4. Check to see that all doors and windows are open to minimize primary damage from blast and secondary damage from fragmentation.

5. Evacuate the building.

6. Do not permit reentry into the building until the device has been removed/disarmed, and the reentry.

Handling of the News Media

It is of paramount importance that all inquiries from the news media be directed to one individual appointed as spokesperson. All other persons should be instructed not to discuss the situation with outsiders, especially the news media.

The purpose of this provision is to furnish the news media with accurate information and to see that additional bomb threat calls are not precipitated by irresponsible statements from uninformed sources.

Summary

This pamphlet serves only as a guide and is not intended to be anything more. The ultimate determination of how to handle a bomb threat must be made by the individual responsible for the threatened facility. Develop a bomb incident plan. Draw upon any expertise that is available to you from police departments, government agencies, and security specialists. Don't leave anything to chance. Be prepared!

Bomb Incident Plan

1. Designate a chain of command.

2. Establish a command center.

3. Decide what primary and alternate communications will be used.

4. Establish clearly how and by whom a bomb threat will be evaluated.

5. Decide what procedures will be followed when a bomb threat is received or device discovered.

6. Determine to what extent the available bomb squad will assist and at what point the squad will respond.

7. Provide an evacuation plan with enough flexibility to avoid a suspected danger area.

8. Designate search teams.

9. Designate areas to be searched.

10. Establish techniques to be utilized during search.

11. Establish a procedure to report and track progress of the search and a method to lead qualified bomb technicians to a suspicious package.

12. Have a contingency plan available if a bomb should go off.
13. Establish a simple to follow procedure for the person receiving the bomb threat.
14. Review your physical security plan in conjunction with the development of your bomb incident plan.

Command Center

1. Designate a primary location and an alternate location.
2. Assign personnel and designate decisionmaking authority.
3. Establish a method for tracking search teams.
4. Maintain a list of likely target areas.
5. Maintain a blueprint of floor diagrams in the center.
6. Establish primary and secondary methods of communication. (Caution-the use of twoway radios during a search can cause premature detonation of an electric blasting cap.)
7. Formulate a plan for establishing a command center, if a threat is received after normal work hours.
8. Maintain a roster of all necessary telephone numbers.



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People & Organizations & Countries

- [Austria, Haider and FPÖ](#)
- [Blood & Honour, Combat 18](#)
- [Central Intelligence Agency \(CIA\)](#)
- [Council on Foreign Relations \(CFR\)](#)
- [Demokratska, Yugoslavian Democratic Party](#)
- [Denmark](#)
- [Finland](#)
- [Franco, Francisco](#)
- [Gligorov, Kiro](#)
- [Hill, Christopher](#)
- [Holbrooke, Richard](#)
- [Hussein, Saddam](#)
- [Idi Amin](#)
- [Jong-il, Kim](#)
- [Khaddafi, Muammar](#)
- [Majko, Pandeli](#)
- [Milosevic, Slobodan](#)
- [NATO](#)
- [Norway](#)
- [Pinochet, Augusto](#)
- [Primakov, Yevgeny](#)
- [Raznatovic, Zeljko --- 'Arkan'](#)
- [Rugova, Ibrahim](#)
- [Security Council](#)
- [Sweden](#)
- [Switzerland & SVP](#)
- [Solana, Javier](#)
- [UCK](#)
- [Walker, William](#)

Dutch Law & Crime & Justice

✓ Reports

- [WODC-rapport 173: Georganiseerde criminaliteit in Nederland; rapportage op basis van de WODC-monitor](#)
- [WODC-rapport 174: Jong en gewelddadig; ontwikkeling en achtergronden van de geweldscriminaliteit onder jeugdigen](#)
- [Antisemitism in The Netherlands 1997/8](#)

✓ Dutch Lawtexts, Codes and Decree's

- [Besluit politieregisters](#)
- [Besluit wapens en munitie](#)
- [Circulaire particuliere beveiligingsorganisaties](#)
- [Criminele Inlichtingendienst \(CID\) Regeling](#)
- [Regeling particuliere beveiligingsorganisaties](#)
- [Regeling wapens en munitie](#)
- [Wet op de Inlichtingen- en Veiligheidsdiensten](#)
- [Wetboek van strafrecht, 1ste deel --- algemene bepalingen](#)
- [Wetboek van strafrecht, 2de deel --- misdrijven](#)
- [Wetboek van strafrecht, 3de deel --- overtredingen](#)
- [Wet op de telecommunicatievoorzieningen: Bevoegd aftappen](#)
- [Wet persoonsregistraties](#)
- [Wet politieregisters](#)
- [Wet wapens en munitie](#)
- [Wet op weerkorpsen en particuliere beveiligingsorganisaties](#)

Dutch Politics & Policy & Organizations

✓ Information

- [Binnenlandse Veiligheidsdienst, beschrijving + adres](#)
- [Jaarverslag Militaire Inlichtingendienst \(MID\) - 1997](#)

✓ Articles

- [An overview of the Dutch Foreign Policy 2000](#)
- [The Dutch model](#)
- [Highlights of the Dutch Foreign Policy](#)
- [Mogelijke partijdigheid, afhankelijkheid, belangenverstrengeling, klassenjustitie en corruptie ook bij de Hoge Raad der Nederlanden](#)
- [The Netherlands and the European Union](#)

✓ Reports

- [Human Rights Practices for 1998 in the Netherlands](#)



Profiling

✓ Information

- [About PTSD \(Posttraumatic Stress Disorder\)](#)
- [\(What is\) Criminal Profiling?](#)
- [Comparitive Crime Analysis](#)
- [Diagnostic criteria for Posttraumatic Stress Disorder](#)

✓ Articles

- [Deductive Criminal Profiling: Comparing Applied Methodologies between Inductive and Deductive Profiling Techniques](#)
- [The Importance of Victimology in Criminal Profiling](#)
- [The Impressions of a Man: An Objective Forensic Guideline to Profiling Violent Serial Sex Offenders](#)
- [Recognizing Sadism: The Importance of Reconstruction and Wound Pattern Analysis in Criminal Profiling](#)
- [Who Is A Serial Killer](#)

✓ Profiles

- [FBI Profile of Scarborough Rapist](#)
- [\(Complete\) Psychological Profile and Forensic Analysis of a triple murder](#)

✓ Courses

- [Quick Course Criminological Theory](#)
- [Online lecture notes & Practicum assignments \(JUS 415: Special Topics: Criminal Profiling\)](#)

Misc.

- [Abandoned Missile Base VR Tour](#)
- [Anatomical Visualization: Visible Human Browsers](#)
- [Conversion Tables](#)
- [A Defence Technique](#)
- [Terminal Ballistics the science of what happens when the bullet strikes the target](#)
- [Unabomber's Manifesto](#)

Conversion Links

Java-enabled browser is required

Here is a collection of useful links to assist you in your daily calculation activities. I hope it proves useful to you. Please remember to "Bookmark" this page for quick return.

[Manual](#) table of conversion factors. (*Very* extensive!)

[Airmiles](#) between world cities.

[Area Conversion](#)

[Driving Miles](#) between U.S. cities.

[Energy Conversion](#)

[Physics Resource](#)

This is a compilation of terminology, reference materials, charts, chemistry and technical data which may be utilized for a wide variety of activities involving explosives and their many diverse applications.

[Linear Conversion](#)

[Mass Conversion](#)

[Metrology Conversion](#)

[Power Conversion](#)

[Pressure Conversion](#)

[US Fluids Conversion](#)

[Velocity Equivalents](#)

[Volume Conversion](#)

And just for *interest* sake (small pun intended), you can calculate what you would have to pay if you bought an item on time, or borrowed money.

[Home](#)

Remember, if you are using Netscape or MS Internet Explorer, you can use the **FIND** feature, by selecting **EDIT** from the menu bar, or using **Ctrl + F** on your keyboard to conduct a quick search.

Conversion Factors

| Multiply | By | To Obtain |
|-----------------------|------------------------|-------------------------|
| acres | 43,560 | square feet |
| acres | 6,272,640 | square inches |
| acres | 4047 | square meters |
| acres | 1.562×10^{-3} | square miles |
| acres | 4840 | square yards |
| acre-feet | 43,560 | cubic-feet |
| acre-feet | 3.259×10^5 | gallons |
| amperes per square cm | 6.452 | amperes per square inch |
| ampere-turns | 1.257 | gilberts |
| ares | 0.02471 | acres |
| atmospheres | 29.92 | inches of mercury |
| atmospheres | 33.90 | feet of water |
| atmospheres | 14.70 | pounds per square inch |
| atmospheres | 1.058 | tons per square foot |
| bars | 0.9869 | atmospheres |
| bars | 10^6 | dynes per square cm. |
| bars | 2,089 | pounds per square foot |
| bars | 14.50 | pounds per square inch |
| board-feet | 144 sq. in. x 1 | cubic inches |
| British thermal units | 778.30 | foot-pounds |
| British thermal units | 3.931×10^{-4} | horse-power-hours |
| British thermal units | 1055 | joules |
| British thermal units | 0.2520 | kilogram-calories |
| British thermal units | 107.60 | kilogram-meters |
| British thermal units | 2.930×10^{-4} | kilowatts-hours |
| B.T.U. per minute | 12.97 | foot-pound per second |
| B.T.U. per minute | 0.02357 | horse-power |
| B.T.U. per minute | 0.01758 | kilowatts |

| | | |
|-----------------------------|------------------------|----------------------------|
| B.T.U. per minute | 17.58 | watts |
| B.T.U. per sq. ft. per min. | 0.1221 | watts per square inch |
| bushels | 1.244 | cubic feet |
| bushels | 2150 | cubic inches |
| bushels | 0.03524 | cubic meters |
| bushels | 4 | pecks |
| bushels | 64 | pints (dry) |
| bushels | 32 | quarts (dry) |
| centigrams | 0.01 | grams |
| centiliters | 0.01 | liters |
| centimeters | 3.281×10^{-2} | feet |
| centimeters | 0.3937 | inches |
| centimeters | 0.01 | meters |
| centimeters | 6.214×10^{-6} | miles |
| centimeters | 10 | millimeters |
| centimeters | 393.70 | mils |
| centimeters | 1.094×10^{-2} | yards |
| centimeter-dynes | 7.376×10^{-8} | pound-feet |
| centimeter-grams | 980.70 | centimeter-dynes |
| centimeter-grams | 7.233×10^{-5} | pound-feet |
| centimeters of mercury | 0.01316 | atmospheres |
| centimeters of mercury | 0.4461 | feet of water |
| centimeters of mercury | 136.00 | kgs. per square meter |
| centimeters of mercury | 27.85 | pounds per square foot |
| centimeters of mercury | 0.1934 | pounds per square inch |
| centimeters per second | 1.969 | feet per minute |
| centimeters per second | 0.03281 | feet per second |
| centimeters per second | 0.036 | kilometers per hour |
| centimeters per second | 0.60 | meters per minute |
| centimeters per second | 0.02237 | miles per hour |
| centimeters per second | 3.728×10^{-4} | miles per minute |
| cms. per sec. per sec. | 0.03281 | feet per second per second |
| cms. per sec. per sec. | 0.036 | kms. per hour per second |
| cms. per sec. per sec. | 0.02237 | miles per hour per second |

| | | |
|-----------------------|------------------------|--------------------------|
| circular mils | 5.067×10^{-6} | square centimeters |
| circular mils | 7.854×10^{-7} | square inches |
| circular mils | 0.7854 | square mils |
| cord - feet | 4 ft. x 4 ft. x 1 ft. | cubic feet |
| cords | 8 ft. x 4 ft. x 4 ft. | cubic feet |
| cubic centimeters | 6.102×10^{-2} | cubic inches |
| cubic centimeters | 3.531×10^{-5} | cubic feet |
| cubic centimeters | 10^{-6} | cubic meters |
| cubic centimeters | 1.308×10^{-6} | cubic yards |
| cubic centimeters | 2.642×10^{-4} | gallons |
| cubic centimeters | 10^{-3} | liters |
| cubic centimeters | 2.113×10^{-3} | pints (liquid) |
| cubic centimeters | 1.057×10^{-3} | quarts (liquid) |
| cubic feet | 2.832×10^4 | cubic cms. |
| cubic feet | 1728 | cubic inches |
| cubic feet | 0.02832 | cubic meters |
| cubic feet | 0.03704 | cubic yards |
| cubic feet | 7.481 | gallons |
| cubic feet | 28.32 | liters |
| cubic feet | 59.84 | pints (liquid) |
| cubic feet | 29.92 | quarts (liquid) |
| cubic feet per minute | 472.00 | cubic cms. per second |
| cubic feet per minute | 0.1247 | gallons per second |
| cubic feet per minute | 0.4720 | liters per seconds |
| cubic feet per minute | 62.40 | Ibs. of water per minute |
| cubic inches | 16.39 | cubic centimeters |
| cubic inches | 5.787×10^{-4} | cubic feet |
| cubic inches | 1.639×10^{-5} | cubic meters |
| cubic inches | 2.143×10^{-5} | cubic yards |
| cubic inches | 4.329×10^{-3} | gallons |
| cubic inches | 1.639×10^{-2} | liters |
| cubic inches | 1.061×10^5 | mil-feet |
| cubic inches | 0.03463 | pints (liquid) |

| | | |
|------------------------|-------------------------|------------------------|
| cubic inches | 0.01732 | quarts (liquid) |
| cubic inches | 10 ⁶ | cubic centimeters |
| cubic meters | 35.31 | cubic feet |
| cubic meters | 61,023 | cubic inches |
| cubic meters | 1.308 | cubic yards |
| cubic meters | 264.20 | gallons |
| cubic meters | 10 ³ | liters |
| cubic meters | 2113 | pints (liquid) |
| cubic meters | 1057 | quarts (liquid) |
| cubic yards | 7.646 x 10 ⁵ | cubic centimeters |
| cubic yards | 27 | cubic feet |
| cubic yards | 46,656 | cubic inches |
| cubic yards | 0.7646 | cubic meters |
| cubic yards | 202.00 | gallons |
| cubic yards | 764.60 | liters |
| cubic yards | 1616 | pints (liquid) |
| cubic yards | 807.90 | quarts (liquid) |
| cubic yards per minute | 0.45 | cubic feet per second |
| cubic yards per minute | 3.367 | gallons per second |
| cubic yards per minute | 12.74 | liter per second |
| days | 24 | hours |
| days | 1440 | minutes |
| days | 86,400 | seconds |
| decigrams | 0.10 | grams |
| deciliters | 0.10 | liters |
| decimeters | 0.10 | meters |
| degrees (angle) | 60 | minutes |
| degrees (angle) | 0.01745 | radians |
| degrees (angle) | 3600 | seconds |
| degrees per second | 0.01745 | radians per second |
| degrees per second | 0.1667 | revolutions per minute |
| degrees per second | 0.002778 | revolutions per second |
| dekagrams | 10 | grams |
| dekaliters | 10 | liters |

| | | |
|-----------------|-------------------------|---------------------------|
| dekameters | 10 | meters |
| drams | 1.772 | grams |
| drams | 0.0625 | ounces |
| dynes | 1.020×10^{-3} | grams |
| dynes | 7.233×10^{-5} | poundals |
| dynes | 2.248×10^{-6} | pounds |
| ergs | 9.480×10^{-11} | British thermal units |
| ergs | 1 | dyne-centimeters |
| ergs | 7.378×10^{-8} | foot-pounds |
| ergs | 1.020×10^{-3} | gram-centimeters |
| ergs | 10^{-7} | joules |
| ergs | 2.389×10^{-11} | kilogram-calories |
| ergs | 1.020×10^{-8} | kilogram-meters |
| ergs per second | 5.688×10^{-9} | B.T.U. per minute |
| ergs per second | 4.427×10^{-6} | foot-pounds per minute |
| ergs per second | 7.378×10^{-8} | foot-pounds per second |
| ergs per second | 1.341×10^{-10} | horse power |
| ergs per second | 1.433×10^{-9} | kg. - calories per minute |
| ergs per second | 10^{-10} | kilowatts |
| farads | 10^6 | microfarads |
| fathoms | 6 | feet |
| feet | 30.48 | centimeters |
| feet | 12 | inches |
| feet | 0.3048 | meters |
| feet | 1.894×10^4 | miles |
| feet | 1/3 | yard |
| feet of water | 0.0295 | atmospheres |
| feet of water | 0.8826 | inches of mercury |
| feet of water | 304.80 | kgs. - per square meter |
| feet of water | 62.43 | pounds per square foot |
| feet of water | 0.4335 | pounds per square inch |
| feet per minute | 0.5080 | centimeters per second |
| feet per minute | 0.01667 | feet per second |

| | | |
|----------------------------|------------------------|------------------------------|
| feet per minute | 0.01829 | kilometers per hour |
| feet per minute | 0.3048 | meters per minute |
| feet per minute | 0.01136 | miles per hour |
| feet per second | 30.48 | centimeters per second |
| feet per second | 1.097 | kilometers per hour |
| feet per second | 0.5921 | knots |
| feet per second | 18.29 | meters per minute |
| feet per second | 0.6818 | miles per hour |
| feet per second | 0.01136 | miles per minute |
| feet per 100 feet | 1 | per cent grade |
| feet per second per second | 30.48 | cms. per second per second |
| feet per second per second | 1.097 | kms. per hour per second |
| feet per second per second | 0.3048 | meters per second per second |
| feet per second per second | 0.6818 | miles per hour per second |
| foot-pounds | 1.285×10^{-3} | British thermal units |
| foot-pounds | 1.356×10^7 | ergs |
| foot-pounds | 5.050×10^{-7} | horse-power-hours |
| foot-pounds | 1.356 | joules |
| foot-pounds | 3.238×10^{-4} | kilogram-calories |
| foot-pounds | 0.1383 | kilogram-meters |
| foot-pounds | 3.766×10^{-7} | kilowatt-hours |
| foot-pounds per minute | 1.285×10^{-3} | B.T.U. per minute |
| foot-pounds per minute | 0.01667 | foot-pound per second |
| foot-pounds per minute | 3.030×10^{-5} | horse-power |
| foot-pounds per minute | 3.238×10^{-4} | kg.- calories per minute |
| foot-pounds per minute | 2.260×10^{-5} | kilowatts |
| foot-pounds per second | 7.709×10^{-2} | B.T.U. per minute |
| foot-pounds per second | 1.818×10^{-3} | horse-power |
| foot-pounds per second | 1.356×10^{-3} | kilowatts |
| furlongs | 40 | rods |
| gallons | 3785 | cubic centimeters |
| gallons | 0.1337 | cubic feet |
| gallons | 231 | cubic inches |
| gallons | 3.785×10^{-3} | cubic meters |

| | | |
|---------------------|------------------------|-----------------------|
| gallons | 4.951×10^{-3} | cubic yards |
| gallons | 3.785 | liters |
| gallons | 8 | pints (liquid) |
| gallons | 4 | quarts (liquid) |
| gallons per minute | 2.228×10^{-3} | cubic feet per second |
| gallons per minute | 0.06308 | liters per second |
| gausses | 6.452 | liters per inch |
| gilberts | 0.7958 | ampere-turns |
| gills | 0.1183 | liters |
| gills | 0.25 | pints (liquid) |
| grains | 0.06480 | grams |
| grains | 0.04167 | pennyweights (troy) |
| grams | 980.70 | dynes |
| grams | 15.43 | grains |
| grams | 10^{-3} | kilograms |
| grams | 10^3 | milligrams |
| grams | 0.03527 | ounces |
| grams | 0.03215 | ounces (troy) |
| grams | 0.07093 | poundals |
| grams | 2.205×10^{-3} | pounds |
| gram-calories (IT) | 3.968×10^{-3} | B.T.U. |
| gram-centimeters | 9.297×10^{-8} | B.T.U. |
| gram-centimeters | 980.70 | ergs |
| gram-centimeters | 7.235×10^{-5} | foot-pounds |
| gram-centimeters | 9.807×10^{-5} | joules |
| gram-centimeters | 2.343×10^{-8} | kilograms-calories |
| gram-centimeters | 10^{-5} | kilogram-meters |
| grams per cm. | 5.600×10^{-3} | pounds per inch |
| grams per cubic cm. | 62.43 | pounds per cubic foot |
| grams per cubic cm. | 0.03613 | pounds per cubic inch |
| hectares | 2.471 | acres |
| hectares | 1.076×10^5 | square feet |
| hectograms | 100 | grams |
| hectoliters | 100 | liters |

| | | |
|---------------------------|------------------------|-------------------------|
| hectometers | 100 | meters |
| hectowatts | 100 | watts |
| hemispheres (solid angle) | 0.50 | sphere |
| hemispheres (solid angle) | 4 | spherical right angles |
| hemispheres (solid angle) | 6.283 | stradians |
| henries | 10^3 | millihenries |
| horse-power | 42.40 | B.T.U. per minute |
| horse-power | 33,000 | foot-pounds per minute |
| horse-power | 550 | foot-pounds per second |
| horse-power | 1.014 | horse-power (metric) |
| horse-power | 10.68 | kg. calories per minute |
| horse-power | 0.7457 | kilowatts |
| horse-power | 745.70 | watt |
| horse-power (boiler) | 33.520 | B.T.U. per hour |
| horse-power (boiler) | 9.804 | kilowatt |
| horse-power-hours | 2544 | British thermal units |
| horse-power-hours | 1.98×10^6 | foot-pounds |
| horse-power-hours | 2.684×10^6 | joules |
| horse-power-hours | 641.10 | kilogram-calories |
| horse-power-hours | 2.737×10^5 | kilogram-meters |
| horse-power-hours | 0.7455 | kilowatt-hours |
| hours | 4.167×10^{-2} | days |
| hours | 60 | minutes |
| hours | 3600 | seconds |
| hours | 5.952×10^{-3} | weeks |
| inches | 2.540 | centimeters |
| inches | 8.333×10^{-2} | feet |
| inches | 1.578×10^{-5} | miles |
| inches | 10^3 | mils |
| inches | 2.778×10^{-2} | yards |
| inches of Mercury | 0.03342 | atmospheres |
| inches of Mercury | 1.133 | feet of water |
| inches of Mercury | 345.30 | kg. per square meter |
| inches of Mercury | 70.73 | pounds per square foot |

| | | |
|------------------------------|------------------------|------------------------|
| inches of Mercury | 0.4912 | pounds per square inch |
| inches of water | 0.00 | atmospheres |
| inches of water | 0.07355 | inches of mercury |
| inches of water | 25.40 | kg. per square meter |
| inches of water | 0.5781 | ounces per square inch |
| inches of water | 5.202 | pounds per square foot |
| inches of water | 0.03613 | pounds per square inch |
| joules (int.) | 9.480×10^{-4} | B.T.U. |
| joules (Int.) | 107 | ergs |
| joules (Int.) | 0.7378 | foot-pounds |
| joules (Int.) | 2.389×10^{-4} | kilograms-calories |
| joules (Int.) | 0.1020 | kilogram-meters |
| joules (Int.) | 2.778×10^{-4} | watt-hours |
| kilograms | 980,665 | dynes |
| kilograms | 10^3 | grams |
| kilograms | 70.93 | poundals |
| kilograms | 2.205 | pounds |
| kilograms | 1.102×10^{-3} | tons (short) |
| kilogram-calories | 3.968 | B.T.U. |
| kilogram-calories | 3088 | foot pounds |
| kilogram-calories | 1.560×10^{-3} | horse-power-hours |
| kilogram-calories | 4186 | joules |
| kilogram-calories | 427.00 | kilogram-meters |
| kilogram-calories | 1.163×10^{-3} | kilowatt-hours |
| kilogram-calories per minute | 51.47 | foot-pound per second |
| kilogram-calories per minute | 0.09358 | horse-power |
| kilogram-calories per minute | 0.06977 | kilowatt |
| kilograms-cm squared | 2.373×10^{-3} | pounds-feet squared |
| kilograms-cm squared | 0.3417 | pounds-inches squared |
| kilograms-meters | 9.294×10^{-3} | B.T.U. |
| kilograms-meters | 9.804×10^7 | ergs |
| kilograms-meters | 7.233 | foot-pounds |
| kilograms-meters | 9.804 | Joules |
| kilograms-meters | 2.342×10^{-3} | kilogram-calories |

| | | |
|---------------------------------|-------------------------|------------------------------|
| kilograms-meters | 2.723×10^{-6} | kilowatt-hours |
| kilograms per cubic meter | 10^{-3} | grams per cubic cm. |
| kilograms per cubic meter | 0.06243 | pounds per cubic foot |
| kilograms per cubic meter | 3.613×10^{-5} | pounds per cubic inch |
| kilograms per cubic meter | 3.405×10^{-10} | pounds per mil foot |
| kilograms per meter | 0.6720 | pounds per foot |
| kilograms per square meter | 9.678×10^{-5} | atmospheres |
| kilograms per square meter | 98.07×10^{-6} | bars |
| kilograms per square meter | 3.281×10^{-3} | feet of water |
| kilograms per square meter | 2.896×10^{-3} | inches of mercury |
| kilograms per square meter | 0.2048 | pounds per square foot |
| kilograms per square meter | 1.422×10^{-3} | pounds per square inch |
| kilograms per square millimeter | 10^6 | kg. per square meter |
| kilolines | 10^3 | maxwells |
| kiloliters | 10^3 | liters |
| kilometers | 10^5 | centimeters |
| kilometers | 3281 | feet |
| kilometers | 3.937×10^4 | inches |
| kilometers | 10^3 | meters |
| kilometers | 6214 | miles |
| kilometers | 1094 | yards |
| kilometers per hour | 27.78 | centimeters per second |
| kilometers per hour | 54.68 | feet per minute |
| kilometers per hour | 0.9113 | feet per second |
| kilometers per hour | 0.5396 | knots |
| kilometers per hour | 16.67 | meters per minute |
| kilometers per hour | 0.6214 | miles per hour |
| kilometers per hour per second | 0.9113 | feet per second per second |
| kilometers per hour per second | 0.2778 | meters per second per second |
| kilometers per hour per second | 0.6214 | miles per hour per second |
| kilowatts | 56.88 | B.T.U. per minute |
| kilowatts | 4.427×10^4 | foot-pounds per minute |
| kilowatts | 737.80 | foot-pounds per second |

| | | |
|------------------------|------------------------|-------------------------|
| kilowatts | 1.341 | horse-power |
| kilowatts | 14.33 | kg. calories per minute |
| kilowatts | 10^3 | watts |
| kilowatts-hours | 3413 | B.T.U. |
| kilowatts-hours | 2.656×10^6 | foot-pounds |
| kilowatts-hours | 1.341 | horse-power-hours |
| kilowatts-hours | 3.6×10^6 | joules |
| kilowatts-hours | 860 | kilograms-calories |
| kilowatts-hours | 3.672×10^5 | kilograms-meters |
| knots (length) | 6080 | feet |
| knots (length) | 1.853 | kilometers |
| knots (length) | 1.152 | miles |
| knots (length) | 2027 | yards |
| knots (speed) | 51.48 | centimeters per second |
| knots (speed) | 1.689 | feet per second |
| knots (speed) | 1.853 | kilometers per hour |
| knots (speed) | 1.152 | miles per hour |
| lines per square cm | 1 | gausses |
| lines per square inch | 0.1550 | gausses |
| links (engineer's) | 12 | inches |
| links (surveyor's) | 7.92 | inches |
| liters | 10^3 | cubic centimeters |
| liters | 0.03531 | cubic feet |
| liters | 61.02 | cubic inches |
| liters | 10^{-3} | cubic meters |
| liters | 1.308×10^{-3} | cubic yards |
| liters | 0.2642 | gallons |
| liters | 2.113 | pints (liquid) |
| liters | 1.057 | quarts (liquid) |
| liters per minute | 5.885×10^{-4} | cubic feet per second |
| liters per minute | 4.403×10^{-3} | gallons per second |
| lumens per square foot | 1 | foot-candles |
| maxwells | 10^{-3} | kilolines |
| megalines | 10^6 | maxwells |

| | | |
|------------------------------|------------------------|----------------------------|
| megohms | 10^6 | ohms |
| meters | 100 | centimeters |
| meters | 3.281 | feet |
| meters | 39.37 | inches |
| meters | 10^{-3} | kilometers |
| meters | 6.214×10^{-4} | miles |
| meters | 10^3 | millimeters |
| meters | 1.094 | yards |
| meters-kilograms | 9.807×10^7 | centimeter-dynes |
| meters-kilograms | 10^5 | centimeter-grams |
| meters-kilograms | 7.233 | pound-feet |
| meters per minute | 1.667 | centimeters per second |
| meters per minute | 3.281 | feet per minute |
| meters per minute | 0.05468 | feet per second |
| meters per minute | 0.06 | kilometers per hour |
| meters per minute | 0.03728 | miles per hour |
| meters per second | 196.80 | feet per minute |
| meters per second | 3.281 | feet per second |
| meters per second | 3.60 | kms. per hour |
| meters per second | 0.06 | kms. per minute |
| meters per second | 2.237 | miles per hour |
| meters per second | 0.03728 | miles per minute |
| meters per second per second | 3.281 | feet per second per second |
| meters per second per second | 3.60 | kms. per hour per second |
| meters per second per second | 2.237 | miles per hour per second |
| microfarads | 10^{-6} | farads |
| micrograms | 10^{-6} | grams |
| microliters | 10^{-6} | liters |
| microhms | 10^{-12} | megohms |
| microhms | 10^{-6} | ohms |
| microns | 10^{-6} | meters |
| miles | 1.609×10^5 | centimeters |
| miles | 5280 | feet |
| miles | 6.336×10^4 | inches |

| | | |
|---------------------------|------------------------|------------------------------|
| miles | 1609 | kilometers |
| miles | 1760 | yards |
| miles per hour | 44.70 | centimeters per second |
| miles per hour | 88 | feet per minute |
| miles per hour | 1.467 | feet per second |
| miles per hour | 1.609 | kilometers per hour |
| miles per hour | 0.8684 | knots |
| miles per hour | 26.82 | meters per minute |
| miles per hour per second | 44.70 | cm. per sec. per sec. |
| miles per hour per second | 1.467 | feet per sec. per sec. |
| miles per hour per second | 1.609 | km per hour per second |
| miles per hour per second | 0.4470 | meters per second per second |
| miles per minute | 2682 | centimeters per second |
| miles per minute | 88 | feet per second |
| miles per minute | 1.609 | kilometers per minute |
| miles per minute | 2682 | centimeters per second |
| miles per minute | 88 | feet per second |
| miles per minute | 1.609 | kilometers per minute |
| miles per minute | 52.10 | knots |
| miles per minute | 60 | miles per hour |
| mil-feet | 9.425×10^{-6} | cubic inches |
| milliers | 10^3 | kilograms |
| milligrams | 10^{-3} | grams |
| millihenries | 10^{-3} | henries |
| milliliters | 10^{-3} | liters |
| millimeters | 0.10 | centimeters |
| millimeters | 3.281×10^{-3} | feet |
| millimeters | 0.03937 | inches |
| millimeters | 6.214×10^{-7} | miles |
| millimeters | 39.37 | mils |
| millimeters | 1.094×10^{-3} | yards |
| mils | 2.540×10^{-3} | centimeters |
| mils | 8.333×10^{-5} | feet |
| mils | 10^{-3} | inches |

| | | |
|------------------------|------------------------|------------------------|
| mils | 2.540×10^{-8} | kilometers |
| mils | 2.778×10^{-5} | yards |
| miner's inches | 1.50 | cubic feet per minute |
| minutes | 6.944×10^{-4} | days |
| minutes | 1.667×10^{-2} | hours |
| minutes | 9.921×10^{-5} | weeks |
| minutes (angle) | 2.909×10^{-4} | radians |
| minutes (angle) | 60 | seconds |
| months | 30.42 | days |
| months | 730 | hours |
| months | 43,800 | minutes |
| months | 2.628×10^6 | seconds |
| myriagrams | 10 | kilograms |
| myriameters | 10 | kilometers |
| myriawatts | 10 | kilowatts |
| ohms | 10^{-6} | megohms |
| ohms | 10^6 | microhms |
| ounces | 16 | drams |
| ounces | 437.50 | grains |
| ounces | 28.35 | grams |
| ounces | 0.0625 | pounds |
| ounces (fluid) | 1.805 | cubic inches |
| ounces (fluid) | 0.02957 | liters |
| ounces (troy) | 480 | grains |
| ounces (troy) | 31.10 | grams |
| ounces (troy) | 20 | pennyweights (troys) |
| ounces (troy) | 0.08333 | pounds (troy) |
| ounces per square inch | 0.0625 | pounds per square inch |
| pennyweights (troy) | 24 | grains |
| pennyweights (troy) | 1.555 | grams |
| pennyweights (troy) | 0.05 | ounces (troy) |
| perches (masonry) | 24.75 | cubic feet |
| pints (dry) | 33.60 | cubic inches |
| pints (liquid) | 473.20 | cubic centimeters |

| | | |
|------------------------|-------------------------|-------------------------|
| pints (liquid) | 1.671×10^{-2} | cubic feet |
| pints (liquid) | 28.87 | cubic inches |
| pints (liquid) | 4.732×10^{-4} | cubic meters |
| pints (liquid) | 6.189×10^{-4} | cubic yards |
| pints (liquid) | 0.125 | gallons |
| pounds | 16 | ounces |
| pounds | 256 | drams |
| pounds | 7000 | grains |
| pounds | 0.0005 | tons (short) |
| pounds | 453.5924 | grams |
| pounds | 1.21528 | pounds (troy) |
| pounds | 14.5833 | ounces (troy) |
| pounds (troy) | 5760 | grains |
| pounds (troy) | 240 | pennyweights (troy) |
| pounds (troy) | 12 | ounces (troy) |
| pounds (troy) | 373.24177 | grams |
| pounds (troy) | 0.82 | pounds (avoir.) |
| pounds (troy) | 13.1657 | ounces (avoir.) |
| pounds (troy) | 3.6735×10^{-4} | tons (long) |
| pounds (troy) | 4.1143×10^{-4} | tons (short) |
| pounds (troy) | 3.7324×10^{-4} | tons (metric) |
| pounds of water | 0.01602 | cubic feet |
| pounds of water | 27.68 | cubic inches |
| pounds of water | 0.1198 | gallons |
| pounds of water/minute | 2.670×10^{-4} | cubic feet/second |
| pounds/cubic foot | 0.01602 | grams/cubic centimeters |
| pounds/cubic foot | 16.02 | kilograms/cubic meters |
| pounds/cubic foot | 5.787×10^{-4} | pounds/cubic inch |
| pounds/cubic inch | 27.68 | grams/cubic centimeters |
| pounds/cubic inch | 2.768×10^4 | kilograms/cubic meter |
| pounds/cubic inch | 1728 | pounds/cubic foot |
| pounds/foot | 1.488 | kilograms/meter |
| pounds/inch | 178.60 | grams/centimeters |
| pounds/square foot | 0.01602 | feet of water |

| | | |
|-----------------------------------|------------------------|-------------------------------|
| pounds/square foot | 4.883 | kilograms/square meter |
| pounds/square foot | 6.945×10^{-3} | pounds/square inches |
| pounds/square inch | 0.06804 | atmospheres |
| pounds/square inch | 2.307 | feet of water |
| pounds/square inch | 2.036 | inches of mercury |
| pounds/square inch | 703.10 | kilograms/square meter |
| quadrants (angle) | 90 | degrees |
| quadrants (angle) | 5400 | minutes |
| quadrants (angle) | 1.571 | radians |
| quarts (dry) | 67.20 | cubic inches |
| quarts (liquid) | 57.75 | cubic inches |
| radians | 57.30 | degrees |
| radians | 3438 | minutes |
| radians | 0.637 | quadrants |
| radians per second | 57.30 | degrees per second |
| radians per second | 0.1592 | revolutions per second |
| radians per second | 9.549 | revolutions per minute |
| radians per second per second | 573.00 | revs. per minute per minute |
| radians per second per second | 9.549 | revs. per minute per second |
| radians per second per second | 0.1592 | revs. per second per second |
| reams | 500 | sheets |
| revolutions | 360 | degrees |
| revolutions | 4 | quadrants |
| revolutions | 6.283 | radians |
| revolutions per minute | 6 | degrees per second |
| revolutions per minute | 0.1047 | radians per second |
| revolutions per minute | 0.01667 | revolutions per second |
| revolutions per minute per minute | 1.745×10^{-3} | radians per second per second |
| revolutions per minute per minute | 0.01667 | revs. per minute per second |
| revolutions per minute per minute | 2.778×10^{-4} | revs. per second per second |
| revolutions per second | 360 | degrees per second |
| revolutions per second | 6.283 | radians per second |
| revolutions per second | 60 | revolutions per minute |
| revolutions per second per second | 6.283 | radians per second per second |

| | | |
|-----------------------------------|-------------------------|------------------------------|
| revolutions per second per second | 3600 | revs. per minute per minute |
| revolutions per second per second | 60 | revs. per minute per second |
| rods | 16.5 | feet |
| seconds | 1.157×10^{-5} | days |
| seconds | 2.778×10^{-4} | hours |
| seconds | 1.667×10^{-2} | minutes |
| seconds | 1.654×10^{-6} | weeks |
| seconds (angle) | 4.848×10^{-6} | radians |
| spheres (solid angle) | 12.57 | steradians |
| spherical right angles | 0.25 | hemispheres |
| spherical right angles | 0.125 | spheres |
| spherical right angles | 1.571 | steradians |
| square centimeters | 1.973×10^5 | circular mils |
| square centimeters | 1.076×10^{-3} | square feet |
| square centimeters | 0.1550 | square inches |
| square centimeters | 10^{-4} | square meters |
| square centimeters | 3.861×10^{-11} | square miles |
| square centimeters | 100 | square millimeters |
| square centimeters | 1.196×10^{-4} | square yards |
| square feet | 2.296×10^{-5} | acres |
| square feet | 1.833×10^8 | circular mils |
| square feet | 929.00 | square centimeters |
| square feet | 144 | square inches |
| square feet | 0.09290 | square meters |
| square feet | 3.587×10^{-8} | square miles |
| square feet | 1/9 | square yards |
| square feet-feet squared | 2.074×10^4 | square inches-inches squared |
| square inches | 1.273×10^6 | circular mils |
| square inches | 6.452 | square centimeters |
| square inches | 6.944×10^{-3} | square feet |
| square inches | 645.20 | square millimeters |
| square inches | 10^6 | square mils |
| square inches | 7.716×10^{-4} | square yards |

| | | |
|-------------------------|------------------------|------------------------|
| square kilometers | 247.10 | acres |
| square kilometers | 10.76×10^6 | square feet |
| square kilometers | 1.550×10^9 | square inches |
| square kilometers | 0.3861 | square miles |
| square kilometers | 1.196×10^6 | square yards |
| square meters | 2.471×10^{-4} | acres |
| square meters | 10.76 | square feet |
| square meters | 1550 | square inches |
| square meters | 3.861×10^{-7} | square miles |
| square meters | 1.196 | square yards |
| square miles | 640 | acres |
| square miles | 27.88×10^6 | square feet |
| square miles | 2.590 | square kilometers |
| square miles | 3.098×10^6 | square yards |
| square millimeters | 1.973×10^3 | circular mils |
| square millimeters | 0.01 | square centimeters |
| square millimeters | 1.550×10^{-3} | square inches |
| square mils | 1.273 | circular mils |
| square mils | 6.452×10^{-6} | square centimeters |
| square mils | 10^{-6} | square inches |
| square yards | 2.066×10^{-4} | acres |
| square yards | 9 | square feet |
| square yards | 1296 | square inches |
| square yards | 0.8361 | square meters |
| square yards | 3.228×10^{-7} | square miles |
| steradians | 0.1592 | hemispheres |
| steradians | 0.07958 | spheres |
| steradians | 0.6366 | spherical right angles |
| steradians | 10^3 | liters |
| temperature (°C) +273 | 1 | Abs. temperature (°C) |
| temperature (°C) +17.78 | 1.8 | temperature (°F) |
| temperature (°F) +460 | 1 | Abs. temperature (°F) |
| temperature (°F) -32 | 5/9 | temperature (°C) |
| tons (long) | 1016 | kilogram |

| | | |
|------------------------------|------------------------|------------------------|
| tons (long) | 2240 | pounds |
| tons (metric) | 10^3 | kilograms |
| tons (metric) | 2205 | pounds |
| tons (short) | 907.20 | kilograms |
| tons (short) | 2000 | pounds |
| tons (short) per square foot | 13.89 | pounds per square inch |
| tons (short) per square inch | 2000 | pounds per square inch |
| watts | 0.05688 | B.T.U. per minute |
| watts | 10^7 | ergs per second |
| watts | 44.27 | foot-pounds per minute |
| watts | 0.7378 | foot-pounds per second |
| watts | 1.341×10^{-3} | horse-power |
| watts | 10^{-3} | kilowatts |
| watt-hours | 3.413 | B.T.U. |
| watt-hours | 2656 | foot-pounds |
| watt-hours | 1.341×10^{-3} | horse-power-hours |
| watt-hours | 0.860 | kilogram-calories |
| watt-hours | 367.20 | kilogram-meters |
| webers | 10^8 | maxwells |
| weeks | 168 | hours |
| weeks | 10,181 | minutes |
| weeks | 604,800 | seconds |
| yards | 91.44 | centimeters |
| yards | 3 | feet |
| yards | 36 | inches |
| yards | 0.9144 | meters |
| yards | 5.682×10^{-4} | miles |
| years (common) | 365 | days |
| years (common) | 8760 | hours |
| years (leap) | 366 | days |
| years (leap) | 8784 | hours |

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[Home](#)

Conversion Links

Java-enabled browser is required

Here is a collection of useful links to assist you in your daily calculation activities. I hope it proves useful to you. Please remember to "Bookmark" this page for quick return.

[Manual](#) table of conversion factors. (*Very* extensive!)

[Airmiles](#) between world cities.

[Area Conversion](#)

[Driving Miles](#) between U.S. cities.

[Energy Conversion](#)

[Physics Resource](#)

This is a compilation of terminology, reference materials, charts, chemistry and technical data which may be utilized for a wide variety of activities involving explosives and their many diverse applications.

[Linear Conversion](#)

[Mass Conversion](#)

[Metrology Conversion](#)

[Power Conversion](#)

[Pressure Conversion](#)

[US Fluids Conversion](#)

[Velocity Equivalents](#)

[Volume Conversion](#)

And just for *interest* sake (small pun intended), you can calculate what you would have to pay if you bought an item on time, or borrowed money.

[Home](#)

Air Distances between Selected World Cities

Starting City

Instructions:

Select starting city at left, destination at right. Or, if you are feeling particularly contrary today, vice versa. Then click below.

Destination City

Miles

Kilometers

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Area Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

From: Square Meters Square Inches Square Feet Square Yards Square Rods Square Chains Rods Acres Square Miles

To: Square Meters Square Inches Square Feet Square Yards Square Rods Square Chains Rods Acres Square Miles

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Driving Distances between Selected USA Cities

Starting City

Instructions:

Destination City

Select starting city at left,
destination at right. Or, if
you are feeling particularly
contrary today, vice versa.
Then click below.

Miles Kilometers

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Energy/Work Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

Fm: Joules Kg- Ft- Kw- Metric Hp-hrs US Hp-hrs Liter- K-cal Btu
 meters lbs hrs atm

To: Joules Kg- Ft- Kw- Metric Hp-hrs US Hp-hrs Liter- K-cal Btu
 meters lbs hrs atm

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GENERAL TERMINOLOGY & RESOURCE INFORMATION

The following information is provided as reference data. This is a compilation of terminology, reference materials, charts, chemistry and technical data which may be utilized for a wide variety of activities involving explosives and their many diverse applications. All underlined, italic, blue words are cross-references to the main definition term. If you are using Netscape or MS Internet Explorer, you may also use EDIT | FIND (or Ctrl + F) to conduct a search for a term. You may also use (Ctrl + Home) to return to the top of the page.

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [X](#) | [Y](#) | [Z](#)

Absolute Deviation

The shortest distance between the center of the target and the point where a projectile hits or bursts.

Absolute Error

Shortest distance between the center of impact or the center of burst of a group of shots and the point of impact or burst of a single shot within the group.

AC

Alternating current.

Acceptance Quality Level (AQL)

A nominal value expressed in terms of percentage defective per hundred units, by which a group of sampling plans is identified. The sampling plans so identified have a high probability of accepting lots containing material with a process average not greater than the designed value of the AQL.

Accuracy

Closeness to true value; not to be used indiscriminately as a synonym for precision which latter means reproducibility of measurement.

Accuracy Life

The estimated average number of rounds that a particular weapon can fire before its tube becomes so worn that its accuracy tolerance is exceeded.

Accuracy Of Fire

The measurement of the precision of fire expressed as the distance of the center of impact from the center of the target.

Acetone

Acetone or dimethyl ketone or 2-propanone (CH₃COCH₃), colorless, flammable liquid. Acetone is widely used in industry as a solvent for many organic substances and is a component of most

paint and varnish removers. It is used in making synthetic [Resins](#) and fillers, smokeless powders, and many other organic compounds.

Acetylene

Acetylene or ethyne (HC CH), a colorless gas and the simplest alkyne ([Hydrocarbon](#)). Explosive on contact with air, it is stored dissolved under pressure in [Acetone](#). It is used to make neoprene [rubber](#), [plastics](#), and [resins](#). The oxyacetylene torch mixes and burns oxygen and acetylene to produce a very hot flame—as high as 6300°F (3480°C)—that can cut steel and weld iron and other metals.

Acids & Bases

Acids and bases are two related classes of chemicals; the members of each class have a number of common properties when dissolved in a solvent, usually water. Acids in water solutions exhibit the following common properties: they taste sour; turn litmus paper red; and react with certain metals, such as zinc, to yield hydrogen gas. Bases in water solutions exhibit these common properties: they taste bitter; turn litmus paper blue; and feel slippery. When a water solution of acid is mixed with a water solution of base, a salt and water are formed; this process, called neutralization, is complete only if the resulting solution has neither acidic nor basic properties. When an acid or base dissolves in water, a certain percentage of the acid or base particles will break up, or dissociate, into oppositely charged ions. The Arrhenius theory of acids and bases defines an acid as a compound that can dissociate in water to yield hydrogen ions (H⁺) and a base as a compound that can dissociate in water to yield hydroxyl ions (OH⁻). The Brönsted-Lowry theory defines an acid as a proton donor and a base as a proton acceptor. The Lewis theory defines an acid as a compound that can accept a pair of electrons and a base as a compound that can donate a pair of electrons. Each of the three theories has its own advantages and disadvantages; each is useful under certain conditions. Strong acids, such as hydrochloric acid, and strong bases, such as potassium hydroxide, have a great tendency to dissociate in water and are completely ionized in solution. Weak acids, such as acetic acid, and weak bases, such as ammonia, are reluctant to dissociate in water and are only partially ionized in solution. Strong acids and strong bases make very good [Electrolytes](#) (see [Electrolysis](#)), i.e., their solutions readily conduct electricity. Weak acids and weak bases make poor electrolytes. Also [Amphoterism](#); [Buffer](#); [Catalyst](#); Indicators Acids-Base [Titration](#).

Actuator

A mechanical device, such as a pin puller, operated by a [Pressure Cartridge](#).

Acoustic Impedance

A material's acoustic impedance is the product of the material's sound speed multiplied by the material's density.

Acoustics

The science of [Sound](#), including its production, propagation, and effects. An important practical application of acoustics is in the designing of auditoriums, which requires a knowledge of the characteristics of sound [Waves](#). Reflection of sound can cause an [Echo](#), and repeated reflections in an enclosed space can cause reverberation, the persistence of sound. Some reverberation in auditoriums is desirable to avoid deadening the sound of music. Reflection can be reduced through the proper configuration and texture of walls, and by the use of sound-absorbent

materials. Another acoustical problem is [Interference](#), which can create “dead spots” in auditoriums for certain frequencies.

Actinide Series

The radioactive metals, with atomic numbers 89 through 103, in group IIIb of the [periodic table](#). They are Actinium, Thorium, Protactinium, [Uranium](#), Neptunium, [Plutonium](#), Americium, Curium, Berkelium, Californium, Einsteinium, Fermium, Mendelevium, Nobelium, and Lawrencium. All members of the series have chemical properties similar to actinium. Those elements with atomic numbers greater than 92 are called [Transuranium Elements](#).

Additive

Something added to a basic composition to accomplish some special purpose - mostly in small proportions.

Adhesion

Adhesion and cohesion, attractive forces between material bodies. Adhesive forces act between different substances, whereas cohesive forces act within a single substance, holding its atoms, ions, or molecules together. Without these forces, solids and liquids would act as gases. [Surface Tension](#) in liquids results from cohesion, and [Capillarity](#) results from a combination of adhesion and cohesion. [Friction](#) between two solid bodies depends in part on adhesion.

Adiabatic

Occurring without gain or loss of heat; a change of the properties, such as volume and pressure of the contents of an enclosure, without exchange of heat between the enclosures and its surroundings.

Adiabatic Flame Temperature

As applied to interior ballistics calculation, the temperature which the gaseous products of combustion of the propellant would attain if maintained at constant volume and without loss of energy to the surrounding medium.

Adiabatic Temperature

The temperature attained by a system undergoing a volume or pressure change in which no heat enters or leaves the system.

Aerosol

A mixture of extremely fine liquid or solid particles and a gas or air such as smoke or fog.

Aerodynamics

Aerodynamics is the study of gases in motion. Because the principal application of aerodynamics is the design of airplanes, air is the principal gas with which this science is concerned. Bernoulli's principle, which states that the pressure of a moving gas decreases as its velocity increases, has been used to explain the lift produced by a wing having a curved upper surface and a flat lower surface ([Airfoil](#)). Because the flow is faster across the curved surface than across the plane one, a greater pressure is exerted in the upward direction. Aerodynamics is also concerned with the drag caused by air friction, which is reduced by making the surface area of the craft as small as possible. At speeds close to the speed of sound, or Mach 1 ([mach number](#)), there is also a large, sudden increase of drag, which has been called the sonic, or sound, barrier. Aerodynamics is also used in designing automobile bodies and trains for minimum drag and in computing wind stresses on bridges, buildings, and the like. The wind tunnel is one of the basic experimental tools of the

aerodynamicist. [Shock wave](#); [Sonic boom](#).

Afterburner

An auxiliary combustion chamber in certain jet engines.

Agglomeration

The property of particles to cohere, thereby increasing apparent particle size.

Air Blast

The airborne [shock wave](#) or acoustic transient generated by an explosion.

Air Burst

A burst of a projectile or bomb above the ground.

Airfoil

A surface designed to develop a desired force by reaction with a fluid, especially air, that is flowing across the surface. Examples of airfoils are the fixed wings of airplanes, which produce lift ([aerodynamics](#)), and control surfaces, such as ailerons, elevators, rudders, and flaps, that are manipulated to produce variable forces. Other airfoils include spoilers, propeller blades, and the blades utilized in turbojet engines.

Alcohol

Alcohol is any of a class of organic compounds with the general formula R-OH, where R is an alkyl group made up of carbon and hydrogen and -OH is one or more hydroxyl groups, each made up of one atom of oxygen and one of hydrogen. Although the term alcohol ordinarily refers to [Ethanol](#), the alcohol in alcoholic beverages, the class of alcohol also includes [Methanol](#) and the amyl, butyl, and propyl alcohols, all with one hydroxyl group; the glycols, with two hydroxyl groups; and glycerol, with three. Many of the characteristic properties and reactions of alcohols are due to the polarity, or unequal distribution, of electric charges in the C-O-H portion of the molecule.

Alkali

Alkali, [Hydroxide](#) of an [Alkali Metal](#). Alkalies are soluble in water and form strongly basic solutions. They neutralize acids, forming salts and water. Strong alkalies (e.g., those of sodium or potassium) are called caustic alkalies. The term alkali is sometimes applied to sodium or potassium carbonate or to the hydroxide of an [Alkaline-Earth Metal](#).

Alkali Metals

Alkali metals are elements in group Ia of the [Periodic Table](#). In order of increasing atomic number, they are [Lithium](#), [Sodium](#), [Potassium](#), Rubidium, [Cesium](#), and [Francium](#). They are softer than other metals, and have lower melting points and densities. All react violently with water, releasing hydrogen and forming hydroxides. They tarnish rapidly, even in dry air. They never occur uncombined in nature.

Alkaline-Earth Metals

Alkaline-earth metals are elements in group IIa of the [Periodic Table](#). In order of increasing atomic number, they are [Beryllium](#), [Magnesium](#), [Calcium](#), [Strontium](#), [Barium](#), and [Radium](#). They are softer than most other metals and react readily with water. Their properties are exceeded by the corresponding [Alkali Metal](#).

All-Fire Current

The minimum amperage (or wattage) level which must be applied to a bridgewire circuit to

reliably ignite the surrounding explosive material without regard to the time of operation. Operation at all-fire level should be avoided.

Allotropy

The occurrence of certain chemical elements in two or more forms; the forms are called allotropes. Allotropes generally differ in physical properties, such as color and hardness; they may also differ in molecular structure or in chemical activity but are usually alike in most chemical properties. [Diamond](#) and [Graphite](#) are two allotropes of the element [Carbon](#).

Alpha Particle

A particle emitted in one of the three forms of natural [Radioactivity](#).

Aluminized Explosive

A high explosive to which aluminum powder or flake has been added. [Metallized](#).

Amatol

High explosive made of a mixture of ammonium nitrate and trinitrotoluene; sometimes used as a bursting charge in high-explosive projectiles.

Ambient

Surrounding meteorological conditions such as ambient temperature, humidity and pressure.

Amine

A type of organic compound containing the NH_2 group. (Example: ethylenediamine.)

Amino acid

An amino acid is any of a class of organic compounds having a carboxyl group (COOH) and an amino group (NH_2). Some 22 amino acids are commonly found in animals and more than 100 less common forms are found in nature, chiefly in plants. When the carboxyl carbon atom of one amino acid binds to the [nitrogen](#) of another with the release of a water molecule, a linkage called a peptide bond is formed. Chains of amino acids, joined head-to-tail in this manner, are synthesized by living systems and are called polypeptides (up to about 50 amino acids) and [Proteins](#) (over 50 amino acids). The process of digestion releases individual amino acids from food protein by cleaving to the peptide bonds.

Ammine

An inorganic compound containing NH_3 molecules as part of a complex salt or coordination compound. (Example: hexammine cobalt (III) nitrate; also spelled hexaammine.)

Ammonia

Ammonia is a chemical compound (NH_3), colorless gas with a characteristic pungent, penetrating odor. It is extremely soluble in water. Ammonia solutions are used to clean, bleach, and deodorize; to etch aluminum; to saponify oils and fats; and in chemical manufacture. Ammonia and ammonia vapors are irritating—prolonged exposure and inhalation cause serious injury and may be fatal. Water-free ammonia is used in refrigeration. The major use of ammonia and its compounds is as [Fertilizers](#). Ammonia is usually produced by direct combination of nitrogen with hydrogen at high temperature and pressure in the presence of a catalyst.

Ammonium Nitrate

The ammonium salt of [nitric acid](#) represented by the formula NH_4NO_3 .

Ammonium Nitrate Satchel Charge

A mixture of ammonium nitrate fertilizer and melted wax. The mixing ratio is 4 pounds of

fertilizer to 1 pound of wax.

Ammonium Perchlorate

Material to be added.

Ammonol

High-explosive substance made of a mixture of ammonium nitrate, trinitrotoluene, and flaked or powdered aluminum. Ammonol is sometimes used as a bursting charge in high-explosive projectiles, and produces bright flashes on detonation.

Ammunition

Generic term for all kinds of missiles, explosive and pyrotechnic devices. Ordnance means, in addition, also non-offensive military items. Munition(s) equals ordnance.

Ammunition Data Card

Identification card prepared for each individual lot of ammunition manufactured, giving the type and composition of the ammunition, and identifying its components by lot number and manufacturer. When necessary, it may also include instructions for handling the ammunition.

Ampere

A unit of electrical current produced by 1 volt acting through a resistance of 1 ohm. Also referred to as an “amp” or “amps”.

Amphibious Warfare

Amphibious Warfare describes the use of combined land and sea forces to take a military objective, typically through an air-supported assault on an enemy coastline. Although the strategy is ancient, e.g., the Athenian attack on Sicily in 415 BC, the term came into widespread use during WW II. Early in the war, coordinated land, sea, and air attacks by the Japanese in the SW Pacific met little opposition. By contrast, Allied attacks on Europe and the Pacific islands were mounted against heavily defended coasts, requiring construction of special vessels (called landing craft) that were seaworthy and yet capable of allowing [Tanks](#) and fully equipped [Infantry](#) to disembark in shallow water. Such landings were preceded and accompanied by continuous air and naval bombardment of coastal defenses. By this method the Allies were able to invade such Pacific strongholds as Saipan (1944), Iwo Jima (1945), and Okinawa (1945), and to launch the most spectacular amphibious invasion in history, on the coast of Normandy, France, on June 6, 1944. Amphibious landings later occurred in the Korean War and Vietnam War and in the British attack (1982) on the Falkland Islands.

Amphoterism

Amphoterism, in chemistry, the property of certain compounds of acting either as acids or as bases ([Acids & Bases](#)), depending on the reaction in which they are involved. Many hydroxide compounds and organic molecules that contain both acidic (e.g., carboxyl) and basic (e.g., amino) [Functional Groups](#) are usually amphoteric.

Amplifier

Amplifier, a device in which a varying input signal controls a flow of energy to produce an output signal that varies in the same way but has a larger amplitude; the input signal may be a current, a voltage, a mechanical motion, or any other signal, and the output signal is usually of the same nature. The ratio of the output voltage to the input voltage is called the voltage gain. The most common types of amplifiers are electronic and have [Transistors](#) as their principal

components. In most cases today, transistors are incorporated into *Integrated Circuits* chips. Most amplifiers include more than one transistor. Transistor amplifiers are used in *Radio* and *Television* transmitters and receivers, stereophonic record players, and intercoms.

AN

Ammonium nitrate.

AN/FO

A commercial blasting agent consisting of AN and fuel oil.

AN slurry

Ammonium Nitrate Slurry.

Analysis

A branch of mathematics that uses the concepts and methods of the *Calculus*. It includes basic calculus; advanced calculus, in which such underlying concepts as that of a *Limit* are subjected to rigorous examination; differential and integral equations, in which the unknowns are functions rather than numbers; *Vector* and tensor analysis; differential geometry; and many other fields.

Angle Attack

A method of attack used in bridge demolition.

Angle Of Departure

Angle between the line of sight and the axis of the bore of a gun at the instant the projectile leaves the muzzle. Angle of departure is the sum of the angles of site, elevation and vertical jump.

Angle Of Fall

Angle between the horizontal and the tangent to the trajectory at the point at which a projectile falls.

Angle Of Impact

Acute angle between the tangent to the trajectory at the point of impact of a projectile and the plane tangent to the surface of the ground at the point of impact; angle at which a projectile strikes the ground or target.

Anode

The positive pole of a direct current device. Opposite *Cathode* (adj.: anodic).

Antenna

Antenna or aerial, a system of wires or other conductors used to transmit or receive radio or other electromagnetic waves (*Radio*; *Television*). In a transmitting antenna, the signal from an *Electrical Circuit* causes electrons in the antenna to oscillate; these moving electric charges generate *Electromagnetic Radiation*, which is then transmitted through space. The distribution pattern of the transmitted wave depends on the design of the antenna; radio broadcast-station antennas are frequently designed to emit waves in all directions, whereas those used for *Radar* and for certain communication systems focus the waves in a single direction. In a receiving antenna, electromagnetic waves cause the electrons in the antenna to oscillate, inducing a signal that can be detected by an electric circuit. In general, a longer antenna is used to transmit or receive signals of longer wavelengths. Theoretically, the same antenna can be used both for sending and for receiving signals, but in practice, transmitting antennas are constructed to handle higher power loads than receiving antennas.

Antifreeze

Antifreeze is a substance added to a solvent to lower its freezing point. Antifreeze is typically added to water in the cooling system of internal combustion engines so that it may be cooled below the freezing point of pure water (32° F or 0° C) without freezing. Automotive antifreezes include ethylene glycol (the most widely used), methanol, ethanol, isopropyl alcohol, and propylene glycol. **WARNING:** Straight antifreeze can be deflagrated and / or be very flammable if directly exposed to a high explosive detonation.

Antimatter

Material composed of antiparticles, which correspond to ordinary protons, electrons, and neutrons but have the opposite electrical charge and magnetic moment. When matter and antimatter collide, both may be annihilated, and other *Elementary Particles*, such as photons and pions, are produced. In 1932 Carl D. Anderson, while studying cosmic rays, discovered the positron, or antielectron, the first known antiparticle. Any antimatter in our part of the universe is necessarily very short-lived because of the overwhelming preponderance of ordinary matter, by which the antimatter is quickly annihilated.

Antipersonnel (AP)

Designed to kill, wound or obstruct single persons.

Anti-Removal Device

A mechanical device which prevents de-fuzing of a land mine, etc., setting it off in the attempt.

Apparent Density

The ratio of mass to volume of a finely powdered material, under stated conditions, which is always less than true density. Sometimes called loading density. Because apparent density depends on the method used to obtain it, the method should always be specified. *Bulk Density*.

Approx.

Approximately.

Archimedes' Principle

The Archimedes' principle states that a body immersed in a fluid is buoyed up by a force equal to the weight of the displaced fluid. The principle applies to both floating and submerged bodies, and to all fluids. It explains not only the buoyancy of ships but also the rise of a helium-filled balloon and the apparent loss of weight of objects underwater.

Area Target

Target or gunfire or bombing covering a considerable space, such as ammunitions factory, airport or freight yard. An area target differs from a point target, which is a particular object or structure.

Argon

(Ar), gaseous element, discovered in 1894 by Sir William Ramsay and Lord Rayleigh. An odorless, tasteless, and colorless inert gas, it makes up 0.93% of the atmosphere by volume. Argon is used in light bulbs and neon signs, in refining reactive elements, and for protection in arc welding.

Arm-To-Arm

As applied to fuses, the changing from an armed condition to a state of readiness for initiation.

Arming

As applied to fuzes, the changes from a safe condition to a state of readiness for initiation. Generally a fuze is caused to arm by acceleration, rotation, clock mechanism or air travel, or by combinations of these. Armor Protective covering, especially metal plates used on ships, tanks,

motor vehicles, etc.

Armor Piercing

A term applied to bullets and projectiles designed to pierce armor plate.

Army

An army is a land based armed force under regular military organization, as distinguished from the horde, or armed mass of all able-bodied men in a tribe. The earliest known professional army was that of Egypt, followed by those of Assyria and Persia. Military service became obligatory for citizens of Greece. The Roman army evolved from a citizen soldiery into a professional standing army increasingly composed of barbarian mercenaries. In the Middle Ages, the armed knight and yeoman owed a set number of days of military service each year to a great lord; but with the decline of feudalism and the advent of firearms, this system also gave way to the service of mercenaries. In the 17th century, Louis XIV of France organized a national standing army that set the pattern for all of Europe: a highly disciplined, professional body set apart from civilian life. The concept reached a harsh perfection under Frederick II of Prussia. It was the introduction of conscription during the French Revolutionary Wars that set in motion the development of modern mass armies built around a professional nucleus and organized into specialized units for combat and support. Although conscription was used in the U.S. Civil War and WW I, the U.S., until 1940, traditionally relied in emergencies on its citizen militia, the National Guard, and on voluntary enlistment in the armed forces; the peacetime draft was again lifted in 1973. The term army generally applies to all armed land forces of a nation (e.g., the French army); it can also designate a self-contained fighting force in a given area (e.g., the Army of the Potomac in the U. S. Civil War) or a unit of 100,000 men composed of two or more corps. A corps in turn is composed of two or more divisions (usually about 15,000 men). Traditionally, an army was made up of major [Infantry](#), [Cavalry](#), and [Artillery](#) commands, but these gave way to more complex forms of organization. Today, each division typically includes infantry, airborne, mechanized, and other specialized battalions or brigades.

ARNG

US term for Army National Guard.

Aromatic Compound

An aromatic compound is any of a large class of organic compounds including [Benzene](#) and compounds that resemble benzene in chemical properties. Aromatic compounds contain unusually stable ring structures, often made up of six carbon atoms arranged hexagonally. Some of the compounds, however, have rings with more or fewer atoms, not necessarily all carbon. Furan, for example, has a ring with four atoms of carbon and one of oxygen. Also, two or more rings can be fused, as in naphthalene. The characteristic properties of the class, notably the stability of the compounds, derive from the fact that aromatic rings permit the sharing of some electrons by all the atoms of the ring, which increases the strength of the bonds.

Artillery

Artillery is a term now applied to heavy firearms, as distinguished from [Small Arms](#). It came into use in the mid-14th century with the introduction in Europe of [Gunpowder](#), which had been discovered many centuries earlier in China. First employed mainly against fortifications, artillery was increasingly used in the field from the early 17th century. It was characteristically smooth-bore and muzzle-loaded, firing solid, round shot, until the late 19th century, when breech-loaded,

rifled, and shell-firing artillery became standard. Modern artillery includes a variety of long-range guns that fire their shells with rapid muzzle-velocity in a low arc; howitzers, which fire on a high trajectory at relatively nearby targets; antiaircraft guns, which fire rapidly and at high angles; armor-piercing antitank guns; and many field-artillery pieces used in support of infantry and other ground operations. Mobility has become a key factor in the usefulness of heavy firearms, most of which now either are self-propelled or can be towed. Ash Combustion products, usually in the form of slag or crust, accumulating at the surface, along the cavity wall and immediately beyond the flame area, which tend to interfere with combustion and visibility of the flame or colored smoke or pyrotechnic ammunition.

ASP

Ammunition Supply Point.

Astronomical Unit

Astronomical unit (AU), means distance between the earth and the sun. One AU is c.92,960,000 mi (149,604,970 km).

AT

Antitank.

Atmosphere

The envelope of air surrounding the earth; also, the body of gases surrounding or comprising any planet or other celestial body. Atmospheric pressure may be measured as weight per area. On earth, normal air pressure at sea level is 14.7 pounds of weight per square inch, or 1033 grams of weight per square centimeter. Expressed in more formal units of force per area, one atmosphere is equal to 1,013,300 dynes/cm². One million dynes per square centimeter has been set equal to one bar, therefore one atmosphere is equal to 1.0133 bars.

Atom

The atom is the smallest unit of a chemical [Element](#) having the properties of that element. An atom contains several kinds of particles. Its central core, the nucleus, consists of positively charged particles, called [Protons](#), and uncharged particles, called [Neutrons](#). Surrounding the nucleus and orbiting it are negatively charged particles, called [Electrons](#). Each atom has an equal number of protons and electrons. The nucleus occupies only a tiny fraction of an atom's volume but contains almost all of its mass. Electrons in the outermost orbits determine the atom's chemical and electrical properties. The number of protons in an atom's nucleus is called the [Atomic Number](#). All atoms of an element have the same atomic number and differ in atomic number from atoms of other elements. The total number of protons and neutrons combined is the atom's [Mass Number](#). Atoms containing the same number of protons but different numbers of neutrons are different forms, or [Isotopes](#), of the same element. [Atomic Weight](#).

Atomic Bomb

A weapon deriving its great explosive force from the sudden release of [Nuclear Energy](#) through the fission, or splitting, of heavy atomic nuclei. The first atomic bomb was successfully tested by the U.S. near Alamogordo, N.Mex., on July 16, 1945 ([Manhattan Project](#)). In the final stages of World War II the U.S. dropped atomic bombs on Hiroshima on Aug. 6, 1945, and on Nagasaki three days later to force Japan to surrender. Atomic bombs were subsequently developed by the USSR (1949), Great Britain (1952), France (1960), China (1964), and India (1974), and a number

of other nations, particularly Pakistan, South Africa, and Israel, are believed to have atomic bombs or the capability to produce them readily. Practical fissionable nuclei for atomic bombs are the isotopes [Uranium-235](#) and [Plutonium-239](#), which are capable of undergoing chain reaction. If the mass of the fissionable material exceeds the critical mass, the chain reaction multiplies rapidly into an uncontrollable release of energy. An atomic bomb is detonated by bringing together very rapidly (e.g., by means of a chemical explosion) two subcritical masses of fissionable material. The ensuing explosion produces great amounts of heat, a [shock wave](#), and intense neutron and gamma radiation. The region of the explosion becomes radioactively contaminated, and wind-borne radioactive products may be deposited elsewhere as fallout. [Nuclear, Hydrogen Bomb](#).

Atomic Number

Often represented by the symbol Z, the number of [Protons](#) in the nucleus of an [Atom](#). Atoms with the same atomic number make up a chemical [Element](#). The elements are arranged in the [Periodic Table](#) in the order of their atomic numbers. [Atomic Weight](#)

Mean (weighted average) of the masses of all the naturally occurring [Isotopes](#) of a chemical [Element](#); the atomic mass is the mass of any individual isotope. Atomic weight is usually expressed in atomic mass units (amu); the atomic mass unit is defined as exactly 1/12 the mass of a carbon-12 atom. Each proton or neutron weighs about 1 amu, and thus the atomic mass is always very close to the [Mass Number](#) (total number of protons and neutrons in the nucleus). Because most naturally occurring elements have one principal isotope and only insignificant amounts of other isotopes, most atomic weights are also very nearly whole numbers. For the atomic weight of individual elements, see [Element](#).

Atomized

In pyrotechnics, an atomized metal powder consists of regular spherical particles which may be as small as 5 microns in diameter.

Attitude

The position or orientation of an aircraft, spacecraft, munition, device, etc., either in motion or at rest, as determined by the relationship between its axes and some reference line or plane such as the horizon.

Attn.

Attention.

Aurora

The sporadic visible emission from the upper atmosphere over middle and high latitudes. Also called "northern lights" in the northern hemisphere.

Autogenous Pressurization System

Pressurizing tanks with available propulsion system propellant gases, on-board devices.

Autoignition

A temperature is reached at which the rate of reaction is so rapid that deflagration occurs.

Automatic (self-acting)

Moving or acting by itself. After the first round is fired, an automatic weapon fires, extracts, ejects and reloads without application of power from an outside source, repeating the cycle as long as the firing mechanism is held in the proper position. Automatic action involves repeating

the cycle of operation, as distinguished from semi-automatic, which is restricted to one complete cycle at a time.

Automatic Feed Mechanism

Mechanism in an automatic gun that puts fresh shells into the chamber in position for firing.

Auxplosive Group

Atom groupings commonly present in a high explosive, but which by their presence do not produce an explosive. They can, however, have an effect upon the power of an explosive, usually not in a helpful direction.

Average Burning Rate

The arithmetic mean (statistical average) burning rate of pyrotechnic or propellants at specific pressures and temperatures. Dimension - length/time or mass/time.

AVLB

Armored vehicle launch bridge.

Axis

A straight line about which a body rotates, or around which a plane figure may rotate to produce a solid; a line symmetry. One of a set of reference lines for certain systems of coordinates. (Plural: axes).

B

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Back-Blast

Rearward blast of gases from the breech of recoil-less weapons and rockets upon the burning of the propellant charge. It is sometimes referred to as breech-blast.

Bakelite

For its inventor, Leo Baekeland, a synthetic thermosetting phenol-formaldehyde resin with an unusually wide variety of industrial applications ranging from billiard balls to electrical insulation.

Ballistic Cap

Cap for projectile, designed to improve its ballistic efficiency.

Ballistic Coefficient

Measure of the ability of a missile to overcome air resistance.

Ballistic Conditions

Conditions which affect the motion of a projectile in the bore and through the atmosphere, including [muzzle velocity](#), weight of projectile, size and shape of projectile, rotation of the earth, density of the air, elasticity of the air and the wind.

Ballistic Curve

Actual path or trajectory of a bullet or shell.

Ballistic Density

Computed constant air density that would have the same total effect on a projectile during its flight as the varying densities actually encountered.

Ballistic Efficiency

Ability of a projectile to overcome the resistance of the air. Ballistic efficiency depends chiefly on the weight, diameter and shape of the projectile.

Ballistic Limit

Velocity at which a given type of projectile will perforate a given thickness and type of armor plate at a specified obliquity.

Ballistic Mortar

Instrument used to determine the relative energy obtainable from explosive materials.

Ballistic Pendulum

An instrument used for measuring the velocity of a projectile or the output of a cartridge or explosive charge. Ballistic Rating

Ballistic Temperature

A computed constant temperature that would have the same total effect on a projectile traveling from the gun to the target as the varying temperatures actually encountered.

Ballistic Wave

Audible disturbance or wave caused by the compression of air ahead of a projectile in flight.

Ballistic Wind

Assumed constant wind that would have the same total effect on a projectile traveling from the gun to the target as the varying winds actually encountered.

Ballistics

The science of the motion of projectiles.

Ballistite

Smokeless powder used as a propelling charge in small arms and mortar ammunition.

Balloting

The bounding from side to side of a projectile in the bore of a gun.

Bandoleer

A wide ribbon of fabric or [plastic](#) provided with numerous adjoining pockets to accommodate small arms ammunition or similarly shaped items.

Bar

Derived from the Greek word "heavy". A bar is a measure of pressure, one bar is equal to 0.9869 atmospheres or 10^5 pascals.

KBar

Kilobar = 1,000 Bars or 10^3 Bars

MBar

Megabar = 1,000,000 Bars or 10^6 Bars

Barium

Barium, a metallic element, isolated by electrolysis in 1808 by Sir Humphrey Davy. It is a soft, silver-white [Alkaline-Earth Metal](#). Its principal ore is barite. Various barium compounds are used as paint pigments, rat poison, a drying agent, and a water softener, and in pyrotechnics. [Element](#) ; [Periodic Table](#).

Barrage

A barrier of fire from guns, etc.

Bases & Acids

[Acids & Bases.](#)**Baseline Ejection Shell**

Type of special purpose shell which functions by expelling its filler out of base of the shell. Expulsion is usually achieved by a small charge of propellant, called an expelling charge.

Base Line

Line of known length and direction between two points whose locations are known; used in fire control.

Base Plug

Seal in base of projectile.

Base Of Trajectory

Straight horizontal line from the center of the muzzle of a weapon to the point of intersection with the downward curve of the path of a projectile.

Base Spray

[Spray.](#)

Battery Actuation Cartridge

May be electric, percussion or pneumatic: A controlled pressure cartridge used to force [electrolyte](#) into a dry-charge battery. [Pressure Cartridge.](#)

Beam

A ray or collection of focused rays of radiated energy. Radio waves used as a navigation aid.

Beam Collapse Mechanism

A method of allowing a bridge to collapse under its own weight.

Benzene

Benzene (C₆H₆), colorless, flammable toxic liquid with a pleasant aromatic odor. A [Hydrocarbon](#), benzene is the parent substance of the [Aromatic Compounds](#). It consists of an unusually stable hexagonal ring of six [carbon](#) atoms, each of which is attached to a hydrogen atom. Derivative compounds include toluene, phenol, and aniline. Obtained from coal tar and petroleum, benzene and its derivatives are used in making dyes, drugs, and [plastics](#).

Beryllium

Beryllium, a metallic element, first isolated in 1828 independently by Friedrich Wohler and Antoine Bussy. The silver-gray, [Alkaline-Earth Metal](#) is light, strong, high-melting, and resistant to corrosion. It is used as a window material for X-ray tubes and as a shield and a moderator in nuclear reactors. [Element](#) ; [Periodic Table](#).

Binary Explosive

A two component explosive based on safe-to-handle compounds such as hydrazine or nitromethane, shipped separately and united at the site to form a high-energy explosive.

Binder

Compositions that hold together a charge of finely divided particles and increase the mechanical strength of plugs or pellets of these particles when consolidated under pressure. Binders usually are resins, [plastics](#), asphaltics or hard waxes used dry or in solution.

Biological Agent

Viruses, any of certain classifications of microorganisms and toxic substance derived from living organisms used to produce death or disease in man, animals and growing plants.

Biological Warfare

Tactics and techniques of conducting warfare by use of biological agents.

Black Powder

A deflagrating or low explosive compound, consisting of a mixture of an alkali nitrate, usually potassium or sodium nitrate, mixed with charcoal and sulfur, which is mostly pressed, granulated and classified into definite grain fractions. It is easily ignited, friction sensitive, and produces dense smoke. Formerly used as a propellant before the advent of so-called smokeless powder; few remaining military uses, such as igniters, in fuzes to give short delay, in blank ammunition and as spotting charges. It deflagrates faster than it detonates; and is thus classified as a low explosive. The standard composition is: 75% potassium nitrate, 10% sulfur and 15% charcoal. There are also graded compositions containing 74, 70, 68 or 64% potassium nitrate. Corresponding compositions based on sodium nitrate are known as B-Black Powder.

Blank Ammunition

Ammunition containing no projectile but which does contain a charge of low explosive, such as black powder, to produce a noise; used in training, in signaling and in firing salutes.

Blast

Sudden air pressure created by the discharge of a gun or the explosion of a charge.

Blast Cube

Angle iron frame covered with aluminum sheets; used for testing effectiveness of blast.

Blast Shield

This is a specialty type of portable protective shield used by both bomb technicians and tactical personnel which is designed to protect the user from fragments, thermal effects and overpressure.

Blast Tube

Device used for the study of [shock waves](#) and for calibration of air-blast gages. *Shock Tube*.

Blaster

[Shot Firer](#).

Blasting Accessories

Nonexplosive devices and materials used in blasting, such as, but not limited to, cap crimpers, tamping bags, blasting machines, blasting galvanometers, and cartridge punches.

Blasting Agent

Any material or mixture consisting of a fuel (combustible) and oxidizer, intended for blasting, not otherwise classified as an explosive provided that the finished product, as mixed and packaged for shipment, cannot be detonated by a commercial grade No. 8 blasting cap.

Blasting Cap

A small thin-walled cylindrical case containing a sensitive explosive. Also called a [Detonator](#). Blasting caps serve as initiators of explosive charges. They consist of a cylindrical copper or aluminum capsule containing a primary charge of an initiating explosive or a mixture of initiating explosives (e.g. lead azide with lead trinitroresorcinate); in order to achieve a higher brisance, they also contain a secondary charge of a high brisance explosive (e.g. [Tetryl](#); [PETN](#); [Cyclonite](#)). A blasting cap can be ignited by the flame of a safety fuse or electrically, or nonelectrically (as in the case of *Shock Tube*). In the past, 10 standard types of blasting caps were marketed; these differed from each other by the quantity of the explosive in the charge and by their size. Currently, No. 8 blasting cap (0.3 g primary charge. 0.8 g secondary charge, 4-50mm in length

and 7.0 mm in external diameter) is, for all practical purposes, the main type of blasting cap on the market.

Blasting Galvanometer

An electrical resistance instrument designed specifically for testing electric detonators and circuits containing them. Along with blasting ohmmeters and blaster's multimeters, it is used to measure resistance or to check electrical continuity.

Blasting Log

A written record of information about a specific blast as may be required by law or regulation.

Blasting Machine

An electrical or electromechanical device that provides electrical energy for the purpose of energizing detonators in an electric blasting circuit.

Blasting Machine - CD type

Capacitor-Discharge Blasting Machine.

Blasting Machine - Generator type

A hand-operated electromechanical device that provides an output current to energize electric detonators.

Blasting Machine Rheostat

A graduated electrical resistance device used to simulate electric detonator resistances in the testing of blasting machines.

Block Demolition Charge

Prepackaged, high explosive charges for general demolition operations, such as tree cutting, breaching and cratering; composed of a high explosive such as *TNT*, *Tetrytol*, *Composition-C Series* and / or *Ammonium Nitrate*.

Block-Hole Method

A way of removing boulders; a hole is drilled in the top of the boulder deep and wide enough to hold the required amount of explosive.

Blowback

Escape, to the rear and under pressure, of gases formed during the firing of a gun. Blowback may be caused by a defective breech mechanism, a ruptured cartridge, or a faulty primer.

Blow-out Disk

(Safety Diaphragm) A thin metal diaphragm used as a safety measure against excess gas pressure.

Boat-tail

Rear end of a projectile that is tapered or cone-shaped and not cylindrical, as in a projectile having a square base.

Boiling Point

Boiling point, the temperature at which a substance boils, or changes from a liquid to a vapor or gas (*States Of Matter*), through the formation and rise to the surface of bubbles of vapor within the liquid. In a stricter sense, the boiling point of a liquid is the temperature at which its vapor pressure is equal to the local atmospheric pressure. Decreasing (or increasing) the pressure of the surrounding gases thus lowers (or raises) the boiling point of a liquid. The quantity of heat necessary to change 1 g of any substance from liquid to gas at its boiling point is known as its latent heat of vaporization.

Bomb

A criminal bomb is an explosive substance which is placed, dropped, thrown or projected with the unlawful intention of causing either injury, death, or destruction of property, or creating a disturbance.

Bomb Disrupter

A device which projects a fluid projectile or solid slug into an explosive package such as an I.E. D. or bomb. The intent is to decrease the density of the explosive by causing it to be spread apart from the impact of the projectile - at a speed which will be faster than the reaction time of the initiating system.

Bomb Suit

A protective suit worn by E.O.D personnel and bomb technicians when handling hazardous devices. The suit is specially designed and built to provide maximum protection to the wearer against fragments, thermal effects, overpressure and impact, which may result if a hazardous device is initiated.

Boom Powder

A pyrotechnic ignition mixture designed to produce many incandescent particles. A typical boom composition is:

| Ingredient | Parts By Weight |
|---|------------------------|
| Iron Oxide | 50 |
| Titanium (Powdered) | 32.5 |
| Zirconium (Powdered) | 17.5 |
| plus about 1 part cellulose nitrate as a binder | |

Booster

- 1) An explosive of special character, usually high strength and high detonating velocity, generally used in small quantities to improve the performance of another explosive, the latter constituting the major portion of the charge and normally a less sensitive explosive. When it is armed with a detonator, becomes a primer.
- 2) In rocketry, an auxiliary propulsion system employed in the early launching phase of a rocket vehicle or missile to attain the required speed.

Booster Charge

The final high explosive component of an explosive train which amplifies the detonation from the lead or detonator so as to reliably detonate the main high explosive charge. Also used loosely to indicate a reinforcing or augmenting charge.

Borax

Borax is sodium tetraborate decahydrate, the chemical compound ($\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$) occurring as a colorless, crystalline salt or a white powder. Borax is used as an antiseptic, cleansing agent, water softener, corrosion inhibitor in antifreeze, and flux for silver soldering, and in the manufacture of fertilizers, Pyrex glass, and pharmaceuticals.

Bore

The cylindrical, and usually rifled, portion of the gun tube, or barrel interior, extending from the forcing cone to the muzzle. Bore is used both for the inside surface of the barrel or tube of a gun, with its rifling, and for the cylindrical space enclosed by that portion of the tube.

Bore Impression

Impression of the bore of a gun tube, made with a *plastic* substance in order to determine the condition of the rifling.

Bore Premature

The explosion of a gun-launched projectile in the barrel.

Boresafe Fuze

Type of fuse having an interrupter in the explosive train that prevents a functioning until after the projectile has cleared the muzzle of a weapon.

Bottom Attack

Forms a hinge at the top of the span being demolished; as the span falls, the cut ends at the bottom move outward.

Bourellet

Finely machined band or ring of metal just behind the ogive of a projectile, designed to support the front portion of the projectile by riding the lands as the projectile travels through the bore of a gun.

Bow Wave

Ballistic Wave.

Branch Line

A length of *detonating cord*.

Breach Point

Access point to the target area.

Breaching Charges

Used to destroy concrete-slab bridges, bridge beams, bridge piers, bridge abutments, and permanent field fortifications. The size, shape, placement, and tamping or confinement of breaching charges are critical to success.

Breaching Device

A device designed to facilitate breaching activities. This may include explosive devices and mechanical devices.

Breaching Radius

(R) For external charges, it is equal to the thickness of the target being breached. For internal charges placed at the center of the target's mass, R is one half the thickness of the target. For internal charges placed less than one half the target mass thickness, R is the longer of the distances from the center of the charge to the outside of the target.

Breech

The rear part of the bore of a gun, especially the opening that permits the projectile to be inserted at the rear of the bore.

Breech-blast

Back-blast.

Breech Block

Movable steel block that closes the rear part of the barrel in a firearm.

Bridgewire

A relatively fine resistance wire incorporated into an ignition element connecting the ends of the legwires inside an electric detonator and which is imbedded in the ignition charge of the

detonator.

Bridge Waves

Mach waves caused by the interaction of two [shock waves](#) to form a third that bridges the volume between the original two.

Brisance

The performance of an explosive cannot be expressed by means of a single characteristic parameter. Brisance is the destructive fragmentation effect of a charge on its immediate vicinity. The relevant parameters are the detonation rate and the loading density (compactness) of the explosive, as well as the gas yield and the heat of explosion. The higher the loading density of the explosive (molding or pressing density), the higher its performance concentration per unit volume; also, the faster the reaction rate, the stronger the impact effect of the detonation. Moreover, an increase in density is accompanied by an increase in the detonation rate of the explosive, while the shock wave pressure in the detonation front ([Detonation](#)) varies with the square of the detonation rate. Thus it is very important to have the loading density as high as possible. This is particularly true for [Shaped Charges](#).

Kast introduced the concept of “brisance value”, which is the product of loading density, specific energy and detonation rate. Brisance tests are upsetting tests according to Kast and HeB; the compression of a copper cylinder is determined by actuating a piston instrument; alternatively, a free-standing lead cylinder is compressed by the application of a definite cylindrical load of the explosive being tested: *Upsetting Tests*.

Brisant

Sudden, sharp, violent. A descriptive term which, when applied to explosions, indicates a powerful impulse of short duration.

British Thermal Unit

British thermal unit (BTU), unit of energy required to raise the temperature of 1 lb of water by one degree Fahrenheit (from 59.5° to 60.5°F). 1 BTU = 251.996 calories = 778.26 foot-pounds = 1054.8 joules.

Broadcasting

The transmission of sound or images to a number of [Radio](#) or [Television](#) receivers.

Bruceton Analysis

A statistical analysis approach to the problem of determining as economically as possible the behavior characteristics of explosive components by using a limited number of samples to determine a reliability factor. In this test, the level of variable applied depends upon the results of the previous test.

Buffer

A solution that can keep its pH, i.e., its relative acidity or alkalinity, constant despite the addition of strong acids or bases ([Acids & Bases](#)). Buffer solutions contain either a weak acid or weak base and one of their salts. [pH](#).

Bulk Density

The mass per unit volume of bulk materials. Used in connection with packaging, storage or transportation.

Bulk Strength

The strength per unit volume of an explosive calculated from its weight strength and density.

[Strength.](#)

Bullet-Resistant

Magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2,700 ft/sec fired from a .30-caliber rifle from a distance of 100 ft perpendicular to the wall or door. When a magazine ceiling or roof is required to be bullet-resistant, the ceiling or roof shall be constructed of materials comparable to the sidewalls or other materials that will withstand penetration of the bullet described above when fired at an angle of 45 degrees from the perpendicular. Tests to determine bullet resistance should be conducted on test panels or empty magazines that will resist penetration of 5 out of 5 shots placed independently of each other in an area at least 3 ft. x 3 ft.

Bureau Of Mines Test

A U.S. Bureau Of Mines test for determination of the impact sensitivity of an explosive. A small sample of the explosive is placed between two hardened steel plates and a weight is dropped upon the upper plate. The figure representing the lowest height in centimeters at which at least one of ten trials results in explosion is the sensitivity index. The highest drop provided is 100 cm, so sensitivity may be given at 100+, meaning that at 100 cm, no explosion resulted.

Burning

(of propellant) [Linear Burning Rate.](#)

Burst

Explosion of a projectile in the air, or when it strikes the ground or target.

Burster

Explosive charge used to break open and spread the contents of chemical projectiles, bombs or mines.

Burster Tube

Tube that holds the burster in a chemical projectile.

Bursting Charge

Quantity of an explosive which breaks the casing of a projectile to produce demolition, fragmentation or chemical action.

Bus Wire

Expendable heavy-gauge bare copper wire used to connect detonators or series of detonators in parallel.

C

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C

[Tamping Factor.](#)

C4

[Composition C4.](#)

CAD

1) Abbreviation for Cartridge Actuated Devices; lately the term Propellant Activated Devices

(PAD) has also been used.

2) Abbreviation for computer aided design.

Calcium

Calcium (Ca), metallic element, first isolated in 1808 by Sir Humphrey Davy. It is a silver-white, soft, malleable *Alkaline-Earth Metal*. The fifth most abundant element (3.64%) of the earth's crust, it is not found uncombined but occurs in numerous compounds, e.g., Apatite, Calcite, Dolomite, Iceland Spar, Limestone, and Marble. Calcium acts as a reducing agent in the preparation of other metals. It occurs in most plant and animal matter, and is essential for the formation and maintenance of strong bones and teeth. Calcium helps to regulate the heartbeat and is necessary for blood clotting. *Element; Periodic Table*.

Calculus

A branch of mathematics that studies continuously changing quantities. It was developed in the 17th century independently by Sir Isaac *Newton* and G.W. Leibniz. The calculus is characterized by the use of infinite processes, involving passage to a *Limit*. The differential calculus arises from the study of the rate at which a function, usually symbolized by y or $f(x)$, changes relative to a change in the independent variable, usually x . This relative rate can be computed from a new function—the derivative of y with respect to x , denoted by dy/dx , y' , or $f'(x)$ —arrived at by a process called differentiation. Formulas have been developed for the derivatives of all commonly encountered functions. For example, if $y = x^n$ for any real number n except -1 , then $y' = nx^{n-1}$, and if $y = \sin x$, then $y' = \cos x$. In physical applications, the independent variable is frequently time, e.g., if $s = f(t)$ expresses the relation between the distance s traveled and the time t elapsed, then $s' = f'(t)$ represents the rate of change of distance with time, i.e., the speed or velocity (*Motion*) at time t . Geometrically, the derivative is interpreted as the slope of the line tangent to a curve at a point. This view of the derivative yields applications, e.g., in the design of optical *mirrors* and *lenses* and the determination of projectile paths. The integral calculus arises from the study of the limit of a sum of elements when the number of such elements increases without bound while the size of the elements diminishes. Conventionally, the area A under the curve $y = f(x)$ between the two values $x = a$ and $x = b$ is symbolized by $A = \int_a^b f(x) dx$, called the definite integral of $f(x)$ from a to b . The area is approximated by summing the products of $f(x)$ and dx for each of the infinitely small distances (dx) that comprise the measurable distance between a and b . This method can be used to determine the lengths of curves, the areas bounded by curves, and the volumes of solids bounded by curved surfaces. The connection between the integral and the derivative is known as the Fundamental Theorem of the Calculus, which, in symbols, is $\int_a^b f(x) dx = F(b) - F(a)$, where $F(x)$ is a function whose derivative is $f(x)$. The calculus has been developed to treat functions not only of a single variable but also of several variables and is the foundation for the larger branch of mathematics known as *Analysis*.

Caliber

1) Diameter of the bore of a gun. In rifled gun bores, the caliber is obtained by measuring between opposite lands. A caliber .45 revolver has a barrel with a land diameter 45/100 of an inch.

2) Diameter of a projectile.

3) Unit of measure used to express the length of the bore of a weapon. The number of calibers is

determined by dividing the length of the bore of the weapon, from the breech face of the tube to the muzzle, by the diameter of its bore. A gun tube whose bore is 40 feet (480 inches) long and 12 inches in diameter is said to be 40 calibers long.

Calorie

A calorie (cal) is a unit of energy required to raise the temperature of one gram of water one degree Centigrade (from 14.5° to 15.5°C); 1 cal = 4.1840 joules. Nutritionists use the kilocalorie (1,000 cal) to state the heat content of food.

Calorimeter

A device for measuring heat of combustion (under compressed oxygen) or heat of explosion (under an inert gas such as [argon](#)); the latter is used for propellants, explosives and pyrochemical mixtures which react without outside oxygen, not to be mistaken for colorimeter, an apparatus to measure color.

Canister

- 1) Metal cylinder containing metal fragments which are scattered when cylinder breaks.
- 2) Cylinder containing materials for special terminal effects, such as smoke, propaganda leaflets, chaff, etc.

Canister Ammunition

Shell containing preformed metal fragments which are dispersed by the centrifugal force caused by the shell's rotation.

Cannelure

- 1) A ring-like groove in the jacket of a bullet which provides a means of securely crimping the cartridge case to the bullet; analogous to the crimping groove in artillery ammunition.
- 2) Ring-like groove for locking the jacket of an armor-piercing bullet to the core.
- 3) Ring-like groove in the rotating band of a projectile, intended to lessen the resistance offered to the gun riflings.
- 4) Groove around the base of the cartridge case, where the extractor takes hold.

Cannon

- 1) Fixed or mobile weapon, larger than small arms, that ejects its projectile by the action of an explosive. Cannon includes guns, howitzers and breech-loading mortars.
- 2) That portion of such weapon required to fire a projectile (that is, tube, breech mechanism and firing mechanism), as contrasted to that portion which supports the weapon and which is called the carriage or mount.

Cant

A leaning or tilt, to one side, of any object, militarily, the widewise tilting of a gun.

Cap

- 1) [Detonator](#), [Blasting Cap](#).
- 2) Nosepiece on a projectile.

Cap Crimper

A mechanical device for crimping the metallic shell of a fuse detonator or igniter cord connector securely to a section of inserted safety fuse.

Cap Sensitivity

The sensitivity of an explosive to initiation by a detonator. An explosive material is considered to be cap sensitive if it detonates with an IME No. 8 Test Detonator.

Cap Type

Commercial detonator types may also be abbreviated in describing the particular type of detonator:

- I Instantaneous FCA Fuse / Cap Assembly
- SP Short Period LP Long Period
- N Nonel (shock tube) EBW Exploding Bridge Wire

Capacitance

In electricity, the capability of a body, a system, or an [Electric Circuit](#) for storing electric charge. Capacitance, in units of farads, is expressed as the ratio of stored charge in coulombs to the applied potential difference in volts. In electric circuits, devices designed to store charge are called [Capacitors](#). When alternating current flows through a capacitor, the capacitor produces a reactance, inversely proportional to the capacitance, that resists the current flow ([Impedance](#)).

Capacitor

Capacitor or condenser, a device for storing electric charge. Simple capacitors usually consist of two plates made of an electrically conducting material (e.g., a metal) separated by a nonconducting material (e.g., glass, paraffin, mica, oil, or air). If an electric [Potential](#) (voltage) is applied to the capacitor plates, the plates will become charged, one positively and one negatively. If the externally applied voltage is then removed, the capacitor plates remain charged, and the electric charge induces an electric potential between the two plates. This phenomenon is called electrostatic [Induction](#). The capacity of the device for storing electric charge (i.e., its capacitance) can be increased by increasing the area of the plates, by decreasing their separation, or by varying the substance used as an insulator. The [Dielectric](#) constant is a measure of the increase in capacitance due to a particular insulator used to separate the plates. The Leyden jar, a form of capacitor invented at the University of Leiden in the 18th century, consists of a narrow-necked glass jar coated on part of its inner and outer surfaces with conductive metal foil.

Capacitor-Discharge Blasting Machine

A blasting machine in which electrical energy, stored on a capacitor, is discharged into a blasting circuit containing electric detonators.

Capillarity

Capillarity or capillary action, phenomenon in which the surface of a liquid is elevated or depressed when it comes in contact with a solid. The result depends on the outcome of two opposing forces, [Adhesion](#) and [Cohesion](#). Adhesion between glass and water causes the water to rise along a glass wall until this force is balanced by the cohesive force acting to minimize the liquid's surface area ([Surface Tension](#)). When adhesion is less than cohesion, as with glass and mercury, the surface is lowered. The upward flow of water in soil and in plants is partially caused by capillarity.

Capped Fuse

Safety fuse to which a plain detonator has been crimped.

Carbon

Carbon is a nonmetallic element, known since ancient times. Pure carbon forms are amorphous carbon (found in such sources as [Charcoal](#), [Coal](#), [Coke](#), [Lignite](#), and [Peat](#)) and the crystals [Graphite](#), a very soft, dark-gray or black, lustrous material, and [Diamond](#), the hardest substance

known. [Organic Chemistry](#) is the study of carbon compounds. All living organisms contain carbon. Carbon has seven isotopes; carbon-12 is the basis for [Atomic Weights](#); carbon-14, with a half-life of 5,730 years, is used to trace chemical reactions and to date geologic and archaeological specimens ([Dating](#)). [Carbon Dioxide](#); [Carbon Monoxide](#); [Element](#); [Periodic Table](#).

Carbon Dioxide

Carbon dioxide (CO₂), chemical compound, occurring as a colorless, odorless, tasteless gas that is about 1 1/2 times as dense as air under ordinary conditions. It does not burn and will not support combustion of ordinary materials. Its weakly acidic aqueous solution is called *Carbonic Acid*. The gas, easily liquefied by compression and cooling, provides the sparkle in carbonated beverages. Solid carbon dioxide, or dry ice, is a refrigerant. Dough rises because of carbon dioxide formed by the action of yeast and baking powder. Carbon dioxide is a raw material for photosynthesis in green plants, and is a product of animal respiration and of the decay of organic matter. Carbon dioxide occurs both free and combined in nature, and makes up about 1% of the volume of dry air. It can cause death by suffocation if inhaled in large amounts.

Carbon Monoxide

Carbon monoxide, chemical compound (CO), colorless, odorless, tasteless, extremely poisonous gas that is less dense than air under ordinary conditions. It burns in air with a characteristic blue flame, producing carbon dioxide. It is a component of the artificial fuels producer gas and water gas. As a reducing agent, it removes oxygen from many compounds and is used in the reduction of metals from ores. When air containing as little as 0.1% carbon monoxide by volume is inhaled, the oxygen of hemoglobin is replaced by the carbon monoxide, resulting in fatal oxygen starvation throughout the body.

Cartridge

- 1) A preformed unit of high explosive wrapped to a predetermined diameter and length; a plug; stick of dynamite; a soft [plastic](#) stick of AN/FO or slurry.
- 2) Round of ammunition wherein the propellant and primer are contained in a casing and in which the propellant, primer and projectile are assembled, stored, shipped and issued as a complete unit.

Cartridge Bag

Cloth bag holding the propelling charge for some types of cannon.

Cartridge Base

Container that holds the primer and propellant and to which the projectile may be affixed.

Cartridge Density

- 1) In industrial explosives, the ratio between the weight of an explosive cartridge and its volume. [Loading Density](#).
- 2) Some manufacturers indirectly give the cartridge density on the package by stating the number of standard 1 1/4 x 8" cartridges contained in a 50-pound case.
- 3) The relationship is given in the following table: Material Being Added

Cartridge Strength

[Bulk Strength](#).

Case

An outer substantial shipping container meeting DOT specifications for explosive materials.

Case Insert

A set of printed, precautionary instructions, including the IME Do's and Don'ts, which is inserted into a case of explosive materials.

Case Liner

A [Plastic](#) or paper barrier used to prevent the escape of explosive materials from a case.

Case-Bond Grain

A solid propellant grain which is cast in place in the surrounding rocket case.

Cast Loading

Loading HE shell by the pouring of molten high-explosive filler into the shell body.

Cast, Extrude, or Pressed Booster

A cast, extruded, or pressed solid high explosive used to detonate less sensitive explosive materials.

Catalyst

A substance which, in small amounts, influences a chemical reaction without chemically changing it. A substance that causes a change in the rate of a chemical reaction without itself being consumed by the reaction. Catalysts, which work by changing a reaction's activation energy, or minimum energy needed for the reaction to occur, are used in numerous industrial processes. Substances that increase the reaction rate are called positive catalysts, or simply catalysts, whereas substances that decrease the reaction rate are called negative catalysts, or inhibitors. The presence of a small amount of an acid or base may catalyze some reactions. Finely divided metals (e.g., platinum, copper, iron, palladium, rhodium) or metal oxides (e.g., silicon dioxide, vanadium oxide) may also serve as catalysts. Biological catalysts are called [Enzymes](#).

Catapult

A device designed for emergency ejection of personnel from aircraft.

Categorization

To put into any of several fundamental and distinct classes to which entities or concepts belong; a division within a system of classification.

Cathode

The negative pole of a direct current device. Opposite [Anode](#). (adj.: cathodic).

Cathode-Ray Tube

Cathode-ray tube, [Electron Tube](#) in which electrons are accelerated by high-voltage anodes, formed into a beam by focusing [Electrodes](#), and projected toward a phosphorescent screen that forms the face of the tube. The electron beam leaves a bright spot wherever it strikes the screen. To form the screen display, or image, the electron beam is deflected in the vertical and horizontal directions either by the electrostatic effect of electrodes within the tube or by magnetic fields produced by coils located around the neck of the tube. Some cathode-ray tubes, made for computer terminals [Oscilloscopes](#), and [Television](#) receivers, can produce multiple beams of electrons and have phosphor screens that can display more than one color. [Radar](#).

Cavalry

Cavalry defines mounted troops trained to fight from horseback. In use since the time of the ancient Hittites, horsemen remained at a disadvantage against well-disciplined [Infantry](#) until the

introduction (4th century AD) of the saddle. In medieval Europe the mounted knight became the typical warrior. Despite the invention of *Small Arms*, cavalry remained important in warfare until the end of the 19th century. The elite of the fighting forces in Europe, it was often recruited from the nobility and landed gentry. On the African, U.S., and British Indian frontiers the cavalry's mobility was essential against the lightly armed natives, but its value was drastically diminished by the development of rapid-fire rifles and machine guns. It was ultimately superseded by mobile *Tank* units in World War II.

Cavity Charge

Shaped Charge.

Celestial Mechanics

Celestial mechanics is the study of the motions of astronomical bodies as they move under the influence of their mutual *Gravitation*. The calculation of such motions is complicated because many separate forces are acting at once and all bodies are moving simultaneously. Celestial mechanics is based on Isaac *Newton's Laws* of motion and theory of universal gravitation. Only the problem of two isolated moving bodies mutually attracted by gravitation can be solved exactly. Because the sun is the dominant influence in the *solar system*, an application of the two-body problem leads to the simple elliptical *Orbits* as described by *Keplers Laws*, which give a close approximation of planetary motion. Problems that consider the additional effects, or perturbations, of other less dominant bodies (such as the other planets in the solar system) cannot be solved exactly except in a few special cases. Methods have been devised, however, to allow successive refinements of an approximate solution to be made to almost any degree of precision.

Cell

In electricity, a device that operates by converting chemical energy into electrical energy. A cell consists of two dissimilar substances, a positive *Electrode* and a negative electrode, and a third substance, the *Electrolyte*, that acts chemically on the electrodes. A group of cells connected together is called a battery. The *Electromotive Force*, or voltage produced between the positive and negative electrodes, depends on the chemical properties of the substances used but not on the size of the electrodes or the amount of electrolyte. When the electrodes are connected externally by a piece of wire, electrons flow from the negative electrode, through the wire, and into the positive electrode. There are several kinds of cells, differing in electrode material and electrolyte. The Leclanché cell has a zinc negative electrode, a carbon positive electrode, and an electrolyte consisting of ammonium chloride solution. It is the basis of the common dry cell, so called because the electrolyte is in the form of a paste instead of a liquid. An alkaline dry cell, which can operate up to ten times longer than common dry cells, has a zinc negative electrode, a manganese dioxide positive electrode, and an electrolyte of potassium hydroxide. A mercury dry cell, with a zinc negative electrode, a mercuric oxide positive electrode, and a potassium hydroxide electrolyte, has a constant output voltage and may be stored for many years.

Center Of Burst

Point in the air about which the bursts of several projectiles, from rounds fired under like conditions, are evenly distributed.

Center Of Burst Error

Distance between the target and center of burst.

Center Of Dispersion

Theoretical center of hits or bursts that would have been made if an unlimited number of shots had been fired with the same data. Actually it has to be considered the center of impact or bursts of all shots already fired.

Cesium

Cesium (Cs), metallic element, discovered by spectroscopy in 1860 by Robert Bunsen and Gustav Kirchhoff. Ductile, soft as wax, and silver-white, it is the most alkaline element ([Alkali Metals](#)) and the most reactive metal. Cesium metal is used in photoelectric cells and various optical instruments; cesium compounds, in glass and ceramic production. The cesium-137 radioactive isotope is used to treat cancer. [Element](#); [Periodic Table](#).

C.F.D. (Computational Fluid Dynamics Modeling.)

A method of projecting and / or analyzing the outcome of a high energy event utilizing special, computer codes.

Chaff

Electromagnetic-wave reflectors in the form of narrow metallic strips, used for creating echoes with which to confuse the enemy. ([Rope](#) and [Window](#).)

Chaff Shell

Hollow projectile containing a filler of chaff. [Chaff](#).

Chamber

Part of a gun in which the charge is placed, in a cannon, that space between the obturator or breechlock and the forcing cone. Nominally it is the space occupied by the cartridge case.

Chamber Capacity

Space available for gas expansion when the projectile is seated in position; measured from the face of the closed breech block, around the base of the projectile, to the rear of the rotating band (or obturator). In fixed ammunition, it is the volume of the cartridge case behind the projectile.

Chapman-Jouget plane

The C-J plane may be described simply as that "point" along a confined cylindrical column of explosives at which the detonation shock wave reaction is complete; and from which point onwards a permanent steady-state reaction (detonation) continues.

Charcoal

A nonvolatile residue obtained when organic matter, usually wood, is heated in the absence of air. Largely pure [Carbon](#), charcoal yields more heat per volume than wood. Charcoal obtained from bones is called bone black or animal charcoal. Finely divided charcoal, with its porous structure, efficiently filters the absorption of gases and of solids from solution. Charcoal is used in sugar refining and in water and air purification.

Charge

A given quantity of explosive.

Charge Weight

Ratio In rocket technology, the ratio of the weight of propellant to the total weight.

Chemical Agent

Solid, liquid or gas whose chemical properties produce lethal, injurious or irritant effects; a screening or colored smoke or an incendiary agent. (War gases, smokes and incendiaries are the

three main groups.)

Choking Gas

Casualty producing gas which causes irritation and inflammation of the bronchial tubes and lungs. Phosgene is an example of this type of gas.

Chord

Straight line parallel to the centerline of the projectile from the leading edge to the trailing edge of a fin; the length of that line.

Chronograph

Instrument for measuring and graphically recording small intervals of time; frequently used for measuring velocity of projectiles.

Chuffing

Intermittent or irregular burning in a solid propellant rocket motor with corresponding low frequency pressure oscillations.

Chugging

An irregular combustion of liquid fuels in a rocket engine with corresponding low frequency pressure oscillations.

Cigarette Burning

In inhibited solid propellants, burning from one end only so the burning progresses in the direction of the longitudinal axis.

Class

Classification.

Classification

The systematic arrangement in groups based on the load-carrying capacity of bridges.

Classification Of Defects

Factor introduced into the ballistic coefficient of a projectile, based on its shape.

Closed Bomb

A fixed volume chamber used for testing the pressure-time characteristics of cartridges or combustible materials.

Coal

A fuel substance of plant origin, composed largely of [Carbon](#) with varying amounts of mineral matter. Coal belongs to a series of carbonaceous fuels that differ in the relative amounts of moisture, volatile matter, and fixed carbon they contain; the most useful contain the largest amounts of carbon and the smallest amounts of moisture and volatile matter. The highest grade of coal is anthracite, or hard coal, which is nearly pure carbon and is used as a domestic fuel. Bituminous coal, or soft coal, with a lower carbon content, is used as an industrial fuel and in making [Coke](#). [Lignite](#) and [Peat](#) are the lowest in carbon content. Large amounts of coal were formed in the Carboniferous period of geological time (345 to 280 million years ago). It is thought that great quantities of vegetable matter collected and underwent slow decomposition in swamps similar to present-day peat bogs and in lagoons. The peat that formed was converted to lignite and coal by metamorphism. The pressure of accumulated layers of overlying sediment and rock forced out much of the volatile matter, leaving beds or seams of compact coal interstratified with shales, clays, or sandstones. Higher grades of coal were produced where the stress was greatest. Major U.S. coal fields are found in Appalachia, the Midwest, the Rocky Mt. region, and

along the Gulf Coast. The chief coal-producing countries of Europe are Germany, Britain, the USSR, Poland, France, and Belgium. Valuable coal deposits also exist in China, India, South Africa, and Australia.

Coefficient Of Form

Factor introduced into the ballistic coefficient of a projectile, based on its shape.

Coenzyme

A coenzyme is any of a group of relatively small organic molecules that assist certain [Enzymes](#) in their catalytic functions. Coenzymes participate in chemical reactions catalyzed by enzymes; although often structurally altered in the course of the reaction, the coenzymes are always restored to their original form. Important coenzymes include adenosine triphosphate, important in the transfer of chemical energy, and vitamins, vital to a variety of biochemical reactions in the body, including the Krebs cycle.

Cohesion

Adhesion and cohesion, attractive forces between material bodies. Adhesive forces act between different substances, whereas cohesive forces act within a single substance, holding its atoms, ions, or molecules together. Without these forces, solids and liquids would act as gases. [Surface Tension](#) in liquids results from cohesion, and [Capillarity](#) results from a combination of adhesion and cohesion. [Friction](#) between two solid bodies depends in part on adhesion.

Coke

A hard, gray, porous fuel with a high [Carbon](#) content. It is the residue left when bituminous [Coal](#) is heated in the absence of air. Coke is used in extracting metals from ores in the blast furnace.

Colored Marker Shell

Projectile containing a colored dye which is ejected by a burster charge; used for spotting, marking and signaling.

Colored Smoke

An aerosol of special dyestuffs dispersed by pyrotechnical reaction by explosion. Used for signaling and spotting.

Column Length

The length of a propellant or pyrotechnic composition.

Combustion

- 1) An exothermic chemical reaction which liberates heat and usually produces high temperature gases and light.
- 2) Any oxidation reaction, including those produced by introduction of atmospheric oxygen; many explosives are capable of burning without detonation if unconfined. Moreover, the oxidation reaction taking place in propellants without introduction of oxygen is also designated as combustion: it is preferable to denote this process as burning ([Burning Rate](#); [Deflagration](#)).

Command Post

- 1) Temporary location of issuing field commands locally.
- 2) Location where the demolition guard can best control the defense of the demolition target from the friendly side.

Commercial Explosives

Explosives designed, produced, and used for commercial or industrial applications other than for military purposes.

Common Series

Circuit Used to connect two or more electric blasting caps to a single blasting machine.

Communications Satellite

An artificial [Satellite](#) that provides a worldwide linkup of [Radio](#) and [Television](#) transmissions and [Telephone](#) service; such a satellite avoids the curvature-of-the-earth limitation formerly placed on communications between ground-based facilities. The first communications satellite was NASA's Echo 1, an uninstrumented inflatable sphere that passively reflected radio signals back to earth. The U.S. launching (1963) of the first synchronous-orbit satellite (Syncom 1) paved the way for the formation of the International Telecommunications Satellite Organization, whose successive series of Intelsat geostationary satellites have steadily lowered the cost of transoceanic communications. Domestic communications satellite systems, also geostationary, have been developed by Canada; the USSR; Indonesia. Military satellite systems have been developed by the U.S. and NATO.

Compatibility

Ability of materials to be stored intimately without chemical reaction occurring. Incompatibility may result in a loss of effectiveness or may be very hazardous. For example, Chlorate Explosives and Ammonium Nitrate Explosives are not compatible (formation of self-decomposing ammonium chlorate). For compatibility testing [Vacuum Test](#).

Complete Penetration

- 1) In the U.S. Army, penetration obtained when the projectile in the target or light through the target can be seen from the rear of the target.
- 2) In the U.S. Navy, penetration obtained when the projectile passes through the target intact or a major portion of the projectile passes through.

Complete Round

- 1) A complete round of separate-loading artillery ammunition consists of a primer, propelling charge and (except for blank ammunition) a projectile.
- 2) A complete round of fixed or semi-fixed ammunition comprises a primer, propelling charge, cartridge case and a projectile.

Composition

Specifically, a castable or moldable explosive such as Composition B. Composition C=.; also a pyrotechnic mixture. A composition may be compounded (by mixing) but the term, a compound, is better reserved to chemical individuals. "Mix" as a noun, is a vulgarism which should not be employed in lieu of "mixture" of composition.

Composition A; A-2; A-3 Pressed charges made of phlegmatized [Cyclonite \(RDX\)](#) differing from each other only by the various kinds of wax they contain. Detonation velocity, confined: 8,100 m/s = 26,600 ft/s at $r = 1.71 \text{ g/cm}^3$.

Composition B; B-2 Hexolite; Hexotol Castable mixtures of Cyclonite (RDX) and TNT in the proportion of 60 : 40; some of them contain wax as an additive. They are used as fillings for bombs, mines and [Hollow \(Shaped\) Charges](#).

density: about 1.65 g/cm^3)

detonation velocity, confined: 7800 m/s = 25600 ft/s at $r = 1.65 \text{ g/cm}^3$

Composition C; C-2; C-3; C-4 Military [plastic](#) explosive, consisting of [Cyclonite \(RDX\)](#) and a plasticizer, which itself may or may not be explosive. The respective formulations are:

| Composition | RDX % | Plasticizer % | Type |
|-------------|-------|---------------|-----------------|
| C | 88.3 | 11.7 | non-explosive |
| C-2 | 80.0 | 20.0 | explosive |
| C-3 | 78.0 | 22.0 | explosive |
| C-4 | 91.0 | 19.0 | polyisobutylene |

Composition C4

A composite explosive containing approximately 91% RDX and 9% non-explosive plasticizer. C4 is effective in temperatures between -70 and + 170 degrees Fahrenheit, but loses its plasticity in colder temperatures.

Compound

Compound, in chemistry, a substance composed of [Atoms](#) of two or more [Elements](#) in chemical combination, occurring in fixed, definite proportion and arranged in fixed, definite structures. A compound has unique properties that are distinct from the properties of its elemental constituents and of all other compounds. A compound differs from a mixture in that the components of a mixture retain their own properties and may be present in many different proportions. The components of a mixture are not chemically combined; they can be separated by physical means. A molecular compound, e.g., water, is made up of electrically neutral [Molecules](#), each containing a fixed number of atoms. An ionic compound, e.g., sodium chloride, is made up of electrically charged [Ions](#) that are present in fixed proportions and are arranged in a regular, geometric pattern called crystalline structure but are not grouped into molecules.

Computed Maximum Pressure

For any type of gun, the theoretical value of maximum pressure computed by interior ballistics formulas. When a new gun of the type in question is fired under standard conditions, with a propelling charge that will give a projectile its rated muzzle velocity, this is the pressure which should be developed.

Concentration

In chemistry, measure of the relative proportions of two or more quantities in a mixture ([compound](#)). Concentrations may be expressed in a number of ways. The simplest is in terms of a component's percentage by weight or volume. Mixtures of solids or liquids are frequently specified by weight-percentage concentrations, whereas mixtures of gases are usually specified by volume percentages. Very low concentrations, such as those of various substances in the atmosphere, are expressed in parts per million (ppm). The molarity of a [solution](#) is the number of [moles](#) of solute per liter of solution. The molality of a solution is the number of moles of solute per 1,000 grams of solvent. The mole fraction of a solution is the ratio of moles of solute to the total number of moles in the solution.

Concrete-Stripping Charge

Bulk, surface-placed charges designed to remove concrete from reinforced-concrete beams and

slabs, exposing steel reinforcement.

Conduction

Conduction is the transfer of *Heat* or *Electricity* through a substance, resulting from a difference in temperature between different parts of the substance or from a difference in electric *Potential*. Heat may be conducted when the motions of energetic (hotter) molecules are passed on to nearby, less energetic (cooler) molecules, but a more effective method is the migration of energetic free electrons. Conduction of electricity consists of the flow of charges. *Metals* are thus good conductors of both heat and electricity because they have a high free-electron density.

Confidence Level

A statistical evaluation of the percentage of statements or tests expected to be correct using a given analytical system.

Confined Detonating Fuze (CDF)

A detonating cord with a flexible outer sheath which retains the products of detonation.

Confined Detonation Velocity

The detonation velocity of an explosive material in a substantial container or a borehole.

Confinement

Confinement may be defined as an inert material of some strength and having a given wall thickness, situated in the immediate vicinity of an explosive. Priming or heating the explosive materials produces different results, according to whether they are located in a stronger or a weaker confinement. If confined by thick steel, almost any explosive will explode or detonate on being heated; on the other hand, they burn on contact with an open flame if unconfined (*Combustion; Mass Explosion Risk*), except *Initiating Explosives*.

The destructive (fragmentation) effect of an explosion becomes stronger if the explosive is confined (stemmed) in an enclosure such as a borehole. In the absence of natural confinement, the explosive charge is often embedded in an inert material such as clay. *Mud Cap, Stemming*.

Connecting Wire

Wire used to extend the *firing line* or legwires in an electric blasting circuit.

Conservation laws

Conservation laws, in physics are the basic laws that maintain that the total value of certain quantities remains unchanged during a physical process. Conserved quantities include *Mass* (or matter), *Energy*, linear Momentum, angular momentum, and electric *Charge*; the theory of *Relativity*, however, combines the laws of conservation of mass and of energy into a single law. Additional conservation laws have meaning only on the subatomic level.

Convection

Convection is the transfer of heat by the flow of a liquid or gas. A fluid expands when heated and thus undergoes a decrease in density. The warmer, less dense regions of a fluid tend to rise, in accordance with *Archimedes' Principle*, through the surrounding cooler fluid. If the heat continues to be supplied, the cooler fluid that flows in to replace the rising fluid will also become heated and will rise, setting up a convection current.

Conventional Entry / Breach Point

A normal point of entry into the target area which may include doorways, hallways, staircase, elevator.

Cook-Off

The detonation or deflagration of an explosive-filled device caused by externally applied heat.

Cooling salt

Either sodium chloride or sodium carbonate incorporated in a high explosive to reduce the heat of the explosion as in permitted (permissible) explosives. A flame-depressant, isothermic chemical.

Copper Crusher Gage

Device used to measure pressure developed in gun chamber by measuring the deformation of a copper cylinder.

Coppering

Metal fouling left in the bore of a weapon by the rotating band or the jacket of a projectile.

Cord. Detonating

Tube containing a core of high explosive.

Cordite

Double-base powder in the form of cords, composed of gun-cotton, [nitroglycerin](#) and mineral jelly, used by some foreign nations as a propellant in rounds of ammunition. Designation for double base (nitroglycerin-nitrocellulose) gun propellants in the United Kingdom.

Corrosion

Wearing away of a bore by the effect of chemical action on the material. [Erosion](#).

Cosmic Rays

The extremely high-energy subatomic particles which bombard the atmosphere from outer space. Cosmic-ray primaries seem to be mostly protons, hydrogen nuclei, but also comprise heavier nuclei. On colliding with atmospheric particles, they produce many different kinds of lower-energy secondary cosmic radiation.

Coulomb

A unit of electric charge. The absolute coulomb, the current U.S. legal standard, is the amount of charge transferred in 1 [second](#) by a current of 1 [Ampere](#); i.e., it is 1 ampere-second.

Coulomb's Law

Coulomb's law, physical law stating that the electrostatic force between two point charges in free space is proportional to the product of the amount of charge on the bodies divided by the square of the distance between them. If the bodies are oppositely charged, one positive and one negative, they are attracted toward each other; if the bodies are similarly charged, both positive or both negative, the force between them is repulsive.

Countdown

The time period in which a sequence of events is carried out to launch a rocket; the sequence of events.

Counterrecoil

Forward movement of a gun returning to firing position after recoil.

Coupling

The degree to which an explosive fills the cross section of a borehole or is in intimate contact with a target surface; in conventional drilling/load shoot operations, bulk-loaded explosives are completely coupled; untamped cartridges are decoupled; in the case of linear shaped cutting charges, these are uncoupled.

Covert Entry

A stealthful, quiet entry into the target area meant to not alert combatant(s) to the presence of the assault element(s).

Co-Volume

Used in the Nobel-Abel equation and represents the space occupied by a gas and propellant residue when compressed to a minimum volume (maximum density).

Creep

A term used to designate the forward movement of components that tends to take place during projectile flight as a result of the force caused by deceleration due to air resistance.

Crimp

The folded ends of paper explosive cartridges; the circumferential depression at the open end of a fuse cap or igniter cord connector that serves to secure the fuse; or the circumferential depression in the blasting cap shell that secures a sealing plug or sleeve into electric or nonelectric detonators.

Crimping

The act of securing a fuse cap or igniter cord connector to a section of a safety fuse by compressing the metal shell of the cap against the fuse by means of a cap crimper.

Critical Diameter

The minimum diameter for propagation of a detonation wave at a stable velocity. Critical diameter is affected by conditions of confinement, temperature, and pressure on the explosive. It is strongly texture dependent, and is larger in cast than in pressed charges. Finely dispersed gas inclusions considerably reduce the critical diameter. In the case of very insensitive materials - ammonium nitrate for example, the critical diameter may be very large. While in explosive products such as [DEXS](#) the critical diameter may be a cross-section as small as 1/64”.

Critical Humidity

The humidity at which the material is in equilibrium with its environment with respect to moisture content.

Critical Mass

Combustion, or burning, is a term usually employed to describe a reaction between a fuel and atmospheric air. This typically occurs when a small quantity of explosives burns. When a considerable quantity of explosives is burning, an adiabatic reaction may develop between the ingredients, reinforced by heat transferred from the gaseous products of the reaction. The threshold quantity of explosives so required to produce this second class of reaction is known as the “critical mass”, which has a characteristic value for each explosive substance. In quantities above the critical mass, therefore, quiescently burning explosives may suddenly spontaneously explode.

This propensity is particularly important to be aware of when destroying deteriorated or unwanted explosives by burning.

Critical Material

Something not available in sufficient quantity in war time.

Cross-Wind Force (Lift)

Component of air resistance in a direction perpendicular to the motion of the center of gravity, in the plane of yaw.

Cryogenics

Science concerned with the production and maintenance of very low temperatures, and with the effects that occur under such conditions. Although it is impossible to reach absolute zero, a temperature as low as about one millionth of a degree on the Kelvin scale above absolute zero can be attained. Low temperatures are achieved by removing energy from a substance. By using a succession of liquefied gases, a substance may be cooled to as low as 4.2°K, the boiling point of liquid helium. Still lower temperatures may be reached by successive magnetization and demagnetization. Some unusual conditions, notably [Superconductivity](#) and Superefluidity, prevail at cryogenic temperatures.

Crystal

Crystal, solid body bounded by natural plane faces that are the external expression of a regular internal arrangement of constituent atoms, molecules, or ions. The particles in a crystal occupy positions with definite geometrical relationships to each other, forming a kind of scaffolding called a crystalline lattice. On the basis of its chemistry and the arrangement of its atoms, a crystal falls into one of 32 classes; these in turn are grouped into seven systems according to the relationships of their axes. Differences in the physical properties of crystals sometimes determine the use to which they can be put in industry.

Crystal Density

Maximum density attainable for a given substance.

Current

In electricity, the flow or rate of flow of electric force in a conductor, from a point of higher potential to one of lower potential.

Current Density

The amount of electric current passing through a cross-sectional area of the conductor in a given unit of time; commonly expressed in amperes per square centimeter.

Current Leakage

Portion of the firing current bypassing part of the blasting circuit through unintended paths.

Current Limiting Device

An electric or electromechanical device that limits:

- 1) current amplitude;
- 2) duration of current flow; or
- 3) total energy of the current delivered to an electric blasting circuit.

Cutoff

A break in a path of detonation or initiation caused by extraneous interference, such as flyrock, debris, or shifting ground.

Cutting Charges

Cutting charges serve to cut through iron plates, cables, bridge trusses, etc. They are constructed on the principle of [Shaped charges](#), but are not rotationally symmetrical; their shape is that of long channels (grooves).

The cutting depth of these charges depends to a considerable extent on the thickness and lining material of the angular or semi-circular groove; in addition, the optimum distance from the target must be determined in advance.

As in rotationally symmetrical hollow charges, a jet of highly accelerated gases and metal fragments is produced.

Cyclonite

Material to be added.

Cyclotol

The name given to RDX / TNT mixtures with compositions varying between 50:50 and 75:25.
RDX and *Composition B*.

D

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D-Ring

Shape of the ring pulled by either of the two Gemini astronauts to eject from spacecraft.

Dark Igniter

A priming charge of low luminosity for tracer ammunition.

Date-Shift Code

A code applied by manufacturers to the outside shipping containers, and, in many instances, to the immediate containers of explosive materials to aid in their identification and tracing.

Dating

Dating, in geology, archaeology, paleontology, and physics, is the determination of the actual or relative age of an object, of a natural phenomenon, or of a series of events. The most common and accepted method of absolute geologic dating (establishment of actual age) is based on the natural *Radioactivity* of certain minerals found in rocks; because the rate of radioactive decay of any particular *Isotope* is known, the age of a specimen can be computed from the ratio of the remaining isotope and its decay product. Relative geological dating (determination of the sequence of geological events) is accomplished by marking out the succession in which rocks were deposited, using various surface criteria. The identification of fossils in a geological sample is very useful, because certain assemblages of species are characteristic of specific geologic time periods. Pollen analysis, or palynology, can also establish the succession of deposits as well as the climate prevalent at the time of deposition. In archaeology and recent geology, the carbon-14 method, which measures the remaining amount of this radioactive isotope in organic matter, can date specimens as old as 35,000 years. The death of an organism terminates the previous incorporation of this isotope (created by *Cosmic-Ray* bombardment) at a rate equal to the isotope's known decay rate. This method's accuracy has been improved by cross-checking with dendrochronology, in which the age of a piece of ancient wood can be determined by examining the ring pattern in its cross section. The pattern of individual ring widths in a sample reflects local climatic conditions occurring at the time when the piece of wood was a growing tree. By the use of overlapping patterns found in different wood samples, dating by this method has been carried back over 8,000 years.

Dautriche Method-Detonation Velocity

A method of determining detonation velocity of an explosive material by employing detonating cord and a witness plate.

DC

Direct current.

Dead Pressed

In an explosive, a highly compressed condition which tends to prevent the transition from deflagration to detonation that would otherwise take place.

Deceleration

The act or process of moving, or if causing to move, with decreasing speed; the state of so moving.

Decelerator

Device for slowing the rotation of parachute-containing projectile before ejection of the parachute.

Decibel

A unit of air overpressure commonly used to measure air blast. The faintest audible sound is arbitrarily assigned a value of 0 dB, and the loudest sounds that the human ear can tolerate are about 120 dB. The difference in decibels between any two sounds is equal to $10 \log_{10} (P_1/P_2)$, where P1 and P2 are the two power levels.

Decimal Multiples & Submultiples

| Multiples and Submultiples | Prefixes | Symbols |
|----------------------------|----------|---------|
| 10^{18} | exa | E |
| 10^{15} | peca | P |
| 10^{12} | tera | T |
| 10^9 | giga | G |
| 10^6 | mega | M |
| 10^3 | kilo | k |
| 10^2 | hecto | H |
| 10 | deca | da |
| 10^{-1} | deci | d |
| 10^{-2} | centi | c |
| 10^{-3} | milli | m |
| 10^{-6} | micro | m |
| 10^{-9} | nano | n |
| 10^{-12} | pico | p |
| 10^{-15} | femto | f |
| 10^{-18} | atto | a |

Decomposition

The process of breaking down a material into more simple products. Disintegration, dissociation.

Deflagration

- 1) The chemical decomposition (burning) of a material in which the reaction front advances into the reacted material at less than sonic velocity.
- 2) Very rapid combustion sometimes accompanied by flame, sparks and/or spattering of burning particles. Deflagration, although classed as an explosion, generally implies the burning of a substance with self-contained oxygen so that the reaction zone advances into the unreacted material at less than the velocity of sound in the material. In this case, heat is transferred from the reacted to the unreacted material by conduction and convection. Burning rate usually less than 2,000 meters / second.

Degrassive Granulation

Propellant grain which burns with a continually decreasing surface until the grain is completely consumed.

Delay

A distinct pause of predetermined time between detonation or initiation impulses, to permit the firing of explosive charges separately. A delay may be mechanical, pyrotechnic, electronic or an explosive train component that introduces a controlled time delay in some element of the arming or functioning of a fuze mechanism.

Delay Detonator

An electric or nonelectric detonator used to introduce a predetermined lapse of time between the application of a firing signal and the detonation of the base charge.

Delay Element

An explosive train component normally consisting of a primer, a delay column and a relay detonator or transfer charge assembled in that order in a single housing.

Delay Fuze

Fuze that has a delay element incorporated in the fuze train permitting the missile to penetrate the target a distance corresponding to the delay. Such fuzes are used to permit penetration of the target before detonation or for mining effect.

Delay Interval

The nominal time between the detonations of delay detonators of adjacent periods in a delay series; the nominal time between successive detonations in a blast.

Delay Period

A designation given to a delay detonator to show its relative or absolute delay time in a given series.

Delay Series

A series of delay detonators designed to satisfy specific blasting requirements. There are basically two types of delay series: millisecond (MS) with delay intervals on the order of milliseconds, and long period (LP) with delay times on the order of seconds.

Delay Tag

A tag, band, or marker on a delay detonator that denotes the delay series, delay period, and / or delay time of the detonator.

Delay Time

The lapse of time between the application of a firing signal and the detonation of the base charge of a delay detonator.

The following chart demonstrates the delay number and its associated time in milliseconds for

particular types of detonators. NOTE: each manufacturer of delay caps may build their product to slightly different specifications, therefore a time chart should be acquired for each particular brand of detonator you may be using. The following is for CXA Delay Detonators.

| Delay Number | Constadet δ | Short Delay | Long Delay | Delay Number | Constadet δ | Short Delay | Long Delay |
|--------------|--------------------|-------------|------------|--------------|--------------------|-------------|------------|
| 0 | - | 0 | 157 | 15 | 375 | 725 | 5900 |
| 1 | 25 | 30 | 490 | 16 | 400 | 800 | 6550 |
| 2 | 50 | 50 | 800 | 17 | 425 | 875 | 7250 |
| 3 | 75 | 75 | 1125 | 18 | 450 | 950 | 8050 |
| 4 | 100 | 100 | 1400 | 19 | 475 | 1025 | |
| 5 | 125 | 128 | 1675 | 20 | 500 | 1125 | |
| 6 | 150 | 157 | 1950 | 21 | 550 | 1225 | |
| 7 | 175 | 190 | 2275 | 22 | 600 | 1400 | |
| 8 | 200 | 230 | 2650 | 23 | 650 | 1675 | |
| 9 | 225 | 280 | 3050 | 24 | 700 | 1950 | |
| 10 | 250 | 340 | 3450 | 25 | - | 2275 | |
| 11 | 275 | 410 | 3900 | 26 | 800 | | |
| 12 | 300 | 490 | 4350 | 28 | 900 | | |
| 13 | 325 | 570 | 4850 | 30 | 1000 | | |
| 14 | 350 | 650 | 5350 | | | | |

Demolition

The breaking up of artificial (man-made) structures by blasting.

Density

The density of a substance is its mass per unit volume. Because many substances, especially gases, can be compressed into a smaller volume by increasing the pressure on them, the temperature and pressure at which the density is measured are usually specified. *Specific Gravity*.

The SI unit of density is the kilogram per cubic meter (kg/m^3); the density of aluminum for instance is 2700 kg/m^3 . Another common unit of density is the gram per cubic centimeter (g/cm^3). Since $1 \text{ kg} = 1000 \text{ g}$ and $1 \text{ m}^3 = (100 \text{ cm})^3 = 10^6 \text{ cm}^3$, $1 \text{ g/cm}^3 = 10^3 \text{ kg/m}^3$. Hence the density of aluminum can also be given as 2.7 g/cm^3 .

Water at $3.98^\circ \text{ C} = 1.000000 \text{ grams/ml}$

Water at $3.98^\circ \text{ C} = 0.999973 \text{ grams/cm}^3$

Density Of Charge

Charge density refers to the mass of an explosive per unit of volume, usually expressed in grams per cubic centimeter or pounds per cubic foot. Density is an important characteristic of an explosive. Raising the density (i.e. by pressing or casting) improves brisance and detonating velocity.

Design Procedure

Outline of steps to follow in designing an item. Material being added.

Destructor

An explosive device for intentionally destroying a missile or aircraft or component thereof.

Deterrent

A material applied as a coating on grains of powder to reduce the initial rate of burning.

Detonate

A chemical reaction that progresses through an explosive at a rate exceeding the speed of sound in the reaction zone.

Detonating Agent

Explosive used to set off another explosive. Fulminate of mercury and tetryl are used as detonating agents to set off other less sensitive explosives.

Detonating Charge

Generally applied to a detonating initiator used to set off a high-explosive charge.

Detonating Cord (DC)

Cord, Detonating. A strong flexible cord containing a core of detonating explosive, used primarily for initiating a series of charges. It explodes practically instantaneously throughout its length, when initiated with a *Detonator.*

Detonating Cord Downline

The section of detonating cord that extends within the borehole from the ground surface down to the explosive charge.

Detonating Cord MS Connectors

Nonelectric, short-interval (millisecond) delay devices for use in delaying blasts that are initiated by detonating cord.

Detonating Cord Trunkline

The line of detonating cord that is used to connect and initiate other lines of detonating cord.

Detonating Explosive

High- Explosive.

Detonating Primer

A name applied for transportation purposes to a device consisting of a detonator and an additional charge of explosives, assembled as a unit.

Detonating wave

The *shock wave* set up when a detonator is ignited.

Detonation

An explosive reaction that moves through an explosive material at a velocity greater than the speed of sound in the material. A detonation is a chemical reaction given by an explosive substance in which a shock wave is formed. High temperature and pressure gradients are generated in the wave front, so that the chemical reaction is initiated instantaneously. Detonation velocities lie in the approximate range of 1,400 to 9,000 m/s = 5,000 to 30,000 ft/s; slower explosive reactions, which are propagated by thermal conduction and radiation, are known as deflagration.

A chemical reaction in which the reaction front advances with a speed which exceeds the velocity of sound in the material. In this case, energy is transmitted from the reacted to the unreacted

material by a shock wave. Burning rate usually in excess of 2,000 meters / second.

Detonation, Low Order

A chemical reaction in a detonable material in which the reaction front advances with a velocity which is appreciably lower than that which is the characteristic detonation velocity for the material in question.

Detonation Front

Wave Front.

Detonation Pressure

The pressure produced in the reaction zone of a detonating explosive.

Detonation Rate

Velocity at which the detonation wave travels through an explosive material.

Detonation Velocity

The velocity at which a detonation progresses through an explosive.

The detonation velocity is the rate of propagation of a detonation in an explosive; if the density of the explosive is at its maximum value, and if the explosive is charged into columns which are considerably wider than the critical diameter, the detonation velocity is a characteristic of each individual explosive and is not influenced by external factors. It decreases with decreasing density of packing in the column. It is measured with an electronic decade counter or by the

Dautriche Method.

Detonation Wave

The location within an explosive that is undergoing conversion (reaction) at a particular point in time, and which moves at a velocity known as the V.O.D. or Velocity Of Detonation. *V.O.D.*

Shock Wave.

Detonation Zone

That portion of a detonating explosive in which the chemical reaction is taking place comprises a chemical reaction zone preceded by a shock wave.

Detonator

An explosive train component which can be activated by either a non-explosive impulse or the action of a primer and is capable of reliably initiating high order detonation in a subsequent high explosive component of the train. When activated by a non-explosive impulse, a detonator includes the function of a primer. In general, detonators are classified in accordance with the method of initiation such as percussion, stab, electric, friction, flash chemical, etc. A cap or capsule of sensitive explosive material used to initiate a charge of high explosives. Any device containing any initiating or primary explosive that is used for initiating detonation. A commercial or may not contain more than 10 g of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric legwires. *Cap and Blasting Cap.*

DEMEX 100

DEMEX 400

Developed Muzzle Velocity

The actual muzzle velocity produced by any gun.

DEXS

Material to be added.

Diamond

Diamond is a mineral, one of two crystalline forms of the element [Carbon](#). It is the hardest substance known, and inferior stones are used as abrasives, in certain types of cutting tools, and as phonograph needles. Gem diamonds were first found in streambeds in India and Borneo; most now come from volcanic pipes in South Africa. Famous diamonds include the Koh-i-noor, now among the English crown jewels; the Cullinan, from which 105 stones were cut; and the blue Hope diamond. Synthetic diamonds, produced since 1955, are now widely used in industry, these are created through the utilization of explosive energy to compress carbon.

Dichromation

A chemical treatment given to metals or alloys to inhibit corrosion.

Dielectric

A material that does not readily conduct electricity, i.e., an insulator ([Insulation](#)). A good dielectric resists breakdown under high voltages, does not draw appreciable power from the circuit, and has reasonable physical stability. Dielectrics are used to separate the plates of a [Capacitor](#). The dielectric strength is a measure of the maximum voltage ([Potential](#), [Electric](#)), that a dielectric can sustain without significant [Conduction](#).

Diffraction

Diffraction is the bending of radiation (such as [light](#)) around the edge of an obstacle or by a narrow aperture. Diffraction results from the [Interference](#) of light waves that pass an opaque body, producing a fuzzy region between the shadow area and the lighted area that, upon close examination, is actually a series of light and dark lines. A diffraction grating contains many fine, parallel slits or scratches (about 12,000 per cm or 30,000 per inch) and disperses light into its colors. These gratings are used in diffracting spectoscopes. The atomic and molecular structure of crystals is examined by X-ray diffraction.

Diluent

An additive, usually inert, used to regulate burning rate or temperature.

Diode

A two-terminal device having a low [Resistance](#) to electric current in one direction and a high resistance in the reverse direction. Diodes are thus useful as [Rectifiers](#), converting alternating current (*AC*) into direct current (*DC*). Although [Electron-tube](#) diodes were once common, almost all diodes today are [Semiconductor](#) devices. In general, current flowing through a diode is not proportional to the voltage between its terminals. When the voltage applied in the reverse direction exceeds a certain value, a semiconductor diode breaks down and conducts heavily in the direction of normally high resistance. This effect can be exploited to regulate voltage. Some diodes are sensitive to light ([Photovoltaic Cell](#)). A light-emitting diode (LED) produces light as current passes through it; some LEDs can act as lasers. A thermistor is a special semiconductor diode whose conductivity increases with the diode temperature.

Disruptor

Material to be added.

Distillation

Distillation, process used to separate the substances composing a mixture; it involves a change of state, e.g., liquid to gas, and subsequent condensation ([States Of Matter](#)). A simple distillation apparatus consists of three parts: a flask in which the mixture is heated, a condenser in which the vapor is cooled, and a vessel in which the condensed vapor, called distillate, is collected. Upon heating, the substances with a higher boiling point remain in the flask and constitute the residue. When the substance with the lowest boiling point has been removed, the temperature can be raised and the process repeated with the substance having the next lowest boiling point. The process of obtaining portions (or fractions) in this way is called fractional distillation. In destructive distillation various solid substances, such as wood, coal, and oil shale, are heated out of free contact with air, and the portions driven off are collected separately. Distillation is used in refining [Petroleum](#) and in preparing alcoholic beverages.

Distribution Series

The systematic arrangement of data.

Do's and Don'ts

A list of precautions (*IME Safety Library Publication No. 4*) printed by the Institute of Makers of Explosives pertaining to the transportation, storage, handling, and use of explosive materials and inserted in cases of explosive materials and cartons of detonators.

Doppler effect

Doppler effect is the change in the wavelength (and frequency) of a wave as a result of the motion of either the source or receiver of the waves. If the source and the receiver are approaching each other, the frequency of the wave will increase and the wavelength will be shortened - sounds will be higher in pitch and light will be bluer. If the source and receiver are moving apart, sounds will become lower-pitched, and light will appear redder ([Red Shift](#)). Astronomers analyze Doppler shifts of light and radio waves to measure the velocities and (indirectly) distances of remote objects.

Double-Based Propellant

Propellant whose principle active ingredients are nitrocellulose and nitroglycerin. [Propellant](#).

Drag

Component of air resistance in the direction opposite to that of the motion of the center of gravity of a projectile.

Drill Ammunition

Ammunition without an explosive charge, used in training and practice.

Driver

A small unit similar to an explosive switch in which a piston is pushed forward by a small explosive and / or propellant charge.

Droque Gun

An explosive device designed to eject a slug which is attached to a drag parachute or similar device.

Dry Bend

Combining of fuels and oxidizers by tumbling / spatulating or rolling by remote equipment.

Dual Use (Explosive)

An explosive or more specifically an explosive product which is utilized for both civil and military applications.

Dud

An explosive device that has failed to initiate as intended.

Dummy Projectile

Shell that has no explosive charge. Dummy projectiles are used for practice and training purposes.

Dwell Time

In press loading powders into cavities, the interval of time that the powder is held at the full loading pressure.

Dynamic Entry

A description given to the assault element's rapid and aggressive movement into and / or throughout the target area.

Dynamics

Dynamics is a branch of mechanics that deals with the *Motion* of objects; it may be further divided into kinematics, the study of motion without regard to the forces producing it, and kinetics, the study of the *Forces* that produce or change motion. The principles of dynamics are used to solve problems involving work and energy, and to explain the pressure and expansion of gases, the motion of planets, and the behavior of flowing fluids (gases and liquids). Special branches of dynamics treat the particular effects of forces and motions in fluids (*Fluid mechanics*); these include *Aerodynamics*, these include the study of gases in motion, and hydrodynamics, the study of liquids in motion.

Dynamite

A high explosive used for blasting, consisting essentially of a mixture of, but not limited to, nitroglycerin, nitrocellulose, ammonium nitrate, sodium nitrate, and carbonaceous materials. Invented in 1866 by Alfred B. Nobel, dynamite is usually pressed in cylindrical forms and wrapped in an appropriate material, e.g., paper or *plastic*. The charge is set off with a detonator.

E

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EBW (Exploding Bridge Wire)

A bridgewire designed to be exploded by a high energy discharge rather than being heated by applied power.

EBW Cap

Exploding bridge wire cap. Requires a special, high energy blasting machine to initiate EBW caps.

E.C. Blank Fire

E.C. Smokeless Powder.

E.C. Smokeless Powder

Orange or pink explosive powder, resembling coarse sand. It is used as a charge in small arms, in blank cartridges. Also called blank-fire powder or E.C. Blank Fire.

Eccentricity

Distance from center line to center of gravity of projectile.

Echo

Reflection of a [sound](#) wave back to its source in sufficient strength and with a sufficient time lag (at least 0.1 sec) to be separately distinguished by the human ear.

EED (Electro-Explosive Device)

Any cartridge, squib, igniter, etc., which is initiated by an electric current.

EFF

Acronym for explosive forged fragment.

EFP

Acronym for both explosive formed projectile, explosive forged projectile.

Ejection Capsule

- 1) In an aircraft or manned spacecraft, a detachable compartment serving as a cockpit or cabin which may be ejected as a unit and parachuted to the ground.
- 2) In an artificial satellite, probe or unmanned spacecraft, a box-like unit usually containing recording instruments or records of observed data which may be ejected and returned to earth by a parachute or other deceleration device.

Elastic Strength Pressure

The computed internal gas pressure in a gun which, at the section under consideration, will stress the metal in some layer of the wall tangentially, up to the minimum elastic limit which is prescribed for the metal from which the member is made.

Electric And Magnetic Units

Units used to express the magnitudes of various quantities in electricity and magnetism. Three systems of such units, all based on the [Metric System](#), are commonly used. One of these, the mksa-practical system, is defined in terms of the units of the mks system and has the [Ampere](#) of electric current as its basic unit. The units of this system - the [Volt](#), [Ohm](#), [Watt](#), and farad - are those commonly used by scientists and engineers to make practical measurements. The two other systems, now being gradually abandoned, are both based on the cgs system. Electrostatic units (cgs-esu) are defined in a way that simplifies the description of interactions between static electric charges; there are no corresponding magnetic units in this system. Electromagnetic units (cgs-emu), on the other hand, are defined especially for the description of phenomena associated with moving electric charges, i.e., electric currents and magnetic poles.

Electric Blasting Circuit

An electric circuit containing electric detonators and associated wiring; [Series Blasting Circuit](#), [Parallel Blasting Circuit](#), and [Series in Parallel Blasting Circuit](#).

Electric Circuit

An electric circuit can be described as an unbroken path along which an electric current may flow. A simple circuit consists of a voltage source, such as a battery ([Cell](#), in electricity) or a [Generator](#), whose terminals are connected to those of a circuit element, such as a [Resistor](#), through which current can flow. More complex circuits include additional sources or elements and perhaps [Switches](#), so interconnected that, when appropriate switches are closed, each element is included in a closed path that also contains a source. Series, parallel, and non-series-parallel connections are illustrated in the figure. The effective [Resistance](#) of two series-connected resistors is the sum of the individual resistances. The effective conductance (reciprocal of resistance) of two parallel-connected resistors is the sum of the individual conductances.

Electric Detonator

A detonator designed for, and capable of, initiation by means of an electric current.

Electric Primer

Metallic device containing a small amount of sensitive explosive or charge of black powder which is actuated by energizing an electric circuit. It is used for setting off explosive or propelling charges.

Electric Squib

Commercial flash-fuze device for electrical firing of burning type munitions such as smoke pots. It consists essentially of a small tube sealed with sulfur, crimped [rubber](#) or asphalt containing a small charge of powder compressed around a fine resistance wire. There are three types: open end; flash-vented; and closed end.

Electrical Storm

An atmospheric disturbance characterized by intense electrical activity, producing lightning strikes and strong electric and magnetic fields.

Electricity

Electricity describes a class of phenomena arising from the existence of charge. According to modern theory, most [Elementary Particles](#) of matter possess charge, either positive or negative. Two particles of like charge, both positive or both negative, repel each other; two particles of unlike charge are attracted ([Coulomb's Law](#)). The electric [Force](#) between two charged particles is much greater than the gravitational force between the particles. Many of the bulk properties of matter are ultimately due to the electric forces among the particles of which the substance is composed. Materials differ in their ability to allow charge to flow through them. Those that allow charge to pass easily are conductors ([Conduction](#)), whereas those that allow extremely little charge to pass through are called insulators ([Insulation](#)), or [Dielectrics](#). A third class of materials, called [Semiconductors](#), is intermediate. Electrostatics is the study of charges, or charged bodies, at rest. When a positive or negative charge builds up in fixed positions on objects, certain phenomena can be observed that are collectively referred to as static electricity. The charge can be built by rubbing certain objects together, such as silk and glass or [rubber](#) and fur; the friction between these objects causes [Electrons](#) to transfer from one to another with the result that the object losing electrons acquires a positive charge and the object gaining electrons acquires a negative charge. Electrodynamics is the study of charges in motion. A flow of electric charge constitutes an electric current. In order for a current to exist in a conductor, there must be an Electromotive Force (emf), or potential difference, between the conductor's ends. An electric [Cell](#), a [Photovoltaic Cell](#), and a [Generator](#) are all sources of emf. An emf source with an external conductor connected from one of the source's two terminals to the other constitutes an [Electric Circuit](#). Direct current (DC) is a flow of current in one direction at a constant rate. Alternating current (AC) is a current flow that increases in magnitude from zero to a maximum, decreases back to zero, increases to a maximum in the opposite direction, decreases to zero, and then repeats this process periodically. The number of repetitions of the cycle occurring each [second](#) is defined as the frequency, which is expressed in [Hertz](#) (Hz). The frequency of ordinary household current in the U.S. is 60 cycles per sec (60 Hz), and electric devices must be designed to operate at this frequency. In a solid, the current consists not of a few electrons moving rapidly but of

many electrons moving slowly; although this drift of electrons is slow, the impulse that causes it moves through the circuit, when the circuit is completed, at nearly the speed of light. The movement of electrons in a current is not steady; each electron moves in a series of stops and starts. In a direct current, the electrons are spread evenly through the conductor; in an alternating current, the electrons tend to congregate along the conductor surface. In liquids, gases, and semiconductors, current carriers may be positively or negatively charged.

Electrode

An electrode is a terminal, usually in the form of a wire, rod, or plate, through which electric current passes between metallic and nonmetallic parts of an [Electric Circuit](#). The electrode through which current passes from the metallic to the nonmetallic conductor is called the anode; that through which current passes from the nonmetallic to the metallic conductor is called the cathode. An electrode may be made of a metal, e.g., copper, lead, platinum, silver, or zinc, or of a nonmetal, commonly carbon.

Electrolysis

The passage of an electric current through a conducting solution or molten salt (either is a type of [Electrolyte](#) that is decomposed in the process. When a cathode, or negative electrode, and an anode, or positive electrode, are dipped into a solution, and a direct-current source is connected to the electrodes, the positive ions migrate to the negative electrode and the negative ions migrate to the positive electrode. At the negative electrode each positive ion gains an electron and becomes neutral; at the positive electrode each negative ion gives up an electron and becomes neutral. The migration of ions through the electrolyte constitutes the electric current flowing from one electrode to the other. Electrolysis is used in the commercial preparation of various substances, e.g., chlorine by the electrolysis of a solution of common salt, and hydrogen by the electrolysis of water. The electrolysis of metal salts is used for plating.

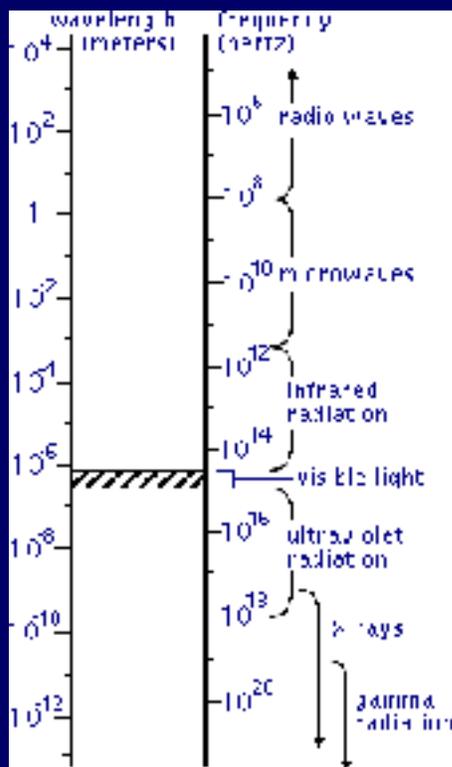
Electrolyte

An electrical conductor in which current is carried by [Ions](#) rather than free electrons (as in a metal). Electrolytes include water solutions of acids, bases or salts; certain pure liquids; and molten salts. [Electrolysis](#).

Electromagnet

A device in which an electric current, passing through a wire coil wrapped around a soft iron core, produces a magnetic field. The magnetic-field strength produced depends on the number of turns of the coil of wire, the size of the current, and the magnetic permeability of the core. Electromagnets lose their magnetism when the current is discontinued. [Superconductivity](#).

Electromagnetic Radiation



Electromagnetic radiation is energy radiated in the form of a *Wave* caused by an electric field interacting with a magnetic field.

Electromagnetic radiation is the result of the acceleration of a charged particle. It does not require a material medium, and can travel through a vacuum. The theory of electromagnetic radiation was developed by James Clerk Maxwell and published in 1865, although his ideas were not accepted until Heinrich Hertz proved the existence of radio waves in 1887. In order of decreasing wavelength and increasing frequency, the various types of electromagnetic radiation are [Radio waves](#), [Microwaves](#), [Infrared Radiation](#), visible [Light](#), [Ultraviolet Radiation](#), [X-Rays](#), and [Gamma Radiation](#). The possible sources of electromagnetic radiation are directly related to wavelength; long radio waves are produced by large antennas such as those used by broadcasting stations; much shorter visible light waves are produced by the motions of charges within atoms; the shortest waves, those of gamma radiation, result from changes within the nucleus of the atom. The individual quantum of electromagnetic radiation is known as the [Photon](#).

Electromotive Force

Electromotive force (emf) is the difference in electric [Potential](#), or voltage, between the terminals of a source of electricity. It is usually measured in [Volts](#).

Electron

An electron is an [Elementary Particle](#) carrying a unit charge of negative electricity. An [Atom](#) consists of a small, dense, positively charged nucleus surrounded by electrons that whirl about it in orbits, forming a cloud of charge. Ordinarily there are just enough negative electrons to balance the positive charge of the nucleus, and the atom is neutral. If electrons are added or removed, a net charge results, and the atom is said to be ionized ([Ion](#)). Atomic electrons are responsible for the chemical properties of matter ([Valence](#)). The electron was discovered in 1897 by Joseph John Thomson, who showed that cathode rays are composed of electrons. The electron is the lightest known particle having a non-zero rest mass. The positron, the electron's antiparticle ([Antimatter](#)), was discovered in 1932.

Electron Tube

Electron tube, device consisting of a sealed enclosure in which electrons flow between [Electrodes](#) separated either by vacuum (in a vacuum tube) or by an ionized gas at low pressure (in a gas tube). The two principal electrodes of an electron tube are called the anode and cathode. The simplest vacuum tube, the *Diode*, contains only these two electrodes. When the cathode is heated, it emits a cloud of electrons, which are attracted to the positive polarity of the anode and constitute the current through the tube. Because the anode is not capable of emitting electrons, no current can flow in the reverse direction, and the diode acts as a [Rectifier](#). In the vacuum triode, small signals applied to a third electrode, called a grid, placed between the cathode and anode cause large fluctuations in the current between the cathode and anode. A triode can thus act as a signal [Amplifier](#). Although formerly the key elements of [Electric Circuits](#), electron tubes have

been almost entirely displaced by [Semiconductor](#) devices. Also [Cathode-Ray Tube](#).

Element

In chemistry, substance composed of [Atoms](#) all having the same number of [Protons](#) in their nuclei. This number, called the [Atomic Number](#), defines the element and establishes its place in the [Periodic Table](#). Each element is assigned a symbol of one or two letters (see table). The total number of protons and [Neutrons](#) in the nucleus of an atom is called the [Mass Number](#). Although all atoms of an element have the same number of protons in their nuclei, they may not all have the same number of neutrons. Atoms of an element with the same mass number make up an [Isotope](#) of the element. All elements have isotopes; over 1,000 isotopes of the elements are known. As of 1989, 108 elements were known. Only 92 elements occur naturally on earth; the others are produced artificially ([Synthetic Elements](#), [Transuranium Elements](#)). The chemical properties of an element are due to the distribution of electrons around the nucleus, particularly the outer, or [Valence](#), electrons (the ones involved in chemical reactions). Chemical reaction does not affect the nucleus and thus does not change the atomic number. For this reason an element is often defined as a substance that cannot be decomposed into simpler substances by chemical means. Also [Atomic Weight](#); [Compound](#); [Molecule](#).

| Element | Symbol | Atomic Number | Atomic Weight1 | Melting Point (Degrees Centigrade) | Boiling Point (Degrees Centigrade) |
|-------------|--------|---------------|----------------|------------------------------------|------------------------------------|
| actinium | Ac | 89 | 227.0278 | 1050 | 3200.±300 |
| aluminum | Al | 13 | 26.98154 | 660.37 | 2467 |
| americium | Am | 95 | -243 | 994.±4 | 2607 |
| antimony | Sb | 51 | 121.75 | 630.74 | 1950 |
| argon | Ar | 18 | 39.948 | -189.2 | -185.7 |
| arsenic | As | 33 | 74.9216 | 817. (28 atmospheres) | 613. (sublimates) |
| astatine | At | 85 | -210 | 302 (est.) | 337. (est.) |
| barium | Ba | 56 | 137.33 | 725 | 1640 |
| berkelium | Bk | 97 | -247 | -- | -- |
| beryllium | Be | 4 | 9.01218 | 1278.±5 | 2970 |
| bismuth | Bi | 83 | 208.9804 | 271.3 | 1560.±5 |
| boron | B | 5 | 10.81 | 2079 | 2550. (sublimates) |
| bromine | Br | 35 | 79.904 | -7.2 | 58.78 |
| cadmium | Cd | 48 | 112.41 | 320.9 | 765 |
| calcium | Ca | 20 | 40.08 | 839.±2 | 1484 |
| californium | Cf | 98 | -251 | -- | -- |

| | | | | | |
|-------------|----|-----|-----------|-------------|--------------|
| carbon | C | 6 | 12.011 | ~3550. | 4827 |
| cerium | Ce | 58 | 140.12 | 799 | 3426 |
| cesium | Cs | 55 | 132.9054 | 28.4 | 669.3 |
| chlorine | Cl | 17 | 35.453 | -100.98 | -34.6 |
| chromium | Cr | 24 | 51.996 | 1857.±20 | 2672 |
| cobalt | Co | 27 | 58.9332 | 1495 | 2870 |
| copper | Cu | 29 | 63.546 | 1083.4±0.2 | 2567 |
| curium | Cm | 96 | -247 | 1340.±40 | -- |
| dysprosium | Dy | 66 | 162.5 | 1412 | 2562 |
| einsteinium | Es | 99 | -252 | -- | -- |
| erbium | Er | 68 | 167.26 | 1522 | 2863 |
| europium | Eu | 63 | 151.96 | 822 | 1597 |
| fermium | Fm | 100 | -257 | -- | -- |
| fluorine | F | 9 | 18.998403 | -219.62 | -188.14 |
| francium | Fr | 87 | -223 | (27) (est.) | (677) (est.) |
| gadolinium | Gd | 64 | 157.25 | 1313.±1 | 3266 |
| gallium | Ga | 31 | 69.72 | 29.78 | 2403 |
| germanium | Ge | 32 | 72.59 | 937.4 | 2830 |
| gold | Au | 79 | 196.9665 | 1064.43 | 3080 |
| hafnium | Hf | 72 | 178.49 | 2227.±20 | 4602 |
| helium | He | 2 | 4.0026 | <-272.2 | -268.934 |
| holmium | Ho | 67 | 164.9304 | 1474 | 2695 |
| hydrogen | H | 1 | 1.00794 | -259.14 | -252.87 |
| indium | In | 49 | 114.82 | 156.61 | 2080 |
| iodine | I | 53 | 126.9045 | 113.5 | 184.35 |
| iridium | Ir | 77 | 192.22 | 2410 | 4130 |
| iron | Fe | 26 | 55.847 | 1535 | 2750 |
| krypton | Kr | 36 | 83.8 | -156.6 | -152.30±0.10 |
| lanthanum | La | 57 | 138.9055 | 921 | 3457 |
| lawrencium | Lw | 103 | -260 | -- | -- |
| lead | Pb | 82 | 207.2 | 327.502 | 1740 |
| lithium | Li | 3 | 6.941 | 180.54 | 1342 |

| | | | | | |
|--------------|----|-----|----------|--------------|--------------|
| Iutetium | Lu | 71 | 174.967 | 1663 | 3395 |
| magnesium | Mg | 12 | 24.305 | 648.8±0.5 | 1090 |
| manganese | Mn | 25 | 54.938 | 1244.±3 | 1962 |
| mendelevium | Md | 101 | -258 | -- | -- |
| mercury | Hg | 80 | 200.59 | -38.842 | 356.58 |
| molybdenum | Mo | 42 | 95.94 | 2617 | 4612 |
| neodymium | Nd | 60 | 144.24 | 1021 | 3068 |
| neon | Ne | 10 | 20.179 | -248.67 | -246.048 |
| neptunium | Np | 93 | 237.0482 | 640.+1 | 3902. (est.) |
| nickel | Ni | 28 | 58.69 | 1453 | 2732 |
| niobium | Nb | 41 | 92.9064 | 2468.+10 | 4742 |
| nitrogen | N | 7 | 14.0067 | -209.86 | -195.8 |
| nobelium | No | 102 | -259 | -- | -- |
| osmium | Os | 76 | 190.2 | 3045.+30 | 5027.+100 |
| oxygen | O | 8 | 15.9994 | -218.4 | -182.962 |
| palladium | Pd | 46 | 106.42 | 1554 | 2970 |
| phosphorus | P | 15 | 30.97376 | 44.1 (white) | 280. (white) |
| platinum | Pt | 78 | 195.08 | 1772 | 3827.±100 |
| plutonium | Pu | 94 | -244 | 641 | 3232 |
| polonium | Po | 84 | -209 | 254 | 962 |
| potassium | K | 19 | 39.0983 | 63.25 | 760 |
| praseodymium | Pr | 59 | 140.9077 | 931 | 3512 |
| promethium | Pm | 61 | -145 | ~1168.±6 | 2460 |
| protactinium | Pa | 91 | 231.0359 | <1600. | -- |
| radium | Ra | 88 | 226.0254 | 700 | 1140 |
| radon | Rn | 86 | -222 | -71 | -61.8 |
| rhenium | Re | 75 | 186.207 | 3180 | 5627. (est.) |
| rhodium | Rh | 45 | 102.9055 | 1966.±3 | 3727.±100 |
| rubidium | Rb | 37 | 85.4678 | 38.89 | 686 |
| ruthenium | Ru | 44 | 101.07 | 2310 | 3900 |
| samarium | Sm | 62 | 150.36 | 1072.±5 | 1791 |
| scandium | Sc | 21 | 44.9559 | 1541 | 2831 |

| | | | | | |
|---------------|-----|-----|----------|------------|-----------|
| selenium | Se | 34 | 78.96 | 217 | 684.9±1.0 |
| silicon | Si | 14 | 28.0855 | 1410 | 2355 |
| silver | Ag | 47 | 107.8682 | 961.93 | 2212 |
| sodium | Na | 11 | 22.98977 | 97.81±0.03 | 882.9 |
| strontium | Sr | 38 | 87.62 | 269 | 1384 |
| sulfur | S | 16 | 32.06 | 112.8 | 444.674 |
| tantalum | Ta | 73 | 180.9479 | 2996 | 5425.±100 |
| technetium | Tc | 43 | -98 | 2172 | 4877 |
| tellurium | Te | 52 | 127.6 | 449.5±0.3 | 989.8±3.8 |
| terbium | Tb | 65 | 158.9254 | 1356 | 3123 |
| thallium | Tl | 81 | 204.383 | 303.5 | 1457.±10 |
| thorium | Th | 90 | 232.0381 | 1750 | ~4790. |
| thulium | Tm | 69 | 168.9342 | 1545.±15 | 1947 |
| tin | Sn | 50 | 118.69 | 231.9681 | 2270 |
| titanium | Ti | 22 | 47.88 | 1660.±10 | 3287 |
| tungsten | W | 74 | 183.85 | 3410.±20 | 5660 |
| unnilennium | Une | 109 | -266 | -- | -- |
| unnihexium | Unh | 106 | -263 | -- | -- |
| unnilpentium2 | Unp | 105 | -262 | -- | -- |
| unnilquadium3 | Unq | 104 | -261 | -- | -- |
| unnilseptium | Uns | 107 | -262 | -- | -- |
| uranium | U | 92 | 238.0289 | 1132.3±0.8 | 3818 |
| vanadium | V | 23 | 50.9415 | 1890.±10 | 3380 |
| xenon | Xe | 54 | 131.29 | -111.9 | -107.1±3 |
| ytterbium | Yb | 70 | 173.04 | 819 | 1194 |
| yttrium | Y | 39 | 88.9059 | 1522.±8 | 3338 |
| zinc | Zn | 30 | 65.38 | 419.58 | 907 |
| zirconium | Zr | 40 | 91.22 | 1852.±2 | 4377 |

1 Parentheses indicate most stable isotope for atomic weight.

2 Other proposed names are nielsbohrium (USSR) and hahnium (U 5.).

3 Other proposed names are kurchatovium (USSR) and rutherfordium (U.S.).

Elementary Particles

Elementary particles are tiny bits of matter assumed to be the most basic constituents of the universe. Certain elementary particles combine to form an *Atom*, which is the basic unit of any chemical *Element* and from which all forms of matter are built. The first elementary particle to be discovered was the *Electron*, identified in 1897 by Joseph John Thomson. The nucleus of ordinary hydrogen was subsequently recognized as a single particle and was named the *Proton*. The third basic particle in an atom, the *Neutron*, was discovered in 1932. Although models of the atom consisting of just these three particles are sufficient to account for all forms of chemical behavior of matter, *Quantum Theory* predicted the existence of additional elementary particles. A search for the positron, or antiparticle (*Antimatter*) of the electron, led to its detection in 1932, but a search for a particle predicted by Yukawa Hideki in 1935 led to the unexpected discovery of the mu meson, or muon, the following year. Yukawa's particle was finally discovered in 1947 and named the pi meson, or pion. Both the muon and the pion were first observed in *Cosmic Rays*. As the list of particles and antiparticles grew, through further study of cosmic rays and the study of the results of particle collisions produced by *Particle Accelerators*, four basic categories of particles were distinguished, according to their behavior with regard to the four fundamental forces of nature: gravitational, electromagnetic, strong nuclear, and weak nuclear. A given particle experiences certain of these forces but may be immune to others. The gravitational force is experienced by all particles. The electromagnetic force is experienced only by charged particles, although it is transmitted by the *Photon*, which has no charge. The weak and strong nuclear forces exist only at the atomic level. Of the four classes of particles, the smallest is that of the massless bosons, which include the photon, eight types of gluons, and the hypothetical graviton. The lepton class includes twelve particles: the electron, the positron, the positive and negative muons, the tauon and its antiparticle, and the neutrino or antineutrino associated with each of these particles. The bosons and the leptons are not strongly interacting. Members of the meson class are more massive than the leptons. The mesons are the “glue” that holds nuclei together. By far the largest class of particles is the baryon class, the lightest members of which are the proton and neutron; the heavier members are the hyperons. Baryons and mesons, both strongly interacting, are sometimes considered together as hadrons. A theory independently proposed in 1964 by Murray Gell-Mann and George Zweig explains the properties of all known hadrons according to the assumption that hadrons are built up of other, still more fundamental particles called *Quarks*.

Ellipse

A plane curve constituting the locus of all points the sum of whose distances from two fixed points called "foci" is constant; an elongated circle. *Conic Section*. (The orbits of planets, satellites, planetoids and comets are ellipses; center of attraction is at one focus.)

Emulsion

A blasting agent in which the AN is encapsulated by the fuel in an emulsion of water in oil. An explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

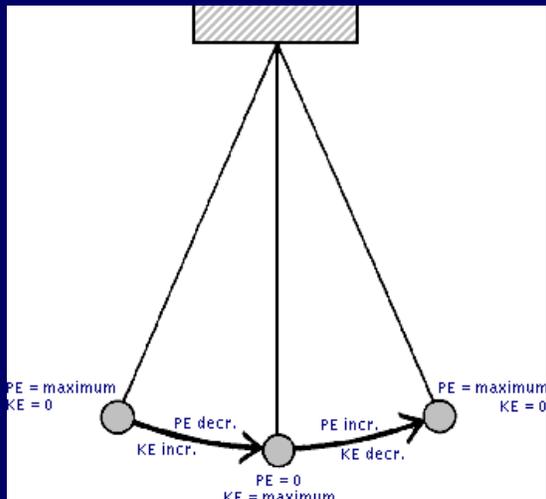
End Burning

A term used to describe a solid propellant grain which is inhibited so that it burns from one end only so that burning progresses in the direction of the longitudinal axis.

Endothermal

A reaction that occurs with the absorption of heat.

Energy



A measure of the potential for the explosive to do work. More specifically, energy in physics is the ability or capacity to do Work. Forms of energy include Heat, chemical energy, and, according to the theory of Relativity, Mass (Nuclear Energy); other forms of energy are associated with the transmission of Light, Sound, and Electricity. Energy and work are measured in the same units: Joules, ergs, electron-volts, calories, foot-pounds, or some other, depending on the system of measurement being used. When a force acts on a body, the work performed (and the energy expended) is the product of the force and the distance over which it is exerted. Potential energy is the capacity for doing work that a body possesses because of its position or condition. For example, a weight lifted to a certain height has potential energy because of its position in earth's gravitational field. Kinetic energy, the energy a body possesses because it is in motion, is equal to $1/2mv^2$, where m is its mass and v is its velocity. The average kinetic energy of the atoms or molecules of a body is measured by the Temperature of the body. Energy (or its equivalent in mass) can be neither created nor destroyed (Conservation Laws), but it can be changed from one form into another.

Energy, Sources of

In contemporary usage, energy is whatever can be efficiently converted into heat or motion to provide power to run machines and vehicles and to supply heat and light. Energy sources are of two basic types, renewable and nonrenewable. Most of the industrial world is presently powered by nonrenewable fossil fuels - coal, Petroleum, and Natural gas - that, once used, cannot be replaced. Fission Nuclear reactors are fueled by uranium or plutonium, themselves finite energy sources. Spent uranium, however, can be converted to fissile plutonium in a breeder reactor, a process that makes nuclear energy almost infinitely renewable. Nuclear technology, however, has not yet developed either failproof reactors or a safe method for disposing of nuclear wastes. The development of nuclear fusion (whose end products are harmless) has so far been hindered by the difficulties of containing the fuels (plentiful light elements such as hydrogen) at the extremely high temperatures necessary to initiate and sustain fusion. Renewable energy sources include the energy from water and wind (i.e. turbines; water wheels and windmills); geothermal energy, the earth's internal heat that is released naturally in geysers and volcanoes; tidal energy, the power released by the ebb and flow of the ocean's tides; biomass, the use of certain crops (including wood) or crop wastes either directly as fuel or as a fermentable source of fuels such as alcohol or methane; and Solar energy, which can be stored and used directly as heat, or transformed into electricity through the use of Photovoltaic cells. All these renewable energy sources are presently

being tapped in some form, but none can replace fossil fuels without huge advances in the technologies needed to exploit them.

English Units Of Measurement

English units of measurement is the principal system of a few nations, the only major industrial one being the United States. The English system actually consists of two related systems -- the U. S. Customary System, used in the United States and dependencies, and the British Imperial. Great Britain, the originator of the latter system, is now gradually converting to the [Metric System](#). The names of the units and the relationships between them are generally the same in both systems, but the sizes of the units differ, sometimes considerably. The basic unit of length is the yard (yd); the basic unit of mass (weight) is the pound (lb). Within the English units of measurement there are three different systems of weights (avoirdupois, troy, and apothecaries'), of which the most widely used is the avoirdupois. The troy system (named for Troyes, France, where it is said to have originated) is used only for precious metals. Apothecaries' weights are based on troy weights; in addition to the pound, ounce, and grain - which are equal to the troy units of the same name - other units are the dram and the scruple. For liquid measure, or liquid capacity, the basic unit is the gallon. The U.S. gallon, or wine gallon, is 231 cubic inches (cu in.); the British imperial gallon is the volume of 10 lb of pure water at 62°F and is equal to 277.42 cu in. The British units of liquid capacity are thus about 20% larger than the corresponding American units. The U.S. bushel, or Winchester bushel, is 2,150.42 cu in. and is about 3% smaller than the British Imperial bushel of 2,219.36 cu in.; a similar difference exists between U.S. and British subdivisions. The barrel is a unit for measuring the capacity of larger quantities and has various legal definitions depending on the substance being measured, the most common value being 105 dry quarts. Since the Mendenhall Order of 1893, the U.S. yard and pound and all units derived from them have been defined in terms of the metric units of length and mass, the meter (m) and the kilogram (kg); since 1959 these values are 1 yd = 0.9144 m and 1 lb = 0.45359237 kg. In the United States, the older definition of the yard as 3,600/3,937 m is still used for surveying, the corresponding foot (1,200/3,937 m) being known as the survey foot.

Enthalpy

In [thermodynamics](#), a term meaning total heat energy.

Envelope

Used to signify a container, also the overall dimensions of an item.

Environmental Testing

Tests referring to exposure of items to climatic, mechanical and other external stresses.

Enzyme

An enzyme is a protein functioning as a biological [Catalyst](#). Enzymes accelerate (often by several orders of magnitude) chemical reactions in the cell that would proceed imperceptibly or not at all in their absence. The enzyme is not permanently modified by its participation. Most enzymes demonstrate great specificity, reacting with only one or a small group of closely related chemical compounds; thus, sometimes several enzymes are required for efficient catalytic function. Some enzymes depend on the presence of [Coenzymes](#) for their function. For the enzyme to continue to be effective, its three-dimensional molecular structure must be maintained. X-ray crystallography is used to analyze the structure of enzymes. Over 1,000 different enzymes have been identified, and the exact sequence of [Amino Acids](#) (subunits of a [protein](#)) has been determined for many

proteins since 1967, when the first such determination was made. It is believed that enzymes function by attaching the substrate molecule to a specific molecular site, so that the electrostatic forces of nearby atoms sharply reduce the energy needed to cleave and re-form the appropriate chemical bonds.

Equal Section Charge

Propelling charge made up of a number of charges equal in size. The number of sections used determines the muzzle velocity and range of the projectile.

Equation Of State

An equation relating the volume, temperature and pressure of a system.

Erosion

- 1) In a solid rocket, the wearing away of the propellant due to heat, radiation and gas velocity.
- 2) Wearing away of a bore due to combined effect of gas washing, scouring and mechanical abrasion. (*Corrosion.*)

Escape Velocity

The radial speed which a particle or larger body must attain in order to escape from the gravitational field of a planet or star.

Ethanol

Ethanol, or ethyl alcohol ($\text{CH}_3\text{CH}_2\text{OH}$), a colorless liquid with characteristic odor and taste, commonly called grain alcohol or, simply, *Alcohol*. Ordinary ethanol is about 95% pure, the remaining 5% being water, which can only be removed with difficulty to give pure or absolute ethanol. Ethanol is the alcohol in beer, wine, and liquor, and can be made by the fermentation of sugar or starch. Denatured alcohol, for industrial use, is ethanol with toxic additives. Ethanol is used as a solvent in the manufacture of varnishes and perfumes; as a preservative; in medicines; as a disinfectant; and as a fuel. Ethanol is a soporific; if its presence in the blood exceeds about 5%, death usually occurs. Behavioral changes, impairment of vision, or unconsciousness occur at lower concentrations.

Ether

Ethere or aether, in physics, a hypothetical medium for transmitting *Electromagnetic radiation*, filling all unoccupied space. The theory of *Relativity* eliminated the need for such a medium, and the term is used only in a historical context.

Exosphere

The outermost, or topmost, position of the atmosphere.

Exothermal

A process characterized by the evolution of heat.

Expansion Ratio

In rocketry, the ratio of nozzle exit area to the nozzle throat area.

Expelling Charge

Quantity of propellant used in special purpose shell to eject the contents of the shell.

Explode

To be changed in chemical or physical state usually from a solid or liquid to a gas (as by chemical decomposition or sudden vaporization) so as to suddenly transform considerable energy into the kinetic form.

To be changed in chemical or physical state, usually from a solid or liquid gas (as by chemical decomposition or sudden vaporization) so as to suddenly transform considerable energy into the kinetic form *Explosion*.

Exploder

An alternative term for a fuze, usually used in connection with torpedoes.

Exploding Bridge Wire

EBW.

Explosion

A chemical reaction or change of state with the generation and extremely rapid expansion of gases, usually associated with the liberation of heat. An explosion produces a *shock wave* in the surrounding medium.

A rapid chemical reaction with the generation of high temperature and usually a large quantity of gas.

Explosive

Substance which, when subjected to heat, impact, friction or other suitable initial impulse, undergoes an explosion that is a very rapid chemical transformation, forming other more stable products entirely or largely gaseous, whose combined volume is much greater than that of the original substance. Explosives are classified as high-explosive or low-explosive, according to the rate of transformation.

Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

Explosive Actuated Device

Any tool or special mechanized device that is actuated by explosives. The term does not include propellant-actuated devices. (*Propellant-Actuated Power Device*.)

Examples of explosive-actuated devices are jet tappers and jet perforators.

Explosive Bolt

A bolt that is intended to be fractured at a predetermined point by a contained or inserted explosive charge for the purpose of releasing a load. **Explosive Charge**

Predetermined quantity of explosive required to produce a specific effect. *Bursting Charge; Expelling Charge; Propelling Charge*.

Explosive Charge

The quantity of explosive material used in an explosive device, or in industrial applications refers to explosive material in a blasthole, coyote tunnel, or other form of placement.

Explosive D

Ammonium picrate, a high explosive charge that is not easily set off in transportation or in handling, etc. Sometimes it is used as a bursting charge in armor-piercing projectiles.

Explosive Entry

The utilization of explosive devices to facilitate access into a target area through a conventional or non-conventional breach point.

Explosive Logic

Material Being Added

Explosive Nut

A nut that is intended to be fractured by a contained or inserted explosive charge for the purpose

of releasing a load.

Explosive Oils

Liquid sensitizers for explosives such as nitroglycerin, ethylene glycol dinitrate, and metriol trinitrate.

Explosive Strength

The amount of energy released by an explosive upon detonation that is an indication of the capacity of the explosive to do work.

Explosive Switch

A self-contained electrically initiated small unit which causes one or more electric circuits to be opened and / or closed by "explosive" (actually propulsive) action.

Explosive Train

An arrangement of a series of combustible and explosive elements consisting of a primer, a detonator, a delay, a relay, a lead and booster charge, one or more of which may be either combined with another element or omitted. The function of the explosive train is to accomplish the controlled augmentation of a relatively small impulse into one of sufficient energy to cause the main charge of the munition to function.

A train of combustible and explosive elements arranged in order of decreasing sensitivity. The explosive train accomplishes the controlled augmentation of a small impulse into one of suitable energy to actuate the main charge. A fuze explosive train may consist of a primer, a detonator, a delay, a relay, a lead and booster charge, one or more of which may be either omitted or combined. If the bursting charge is added to the foregoing train it becomes a bursting charge explosive train. A propelling charge explosive train might consist of a primer, igniter or igniting charge, usually black powder, and finally, any of the various types of propellants. (*[Igniter Train.](#)*)

Explosive Wave

A wave of chemical action which passes through an explosive substance when it explodes; also, more accurately, detonation zone.

Exterior Ballistics

The branch of ballistics which deals with the motion of the projectile after it leaves the gun.

Extraneous Electricity

Electrical energy, other than actual firing current or the test current from a *[blasting galvanometer](#)*, that is present at a blast site and that could enter an electric blasting circuit. It includes stray current, static electricity, RF (electromagnetic) waves, and time-varying electric and magnetic fields.

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F.A.E. (Fuel Air Explosive)

A chemical which will detonate when mixed with ambient air which is required to maintain the detonations oxygen balance. An example is propylene oxide.

Feasibility Study

A much misused and over-used term to denote the determination of the practicability, advisability

or adaptability of an item or technique for an intended purpose.

Fertilizer

A fertilizer may be an organic or inorganic material added to the soil to replace or increase plant nutrients. Organic fertilizers - including animal and green manure, fish and bone meal, guano (seabird excrement), and compost - are decomposed by soil microorganisms, and their elements are freed for plant use. Most inorganic or chemical fertilizers contain the major nutrients (nitrogen, phosphorus, and potassium) in proportions required by the crop. Properly used, fertilizers increase crop yields; they do not affect a crop's nutritive properties unless specifically intended to do so.

Fertilizer-Grade Ammonium Nitrate

A grade of ammonium nitrate as defined by The Fertilizer Institute.

Field Expedient

A material or technique which can be put together or operated from available materials and simple descriptions in emergencies especially behind lines or in guerrilla warfare.

Fin

A fixed or adjustable vane or [airfoil](#) affixed longitudinally to an aerodynamically or ballistically designed body for stabilizing purposes.

Fin Stabilization

Method of stabilizing a projectile, bomb or missile during flight by the fitting of fins.

Firing Current

An electric current of recommended magnitude and duration to sufficiently energize an electric detonator or a circuit of electric detonators.

Firing Device

Any item designed to initiate by mechanical means a blasting cap or an igniter.

Firing Line

The wire(s) connecting the electrical power source with the electric blasting circuit.

First Fire

The igniter composition used with pyrotechnic devices that is loaded in direct contact with the main pyrotechnic charge. A pyrotechnic first fire composition is compounded to produce a high temperature and hot slag. The composition must be readily ignitable and capable of igniting the underlying pyrotechnic charge.

Fixed Ammunition

Ammunition with primer and propellant powder contained in a cartridge case permanently crimped or attached to a projectile. Loaded into a weapon as a unit. Usually termed "cartridge."

Fixed Round

Round of fixed ammunition.

Flame

A chemical reaction or reaction product, partly or entirely gaseous, that yields heat and light. State of blazing combustion. A flame profile is a temperature profile of any particular flame.

Flame Temperature

[Adiabatic Flame Temperature](#).

Flammability

The ease with which an explosive material may be ignited by flames and heat.

Flare

A pyrotechnical device designed to produce a single source of intense light or radiation for relatively long durations for target or airfield illumination, signaling or other purposes.

Flash Reducer

Any material for use with a propelling charge to reduce its muzzle flash.

Flashover

The sympathetic detonation between explosive charges or between charged blastholes.

Flash Point

The lowest temperature at which vapors from a volatile combustible substance ignite in air when exposed to flame, as determined in an apparatus specifically designed for such testing.

Flat Trajectory

Trajectory with little curvature produced by a projectile with a high velocity.

Flechette

(French, "a small arrow")

- 1) An aerial dart.
- 2) A small fin stabilized missile, a large number of which can be loaded in artillery canister.
- 3) Stabilized fragment having a pointed nose and finned tail.

Flight Test Certification

A limited series of tests conducted on an item or system prior to formal qualification to determine if it meets the safety requirements.

Fluid Mechanics

A branch of [Mechanics](#) dealing with the properties and behavior of fluids, or substances that flow, i.e., liquids and gases. The larger part of the field is fluid dynamics (study of fluids in motion), which itself is divided into hydrodynamics (study of liquids in motion) and [Aerodynamics](#) (study of gases in motion).

FLSC (Flexible Linear Shaped Charge)

A flexible detonating fuse which is specially shaped to produce a cutting jet. Linear version of shaped charge.

Force

A term convenient in interior ballistic theory, which is defined as the product of the number of mols of gas per gram of propellant and the adiabatic-constant-volume flame temperature. The term force comes from the Latin word for "strength". In physics, force is defined by Newton's laws of motion and a force is considered that which can impose a change of velocity on a material body. In physics, force is described as a quantity that produces a change in the size or shape ([Strength Of Materials](#)) or the [Motion](#) of a body. Commonly experienced as a "push" or "pull," force is a vector quantity, having both magnitude and direction. Four basic types of force are known in nature. The gravitational force ([Gravitation](#)) and the electromagnetic force ([Electricity](#); [Magnetism](#)) both have an infinite range. The strong nuclear force, or strong interaction, is a short-range force holding the atomic nucleus together, and the weak nuclear force, or weak interaction, is a short-range force associated with radioactivity and particle decay. Scientists have not been able to confirm the existence of a hypothesized fifth force, a very weak force supposed to counteract gravitation. In the [Metric System](#) forces are measured in such units

as the dyne (cgs system) and the newton (mks system), which cause accelerations of, respectively, 1 cm/sec² on a 1-gram mass and 1 m/sec² on a 1-kg mass. In [English Units Of Measurement](#) the pound (lb) is used. A 1-lb force equals 444,823 dynes; 1 dyne equals 10⁻⁵ newtons.

Force = Mass X Acceleration $f = m \cdot a$

Force Cone

Tapered beginning of the lands at the origin of the rifling of a gun tube. The forcing cone allows the rotating band of the projectile to be gradually engaged by the rifling thereby centering the projectile in the bore.

Forced Entry

The utilization of force (mechanically or explosively generated) to gain entry to the target area. Generally, this term is used when discussing entry through conventional breach points, particularly doors.

Form Coefficient

Factor used in form functions to describe the ratio of burning surface to fraction burned.

Form Function

Mathematical expression relating burning rate to propellant grain geometry.

Formaldehyde

Formaldehyde or methanal (HCHO), a colorless, flammable, poisonous gas with a suffocating odor. Pure gaseous formaldehyde is uncommon, because it readily polymerizes into solid paraformaldehyde. Formalin, a 40% by volume solution of formaldehyde in water, is used as an antiseptic, disinfectant, and preservative for biological specimens. Formaldehyde is also used to make dykes, [Plastics](#), and synthetic [Resins](#).

Fragmentation

The breaking and scattering in all directions of the pieces of a projectile, bomb or grenade. The breaking of a solid mass into pieces by blasting.

Francium

Francium (Fr), radioactive element, discovered in 1939 by Marguerite Perey as a disintegration product of actinium. Some of the 21 known isotopes of this rare [Alkali Metal](#) are prepared by bombarding thorium with protons, deuterons, or alpha particles. [Element](#); [Periodic Table](#).

Frangible

A material which breaks into a powder or small fragments.

Free-Standing Grain

A solid propellant grain which is molded or extruded prior to loading into a rocket case.

Freon

Freon, trade name for any of a special class of chemical compounds used as refrigerants, aerosol

propellants, and solvents. Freons are [Hydrocarbon](#) derivatives that contain fluorine and often chlorine and bromine as well. They are generally colorless, odorless, nontoxic, noncorrosive, and nonflammable. Though usually unreactive, freons are now suspected to undergo reactions in the upper atmosphere that may damage the earth's *Ozone* layer. The most commonly used is Freon-12, or dichlorodifluoromethane (CCl_2F_2).

Friction

Friction, resistance offered to the movement of one body past another body with which it is in contact. The amount of friction depends on the nature of the contact surfaces and on the magnitude of the force pressing the two bodies together, but not on the surface area of the contact surface. The coefficient of friction is the ratio of the force necessary to move one body horizontally over another at a constant speed to the weight of the body. Fluid friction, observed in the flow of liquids and gases, is minimized in airplanes by a modern, streamlined design ([Aerodynamics](#)).

Fuel

A substance that may react with oxygen to produce combustion. In pyrotechnics, anything combustible such as sulfur, aluminum powder, iron powder, plastic binder; opposite: oxidizer.

Fuel Cell

An electric cell in which the chemical energy from the oxidation of a gas fuel is converted directly to electrical energy in a continuous process. In the hydrogen and oxygen fuel cell, hydrogen and oxygen gas are bubbled into separate compartments connected by a porous disk through which an [Electrolyte](#), such as aqueous potassium hydroxide (KOH), can pass. Inert graphite electrodes, mixed with a catalyst such as platinum, are dipped into each compartment. When the two electrodes are electrically connected, an *Oxidation* and reduction reaction takes place in the cell: hydrogen gas is oxidized to form water at the anode; electrons are liberated in this process and flow through the external circuit to the cathode, where the electrons combine with the oxygen gas and reduce it. Fuel cells have been used to generate electricity in spacecraft.

Fulminate Of Mercury

[Mercury Fulminate](#).

Fume Classification

[IME Fume Classification](#).

Fumes

The gaseous products of an explosion. For the purpose of fume classification, only poisonous or toxic gases, such as carbon monoxide, hydrogen sulfide, and nitrogen oxides are considered.

Functional Group

A functional group in organic chemistry is a group of atoms within a molecule that is responsible for certain properties of the molecule and reactions in which it takes part.

Functioning Time

In an EED, the lapsed time between application of initiating energy and some later function such as bridgewire break, case opening or start of pressure rise, peak pressure, etc.

Fuse

An igniting or explosive device in the form of a string or tube which contains a pyrochemical mixture. Slow burning fuse is called (commercially) Bickford fuse; other types; quickmatch,

firecracker fuse, detonating cord (prima cord). MDF and SCID. [Safety Fuse](#).

Fuse Cap (Fuse Detonator)

A detonator that is initiated by a safety fuse; also referred to as an ordinary blasting cap.

Fuse Cutter

A mechanical device for cutting safety fuse clean and at right angles to its long axis.

Fuse, Delay

Any fuze incorporating a means of delaying its action. Delay fuzes are classified according to the length of time of the delay.

Fuse Lighters Pyrotechnic devices for the rapid and certain lighting of safety fuse.

Fusee

Fusee is an R.R. flare or a special type of match.

Fuze

Device with explosive or pyrotechnic components designed to initiate a train of fire or detonation in a munition.

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Galvanometer

[Blasting Galvanometer](#).

Gamma Radiation

Gamma radiation is emitted in one of the three types of natural [Radioactivity](#). It is the most energetic form of [Electromagnetic Radiation](#), with a very short wavelength of less than 10^{-10} meters. Gamma rays are essentially very energetic [X-Rays](#) emitted by excited nuclei. They often accompany alpha or beta particles, because a nucleus emitting those particles may be left in an excited (higher-energy) state. Gamma-ray sources are used in medicine for cancer treatment and for diagnostic purposes, and in industry for the inspection of castings and welds.

Gas Generator

A device in which a propellant is burned to produce a sustained flow of pressurized gas.

Gas Laws

Physical laws describing the behavior of a gas (see [States Of Matter](#)) under various conditions of volume (V), pressure (P), and absolute, or Kelvin, [Temperature](#)(T). Boyle's, or Mariotte's, gas law states that under constant temperature $PV = k_1$. Charles', or Gay-Lussac's, law states that under constant pressure $V = k_2T$. A third law states that under constant volume $P = k_3T$. The constants k_1 , k_2 , and k_3 are dependent on the amount of gas present and, respectively, on the temperature, pressure, and volume of the gas. These three laws can be combined into a single law, or equation of state: $PV = kT$ or $Pv = RT$, in which v is the specific volume equal to V/n , n is the number of moles of the gas, k is a proportionality constant, and R is the universal gas constant, equal to 8.3149×10^3 joules/kg-mole-degree in mks units. These laws are formulated for so-called ideal or perfect gases. Real gases are described more accurately by the van der Waals equation: $(P + a/v^2)(v - b) = RT$, in which (a) and (b) are specific constants for each

gas.

Gasoline

Gasoline is a light, volatile fuel oil; called petrol in Britain. A mixture of *Hydrocarbons* obtained in the fractional *Distillation* and “cracking” of *Petroleum*, it is used as a fuel for internal-combustion engines, for cooking, and as a solvent. The quality of gasoline used in engines is rated by *Octane Number*. To increase octane rating, lead additives were once widely used. Because of the possible health hazard of lead as an environmental pollutant and the harmful effect it has on pollution-control devices, however, a program was begun in the U.S. in the 1970s to change automobile design and gasoline composition, so that lead additives could be gradually eliminated.

Gauge

- 1) A measure. The dimensions of a part being machined, the amount of liquid in a container, steam pressure, etc.
- 2) The size of the bore of a firearm, especially of a shotgun, as determined by the number per pound of spherical projectiles fitting the bore.

Gauge (Wire)

A series of standard sizes such as the American Wire Gauge (AWG), used to specify the diameter of wire.

Gaussian Distribution

Normal Curve.

Gelatin Dynamite

A type of highly water-resistant dynamite characterized by its gelatinous consistency.

Generator

An electrical device used to convert mechanical energy to electrical energy. It operates on the principle of electromagnetic *Induction*. The generator moves a conductor through a magnetic field and directs the current produced by the induced voltage to an external circuit. In the simplest generator, the conductor is an open coil of wire rotating between the poles of a permanent magnet. During a single rotation, one side of the coil passes through the magnetic field first in one direction and then in the other, so that the induced current is alternating current (AC), moving first in one direction, then in the other. Each end of the coil is attached to a separate metal slip ring that rotates with the coil. Brushes resting on the slip ring pass the current to the external circuit. To obtain direct current (DC), i.e., current that flows in only one direction, a commutator is used in place of slip rings. The commutator is a single slip ring split into left and right halves that are insulated from each other and attracted to opposite ends of the coil. Current leaves the generator through the brushes in only one direction and pulsates from no flow to maximum flow and back again. In practice, generators have many coils and several magnets. The whole assembly carrying the coils is called the armature, or rotor; the stationary parts constitute the stator. Except for magnetos, which use permanent magnets, AC and DC generators use electromagnets. AC generators are often called alternators.

Gilding Metal

Copper-zinc alloy (brass) used for rotating bands.

Glow Plugs

Inserts containing high resistance wire which attain high incandescent heat when current is

passed through the wires. The heat is sufficient to ignite some propellant combinations.

Grain

A single mass of solid propellant regardless of size or shape of the final geometric configuration as used in a gas generator or rocket motor.

Grain, Free Standing

A solid propellant grain which is molded or extruded prior to loading into a rocket case.

Grains

A system of [weight](#) measurement where 7,000 grains are equivalent to one standard 16-ounce pound (0.45 kg).

Gram

Metric unit of weight, unfortunately, no generally adapted abbreviation exists; gm or g are most frequently used.

Granulation

Size and shape of grains of pyrotechnic or propellant ingredients. *Grist*.

Graphite

Graphite, also known as plumbago or black lead is a mineral, one of two crystalline forms of the element [Carbon](#), occurring in various parts of the world. Dark gray or black, greasy, and soft, with a metallic luster, it is a good conductor of electricity. It is used to make crucibles and electrodes; mixed with clay, it is the so-called lead of pencils.

Gravimetric Density

Weight of the propellant divided by the volume occupied by the propellant (includes the air space in and around propellant grains). [Bulk Density](#).

Gravitation

Gravitation is the attractive [Force](#) existing between any two particles of matter. Because this force acts throughout the universe, it is often called universal gravitation. Isaac [Newton](#) was the first to recognize that the force holding any object to the earth is the same as the force holding the moon and planets in their orbits. According to Newton's law of universal gravitation, the force between any two bodies is directly proportional to the product of their [Masses](#) and inversely proportional to the square of the distance between them. The constant of proportionality is known as the gravitational constant (symbol G) and equals 6.670×10^{-11} newton-M²/kg² in the *MKS System* of units. The measure of the force of gravitation on a given body on earth is the [Weight](#) of that body. In the general theory of [Relativity](#), gravitation is explained geometrically: matter in its immediate neighborhood causes the curvature of the four-dimensional *Space-Time* continuum. [Celestial Mechanics](#).

Greek Alphabet

| Greek Letter | Greek Name | English Equivalent | Greek Letter | Greek Name | English Equivalent |
|--------------|------------|--------------------|--------------|------------|--------------------|
| A a | Alpha | a | N n | Nu | n |
| B b | Beta | b | X x | Xi | x |
| G γ | Gamma | g | O o | Omicron | Ö |

| | | | | | |
|-------|---------|----|-------|---------|----|
| D d | Delta | d | Õ p | Pi | p |
| E e | Epsilon | ë | R r | Rho | r |
| Z z | Zeta | z | å s V | Sigma | s |
| H h | Eta | è | T t | Tau | t |
| q q J | Theta | th | j u | Upsilon | u |
| I i | Iota | i | F) j | Phi | ph |
| K k | Kappa | k | C c | Chi | ch |
| L l | Lambda | l | Y B | Psi | ps |
| M m | Mu | m | W C | Omega | õ |

Grenade

A small explosive or chemical missile designed to be thrown by hand or projected from a special launcher, usually fitted to a rifle or carbine.

Grist

Particle size of pyrotechnic material. *Granulation*.

Grommet

- 1) Device to protect the rotating band of projectiles.
- 2) An eyelet of firm material to strengthen or protect something passed through it.

Ground vibration

Shaking of the ground, by elastic waves emanating from a blast; usually measured in inches per second of particle velocity.

G-Series War Gases

Group of persistent blood and nerve poisons which are highly toxic and practically odorless. GA, GB and GD are members of the G-series.

Guillotine

An explosive device designed to cut by driving a hardened knife through a cable or line.

Guncotton

Nitrocellulose containing 13 percent or more of nitrogen.

Gunpowder

Material to be added.

H

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Halogen

Any of the five chemical elements in group VIIa of the *Periodic Table*. Fluorine, Chlorine, Bromine, Iodine, and the radioactive Astatine are nonmetallic, monovalent negative ions and exist in pure form as diatomic molecules. The first four elements exhibit an almost perfect gradation of physical properties. Fluorine is the least dense and chemically the most active, displacing other halogens from their compounds and oxygen from water. Iodine is the least

active. The halogens form numerous compounds with each other, and with other elements, such as hydrogen halides, metal halides (*Salts*), and halocarbons.

Hangfire

The detonation of an explosive charge at some nondetermined time after its normally designed firing time.

Temporary failure or delay in the action of a primer, igniter or propelling charge; for a few seconds it cannot be distinguished from a complete failure or misfire.

Hangfire Test

A test to determine uniformity and promptness of fire of a type of ammunition.

HC Mixture

Solid non-persistent screening smoke that, when burning, produces a grayish white smoke having a sharp, acrid odor; toxic if released in sufficient quantities in enclosed places; used in bombs, shells, grenades and smoke pots. The smoke is cool burning as contrasted with white phosphorous and tends to cling to the earth.

HE

High explosive (dynamite).

Heat

The internal *Energy* of a substance, associated with the positions and motions of its component molecules, atoms, and ions. The average kinetic energy of the molecules or atoms, which is due to their motions, is measured by the *Temperature* of the substance; the potential energy is associated with the state, or phase, of the substance (*States Of Matter*). Heat energy is commonly expressed in *Calories*, *British Thermal Units* (BTU), or *Joules*, (*Work*). Heat may be transferred from one substance to another by three means: *Conduction*, *Convection*, and *Radiation*. Also *Heat Capacity*; *Specific Heat*; *Thermodynamics*.

Originally an abbreviation for "high explosive antitank." A term used to designate high explosive ammunition containing a shaped charge. *High-Explosive Antitank Shell*.

Heat Capacity

Heat capacity or thermal capacity, ratio of the change in *Heat* energy of a unit mass of a substance to the change in *Temperature* of the substance. The heat capacity is a characteristic of a substance; it is often expressed in *Calories* per gram per degree Celsius or *British Thermal Units* per pound per degree Fahrenheit. Also *Specific Heat*.

Heat Of Combustion

Heat evolved in the complete oxidation of a substance under standard conditions of pressure and temperature.

Heat Of Explosion

Heat evolved in burning (exploding) a sample in a combustion bomb in an inert atmosphere under standard conditions of pressure and temperature. Products of explosion vary with the oxygen balance of the sample.

Heat Of Formation

Heat evolved, or absorbed, when a compound is formed by combination of its elements.

Heat Of Reaction

Heat evolved when a sample is burned in a combustion bomb in an atmosphere of helium or

other inert gas.

Heat Test

Accelerated stability test of an explosive material.

Helium

(He), gaseous element, first observed spectroscopically in the sun during a solar eclipse in 1868. Its noncombustibility and buoyancy make this extremely unreactive, *Inert Gas* the most suitable of gases for balloons and airships. Deep-sea divers often breathe a helium-and-oxygen mixture; because helium is less soluble in human blood than *nitrogen*, its use reduces the risk of the bends. Liquid helium is essential for low-temperature work Cryogenics, *Superconductivity*. Helium is also used in arc welding and gas-discharge lasers. Abundant in outer space, helium is the end product of fusion processes in stars.

HEP Shell

High-Explosive Plastic Shell.

Hermetic Seal

A seal made impervious to air and fluids.

Hertz (Hz)

A synonym for “cycles per second”. Hertz, Heinrich Rudolf, 1857–94, German physicist. He confirmed James Clerk Maxwell’s electromagnetic theory and produced and studied electromagnetic waves (radio waves), which he showed are long transverse waves that travel at the speed of light and can be reflected, refracted, and polarized like light. The unit of frequency, the hertz, is named for him.

High-Angle Fire

Fire delivered at elevations greater than the elevation of maximum range, its range, therefore, decreasing as the angle of elevation is increased. Mortars deliver high angle fire.

High Explosive (HE)

Explosive which undergoes an extremely rapid chemical transformation thereby producing a high order detonation and shattering effect. High explosives are used as bursting charges for bombs, projectiles, grenades, mines and for demolition.

High Explosives

Explosives that are characterized by a very high rate of reaction, high pressure development, and the presence of a detonation wave in the explosive.

High Explosive Antitank (HEAT)

Shell Ammunition for defeat of armor by use of a shaped charge.

High Explosive Plastic (HEP)

Shell Shell with deformable nose, designed to contain a *plastic explosive*, for use against armor; shock transmitted through the armor causes the back of armor plate to spall. Also referred to as Squash-Head Shell.

High Explosive Shell

Projectile with a bursting charge of high explosive, used against personnel and material.

High Order Detonation

A detonation rate equal to or greater than the stable detonation velocity of the explosive.

Histogram

A graph whose axes are the frequency of measurements and the actual measured values.

Hivelite

A high velocity ignition propagation fuse (deflagrating).

HMX

Homocyclonite family; specifically cyclotetramethylenetetranitramine, the U.S name for [Octogen](#), as an acronym for High Melting Explosive, and in the UK as Her Majesty's Explosive. [Octogen](#).

HNS

Abbreviation for hexanitrostilbene, also called hexanitrodiphenylethylene. A heat resistant explosive, commonly used in deep well charges found in the oil field or in applications requiring the explosive to withstand significant temperatures before initiation. $C_6H_2(NO_2)_3$. [Molecular weight](#) 450.24, nitrogen content 18.67%, melting point 316°C; detonating velocity 7000 m/s at density of 1.7 g/cc. Made in type I and type II and grades A and B. Differences between type I and type II is primarily the particle size (type I, 1-5 microns, type II, 100 - 300 microns). HNS has a uniquely small critical diameter of 0.020". It is relatively insensitive to heat, spark, impact and friction, yet it finds wide use as a heat resistant booster charge for military applications.

Howitzer

A weapon firing slower than a gun and faster, but at lower angle, than a mortar.

Hubble's law

Hubble's law, statement that the greater the distance between any two *Galaxies*, the greater their relative speed of separation. In other words, the universe is expanding roughly uniformly. This empirical finding is more consonant with the big bang theory of the universe's origin than with the steady state theory (*Cosmology*). The law was first proposed in 1929 by Edwin *Hubble*, who observed that the more distant a galaxy, the greater is its [Red Shift](#) and hence its velocity relative to our galaxy.

Hydrodynamics

The study of liquids in motion.

Hydrocarbon

A hydrocarbon is any organic compound composed solely of [Carbon](#) and [Hydrogen](#). Hydrocarbons include aliphatic compounds, in which the carbon atoms form a chain, and [Aromatic Compounds](#), in which the carbon atoms form stable rings. The aliphatic group is divided into alkanes (e.g., [Methane](#) and [Propane](#)), alkenes, and alkynes (e.g., [Acetylene](#)), depending on whether the molecules of the compounds contain, respectively, only single bonds, one or more carbon-carbon double bonds, or one or more carbon-carbon triple bonds. [Petroleum](#) distillation yields useful fractions that are hydrocarbon mixtures, e.g. [Natural Gas](#), [Gasoline](#), [Kerosene](#), home heating oil, lubricating oils, [Paraffin](#), and asphalt. Coal [Tar](#) is also a source of hydrocarbons. Hydrocarbon derivatives contain additional elements, e.g., oxygen, and include [Alcohols](#), aldehydes, ketones, carboxylic acids, and halocarbons.

Hydrogen

Hydrogen (H) is a gaseous element, discovered by Henry Cavendish in 1766. The first element on the [Periodic Table](#), hydrogen is colorless, odorless, tasteless, slightly soluble in water, and highly explosive. The hot flame produced by a mixture of oxygen and hydrogen is used in

welding, and in melting quartz and glass. Normal hydrogen is diatomic (*Allotropy*). The most abundant element in the universe, hydrogen is the major fuel in fusion reactions of the *Sun* and other *Stars*. Atmospheric hydrogen has three isotopes: protium (nucleus: one proton), the most common; deuterium, or heavy hydrogen (nucleus: one proton and one neutron), used in particle accelerators and as a tracer for studying chemical-reaction mechanisms; and tritium (nucleus: one proton and two neutrons), a radioactive gas used in the hydrogen bomb, in luminous paints, and as a tracer. Hydrogen's principal use is in the synthesis of *Ammonia*; liquid hydrogen has been greatly used as a rocket fuel, in conjunction with oxygen or fluorine. Deuterium oxide, or heavy water, is used as a moderator in nuclear reactors. *Element*.

Hydrogen Bomb

A weapon deriving a large portion of its energy from the nuclear fusion of hydrogen isotopes. In fusion, lighter elements are joined together to form heavier elements, and the end product weighs less than the components forming it. The difference in mass is converted into energy. Because extremely high temperatures are required to initiate fusion reactions, a hydrogen bomb is also known as a thermonuclear bomb. The presumable structure of a hydrogen bomb is as follows: an *Atomic Bomb* is surrounded by a layer of lithium deuteride (a compound of lithium and deuterium) and then by a tamper, or thick outer layer, frequently of fissionable material, that holds the contents together in order to obtain a larger explosion. The atomic explosion produces neutrons that fission the lithium into helium, tritium, and energy, and also produces the extremely high temperature needed for the subsequent fusion of deuterium with tritium, and tritium with tritium. Explosion of the neutron bomb, which has a minimal atomic trigger and a nonfissionable tamper, produces blast effects and a hail of lethal neutrons but almost no radioactive fallout. The first thermonuclear bomb was exploded in 1952 at Enewetak by the U.S., the second in 1953 by the USSR. Also *Nuclear*.

Hydrology

Hydrology, study of water and its properties, including its distribution and movement in and through the land areas of the earth. The hydrologic cycle consists of the passage of water from the oceans into the atmosphere; onto, through, and under the lands; and back to the ocean. Hydrology is mainly concerned with the part of the cycle that follows the precipitation of water onto the land and precedes its return to the oceans. Also *Meteorology*; *Oceanography*.

Hydrolysis

Hydrolysis is a chemical reaction of a compound with *Water*, usually resulting in the formation of one or more new compounds. The most common hydrolysis occurs when a salt of a weak acid or weak base (or both) is dissolved in water. Water ionizes into negative hydroxyl ions (OH^-) and positive hydrogen ions (H^+), which become hydrated to form positive hydronium ions (H_3O^+). The salt also breaks up into positive and negative ions, and the formed ions recombine.

Hygroscopicity

The tendency of a substance to absorb any available moisture from its surroundings; specifically the absorption of water vapor from the atmosphere.

Hydroxide

Hydroxide, chemical compound that contains the hydroxyl ($-\text{OH}$) radical. The term refers especially to inorganic compounds. Organic compounds that have the hydroxyl radical as a

functional group are referred to as [Alcohols](#). Most metal hydroxides are bases. [Alkali Metals](#) hydroxides, such as sodium hydroxide (NaOH), are strong bases and are very soluble in water. The [Alkaline-Earth Metal](#) hydroxides are less basic, and magnesium hydroxide (Milk of Magnesia) is only slightly basic. Some hydroxides, such as aluminum hydroxide {Al(OH)₃}, exhibit [Amphoterism](#).

Hypergolic

A two-component propellant system which is capable of spontaneous ignition upon contact.

Hypervelocity

[Muzzle velocity](#) of an artillery projectile of 3,500 feet per second or more.

Hypervelocity Armor-Piercing (HVAP)

Ammunition which embodies a core of hard, dense material (such as tungsten carbide) within a shell of light material (such as aluminum). Its light overall weight permits it to be fired safely at very high velocities. The velocity is rapidly lost, but at short ranges, it is effective against armor.

Hypervelocity Armor-Piercing Discarding Sabot (HVAPDS) Ammunition

Ammunition which embodies a [Hypervelocity](#), armor-piercing subcaliber projectile within discarding sabot. [Sabot](#).

Hypervelocity Armor-Piercing Discarding Sabot Fin-Stabilized (HVAPDSFS) Ammunition

Ammunition which embodies hypervelocity, armor-piercing, subcaliber, fin-stabilized projectile within a discarding sabot. [Sabot](#).

I

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I.E.D.'s

An acronym for improvised explosive device - a term used to describe a homemade bomb or homemade explosive booby trap.

Igniter

Device containing a ready burning composition, used to amplify the ignition of a propelling charge by a primer. Also sometimes used to amplify the initiation of a primer in the functioning of certain types of fuzes and burster charges.

Igniter Cord

A small-diameter pyrotechnic cord that burns at a uniform rate with an external flame and used to ignite a series of safety fuses.

Igniter cord (IC)

A cord filled with thermite for readily igniting a multiplicity of safety fuses in sequence.

Igniter Train

Step-by-step arrangement of charges in pyrotechnic bombs, shells, etc., by which the initial fire from the primer is transmitted and intensified until it reaches and sets off the main charge. An explosive bomb, projectile, etc., uses a similar series, called an explosive train.

Igniting Mixture

Chemical mixture used in pyrotechnics.

Igniting Primer

Primer designed to be initiated by flame from another primer. Sometimes used in subcaliber guns so as to permit drill or practice with the regular primer.

Ignition Cartridge

Igniter in cartridge form which may be used alone or with additional propellant increments as a propelling charge for certain mortar ammunition.

Ignition System

The system associated with rocket engines which provides for igniting the propellant.

Illuminant Composition

A mixture of materials used in the candle of a pyrotechnic device to produce a high intensity light as its principal function. Materials used include a fuel (reducing agent), an oxidizing agent and a binder plus a color intensifier and waterproofing agent. The mixture is loaded under pressure in a container to form the illuminant charge.

Illuminating Shell

Projectile with a time fuze that sets off a parachute flare at any desired height; used for lighting up an area.

IME Fume Classification

A classification indicating the amount of poisonous or toxic gases produced by an explosive or blasting agent. The IME Fume Classification is expressed as follows: Cubic Feet of Poisonous Gases Per (1 1/4" x 8") Cartridge.

Impact Fuze

Fuze designed to function on impact.

Impact Sensitivity

Material to be added.

Impedance

Impedance in electricity is a measure of the degree to which an electric circuit resists electric-current flow when a voltage (*Potential, Electric*) is impressed across its terminal. Impedance, expressed in OHMS, is the ratio of the voltage impressed across a pair of terminals to the current flow between those terminals. In direct-current (DC) circuits, impedance corresponds to *Resistance*. In alternating-current (AC) circuits, impedance is a function of resistance, *Inductance*, and *Capacitance*. Inductors and *Capacitors* build up voltages that oppose the flow of current. This opposition, called reactance, must be combined with resistance to find the impedance. The reactance produced by inductance is proportional to the frequency of the alternating current, whereas the reactance produced by capacitance is inversely proportional to the frequency. In order to transfer maximum electrical power from one device to another, the two impedances must be matched. Also *Ohm's Law*.

Implosion

The opposite of explosion; an inward burst of particles, fragments, etc., due to reduced pressure.

Impulse

In rocketry, product of the average thrust (in pounds or kilograms) by the burning time (in *seconds*).

Incendiary

- 1) Chemical agent used primarily for igniting combustible substances with which it is in contact by generating sufficient heat to cause ignition.
- 2) Filling for incendiary munitions such as shells, bombs, grenades and flame throwers.

Incendivity

The property of an igniting agent (e.g., spark, flame, or hot solid) whereby the agent can cause ignition.

Increment

A package of propellant, forming part of the full propelling charge, which may be removed to reduce the velocity or range. [Multisection Charge](#).

Indicators, Acid-Base

Organic compounds that in water solution exhibit color changes indicative of the acidity or basicity of the solution ([Acids & Base](#)). [Litmus](#), for example, is red in acidic solution and blue in basic. Other common indicators are phenolphthalein and methyl orange.

Induction

Induction in [Electricity](#) and [Magnetism](#) is a common name for three distinct phenomena. Electromagnetic induction is the production of an [Electromotive Force](#) (emf) in a conductor as a result of a changing magnetic field about the conductor. Such a variation may be produced by relative motion between the conductor and the source of the magnetic field, as in an electric [Generator](#), or by varying the strength of the entire field. Changing the current in a given circuit can also induce emf in a nearby circuit unconnected with the original circuit; this is called mutual induction and is the basis of the [Transformer](#). Electrostatic induction is the production of an unbalanced electric charge on an uncharged metallic body as a result of a charged body being brought near it without touching it. If the charged body is, e.g., positively charged, electrons in the uncharged body will be attracted toward it; if the opposite end of the body is then grounded, electrons will flow into it to replace those drawn to the other end. The body thus acquires a negative charge after the ground connection is broken. Magnetic induction is the production of a magnetic field in a piece of unmagnetized iron or other ferromagnetic substance when a magnet is brought near it. The magnet causes the individual particles of the iron, which act like tiny magnets, to line up so that the sample as a whole becomes magnetized.

Inert

Descriptive of condition of a device that contains no explosive, pyrotechnic or chemical agent.

Inert Gas

Inert gas or noble gas, any of the elements in group 0 of the [Periodic Table](#). In order of increasing atomic number, they are [Helium](#), [Neon](#), [Argon](#), [Krypton](#), [Xenon](#), and [Radon](#). Sometimes called the rare gases (although argon makes up 1% of the atmosphere), they are colorless, odorless, and tasteless. Inert gases have very low chemical activity because their outermost, or valence, electron is complete, containing two electrons in the case of helium and eight in the remaining cases.

Inertia

Inertia, in physics, the resistance of a body to any alteration in its state of [Motion](#), i.e., the resistance of a body at rest to being set in motion or of a body in motion to any change of speed

or direction of motion. Mass.

Infantry

An infantry is a body of soldiers who fight on foot, as distinct from [Cavalry](#) or other branches of an [Army](#). In ancient times, the relative military value of infantry fluctuated. The Romans are believed to have made the most effective use of the foot soldier, but with the decline of Rome cavalry became dominant in war, remaining so until firearms were introduced in the mid-14th century. Armed with muskets, and then rifles, troops fought in mass formation until the early 20th century, when trench warfare and automatic weapons affected deployment. Aircraft, [Tanks](#), and [Artillery](#) supported a massive use of infantry in WW II. Despite the innovations in weaponry since then, strategists continue to regard the infantry as the indispensable factor in military victory.

Infrared Radiation

Infrared radiation is [Electromagnetic Radiation](#) having a wavelength in the range of 750 to 1,000,000 nanometers, thus occupying that part of the electromagnetic spectrum with a frequency less than that of red visible [Light](#) and greater than that of [Microwaves](#). Infrared radiation is thermal, or heat, radiation, and is produced by any body having a temperature above absolute zero. It has many of the same properties as visible light, such as being reflected or refracted.

Inhibited Propellant

A propellant grain in which a portion of the surface area has been treated to control the burning.

Inhibitor

A material applied to the surface(s) of propellant grains to prevent burning on the coated surface (s).

Initial Air Space

Volume of gun chamber not occupied by propellant when gun is loaded for firing.

Initial Velocity

The starting highest velocity, referred to as V_1 . [Muzzle Velocity](#).

Initiate, to

The act of detonating a high explosive by means of a detonator or by detonating cord.

Initiating Explosive

Material to be added.

Initiation

As applied to an explosive item, the beginning of the deflagration or detonation of the explosive; the first action in the first element of an explosive train.

The act of causing an explosive material to detonate or deflagrate.

Initiator

Small quantity of very sensitive and powerful explosive used to start the detonation of another less sensitive explosive. [Mercury fulminate](#), lead azide and tetryl are the principal high explosives used as initiators.

Initiator

A detonator or detonating cord used to start detonation in an explosive material.

Instantaneous Detonator

A detonator that has a firing time of essentially 0 sec as compared to delay detonators with firing

times of from several milliseconds to several seconds.

Instantaneous Fuze

One which will burst the projectile on the outside of a hard surface (such as a concrete emplacement) before penetration or ricochet. This fuze will give some crater on hard ground.

[*SuperQuick Fuze.*](#)

Institute of Makers of Explosives (IME)

A nonprofit safety-oriented trade association representing leading producers of commercial explosive materials in the United States and Canada and dedicated to safety in the manufacture, transportation, storage, handling, and use of explosive materials.

Institute of Makers of Explosives No. 8 Test Detonator

IME No. 8 test detonator has 0.40 - 0.45 g of PETN base charge pressed to a specific gravity of 1.4 g/cc and primed with standard weights of primer, depending on manufacturer.

Insulation

A material used to inhibit or prevent the [Conduction](#) of heat or of electricity. Common heat insulators are asbestos, cellulose fibers, feathers, fiberglass, fur, stone, wood, and wool; all are poor conductors of heat. In the conduction of electricity from point to point, the conductor acts as a guide for the electric current and must be insulated at every point of contact with its support to prevent escape, or leakage, of the current. Good electrical insulators, or [Dielectrics](#), include dry air, dry cotton, glass, paraffin, porcelain, resin, [rubber](#), and varnishes.

Integrated Circuit

Integrated circuit, [Electric Circuit](#) or module packaged as a single unit with leads extending from it for input, output, and power-supply connections. All the electronic devices are formed by selective treatment (doping) of a single chip of [Semiconductor](#) material. Integrated circuits are categorized according to the number of [Transistors](#) or other active circuit devices they contain; an active circuit device is one that receives power from a source other than its input signal. An ordinary integrated circuit (IC) may contain up to several tens of such devices; a medium-scale integrated circuit (MSI), many tens to several hundred; a large-scale integrated circuit (LSI), several hundred to a few thousand; and an extra-large integrated circuit (ELSI), a few thousand or more.

Interface

A common boundary between one component and another.

Interference

Interference, in physics, the effect obtained when two systems of [Waves](#) reinforce, neutralize, or in other ways interfere with each other. Interference is observed in waves both in a material medium (such as [Sound](#)) and in [Electromagnetic Radiation](#). Constructive interference occurs when two waves in the same phase combine. The waves reinforce each other, and the amplitude of the resulting wave is equal to the sum of the amplitudes of the interfering waves. When the phases of the two waves are shifted over 180°, i.e., the maximum positive amplitude of one wave coincides with the maximum negative amplitude of the other wave, destructive interference occurs, which results in the cancelling of the waves when they have the same amplitude.

[Diffraction.](#)

Interior Ballistics

Subdivision of the study of ballistics which deals with that part of the phenomena within the chamber and bore of a weapon associated with imparting kinetic energy to missiles. [Ballistics](#).

Inventory

A listing of all explosive materials stored in a magazine.

Ion

An ion is an atom, or group of atoms, having a net electric charge, acquired by gaining or losing one or more electrons or protons. A simple ion consists of only one charged atom; a complex ion consists of an aggregate of atoms with a net charge. Because the electron and proton have equal but opposite unit charges, the charge of an ion is always expressed as a whole number of positive or negative unit charges. If an atom or group loses electrons or gains protons, it will have a net positive charge and is called a cation. If an atom or group gains electrons or loses protons, it will have a net negative charge and is called an anion. Also [Acids & Bases](#) [Electrolyte](#).

IR

Infrared; heat radiation of longer wave length than visible light. Used for tracking, spotting and simulation.

Isobaric Flame Temperature

The temperature of a propellant flame under constant pressure conditions. [Adiabatic Flame Temperature](#).

Isochoric Flame Temperature

The temperature of a propellant flame under constant volume conditions. [Adiabatic Flame Temperature](#).

Isomer

Isomer, in chemistry, one of two or more compounds having the same molecular formula (i.e., the same number of atoms of each element in a molecule) but different structures (arrangements of atoms in the molecule). Isomers have the same number of atoms of each element in them and the same [atomic weight](#) but differ in other properties. Structural isomers, e.g., [Ethanol](#) ($\text{CH}_3\text{CH}_2\text{OH}$) and dimethyl ether (CH_3OCH_3), differ in the way the atoms are joined together in their molecules. Stereoisomers have the same basic arrangement of atoms in their molecules but differ in the way the atoms are arranged in space. Geometric isomers, which are stereoisomers that differ in the positioning of groups about a double bond or some other feature that gives the molecule a certain amount of structural rigidity, differ in physical properties such as melting and boiling points. Optical isomers are stereoisomers in which the two molecules are mirror images of each other and, each being asymmetrical, cannot be superposed on each other; optical isomers differ in the direction in which they rotate light passed through the molecules.

Isotope

An isotope is one of two or more atoms having the same [Atomic Number](#) but differing in [Atomic Weight](#) and [Mass Number](#). The nuclei of isotopes of the same element have the same number of [Protons](#) (equal to the element's atomic number) but have different numbers of [Neutrons](#). The isotopes of a given element have identical chemical properties but slightly different physical properties. A radioactive isotope, or radioisotope, is a natural or artificially created isotope having an unstable nucleus that decays emitting alpha, beta, or gamma rays ([Radioactivity](#)) until stability is reached. For most elements, stable and radioactive, isotopes are known.

J

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JANAF

U.S. military term referring to Joint Army-Navy-Air Force.

JATO (Jet Assisted Take-Off)

A rocket motor used to assist the take-off of an aircraft.

Jell

Something gelatinized (like "jello"), but spell "jellied gasoline" (gasoline thickened with "Napalm.")

Jet

The central stream of high velocity particles or gases from a shaped charge.

Jolt And Jumble Tests

Tests intended to simulate the shocks various components of ammunition are subjected to in transportation and handling.

Joule

Symbol J.

1 Joule = 1 Newton-meter = 0.738 ft•lb.

Jump

The movement which the tube of the gun describes under the shock of firing, but before the projectile leaves the muzzle. Usually expressed as an angle.

K

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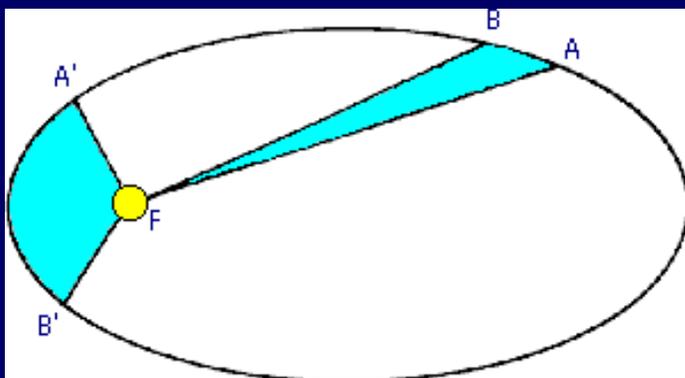
K

Temperature degree Kelvin or absolute on the centigrade scale; °C equals degree centigrade; sometimes also used: °R equals Rankine, in the absolute Fahrenheit scale.

Kcal

Kilogram calorie equals 1000 cal.

Kepler's Laws



Kepler's laws, three mathematical statements by Johannes Kepler that accurately describe the revolutions of the planets around the sun. The first law states that the shape of each planet's orbit is an ellipse (*Conic Section*) with the sun at one focus. The second law states that if an imaginary line is drawn from the sun to the planet, the line will sweep out equal areas in space in equal periods of time for all points in the orbit. The third law states that the ratio of the cube of the semimajor axis of the ellipse (i.e., the average distance of the planet from the sun) to the square of the planet's period (the time it needs to complete one revolution around the sun) is the same for all the planets. Newton gave a physical explanation of Kepler's laws with his laws of [Motion](#) and law of [Gravitation](#). Also [CelestialMechanics](#).

Kerosine

Kerosene or kerosine, a colorless, thin oil that is less dense than water. It is a mixture of [Hydrocarbons](#) commonly obtained in the fractional [Distillation](#) of [Petroleum](#), but also from coal, oil shale, and wood. Once the most important refinery product because of its use in lamps, kerosene is now used chiefly as a carrier in insecticide sprays and as a fuel in jet engines.

Kg

Kilogram equals 1000 gm (also "g").

Kinetic Energy

Ammunition Ammunition whose effectiveness is dependent upon its high density (mass) and high velocity.

Kinetic-Molecular Theory of Gases

Kinetic-molecular theory of gases, physical theory that explains the behavior of gases by assuming that any gas is composed of a very large number of very tiny particles, called molecules, that are very far apart compared to their sizes. The molecules are assumed to exert no forces on one another, except during rare, perfectly elastic collisions. A gas corresponding to these assumptions is called an ideal gas. The analysis of the behavior of an ideal gas according to the laws of mechanics leads to the [Gas Laws](#). The theory also shows that the absolute [Temperature](#) is directly proportional to the average kinetic energy of the molecules. Pressure is seen to be the result of large numbers of collisions between molecules and the walls of the container in which the gas is held. [Thermodynamics](#).

Krypton

(Kr), gaseous element, discovered by William Ramsay and M.W. Travers in 1898. It is a rare [Inert Gas](#) used to fill electric lamp bulbs and various electronic devices, and to detect heart defects. The definition of a meter is based on the emission spectrum of the krypton-86 isotope.

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Laminac

A (proprietary) [plastic](#) binder material, the general class term is "unsaturated polyester."

Lands

Raised portion between grooves in the bore of a rifled gun.

Lanthanide Series

Rare - Earth Metals with atomic numbers 58 through 71 in group IIIb of the [Periodic Table](#).

They are, in order of increasing atomic number, Cerium, Praseodymium, Neodymium, Promethium, Samarium, Europium, Gadolinium, Terbium, Dysprosium, Holmium, Erbium, Thulium, Ytterbium, and Lutetium. Although they closely resemble Lanthanum and each other in their chemical and physical properties, lanthanum (at. no. 57) is not always considered a member of the series.

Lanyard

A cord, wire, etc. for firing certain fuze.

LASER

An acronym for Light Amplification By Stimulated Emission Of Radiation. Laser is made up of light waves that are nearly parallel to each other, all traveling in the same direction. Lasers emit beams of coherent light of a single color or wave length and frequency.

Lateral Deviation

Horizontal distance between the point of impact or burst and the gun-target line.

Lead (Rhymes with "feed").

An explosive train component which consists of a column of high explosive, usually small in diameter used to transmit detonation from one detonating component to a succeeding high explosive component. It is generally used to transmit the detonation from a detonator to a booster charge. Also called "explosive lead."

Lead Azide

Very sensitive high explosive used in small quantities to initiate other less sensitive high explosives. This agent has largely replaced [mercury fulminate](#) in military ammunition.

Leading (Lead) Lines or Wires

The wire(s) connecting the electrical power source with the circuit containing electric detonators ([Firing Line](#)).

Leaflet Shell

Usually consists of standard-base ejection smoke shell, of any caliber, with smoke canisters removed and propaganda substituted therefore.

Leakage Resistance

The resistance between the blasting circuit (including lead wires) and the ground.

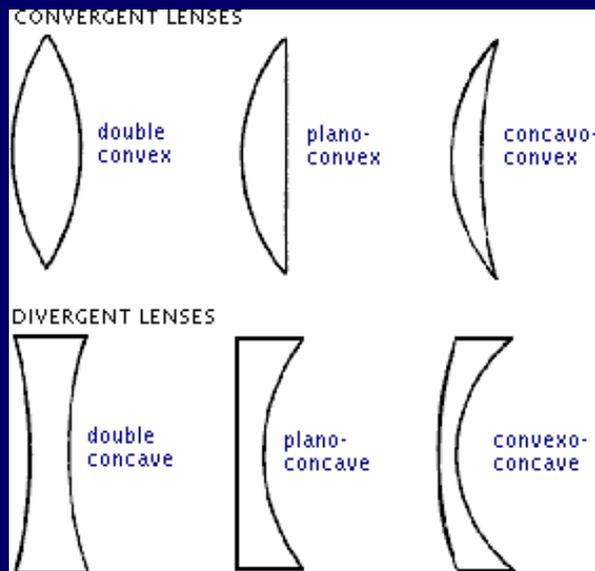
LEDC

Low energy detonating cord commercial version of mild (miniature) detonating fuse.

Legwires

The two single wires or one duplex wire extending out from an electric detonator, which are permanently attached to the electric detonator.

Lens



A device for forming an image of an object by the refraction, or bending, of light. In its simplest form it is a disk of transparent substance, commonly glass, with its two surfaces curved or with one surface plane and the other curved. Generally each curved surface—called convex if curved outward and concave if curved inward—of a lens is made as a portion of a spherical surface; the center of the sphere is called the center of curvature (C) of the surface. All rays of light passing through a lens are refracted except those that pass directly through a point called the optical center. A divergent lens (thicker at the edges than at the center) bends parallel light rays passing through it away from each other. The image formed by a diverging lens is always erect (upright), smaller than the object, and virtual (located on the same side of the lens as the object). A convergent lens (thicker at the center than at the edges) bends parallel light rays toward one another; if they are parallel to the principal axis of the lens, they converge to a common point, or focus (F), behind the lens. The image formed by a converging lens depends on the position of the object relative to the lens's focal length (distance between the focus and the optical center) and its center of curvature.

Lifting Plug

Threaded eyebolt which fits into the fuze cavity, permitting heavy shells to be handled by means of a winch.

Light

Light, that part of [Electromagnetic Radiation](#) to which the human eye is sensitive. The wavelengths of visible light range from c.400 to c.750 nanometers. If white light, which contains all wavelengths, is separated into a [Spectrum](#), each wavelength is seen to correspond to a different *Color*. The scientific study of the behavior of light is called *Optics*; it covers [Reflection](#) of light by a [Mirror](#) or other object, *Refraction* of light by a [Lens](#) or Prism, and [Diffraction](#) of light as it passes by an opaque object. Christiaan Huygens proposed (1690) a theory that explained light as a *Wave* phenomenon. Isaac [Newton](#), however, held (1704) that light is composed of tiny particles, or corpuscles, emitted by luminous bodies. By combining his corpuscular theory with his laws of mechanics, he was able to explain many optical phenomena. Newton's corpuscular theory of light was favored over the wave theory until important experiments, which could be interpreted only in terms of the wave theory, were done on the diffraction and [Interference](#) of light by Thomas *Young* (1801) and A.J. *Fresnel* (1814–15). In the 19th century the wave theory became the dominant theory of the nature of light. The electromagnetic theory of James Clerk *Maxwell* (1864) supported the view that visible light is a form of [Electromagnetic Radiation](#). With the acceptance of the electromagnetic theory of light, only two general problems remained. It was assumed that a massless medium, the *Ether*, was the carrier of light waves, just as air or water carries sound waves. The famous experiments (1881–

87) by A.A. *Michelson* and E.W. *Morley*, in which they tried unsuccessfully to measure the velocity of the earth with respect to this medium, failed to support the ether hypothesis. With his special theory of [Relativity](#), *Albert Einstein* showed (1905) that the ether was unnecessary to the electromagnetic theory. Also in 1905, Einstein, in order to explain the *Photoelectric Effect*, suggested that light, as well as other forms of electromagnetic radiation, travel as tiny bundles of energy, called light quanta, or [Photons](#), that behave as particles (*Quatum Theory*). Light thus behaves as a wave, as in diffraction and interference phenomena, or as a stream of particles, as in the photoelectric effect. The theory of relativity predicts that the speed of light in a vacuum (186,282 mi/sec = 299,792.458 km/sec) is the limiting velocity for material particles.

Light-Year

Light-year, in astronomy, the distance (5.87×10^{12} mi/ 9.46×10^{12} km) that [Light](#) travels in one sidereal year.

Lightning

Lightning, electrical discharge accompanied by [Thunder](#), commonly occurring during a [Thunderstorm](#). The discharge may take place between two parts of the same cloud, between two clouds, or between a cloud and the earth. Lightning may appear as a jagged streak (forked lightning), as a vast flash in the sky (sheet lightning), or, rarely, as a brilliant ball (ball lightning). The electrical nature of lightning was proved by Benjamin *Franklin* in his famous kite experiment of 1752.

Lignite

Lignite or brown coal, carbon-containing fuel intermediate between [Coal](#) and [Peat](#), brown or yellowish in color and woody in texture. Lignite contains more moisture than coal and tends to dry and crumble when exposed to air. It burns with a long, smoky flame but little heat.

Limit

In mathematics, a value approached by a sequence or a function under certain specified conditions. For example, the terms of the sequence $1/2, 1/4, 1/8, 1/16, \dots$ are obviously getting smaller and smaller. Because one can, if enough terms are taken, make the last term as small, i.e., as close to zero, as one pleases, the limit of this sequence is said to be zero. If s_n denotes the n th term of a sequence, the equation $s_n = s$ (read "the limit of s_n as n approaches infinity is s ") expresses the fact that s is the limit of the sequence; in the example, $s_n = 1/2^n$ and $1/2^n = 0$. Similarly, although the function $f(x) = (x - 1)/(x^2 - 1)$ is not defined for $x = 1$ (where the denominator would be zero), values of x increasingly close to 1 yield values of $f(x)$ increasingly close to $1/2$. Thus, the limit of $f(x)$ as x approaches 1 is $1/2$, which is symbolized as $f(x) = 1/2$. Limits are the basis of differential and integral [Calculus](#).

Linear Burning Rate

The rate of regression of a burning propellant surface, measured normal to the surface. [Piobert's Law](#).

Liner

- 1) Inner tube, in a cannon, which bears the rifling and which may be replaced when worn out.
- 2) Cone of material used as an integral part of shaped charges.
- 3) A material applied to the inside of a solid rocket case which adheres to both the case and the propellant.

Liquid Fuels

Fuels in a liquid state. They may be used with oxidizers to form explosive materials.

Lithium

Lithium (Li), metallic element, discovered in 1817 by J.A. Arfvedson. A soft, silver-white corrosive *Alkali Metal*, lithium is the least dense metal. Lithium compounds are used in lubricating greases, special glasses, and ceramic glazes; as brazing and welding fluxes; and in the preparation of *plastics* and synthetic *rubber*. Lithium is also a medical antidepressant. *Element; Periodic Table.*

Litmus

Litmus, organic dye usually used as an indicator of acidity or alkalinity (*Acids and Bases*).

Naturally pink in color, it turns blue in alkaline solutions and red in acids. Litmus paper is paper treated with the dye.

Live Ammunition

Ammunition containing explosives. This is in contrast to drill ammunition (dummy ammunition), which contains no explosives and is used in training.

Loading

Placing explosive material in a blasthole or against the material to be blasted.

Loading Density

The weight of explosive loaded per unit length of borehole occupied by the explosive, expressed as pounds per foot or kilograms per metro of borehole.

Ratio of weight of propellant to available chamber volume.

Loading Ratio

The weight of explosive loaded per unit length into a device to accomplish a breach of a specific area. Total area breached divided by the total charge weight.

Logarithm

The power to which a number, called the base, must be raised in order to obtain a given positive number. For example, the logarithm of 100 to the base 10 is 2, because $10^2 = 100$. Common logarithms use 10 as the base; natural, or Napierian, logarithms (for John Napier) use the number e as the base.

Logic

The systematic study of valid inference. Classical, or Aristotelian, logic is concerned with the formal properties of an argument, not its factual accuracy. Aristotle, in his *Organon*, held that any logical argument could be reduced to a sequence of 3 propositions (2 premises and a conclusion), known as a *Syllogism*, and posited 3 laws as basic to all logical thought: the law of identity (A is A); the law of contradiction (A cannot be both A and not A); and the law of the excluded middle (A must be either A or not A).

Logic Circuit

An *Electric Circuit* whose output depends upon the input in a way that can be expressed as a function in symbolic *Logic*; it has one or more binary inputs (capable of assuming either of two states, e.g., “on” or “off”) and a single binary output. Logic circuits that perform particular functions are called gates. Basic logic circuits include the AND gate, the OR gate, and the NOT gate, which perform the logical functions AND, OR, and NOT. Logic circuits, which are mainly

used in digital Computers, can be built from any binary electric or electronic devices, including Switches, Relays, Electron Tubes, solid-state *Diodes*, and *Transistors*.

Lot Number

Code number that identifies a particular quantity of ammunition from one manufacturer. The number is assigned to each lot of ammunition when it is manufactured.

Loudspeaker

Loudspeaker or speaker, device used to convert electrical energy into sound. It consists essentially of a thin flexible sheet called a diaphragm that is made to vibrate by an electric signal from an Amplifier. The vibrations create sound waves in the air around the speaker. In a common dynamic speaker, the diaphragm has a cone shape and is attached to a wire coil suspended in a magnetic field. A signal current in the suspended coil creates another magnetic field that interacts with the already existing field, causing the coil and the diaphragm attached to it to vibrate. Quality sound systems employ three different sized speakers. The largest one, the woofer, reproduces low frequencies; the medium-sized one, called a mid-range speaker, reproduces middle frequencies; the smallest one, called a tweeter, reproduces high frequencies.

Low Explosives

Explosives that are characterized by deflagration or a low rate of reaction and the development of low pressure.

Explosive which undergoes a relatively slow chemical transformation, thereby producing a deflagration or an explosion, the effect ranging from that of a rapid combustion to that of a low order detonation. It is suitable for use in *igniter trains* and certain types of propellants. *Propellant*.

Low Order Detonation

Detonation, Low Order.

Lower Acceptable Mean Maximum Pressure

For any type gun, that value of the maximum pressure noted in the propellant specification as the lower limit for the average maximum pressure developed by an acceptable smokeless propellant, in the form of propelling charges, which will impart the specified *muzzle velocity* to the specified projectile. Smokeless propellant is considered as having failed to pass the test if, in acceptance tests, it develops an average maximum pressure lower than this value.

LSC (Linear Shaped Charge)

Less flexible, or rigid, version of FLSC.

Lupersol

A trade name for a *catalyst* for polyesters.

M

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Mach

Number Ratio of the velocity of a body to that of *Sound* in the same medium. A plane traveling at Mach 3.0 is traveling at three times the speed of sound.

Mach Wave

Supersonic shock wave.

Magazine

Any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive material.

Magnesium

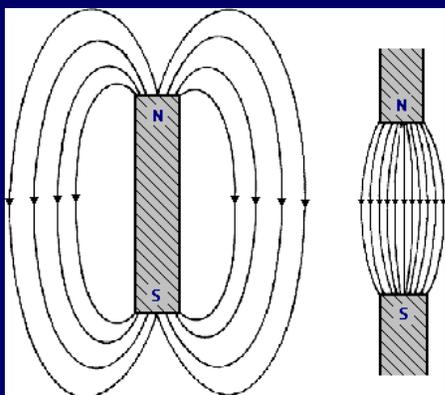
Magnesium (Mg) is a metallic element, discovered as an oxide by Sir Humphrey Davy in 1808. A ductile, silver-white, chemically active *Alkaline-Earth Metal*, it is the eighth most abundant element in the earth's crust. Its commercial uses include lightweight alloys in aircraft fuselages, jet-engine parts, rockets and missiles, cameras, and optical instruments. The metal is used in pyrotechnics. Magnesium is found in plant chlorophyll and is necessary in the diet of animals and humans. *Element* ; *Periodic Table*.

Magnetic Resonance

Magnetic resonance in physics and chemistry refers to the phenomenon produced by simultaneously applying a steady magnetic field and *Electromagnetic Radiation* (usually radio waves) to a sample of atoms and then adjusting the frequency of the radiation and the strength of the magnetic field to produce absorption of the radiation. The resonance refers to the enhancement of the absorption that occurs when the correct combination of field and frequency is reached. Most magnetic resonance phenomena depend on the fact that both the proton and the electron behave like microscopic magnets—a property that can be ascribed to an intrinsic rotation, or spin. Types of magnetic resonance include electron paramagnetic resonance (EPR), involving the magnetic effect of electrons, and nuclear magnetic resonance (NMR), involving the magnetic effects of protons and neutrons in the nuclei of atoms. The NMR resonant frequency provides information about the molecular material in which the nuclei reside, and NMR is used in chemistry and physics to analyze samples of solids and liquids, as well as in medicine to analyze tissues removed from the body. Magnetic resonance imaging (MRI) is a noninvasive diagnostic technique that uses NMR to detect and analyze changes in body structure and function. The patient is placed in the field of an electromagnet, which causes the nuclei of certain atoms in the body (especially those of *hydrogen*) to align magnetically. The patient is then subjected to radio waves, which cause the aligned nuclei to “flip”; when the radio waves are withdrawn the nuclei return to their original positions, emitting radio waves that are then detected by a receiver and analyzed by computer. Unhampered by bone and capable of producing images in a variety of planes, MRI is used in the diagnosis of brain tumors and disorders, spinal disorders, multiple sclerosis, and cardiovascular disease. The procedure is considered to be without risk to the patient.

Magnetism

Magnetism is the Force of attraction or repulsion between various substances, especially those containing iron and certain other metals, such as nickel and cobalt; ultimately it is due to the motion of electric charges. Any object that exhibits magnetic properties is called a magnet. An ordinary magnet has two poles where the magnetic forces are the strongest; these poles are designated as a north (north-seeking) pole and a south (south-seeking) pole, because a magnet freely rotating in the earth's magnetic field tends to orient itself along a north-south line. The like poles of different magnets repel each other, and the unlike poles attract each other. Whenever a magnet is broken, a north pole appears at one of the broken faces and a south pole at the other, such that each piece has its own north and south poles. In the 18th century Charles Coulomb found that the magnetic forces of attraction and repulsion are directly proportional to the product of the strengths of the poles and inversely proportional to the square of the distances between them. As with electric charges, the effect of this magnetic force acting at a distance is expressed in terms of a field of force. A picture of the magnetic field lines can be obtained by placing a piece of paper over a magnet and sprinkling iron filings on it. The individual pieces of iron become magnetized by entering a magnetic field, i.e., they act like tiny magnets, lining themselves up along the magnetic field lines. The connection between magnetism and Electricity was discovered in the early 19th century.



Hans Oersted found (1820) that a wire carrying an electrical current deflects the needle of a magnetic compass because a magnetic field is created by the moving electric charges constituting the current. André Ampere showed (1825) that magnets exert forces on current-carrying conductors. In 1831 Michael Faraday and Joseph Henry independently discovered electromagnetic Induction—the production of a current in a conductor by a change in the magnetic field around it. The magnetic properties of matter are also explained by the motion of charges. Because the electron has both an electric charge and a spin, it can be considered a charge in motion, giving rise to a tiny magnetic field. In many atoms, all the electrons are paired within energy levels, so that the electrons in each pair have opposite (antiparallel) spins, and their magnetic fields cancel. In some atoms there are more electrons with spins in one direction than the other, resulting in a net magnetic field for the atom as a whole. Placed in an external field, the individual atoms will tend to align their fields with the external one. Because of thermal vibrations the alignment is not complete, and materials, called paramagnetic substances, that contain such atoms react only weakly to a magnetic field. Materials such as iron, nickel, or cobalt that respond strongly to a magnetic field are called ferromagnetic. In a ferromagnetic substance there are also more electrons with spins in one direction than in the other. The individual

magnetic fields of the atoms in a given region, called a domain, tend to line up in one direction, so that they reinforce each other. Materials such as bismuth and antimony that are repelled by a magnetic field are called diamagnetic. In a diamagnetic substance, an external magnetic field accelerates the electrons moving in one direction and retards those moving in the opposite direction; this situation produces an induced magnetization opposite in direction to the external field. Also [Electromagnet](#); [Electromagnetic Radiation](#).

Magnetohydrodynamics

Magnetohydrodynamics (MHD) is the study of the motions of electrically conducting fluids and their interactions with magnetic fields. The principles of magnetohydrodynamics are of particular importance in [Plasma](#) physics.

Magnitude

In astronomy magnitude is a measure of the brightness of a celestial object. Apparent magnitude is that determined on the basis of an object's relative brightness as seen from the earth. Objects differing by one magnitude differ in brightness by a factor of 2.512 (the 5th root of 100). The brightest stars have a magnitude of about +1; the sun's magnitude is -26.8. Absolute magnitude, a measure of the intrinsic luminosity, or true brightness, of an object, is the apparent magnitude an object would have if located at a standard distance of 10 [Parsecs](#).

Magnus Force

- 1) Force normal to the plane of yaw caused by the spin.
- 2) Force arising from interaction of a spinning body and the wind stream when the body is yawing.

Magnus Force - Center Of

Vanishing point of Magnus moment.

Main Explosive Charge

The explosive material that performs the major work of blasting.

Manhattan Project

The Manhattan Project was the wartime effort to design and build the first nuclear weapons ([Atomic Bomb](#)). A \$2-billion effort, centered at Oak Ridge, Tenn., and Hanford, Wash., was required to obtain sufficient amounts of the two necessary isotopes, uranium-235 and plutonium-239. The design and building of the bombs took place at Los Alamos, N.Mex., where J. Robert Oppenheimer directed a large group of American and European-refugee scientists. Following the test explosion of a plutonium device on July 16, 1945, near Alamogordo, N.Mex., a uranium bomb and a plutonium bomb were dropped on, respectively, Hiroshima (Aug. 6) and Nagasaki (Aug. 9).

Manufacturing Codes

Code markings stamped on explosive materials packages, indicating, among other information, the date of manufacture.

MASER

An acronym for (microwave amplification by stimulated emission of radiation), device, first operated in 1954, for the creation and amplification of high-frequency radio waves. The waves

produced by the maser are coherent, i.e., all of the same frequency, direction, and phase relationship. Used as an oscillator, the maser provides a very sharp, constant signal and thus serves as a time standard for atomic clocks. The maser can also serve as a relatively noise-free amplifier. The optical maser is now called a [Laser](#).

Mass

Mass in physics is the quantity of matter in a body regardless of its volume or of any forces acting on it. There are two ways of referring to mass, depending on the laws of physics defining it. The gravitational mass of a body may be determined by comparing the body on a beam balance with a set of standard masses; in this way the gravitational factor is eliminated ([Gravitation](#); [Weight](#)). The inertial mass of a body is a measure of the body's resistance to acceleration by some external force. All evidence seems to indicate that the gravitational and inertial masses are equal. According to the special theory of [Relativity](#), mass increases with speed according to the formula $m = m_0 \sqrt{1 - v^2/c^2}$, where m_0 is the rest mass (mass at zero velocity) of the body, v its speed, and c the speed of light in vacuum. The theory also leads to the Einstein mass-energy relation $E = mc^2$, where E is the energy and m the relativistic mass.

Mass Detonate (Mass Explode)

Explosive materials mass detonate (mass explode) when a unit or any part of a larger quantity of explosive material explodes and causes all or a substantial part of the remaining material to detonate or explode simultaneously. With respect to detonators, "a substantial part" means 90% or more.

Mass Explosion Risk

Material to be added.

Mass Number

Mass number is represented by the symbol A , the total number of nucleons ([Neutrons](#) and [Protons](#)) in the nucleus of an [Atom](#). All atoms of a chemical [Element](#) have the same [Atomic Number](#) but may have different mass numbers (from having different numbers of neutrons in the nucleus). Atoms of an element with the same mass number make up an [Isotope](#) of the element. Isotopes of different elements may have the same mass number but different numbers of protons.

Mass Ratio

The ratio of the initial mass of the propellant to the mass of the complete rocket motor.

Matter

Matter is anything that has mass. Because of its mass, all matter has [Weight](#), if it is in a gravitational field, and [Inertia](#). The three common [States Of Matter](#) are solid, liquid, and gas; scientists also recognize a fourth, [Plasma](#). Ordinary matter consists of [Atoms](#) and [Molecules](#). See also [Element](#); [Elementary Particles](#).

Maximum Pressure

The maximum value of the pressure exerted by the propellant gases on the walls of a gun during the firing of the round.

Maximum Recommended Firing Current

The highest recommended electric current to ensure safe and effective performance of an electric detonator.

Maximum Sky Brightness

Worst possible sky condition for observing pyrotechnic signals; usually uniform clouds or overcast.

Mean Or Average Mean

Unless otherwise specified, this is the arithmetic mean of the observations. A measure of the variability or dispersion of a number of observations.

Mechanical Entry

The utilization of mechanical equipment such as hooligan tools, glass cutters, saws, rams, pressurized jaws, etc., to facilitate entry through a conventional or non-conventional breach point.

Mechanics

Mechanics is a branch of physics concerned with [Motion](#) and the [Forces](#) causing it. The field includes the study of the mechanical properties of matter, such as [Density](#), Elasticity ([Strength Of Materials](#)), and [Viscosity](#). Mechanics is divided into [Statics](#), which deals with bodies at rest or in equilibrium, and [Dynamics](#), which deals with bodies in motion. Isaac [Newton](#), who derived three laws of motion and the law of universal [Gravitation](#), was the founder of modern mechanics. For bodies moving at speeds close to that of light, Newtonian mechanics is superseded by the theory of [Relativity](#), and for the study of very small objects, such as [Elementary Particles](#), [Quantum Theory](#) is used.

Median

The halfway point in the measurements when they have been arranged in order of size.

Melt Loading

Process of loading an explosive device by melting the explosive and allowing it to solidify in the device.

Melting Point

Melting point, temperature at which a substance changes its state from solid to liquid (see [States Of Matter](#)). Under standard atmospheric pressure, different pure crystalline solids will each melt at a different specific temperature; thus melting point is a characteristic of a substance and can be used to identify it. The quantity of heat necessary to change 1 gram of any substance from solid to liquid at its melting point is known as its latent heat of fusion.

Meplat

Flat nose.

Mercury Fulminate

Sensitive explosive that is detonated by friction, impact or heat. Its military uses have been taken over to a large extent by lead azide because of the poor stability of mercury fulminate at elevated temperatures.

Metal

A chemical [Element](#) displaying certain properties, notably metallic luster, the capacity to lose electrons and form a positive [Ion](#), and the ability to conduct heat and electricity ([Conduction](#)), by which it is normally distinguished from a nonmetal. The metals comprise about two thirds of the known elements. Some elements, e.g., arsenic and antimony, exhibit both metallic and nonmetallic properties, and are called metalloids. Metals fall into groups in the [Periodic Table](#) determined by similar arrangements of the orbital electrons and a consequent similarity in

chemical properties. Such groups include the [Alkali Metals](#) (Group Ia in the periodic table), the [Alkaline - Earth Metals](#) (Group IIa), and the [Rare - Earth Metals](#) ([Lanthanide](#) and [Actinide](#) series). Most metals other than the alkali metals and the [alkaline-earth metals](#) are called transition metals ([TransitionElements](#)). The oxidation states, or [Valence](#), of the metal ions vary from +1 for the alkali metals to +7 for some transition metals. Chemically, the metals differ from the nonmetals in that they form positive ions and basic oxides and hydroxides. Upon exposure to moist air, a great many metals undergo corrosion, i.e., enter into a chemical reaction, the oxygen of the atmosphere uniting with the metal to form the oxide of the metal, e.g., rust on exposed iron.

Metal Fouling

Deposit of metal in the bore of a gun, from the jackets or rotating bands of projectiles.

Metallized

In respect of blasting agents, sensitized or boosted with metal powders or granules (usually aluminum or ferrosilicon), to yield more energy.

Methane

Methane (CH₄) is a colorless, odorless, gaseous [Hydrocarbon](#) formed by the decay of plant and animal matter. It occurs naturally as the chief component of [Natural Gas](#), as the firedamp of coal mines, and as the marsh gas released in swamps and marshes. Methane can also be made synthetically by various means. It is combustible and can form explosive mixtures with air. Used for fuel in the form of natural gas, methane is also an important starting material for making solvents and certain *Freons*.

Methanol

Methanol, or methyl alcohol or wood alcohol (CH₃OH), a colorless, flammable liquid and the simplest *Alcohol*. Methanol is a fatal poison. Small internal doses, prolonged exposure of the skin to the liquid, or continued inhalation of the vapor may cause blindness. It can be obtained from wood, but now is made synthetically from the direct combination of hydrogen and carbon monoxide gases. Methanol is used to make [Formaldehyde](#), as a solvent, and as an *Antifreeze*.

Metric System

[SI System](#)

CGS System - centimeter / gram / second

MKS System - meter / kilogram / second

The metric system is a system of weights and measures planned in France and adopted there in 1799. Now used by most of the technologically developed countries of the world, it is based on a unit of length called the meter (m) and a unit of mass called the kilogram (kg). The meter is now defined in terms of a reproducible, universally available atomic standard, being equal to 1,650,763.73 wavelengths of the red-orange light given off by the krypton-86 isotope under certain conditions. The kilogram is defined as the mass of the International Prototype Kilogram, a platinum-iridium cylinder kept at Sèvres, France, near Paris. Other metric units can be defined in terms of the meter and the kilogram. Fractions and multiples of the metric units are related to each other by powers of 10, allowing conversion from one unit to a multiple of it simply by shifting a decimal point. This avoids the lengthy arithmetical operations required by the [English Units Of Measurement](#). The prefixes in the accompanying table have been accepted for designating multiples and fractions of the meter, the gram (= 1/1000 kilogram), and other units.

Several other systems of units based on the metric system have been in wide use. The cgs system uses the centimeter (= 1/100 meter) of length, the gram of mass, and the [Second](#) of time as its fundamental units; other cgs units are the dyne of [Force](#) and the erg of Work or energy. The mks system uses the meter of length, the kilogram of mass, and the second of time as its fundamental units; other mks units include the newton of force, the joule of work or energy, and the watt of [Power](#). The units of the mks system are generally much larger and of a more practical size than the comparable units of the cgs system. [Electric](#) and [Magnetism](#) have been defined for both these systems. The International System of Units (officially called the *Système International d'Unités*, or SI) is a system of units adopted by the 11th General Conference on Weights and Measures (1960). Its basic units of length, mass, and time are those of the mks system; other basic units are the [Ampere](#) of electric current, the kelvin of temperature (a degree of temperature measured on the Kelvin [Temperature](#) scale), the candela ([Photometry](#)) of luminous intensity, and the [Mole](#), used to measure the amount of a substance present. All other units are derived from these basic units.

Microelectronics

The branch of *Electronics* devoted to the design and development of extremely small electronic devices that consume very little electric power. The simplest, but least effective, approach used is to make circuit elements, such as resistors ([Resistance](#)), Capacitors, and Semiconductor devices, extremely small but discrete. In another approach, circuit elements fabricated as thin films of conductive, semiconductive, and insulating materials are deposited in sandwich form on an insulating substrate. The most advanced method is to form circuits, called Integrated Circuits, within and upon single semiconductor crystals. Also [Transistor](#).

Micrometer

An instrument used for measuring extremely small distances. In the micrometer caliper, the object to be measured is held between the two jaws of the instrument; the distance between the jaws is measured on a scale calibrated to the rotation of the finely threaded screw that moves one of the jaws. In astronomical and microscopic micrometers, the distance that a filament moves from one end to the other of the image of an object is read on a calibrated scale.

Micron

One micron equals 10^{-4} cm or may also be expressed as 10^{-6} meters..

A unit of length, the thousandth part of one millimeter. A particle of diameter between 0.01 and 0 0001 millimeter.

Microphone

A device (invented c.1877) used in radio broadcasting, recording, and sound-amplifying systems to convert sound into electrical energy. Its basic component is a flexible diaphragm that responds to the pressure or particle velocity of sound waves. In a Capacitor, or condenser, microphone, used in high-quality sound systems, two parallel metal plates are given opposite electrical charges. One of the plates is attached to the diaphragm and moves in response to its vibrations, generating a varying voltage. Also [Telephone](#).

Microsecond

One millionth of a second, 10^{-6} second, expressed as msec.

Microwave

Microwave, [Electromagnetic Radiation](#) having a frequency range from 1,000 to 300,000 megahertz, corresponding to a wavelength range from 300 to 1 mm (about 12 to about 0.04 in.). Microwaves are used in Microwave Ovens, [Radar](#), and communications links spanning moderate distances.

Mild Detonating Fuze (MDF)

A flexible metal tube, usually lead, containing a much smaller core of high explosive than the normal detonating cord. More accurately - miniature detonating fuse.

Millisecond

One thousandth of a second, 10^{-3} second, expressed as msec.

Mine

An encased explosive or chemical charge designed to be placed in position so that it detonates when its target touches it or moves in the vicinity.

Miniaturized Detonating Cord

Detonating cord with a core load of 5 or less grains of explosive per foot.

Minimum Recommended Firing Current

The lowest recommended electric current to ensure reliable performance of an electric detonator.

Minimum Gap Sensitivity

An air gap, measured in inches, that determines whether the explosive material is within specific tolerances for gap sensitivity.

Mirror

In optics, a reflecting surface that forms an image of an object when light rays coming from that object fall upon it [Reflection](#). A plane mirror, which has a flat reflecting surface, reflects a beam of light without changing its character. In a convex spherical mirror, the vertex, or midpoint, of the mirror is nearer to the object than the edges, and parallel rays from a light source diverge after reflection. In a concave mirror, the vertex is farther away from the object than the edges, and rays parallel to the principal axis are reflected to a single point, or principal focus. A concave parabolic mirror is the principal element of a reflecting telescope.

Misfire

1) Failure to fire or explode properly.
2) Failure of a primer or the propelling charge of a projectile to function, wholly or in part. Misfire may be contrasted with hangfire, which is delay in any part of a firing charge. Misfires are usually difficult and dangerous to resolve. Misfires must be treated with respect.

Missile

Any object thrown, dropped, fired, launched or otherwise projected with the purpose of striking a target. Short for "ballistic missile", "guided missile." (Missile is loosely used as a synonym for "rocket" or "spacecraft" by some careless writers.)

Misznay-Shardin

A type of shaped charge, an explosive charge with special penetrating effects. (Material to be added.)

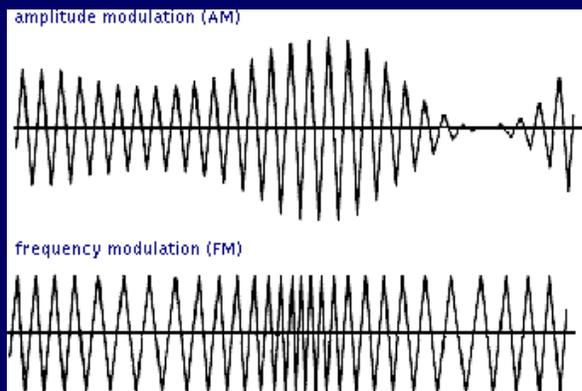
Mockup

A model (often crude) for study or training.

Mode

The most frequent value in a series of measurements.

Modulation



Modulation, in communications, process in which some characteristic of a [Wave](#) (the carrier wave) is made to vary in accordance with an information-bearing signal wave (the modulating wave); demodulation is the process by which the original signal is recovered from the wave produced by modulation. In modulation the carrier wave is generated or processed so that its amplitude, frequency, or some other property varies. Amplitude modulation (AM), widely used in radio, is constant in frequency and varies the intensity, or amplitude, of the carrier wave in accordance with the modulating signal. Frequency modulation (FM) is constant in amplitude and varies the frequency of the carrier wave in such a way that the change in frequency at any instant is proportional to another time-varying signal. The principal application of FM is also in radio, where it offers increased noise immunity and greater sound fidelity at the expense of greatly increased bandwidth. In pulse modulation the carrier wave is a series of pulses that are all of the same amplitude and width and are all equally spaced. By controlling one of these three variables, a modulating wave may impress its information on the pulses. In pulse code modulation (PCM) it is the presence or absence of particular pulses in the carrier stream that constitutes the modulation.

M.O.E.

Method Of Entry

Mohaupt Effect

The effect of a metal liner introduced in a shaped charge to increase penetration. Generally incorporated in [Heat](#) ammunition. [Munroe Effect](#).

Mole

A mole in chemistry is a quantity of particles of any type equal to Avogadro's number (6.02252×10^{23}). One gram-atomic weight (or one gram-molecular weight)—the amount of anatomic (or molecular) substance whose weight in grams is numerically equal to the [Atomic Weight](#) (or [Molecular Weight](#)) of that substance—contains exactly one mole of atoms (or molecules). For example, one mole, or 12.011 grams, of carbon contains 6.02252×10^{23} carbon atoms, and one mole, or 180.16 grams, of glucose ($C_6H_{12}O_6$) contains the same number of glucose molecules.

Molecular Weight

Molecular weight is the weight of a [Molecule](#) of a substance expressed in atomic mass units ([Atomic Weight](#)). The molecular weight is the sum of the atomic weights of the atoms making up the molecule.

Molecule

A molecule is the smallest particle of a [Compound](#) that has all the chemical properties of that

compound. Molecules are made up of two or more [Atoms](#), either of the same [Element](#) or of two or more different elements. Ionic compounds, such as common salt, are made up not of molecules but of ions arranged in a crystalline structure ([Crystal](#)). Unlike [Ions](#), molecules carry no electrical charge. Molecules differ in size and [Molecular Weight](#) as well as in structure ([Isomer](#)).

Momentum

Momentum in mechanics is the quantity of [Motion](#) of a body. The linear momentum of a body is the product of its mass and velocity. The angular momentum of a body rotating about a point is equal to the product of its mass, its angular velocity, and the square of the distance from the axis of rotation. Both linear and angular momentum of a body or system of bodies are conserved ([Conservation Laws](#), in physics) if no external force acts on it or them.

Monopropellant

A liquid propellant which contains an oxidizing agent and combustible matter (fuel) in a single phase.

Motion

Motion, in [Mechanics](#), the change in position of one body with respect to another. The study of the motion of bodies is called [Dynamics](#). The time rate of linear motion in a given direction by a body is its velocity; this rate is called the speed if the direction is unspecified. If during a time t a body travels over a distance s , then the average speed of that body is s/t . The change in velocity (in magnitude and/or direction) of a body with respect to time is its acceleration.

The relationship between [Force](#) and motion was expressed by Isaac [Newton](#) in his three laws of motion:

- (1) a body at rest tends to remain at rest, or a body in motion tends to remain in motion at a constant speed in a straight line, unless acted on by an outside force;
- (2) the acceleration a of a mass m by a force F is directly proportional to the force and inversely proportional to the mass, or $a = F/m$;
- (3) for every action there is an equal and opposite reaction. The third law implies that the total [Momentum](#) of a system of bodies not acted on by an external force remains constant ([Conservation Laws](#)). Motion at speeds approaching that of light must be described by the theory of [Relativity](#), and the motions of extremely small objects (atoms and elementary particles) are described by quantum mechanics ([Quantum Theory](#)).

Motor (Rocket)

A generic term for a solid propellant rocket consisting of the assembled propellant, case, ignition system, nozzle and appurtenances.

MS Connectors

Nonelectric, short-interval (millisecond) delay devices for use in delaying blasts that are initiated by detonating cord; Same as [Detonating Cord](#) .

Mud Cap

Material to be added.

Multiple Grain

An assembly of solid propellant grains inside an explosive device or motor.

Multisection Charge

Propelling charge in separate-loading or semi-fixed ammunition that is loaded into a number of powder bags. Range adjustments can be made by increasing or reducing the number of bags used, as contrasted with a single-section charge in which the size of the charge cannot be changed.

Munroe Effect

The jetting effect of a shaped charge. *Shaped Charge*. When a liner is used, the effect is called "*Mohaupt effect*", *Mohaupt effect*.

The concentration of explosive action through the use of a shaped charge. *Mercury Fulminate*

Mustard Gas

A blister gas which acts as a cell irritant and cell poison. Contains about 30 percent sulfur impurities, giving it a pronounced odor.

Muzzle Blast

Sudden air pressure exerted in the vicinity of the muzzle of a weapon by the rush of hot gases and air on firing.

Muzzle Brake (Also called a Recoil Brake):

Device attached to the muzzle of a gun which utilizes escaping gases to reduce the effective recoil force of the gun tube on the carriage or mount. In some designs, it eliminates or reduces muzzle flash.

Muzzle Flash

Undesirable luminous ignition of unburned propellant gases issuing from the muzzle of a gun. The gases ignite upon mixture with atmospheric oxygen.

Muzzle Velocity

Speed of a projectile at the instant it leaves the muzzle of a gun.

Muzzle Wave

Compression wave or reaction of the air in front of the muzzle of a weapon immediately after firing.

N

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Napalm

A gasoline thickener.

National Fire Protection Association

Standards for explosive materials and ammonium nitrate issued by the National Fire Protection Association.

National Safety Council (NSC)

A nonprofit organization chartered by Congress to provide a regular information service on the causes of accidents and ways to prevent them.

Natural Gas

Natural gas, natural mixture of flammable gases found issuing from the ground or obtained from specially driven wells. Largely a mixture of *Hydrocarbons*, natural gas is usually 80 to 95% *Methane*. The composition varies in different localities, and minor components may include carbon dioxide, nitrogen, hydrogen, carbon monoxide, and helium. Often found with *Petroleum*,

natural gas also occurs apart from it in sand, sandstone, and limestone deposits. Natural gas began to be used as an illuminant and a fuel on a large scale in the late 19th century, when pipelines were built to provide it to large industrial cities. Liquefied natural gas (LNG) is natural gas that has been cooled and pressurized to liquify it for convenience in shipping and storage.

Neon

(Ne), gaseous element, discovered in 1898 by William Ramsay and M.W. Travers. A colorless, odorless, and tasteless inert gas, it emits a bright-red glow when conducting electricity in a tube. Neon is used in advertising signs, [Lasers](#), Geiger counters, Particle Detectors, and high-intensity beacons. Liquid neon is a cryogenic refrigerant.

Nerve Gas

[G-Series War Gases](#).

Neutral Burning

The burning of a propellant grain in such a manner that the exposed surface area remains constant as burning progresses.

Neutral Geometry

A propellant grain configured in such a manner that the exposed surface area remains constant as burning progresses.

Neutron

An uncharged [Elementary](#), discovered by James Chadwick in 1932, of slightly greater mass than the [Proton](#). The stable isotopes of all elements except hydrogen and helium contain within the nucleus a number of neutrons equal to or greater than the number of protons. The preponderance of neutrons becomes more marked for very heavy nuclei. A neutron bound within the nucleus may be stable. A nucleus with an excess of neutrons, however, is radioactive; the extra neutrons (as well as any free neutrons not bound within a nucleus) convert by beta decay ([Radioactivity](#)) into a proton, an electron, and an antineutrino. The neutron and the proton are regarded by physicists as two aspects, or states, of a single entity, the nucleon. The antineutron, the neutron's antiparticle ([Antimatter](#)), was discovered in 1956.

Newton, Sir Isaac

Sir Isaac Newton, 1642–1727, English mathematician and natural philosopher (physicist); considered by many the greatest scientist of all time. He was Lucasian professor of mathematics (1669–1701) at Cambridge University. Between 1664 and 1666 he discovered the law of universal [Gravitation](#), began to develop the [Calculus](#), and discovered that white light is composed of every color in the [Spectrum](#). In his monumental *Philosophiae naturalis principia mathematica* {Mathematical Principles of Natural Philosophy} (1687), he showed how his principle of universal gravitation explained both the motions of heavenly bodies and the falling of bodies on earth. The Principle covers [Dynamics](#) (including Newton's three laws of [Motion](#)), [Fluid mechanics](#), the motions of the planets and their satellites, the motions of the comets, and the phenomena of tides. Newton's theory that [Light](#) is composed of particles — elaborated in his *Opticks* (1704) — dominated optics until the 19th cent., when it was replaced by the wave theory of light; the two theories were combined in the modern [Quantum theory](#). Newton also built (1668) the first reflecting telescope, anticipated the calculus of variations, and devoted much energy towards alchemy, theology, and history. He was president of the Royal Society from 1703

until his death.

NG

[*Nitroglycerin*](#).

Nitric Acid

Chemical compound (HNO_3), colorless, highly corrosive, poisonous liquid that gives off choking fumes in moist air. It is miscible with water in all proportions. Commercially, it is usually available in solutions of 52% to 68% nitric acid in water. Solutions containing over 86% nitric acid are commonly called fuming nitric acid. Nitric acid is a strong oxidizing agent. It reacts with metals, oxides, and hydroxides, forming nitrate salts.

Nitrous Oxide

Chemical compound (N_2O), colorless gas with a sweetish taste and odor. Although it does not burn, it supports combustion because it decomposes into oxygen and nitrogen when heated. A major use is in dental anesthesia. It is often called laughing gas because it produces euphoria and mirth when inhaled in small amounts.

Nitrocellulose

Explosive substance formed by the nitration of cotton, or some other form of cellulose. Used as the base of most U.S. propellants. Specific grades of nitrocellulose ([*Pyrocellulose*](#) or [*Guncotton*](#)) depend on the degree to which the cellulose is nitrated.

Nitrocotton

[*Guncotton*](#).

Nitrogen

(N), a gaseous element, discovered by Daniel Rutherford in 1772. Nitrogen is a colorless, odorless, tasteless, diatomic gas that is relatively inactive chemically; it occupies about 78% (by volume) of dry air. Its chief importance lies in its compounds, which include [*Nitrous oxide*](#), [*Nitric Acid*](#), [*Ammonia*](#), many Explosives, Cyanides, fertilizers, and proteins. Nitrogen is present in the protoplasm of all living matter; it and its compounds are necessary for the continuation of life.

Nitrogen Mustard Gases

Group of blister gases similar to mustard gas with varying chemical properties and little or no odor; gases affect eyes, nose and lungs.

Nitroglycerin

An explosive chemical compound used as a sensitizer in dynamite and represented by the empirical formula $\text{C}_3\text{H}_5\text{N}_3\text{O}_9$. Yellow oil. Detonation velocity, confined: 7600 m/s = 25,000 ft/s at $r = 1.59 \text{ g/cm}^3$. Oxygen balance: 13.5%, nitrogen content: 18.50%, volume of detonation gases 782 l/kg. On old boxes of dynamite it may appear as white or light gray crystals.

Nitroglycerne

Nitrated ester of glycerol in which the OH radicals are replaced by NO_2 ; used as primary base of British propellants and as gelatinizing agent of U.S. propellants but not used as primary base of U. S. propellants because its high flame temperature accelerates bore erosion.

Nitroguanidine (Nitrated Aminomethanamide):

Used as an additional base of propellant; used as a "cool propellant" because of its low flame temperature which does not erode gun bores or produce as much luminous flash as single (nitrocellulose) propellants.

Nitromethane

Nitromethane is sparingly soluble in water. The compound is of industrial interest as a solvent rather than as an explosive. Its technical synthesis involves nitration of methane with *nitric acid* above 400°C (750°F) in the vapor phase.

It was used in the USA for underground model explosions ("Pre-Gondola"), in preparation for the *Nuclear Charge* technique. Nitromethane was also employed in stimulation blasting in oil and gas wells. PLX (*Picatinny Liquid Explosive*) is a mixture of nitromethane with 5% ethylenediamine and is used to clean up mine fields.

No. 8 Test Cap

Institute of Makers of Explosives No. 8 Test Detonator.

Nobel-Abel Equation

Derivation of perfect gas law - $P_{max} \text{ equals } FD/1-aD$ where P_{max} equals maximum pressure, F equals force factor in psi - cc/gD equals loading density in g/cc and a equals co-volume factor in cc/g. Used in interior ballistic computations.

No-Fire Current

Maximum current which can be continuously applied to a bridgewire circuit without igniting the prime material. (Note that continued application of this current may degrade the prime and "dud" the unit.)

Non-conventional Entry / Breach Point

A non-normal point of entry into the target area, which may include: air-conditioning ducting, service access, sewers or proceeding through a window, wall, ceiling or floor.

Non-Delay Fuze

Fuze that functions as a result of inertia of firing pin (or primer) as missile is retarded during penetration of target. The inertia causes the firing pin to strike the primer (or primer the firing pin) initiating fuze action. This type of fuze is inherently slower in action than the superquick or instantaneous fuze, since its action depends upon deceleration (retardation) of the missile during penetration of the target.

Nonelectric Detonator

A detonator that does not require the use of electric energy or safety fuse to function.

Nonhygroscopic

Does not absorb moisture from the air.

Nonsparking Metal

A metal that will not produce a spark when struck with other tools, rock, or hard surfaces.

Normal Charge

Propelling charge employing a standard amount of propellant to fire a gun under ordinary conditions, as compared with a reduced charge or a supercharge used in special circumstances.

Normal Curve

The idealized distribution of an infinite number of observations equally divided between favorable and unfavorable.

Normal Force

Component of air resistance perpendicular to the axis of the projectile in the plane of yaw (exterior ballistics). Any force perpendicular to a given line or surface (general).

Normal Impact

Striking of a projectile against a surface that is perpendicular to the line of flight of the projectile.

Nose Spray

Spray.

Nuclear Energy

Nuclear energy is the energy stored in the nucleus of an *Atom* and released through fission, fusion, or *Radioactivity*. In these processes a small amount of mass, equal to the difference in mass before and after the reaction, is converted to energy according to the relationship $E = mc^2$, where E is energy, m mass, and c the speed of light (*Relativity*). In fission processes, a fissionable nucleus absorbs a neutron, becomes unstable, and splits into two nearly equal nuclei. In fusion processes, two nuclei combine to form a single, heavier nucleus. Fission occurs for very heavy nuclei, while fusion occurs for the lightest nuclei. Nuclear fission was discovered in 1938 by Otto Hahn and Fritz Strassman, and was explained in 1939 by Lise Meitner and Otto Frisch. Fission energy can be obtained by bombarding the fissionable isotope *Uranium-235* with slow neutrons in order to split it. Because this reaction releases an average of 2.5 neutrons, a chain reaction is possible, provided at least one neutron per fission is captured by another nucleus and causes a second fission. In an *Atomic Bomb* the number of neutrons producing additional fission is greater than 1, and the reaction increases rapidly to an explosion. In a *Nuclear Reactor*, where the chain reaction is controlled, the number must be exactly 1 in order to maintain a steady reaction rate. *Uranium-233* and *Plutonium-239* can also be used but must be produced artificially. Moreover, the fuel for fusion reactors, deuterium, is readily available in large amounts. Temperatures greater than 1,000,000°C are required to initiate a fusion, or thermonuclear, reaction. In the *Hydrogen Bomb* such temperatures are provided by the detonation of a fission bomb. Sustained, controlled fusion reactions, however, require the containment of the nuclear fuel at extremely high temperatures long enough to allow the reactions to take place. At these temperatures the fuel is a *Plasma*, and magnetic fields have been used in attempts to contain this plasma. To produce fusion energy, scientists have also used high-powered laser beams aimed at tiny pellets of fission fuel. Once practical controlled fusion is achieved, it will have great advantages over fission as a source of energy.

Nuclear Physics

The study of the components, structure, and behavior of the nucleus of the *Atom*. It is especially concerned with the nature of matter and *Nuclear Energy*. The subject is commonly divided into three fields: low-energy nuclear physics, the study of *Radioactivity*; medium-energy nuclear physics, the study of the force between nuclear particles; and high-energy, or particle, physics, the study of the transformations among subatomic particles in reactions produced in a *Particle Accelerator*. *Elementary Particles*.

Nuclear Reactor

A device for producing *Nuclear Energy* by controlled nuclear reactions. It can be used for either research or power production. The reactor is so constructed that the fission of atomic nuclei produces a self-sustaining nuclear chain reaction, in which the produced neutrons are able to split other nuclei. A fission reactor consists basically of

- (1) a fuel, usually uranium or plutonium, enclosed in shielding;

(2) a moderator—a substance such as [graphite](#), beryllium, or heavy water—that slows down the neutrons so that they may be more easily captured by the fissionable atoms; and

(3) a cooling system that extracts the heat energy produced.

The fuel is sometimes enriched—i.e., its concentration of fissionable isotopes is artificially increased—to increase the frequency of neutron capture. The breeder reactor is a special type of reactor that produces more fissionable atoms than it consumes by using surplus neutrons to transmute certain nonfissionable atoms into fissionable atoms. The design of fusion reactors is still in an experimental stage because of the problems involved in containing the plasma fuel and attaining the high temperatures needed to initiate the reaction.

Nuclear Winter

A controversial predicted effect of a nuclear war. The theory holds that the dust and particles thrown into the atmosphere by a massive exchange of nuclear weapons would block a large percentage of sunlight, resulting in global cooling, leading to severe winterlike weather and killing all crops.

Nutation

A small periodic oscillation about the motion of precession.



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Obturate

To stop or close an opening so as to prevent escape of gas or vapor, to seal as in delay elements.

Obturation

Any process that prevents the escape of gases from the tube of a weapon during the firing of a projectile.

Obturator

A device for making the tube of a weapon gas-tight, preventing any escape of gas until the projectile has left the muzzle.

Octane Number

Octane number, a quality rating for [Gasoline](#) indicating the ability of the fuel to resist premature detonation and to burn evenly when exposed to heat and pressure in an *Internal Combustion Engine*. Premature detonation, indicated by knocking and pinging noises, wastes fuel and may cause engine damage. The octane number can be increased by varying the relative amounts of the different [Hydrocarbons](#) that make up the gasoline or by additives, e.g., tetraethyl lead. Federal regulations in the U.S. require commercial gasoline pumps to indicate the octane number, which is usually 87 or 89 for regular grade gasoline and 93 for premium grade. Since the early 1970s most *Automobiles* have been built to operate on low octane gasoline with little or no lead added.

Octogen

Material to be added.

Octol

A mixture of Octogen (NMX) and TNT 70/30 and 75/25. Performance values:
70/30 75/25

detonation velocity, confined: 8377 8643 m/s
 at $r = 1.80$ 1.81 g/cm³
 volume of detonation gases: 847 830 l/kg
 heat of explosion (H₂O liq.): 1074 1131 kcal/kg
 4497 4735 kJ/kg

Office of Surface Mining (OSM)

An agency of the U.S. Department of the Interior regulating surface coal mining and the surface effects of underground coal mining.

Ogive

The shape of the head of the projectile, often a convex solid of revolution generated by an arc of a circle whose center lies on the side of the axis of revolution opposite to the arc.

Ohm

Ohm, symbol O, unit of electrical [Resistance](#), defined as the resistance to the flow of a steady electric current offered by a column of mercury 14.4521 grams in mass with a length of 1.06300 m and with an invariant cross-sectional area, when at a temperature of 0°C.

Ohm's Law

where: V = voltage of power source

I = current in amperes

R = resistance of circuit in ohms (W)

$$I = \frac{V}{R}$$

Solving for current (amps):

Solving for voltage (volts): $V = I \cdot R$

$$R = \frac{V}{I}$$

Solving for resistance (ohms):

One Watt - One Ampere Cartridge

An EED which will not fire or degrade when one ampere and / or one watt is passed through the bridgewire circuit (usually for a five-minute period).

Optics

Scientific study of light. Physical optics is concerned with the genesis, nature, and properties of light; physiological optics with the part light plays in vision; and geometrical optics with the geometry involved in the [reflection](#) and [refraction](#) of light as encountered in the study of the [mirror](#) and the [lens](#).

Optimum Charge

Web and propellant weight combination which produces maximum velocity at a specified pressure.

Orbit

Orbit, path in space described by a smaller body revolving around a second, larger body where the motion of the orbiting body is dominated by their mutual gravitational attraction ([Celestial Mechanics](#); [Gravitation](#); [Kepler's Laws](#)). The size and shape of an orbit are specified by

- (1) the semimajor axis (a length equal to half the greatest diameter of the orbit) and
- (2) the eccentricity (the distance of the larger body from the center of the orbit divided by the length of the orbit's semimajor axis). The position of the orbit in space is determined by three

factors:

(3) the inclination, or tilt, of the orbital plane to the reference plane (the ECLIPTIC for sun-orbiting bodies; a planet's *Equator* for natural and artificial satellites);

(4) the longitude of the ascending *Node* (measured from the vernal *Equinox* to the point where the smaller body cuts the reference plane moving south to north); and

(5) the argument of pericenter (measured from the ascending node in the direction of motion to the point at which the two bodies are closest).

These five quantities, plus the time of pericenter passage, are called orbital elements. The gravitational attractions of bodies other than the larger body causes perturbations in the smaller body's motions that can make the orbit shift, or precess, in space or cause the smaller body to wobble slightly.

Ordnance

Military material, such as combat weapons of all kinds with ammunition and equipment for their use.

Organic Chemistry

Organic chemistry, branch of *Chemistry* dealing with [Carbon](#) compounds. Of all the elements, carbon forms the greatest number of different compounds; moreover, compounds that contain carbon are about 100 times more numerous than those that do not. Compounds containing only carbon and [Hydrogen](#) are called *Hydrocarbons*. Organic compounds containing [Nitrogen](#) are of great importance to *Biochemistry*. Organic chemistry is of importance to the petrochemical, pharmaceutical, and textile industries; in textiles a prime concern is the synthesis of new organic molecules and [Polymers](#).

Oscilloscope

Oscilloscope, a device based on a [Cathode-Ray Tube](#) used to produce a visual display of electrical signals. Typically the horizontal position of the illuminated point is controlled by the value of the independent variable (often time), while the vertical position is controlled by the dependent variable. A third signal is often used to control the brightness of the point.

OSHA

Occupational Safety and Health Administration. An agency of the Department of Labour in the United States, active in eliminating occupational hazards and promoting employee health and safety.

Output Characteristics

The characteristics of an explosive component which determine the form and magnitude of the energy released when the component functions.

Overturning

Moment (of a projectile in flight) Couple about an axis through the center of gravity, perpendicular to the plane of yaw.

Oxidizer

That portion of a chemical mixture or compound which furnishes the oxygen for burning a fuel or propellant

Oxidizer or Oxidizing Material

A substance, such as a nitrate, that readily yields oxygen or other oxidizing substances to stimulate the combustion of organic matter or other fuel.

Oxygen Balance

- 1.) The percentage excess or deficiency of oxygen as compared to that required to convert the carbon in an explosive to CO and the hydrogen to HO.
- 2.) The theoretical percentage of oxygen in an explosive material or ingredient that exceeds (+) or is less than (-) what is needed to produce ideal reaction products. The amount of oxygen, expressed in weight percent, liberated as a result of the complete conversion of the explosive material to CO₂, H₂O, SO₂, Al₂O₂, etc. ("positive" oxygen balance). If the amount of oxygen bound in the explosive is insufficient for the complete oxidation reaction ("negative" oxygen balance), the deficient amount of the oxygen needed to complete the reaction is reported with a negative sign. Commercial explosives must have an oxygen balance close to zero in order to minimize the amounts of toxic gases, particularly carbon monoxide, and nitrous gases, which are involved in the fumes.

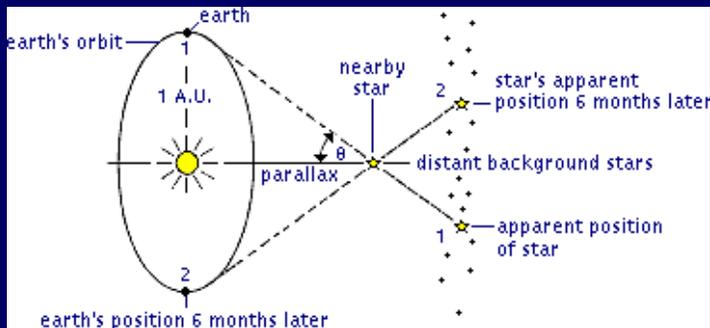
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Paraffin

Paraffin, white, semitranslucent, odorless, tasteless, water insoluble, waxy solid. Though relatively inert, it burns readily in air. A mixture of [Hydrocarbons](#) obtained from [Petroleum](#) during refining, paraffin is used in candles and for coating paper.

Parallax



Any alteration in the relative apparent positions of objects produced by a shift in the position of the observer. Stellar parallax is the apparent displacement of a nearby star against the background of more distant stars resulting from the motion of the earth in its orbit around the sun; formally, the parallax of a star is the angle at the star that is subtended by the mean distance 1 [Astronomical Unit](#) between the earth and the sun. A star's distance (d) in parsecs is thus the reciprocal of its parallax (p) in seconds of arc (or $d = 1/p$). Friedrich Bessel measured (1838) the first stellar parallax (0.3 seconds of arc for the star 61 Cygni). Geocentric parallax, used to determine the distances of [solar system](#) objects, is measured similarly; the diameter of the earth, rather than that of its orbit, however, is used as the baseline.

Parallel Blasting Circuit

An electric blasting circuit in which the legwires of each detonator are connected across the [firing line](#) directly or through buswires.

Parallel-Series Circuit

[Series in Parallel Blasting Circuit.](#)**Parasheet**

Parachute-like device made from a single flat piece of material, or as few pieces as its size will permit; avoids cost of complex gore construction of parachute.

Parsec

Parsec, a unit of length equal to the distance (206,265 [Astronomical Units](#); 3.26 *Light-Years*; 1.917×10^{13} mi; or 3.086×10^{13} km) at which a hypothetical star's [Parallax](#) would be one second of arc. The distance in parsecs of an object from the earth is thus the reciprocal of the parallax in seconds of the object.

Particle Accelerator

A device used to produce beams of energetic charged particles and to direct them against various targets for studies of the structure of the atomic nucleus [Atom](#) and of the forces holding it together. Accelerators also have applications in medicine and industry, most notably in the production of radioisotopes. The first stage of any accelerator is an [Ion](#) source to produce the charged particles from a neutral gas. The charged particles are accelerated by electric fields. In linear accelerators, which are the most powerful and efficient electron accelerators, the particle path is a straight line. The early linear accelerators used large static electric charges, which produced an electric field along the length of an evacuated tube to accelerate the particles. Present linear accelerators use electromagnetic waves to accomplish the acceleration. To reach high energies without prohibitively long paths, E.O. Lawrence designed the cyclotron, in which a cylindrical magnet bends the particle beam into a circular path in a hollow circular metal box that is split in half to form two D-shaped sections. A radio-frequency electric field is applied across the gap, accelerating the particle each time it crosses the gap. In the synchrocyclotron, used to accelerate protons, the frequency of the accelerating electric field steadily decreases to match the decreasing angular velocity of the proton caused by the increase of its mass at relativistic velocities, i.e., those close to the speed of light. In the synchrotron, a ring of magnets surrounding a doughnut-shaped vacuum tank produces a magnetic field that rises in step with the proton velocities, thus keeping the radius of their paths constant; this design eliminates the need for a center section of the magnet, allowing construction of rings with diameters measured in miles.

Particle Board

A composition board made of small pieces of wood bonded together.

Particle Velocity

A measure of the intensity of material vibration, specifically the time rate of change of the amplitude of material vibration.

PBX

Abbreviation for plastic bonded explosives. Of particular importance for tactical operations are the “[sheet explosives](#)” which are made with [PETN](#) or [RDX](#), depending on the product. [Sheet Explosive](#).

Peat

Peat, soil material consisting of partially decomposed organic matter, formed by the slow decay of aquatic and semiaquatic plants in *Swamps* and bogs. Principal types include moss peat, derived chiefly from *Sphagnum* and used as mulch and stable litter, and fuel peat, used where wood and

coal are scarce. Peat is the first stage of transition from compressed plant growth to the formation of [Coal](#).

Peak Pressure

Instantaneous maximum pressure developed in the gun chamber by burning propellant; pressure immediately preceding an expanding shock wave.

Pellet

A consolidated charge.

Pelleting

Process of consolidating charges.

Pentolite

An explosive composition of PETN and TNT, but usually a 50/50 composition. Can be melt pour.

Percussion

A method of initiating an explosive item by a sudden sharp blow.

Percussion Composition

High-explosive powder that is ignited in some types of firearms by the blow of the firing pin against the primer cap.

Percussion Fuze

[Impact Fuze](#).

Percussion Primer

Cap or cylinder containing a small charge of high explosive that may be set off by a blow. A percussion primer is used in all fixed and semi-fixed ammunition and in certain types of separate-loading ammunition to ignite the main propelling charge.

Perforation

Passage of a missile completely through an object.

Periodic Table

Periodic table, chart that reflects the periodic recurrence of chemical and physical properties of the [Elements](#) when the elements are arranged in order of increasing [Atomic Number](#). The periodic table was devised by Dmitri *Mendeleev* and revised by Henry *Moseley*. It is divided into vertical columns, or groups, numbered from I to VIII, with a final column numbered 0. Each group is divided into two categories, or families, one called the a series (the representative, or main group, elements) the other the b series (the [Transition Elements](#), or subgroup elements). All the elements in a group have the same number of [Valence](#) electrons and have similar chemical properties. The horizontal rows of the table are called periods. The elements of a particular period have the same number of electron shells; the number of electrons in these shells, which equals the element's atomic number, increases from left to right within each period. In each period the lighter [Metals](#) appear on the left, the heavier metals in the center, and the nonmetals on the right. Elements on the borderline between metals and nonmetals are called metalloids. Elements in group Ia are called the [Alkali Metals](#); in group IIa, the [Alkaline-Earth Metals](#); in group VIIa, the [Halogens](#); and in group 0, the [Inert Gases](#).

Peripheral Test

A brief test program conducted on an item or system to determine if it will meet only the most rigorous specified requirements.

Permissible Diameter (Smallest)

The smallest diameter of a permissible explosive, as approved by the Mine Safety and Health Administration (MSHA).

Permissible Individual Maximum Pressure

For any type gun, that value which should not be exceeded by the maximum pressure developed by an individual round under any service condition.

PE

Abbreviation of “plastic explosives”. They consist of high brisance explosives such as [RDX](#) or [PETN](#) combined with plasticizers. [PBX](#) and [Plastic Explosives](#).

Petard

Device intended to breach a door or gate.

PETN

1) An explosive compound, pentaerythritol tetranitrate represented by the empirical formula $C_5H_8N_4O_{12}$, it is a colorless crystal, with a [molecular weight](#) 316.1 and density of 1.76 g/cm³.

Oxygen balance: -10.1%, nitrogen content: 17.72%, volume of detonation gases 823 l/kg.

Detonation velocity, confined: 8400 m/s = 27,600 ft/s at $r = 1.70$ g/cm³. Critical diameter of steel sleeve test: 6mm. Deflagration point: 202 °C = 396 F, impact sensitivity 3 N m. PETN is very stable, insoluble in water, sparingly soluble in alcohol, ether and [benzene](#), and soluble in acetone and methyl acetate.

2) A high explosive of exceptional brisance, pentaerythrite tetranitrate. Used in detonating cord, boosters, detonators, blasting caps and as a constituent of Dentolite. in which it is mixed with [TNT](#)

Petroleum

Petroleum or crude oil, oily, flammable liquid that occurs naturally in deposits, usually beneath the surface of the earth. The exact composition varies according to locality, but it is chiefly a mixture of [Hydrocarbons](#). Petroleum is a fossil fuel thought to have been formed over millions of years from incompletely decayed plant and animal remains buried under thick layers of rock. Drilling for oil is a complex, often risky process. Scientific methods are used to locate promising sites for wells, some of which must be dug several miles deep to reach the deposit. Many wells are now drilled offshore from platforms standing on the ocean bed. Usually the crude oil in a new well comes to the surface under its own pressure. Later it has to be pumped or forced up with injected water, gas, or air. Pipelines or tankers transport it to refineries, where it is separated into fractions, i.e., the portions of the crude oil that vaporize between certain defined limits of temperature. Fractions are obtained by a refining process called fractional [Distillation](#) in which crude oil is heated and sent into a tower. The vapors of the different fractions condense on collectors at different heights in the tower. The separated fractions are then drawn from the collectors and further processed into various petroleum products. Generally the fractions are vaporized in the following order: dissolved [Natural Gas](#), [Gasoline](#), naphtha, [Kerosene](#), diesel fuel, heating oils, and finally tars. Lighter fractions, especially gasoline, are in greatest demand and their yield can be increased by breaking down heavier hydrocarbons in a process called cracking. The leading producers of petroleum in 1980 were the USSR, Saudi Arabia, the U.S., Iraq, Venezuela, China, Nigeria, Mexico, Libya, and the United Arab Emirates. The largest reserves are in the Middle East. Modern industrial civilization depends heavily on petroleum for

motive power, fuel, lubrication, and a variety of synthetic products, e.g., dyes, drugs, and Plastics. The widespread burning of petroleum as fuel has resulted in serious problems of air pollution, and oil spilled from tankers and offshore wells has damaged oceans and coastlines. Unless the need for oil is reduced, conservationists may be unable to prevent the development of oil deposits whose exploitation poses threats to the environment. See also [Energy, Sources Of](#).

pH

pH, range of numbers expressing the relative acidity or alkalinity of a solution. The pH value is the negative common [Logarithm](#) of the hydrogen-ion [Concentration](#) in a solution expressed in [Moles](#) per liter of solution. A neutral solution is one that is neither acidic nor alkaline such as pure water has a concentration of 10^{-7} moles per liter; its pH is thus 7. Acidic solutions have pH values ranging with decreasing acidity from 0 to nearly 7; alkaline or basic solutions have a pH ranging with increasing alkalinity from just beyond 7 to 14. Also [Acids and Bases](#).

Phosgene

Colorless choking gas having an odor of new-mown hay or fresh corn; causes choking and coughing, and injuries to the lungs.

Photoelectric Cell

Photoelectric cell or photocell, a device whose electrical characteristics (e.g., current, voltage, or resistance) vary when light is incident upon it. Common photoelectric cells consist of two electrodes separated by a light-sensitive [Semiconductor](#) material. A battery or other voltage source connected to the two electrodes sets up a current even in the absence of light; when light strikes the semiconductor section of the photocell, the current increases in proportion to the light intensity. Photocells can be used to operate [Switches](#), [Relays](#), door openers, and intrusion alarms. See also [Photovoltaic Cell](#).

Photometry

Photometry, branch of physics dealing with the measurement of the intensity of light sources. Instruments used for such measurements are called photometers; most types are based on the comparison of the light source to be measured with a light source of known intensity. The modern unit, adopted in 1948, for the measurement of light intensity is the candela (cd); it is equal to 1/60 of the intensity of one square centimeter of a blackbody radiator at the temperature at which platinum solidifies (2046°K).

Photon

Photon or light quantum, the particle composing light and other forms of electromagnetic radiation. The [Photovoltaic Effect](#) and blackbody radiation can be explained only by assuming that light energy is transferred in discrete packets, or photons, and that the energy of each photon is equal to the frequency of the light multiplied by Planck's constant h . Light imparts energy to a charged particle when one of its photons collides with the particle. Also [Quantum Theory](#).

Photovoltaic Cell

A [Semiconductor](#) diode that converts light to electric current. When light strikes the exposed active surface, it knocks electrons loose from their sites in the crystal. Some of the electrons have sufficient energy to cross the E_{Diode} junction and pass through an external circuit. Because the current and voltage obtained from these devices are small, they are usually connected in large series-parallel arrays. Practical photovoltaic cells are currently about 10 to 15% efficient.

Although cells constructed from indium phosphide and gallium arsenide are, in principle, more efficient, silicon-based cells are generally less costly. Solar photovoltaic cells have long been used to provide electric power for spacecraft. Recent developments, still in progress, have driven costs down to the point where they are being used more and more as terrestrial energy sources.

Picric Acid

- 1) Material to be added.
- 2) (Trinitrophenol). High explosive, more powerful than trinitrotoluene, used widely in the form of mixtures with other nitro compounds.

Piezoelectric Crystal

Crystalline materials constituted that, when it is mechanically compressed or stretched in certain directions, electrical charges in direct proportion to the mechanical strain appear on the crystal surfaces.

Pin Puller

A mechanical device in which a pressure cartridge causes a pin or piston to retract, usually against a side load.

Pin Pusher

A mechanical device in which a pressure cartridge drives a pin or piston along its central axis.

Piobert's Law

Expression of the linearity of burning of homogeneous propellants. As any exposed propellant surface receives heat from the surrounding combustion products at the same rate, it, therefore, burns at the same rate. The burning surface thus recedes by parallel layers.

Pitch (of rifling)

Reciprocal of the twist. *Twist*.

Placards

Signs placed on vehicles transporting hazardous materials (including explosive materials) indicating the nature of the cargo.

Planet

Any of the nine relatively large, nonluminous bodies - Mercury, Venus, Earth, Mars, Jupiter, Saturn, Uranus, Neptune, and Pluto - that revolve around the sun (see [Solar System](#)). By extension, any similar body discovered revolving around another star would be called a planet. The *Asteroids* are sometimes called minor planets. The major planets are classified either as inferior, with an orbit between the sun and the orbit of the earth (Mercury and Venus), or as superior, with an orbit beyond that of the earth (Mars, Jupiter, Saturn, Uranus, Neptune, and Pluto). The terrestrial planets - Mercury, Venus, Earth, and Mars - resemble the earth in size, chemical composition, and density. The Jovian planets - Jupiter, Saturn, Uranus, and Neptune - are much larger in size and have thick, gaseous atmospheres and low densities. Pluto is unclassified. The rapid rotation of the latter planets results in polar flattening of 2 - 10%, giving them an elliptical appearance.

Planform

Shape of plan view of fins.

Plasma

Plasma, in physics, a fully ionized gas containing approximately equal numbers of positive and negative [Ions](#). A plasma is an electric conductor and is affected by magnetic fields. The study of

plasmas, called plasma physics, is important in efforts to produce a controlled thermonuclear reaction ([Nuclear Energy](#). In nature, plasmas occur in the interior of stars and in interstellar gas, making plasma a form of matter in the universe ([States of Matter](#))).

Plastic

Plastic, any synthetic organic material that can be molded under heat and pressure into a shape that is retained after the heat and pressures are removed. There are two basic types of plastic: thermosetting, which cannot be resoftened after being subjected to heat and pressures; and thermoplastic, which can be repeatedly softened and reshaped by heat and pressure. Plastics are made up chiefly of a binder consisting of long chainlike molecules called [Polymers](#). Binders can be natural materials, e.g., [Cellulose](#), or (more commonly) synthetic [Resins](#), e.g., [Bakelite](#). The permanence of thermosetting plastics is due to the heat- and pressure-induced cross-linking reactions the polymers undergo. Thermoplastics can be reshaped because their linear or branched polymers can slide past one another when heat and pressure are applied. Adding plasticizers and fillers to the binder improves a wide range of properties, e.g., hardness, elasticity, and resistance to heat, cold, or acid. Adding [Pigments](#) imparts color. Plastic products are commonly made from plastic powders. In compression molding, heat and pressure are applied directly to the powder in the mold cavity. Alternatively, the powder can be plasticized by outside heating and then poured into molds to harden (transfer molding); be dissolved in a heating chamber and then forced by a plunger into cold molds to set (injection molding); or be extruded through a die in continuous form to be cut into lengths or coiled (extrusion molding). The first important plastic, celluloid, has been largely replaced by a wide variety of plastics known by such trade names as Plexiglas, Lucite, Polaroid, and cellophane. New uses continue to be found and include contact lenses, machine gears, and artificial body parts. The widespread use of plastics has led to environmental problems. Because plastic products do not decay, large amounts accumulate as waste. Disposal is difficult because they melt when burned, clogging incinerators and often emitting harmful fumes, e.g., the hydrogen chloride gas given off by [Polyvinyl Chloride](#). Also TM[DE_ Polypropylene](#); [Polyurethanes](#); [Teflon](#).

Plastic Explosives

- 1) High-brisance crystalline explosives, such as [RDX](#) or [Octogen](#), can be embedded in curable or polyadditive [plastics](#) such as polysulfides, polybutadiene, acrylic acid, polyurethane, etc. The mixture is then cured into the desired shape. Other components such as aluminum powder can also be incorporated. The products obtained can be of any desired size, and specified mechanical properties can be imparted to them, including [rubber](#)-like elasticity ([LX](#) and [PBX](#)). They can also be shaped into foils.
- 2) “Plastic” ® also means mixtures of RDX with Vaseline or gelatinized liquid nitro compounds of plastiline-like consistency. Explosive which, within normal ranges of atmospheric temperature, is capable of being molded into desired shapes. These explosives are easy to use by non-experts.
- 3) Also used propellant charges for rockets and guns have also been developed by compounding solid explosives such as nitramines (e.g. [Cyclonite](#)) with [plastics](#). Plastic explosives and plastic propellants are of interest, if low thermal and impact sensitivity is needed (“[Lova](#)”; [Armour Plate](#)

Impact Test; [Friction Sensitivity](#); Heat Sensitivity; [Impact Sensitivity](#); Projectile Impact Sensitivity; Susan Test).

Plasticizer

A material added to a propellant to increase flexibility or workability.

Platform Breaching

Breaching of a mobile structure such as an aircraft, oil rig, ship, train, bus, etc.

Plunging Fire

Gunfire that strikes the earth's surface at a high angle.

Plutonium

Plutonium (Pu), radioactive element, first produced artificially by Glenn *Seaborg* and colleagues in 1940 by deuteron bombardment of uranium oxide. It is a silver-gray [Transuranium Element](#) in the [Actinide Series](#). Plutonium is a fission fuel for [Nuclear Energy](#) and weapons ([Atomic Bomb](#); [Nuclear Energy](#)). It is an extremely dangerous poison, collecting in bones and altering the production of white blood cells. [Element](#); [Periodic Table](#).

Point-Blank Range

Distance, to a target, that is so short that the trajectory of a bullet or projectile is practically a straight rather than a curved line.

Point Detonating Fuze

Fuze, located in the nose of a projectile, which is initiated upon impact.

Polymer

A chemical compound with high molecular weight consisting of a number of structural units linked together by covalent bonds. The simple molecules that may become structural units are themselves called monomers. A structural unit is a group having two or more bonding sites. In a linear polymer, the monomers are connected in a chain arrangement and thus need only have two bonding sites. When the monomers have three bonding sites, a nonlinear, or branched, polymer results. Naturally occurring polymers include cellulose, proteins, natural [rubber](#), and silk; those synthesized in the laboratory have led to such commercially important products as [Plastics](#), synthetic fibers, and synthetic rubber.

Polypropylene

Lightweight [Plastic](#), a [Polymer](#) or propylene. It is less dense than water and resists moisture, oils, and solvents. It is used to make packaging material, textiles, luggage, ropes that float, and, because of its high melting point (250°F/121°C), objects that must be sterilized.

Polyvinyl Chloride

(PVC), thermoplastic that is a [Polymer](#) of vinyl chloride. By adding plasticizers, hard PVC resins can be made into a flexible, elastic [Plastic](#), used as an electrical insulator and as a coating for paper and cloth in making fabric for upholstery and raincoats.

Polyurethanes

Large group of [Plastics](#) that occur in a wide variety of forms. As a flexible foam, it is used for cushions and carpet backings. As a rigid foam, it can be molded into furniture or used as insulation. Some polyurethanes are highly elastic, e.g., Lycra, a fiber used in stretch clothing; others form hard protective coatings.

Population

All the items or devices about which conclusions are to be made.

Positive Duration

Time elapsing between the arrival of the shock front and the arrival of the part in which the pressure is exactly atmospheric.

Positive Impulse

Average pressure during the positive phase multiplied by the positive duration.

Potassium

Potassium (K), metallic element, discovered in 1807 by Sir Humphrey *Davy*, who decomposed potash with an electric current. It is a soft, silver-white, extremely reactive [Alkali Metal](#).

Potassium is the seventh most abundant element in the earth's crust and the sixth most abundant of the elements in solution in the oceans. It is an essential nutrient for plants and animals.

Potassium compounds are used in fertilizers, soaps, explosives, glass, baking powder, tanning, and water purification. [Element](#); [Periodic Table](#).

Potassium Chlorate

Potassium chlorate is sparingly soluble in cold water, readily soluble in hot water, and insoluble in alcohol.

It is the principal component of *Chlorate Explosives* and is an important component of primer formulations and pyrotechnical compositions, in particular matchheads.

Potassium Nitrate

Potassium nitrate is readily soluble in water, sparingly soluble in alcohol, and insoluble in ether. It is used as a component in pyrotechnical compositions, in industrial explosives, and in black powder.

Potassium Perchlorate

Potassium perchlorate is insoluble in alcohol but soluble in water. It is prepared by reacting a soluble potassium salt with sodium perchlorate or perchloric acid. It is employed in pyrotechnics.

Potential, Electric

Potential, electric, work per unit electric charge expended in moving a charged body from a reference point to any given point in an electric field. The potential at the reference point is considered to be zero, while the reference point itself is usually chosen to be at infinity. The change in potential associated with moving a charged body is independent of the actual path taken and depends only on the initial and final points. Potential is measured in [Volts](#) and is sometimes called voltage. Also [Electric Circuit](#) ; [Electromotive Force](#).

Potentiometer

Potentiometer, or voltage divider, manually adjustable variable electrical resistor that has a [Resistance](#) element attached to an [Electric Circuit](#) by three contacts, or terminals. The ends of the resistance element are attached to the two input voltage conductors of the circuit, and the third contact, attached to the output of the circuit, is usually a movable terminal that slides across the resistance element, dividing it into two resistors. Because the position of the movable terminal determines what percentage of the input voltage ([Potential, Electric](#)) is applied to the circuit, a potentiometer can be used to vary the magnitude of the voltage, e.g., in radio volume and television brightness controls.

Powder

- 1.) An explosive (or propellant) in the form of powder or small granules.
- 2.) A synonym designating any explosive, irrespective of type.

Powder Factor

The amount of explosive used per unit of rock; Also called *Explosive Loading Factor*.

Power

Power, in physics, the time rate of doing [Work](#) or of producing or expending [Energy](#). The unit of power in the [Metric System](#) is the watt, which equals 1 joule per second. It is also the amount of power that is delivered to a component of an electric circuit when a current of 1 ampere flows through the component and a voltage of 1 volt exists across it. The *English Unit Of Measurement* is the horsepower, which equals 550 foot-pounds per second or 746 watts.

Power, (electric)

Power, electric, is the rate per unit of time at which [Energy](#) is consumed or produced. Electric Power is usually measured in watts or kilowatts (1,000 watts). The energy supplied by a current to an appliance enables it to work or to provide other forms of energy such as light or heat. The amount of electric energy an appliance uses is found by multiplying its power rating by the operating time. Units of electric energy are usually watt-seconds (joules), watt-hours, or kilowatt-hours (the choice for commercial applications). Generally, practical electric-power-generating systems convert mechanical energy into electric energy (see [Generator](#)). Whereas some electric plants obtain mechanical energy from moving water (water power or hydroelectric power), the vast majority derive it from heat engines in which the working substance is steam generated by heat from combustion of fossil fuels or nuclear reactions ([Nuclear Energy](#); [Nuclear Reactor](#)). Although the conversion of mechanical energy to electric energy may approach 100% efficiency, the conversion of heat to mechanical energy is about 41% efficient for a fossil-fuel plant and about 30% for a nuclear plant. It is thought that a magnetohydrodynamic generator, which operates by using directly the kinetic energy of gases produced by combustion, would have an efficiency of about 50%. Although [Fuel Cells](#) develop electricity by direct conversion of hydrogen, hydrocarbons, alcohol, or other fuels, with an efficiency of 50 to 60%, their high cost has restricted their use to space programs. *Solar Energy* has been recognized as a feasible power source. It can be exploited through wind turbines, [Photovoltaic Cells](#), and heat engines, as well as through both conventional and low-head hydroelectric power plants. Research and development is bringing down the costs. An important problem in utilizing solar energy is related to the variable nature of sunlight and wind. To minimize energy losses from heating of conductors and to economize on the material needed for conductors, electricity is usually transmitted at the highest voltages possible. As modern [Transformers](#) are virtually loss free, the necessary steps upward or downward in voltage are easily accomplished. Electric utilities producing power are tied together by transmission lines into large systems called power grids. They are thus able to exchange power, so that a utility with low power demand can assist another with a high demand. See also [Energy Sources Of](#).

Power Source

The source of power for energizing electric blasting circuits, e.g., a blasting machine or power line.

Powder Train

- 1) Train, usually of compressed black powder, used to obtain time action in older fuze types.
- 2) Train of explosives laid out for destruction by burning.

Practice Ammunition

Ammunition used for target practice; ammunition with a propelling charge, but with either an inert filler or a low-explosive filler to serve as a spotting charge.

Precision

The quality of having small dispersion about the mean.

Precession

A change in the direction of the axis of a rotating body.

Preignition

The spontaneous and premature ignition.

Premature Firing

The detonation of an explosive charge before the intended time.

Pressure

When a force acts perpendicular to a surface, the pressure (p) exerted is the ratio between the magnitude of the force and the area of the surface:

pressure = force / area

Undisp.
Graphic

pressures are properly expressed in pascals, Pa ($=\text{N}/\text{m}^2$), and may well be expressed using other terms such as bars, atmospheres or dynes.

Pressure Cartridge

An explosive item designed to produce momentary gaseous products of combustion under pressure for performing a mechanical operation.

Pressure, Center Of

The point where the resultant force caused by air resistance intersects the axis of the projectile.

Prevalves

One-way, one-shot, leak proof valves which, when open, permit the propellant to reach the turbopumps preliminary to engine ignition.

Prilled Ammonium Nitrate

Ammonium nitrate in a pelleted or prilled form.

Prills

Cellular sub-globular particles of AN formed by spraying concentrated AN solution against a stream of air.

Primacord

Flexible fabric tube containing a filler of high-explosive that is used to transmit a detonation from a detonator to a booster or bursting charge. Primacord is the trade name for one type of detonating fuse currently in use.

Primary Blast

A term used in commercial blasting to describe a blast used to fragment and displace material from its original position to facilitate subsequent handling and crushing.

Primary Explosive

- 1) A sensitive explosive that nearly always detonates by simple ignition from such means, are

spark, flame, impact, friction, or other primary heat sources of appropriate magnitude.

2) A sensitive explosive, one of the first elements in an explosive train.

Primary Fragmentation

Fragments produced directly from the contents or casing of an explosive device.

Primer

1) A unit, package, or cartridge of explosives used to initiate other explosives or blasting agents, and which contains, a detonator, or detonating cord to which is attached a detonator designed to initiate the detonating cord.

2) Device used to initiate the functioning of an explosive or igniter train. It may be actuated by friction, flow, heat, pressure or electricity.

Primer-Detonator

Assembly consisting of a primer and a detonator. It may also include a delay element

Primer (Primer Mixture)

An explosive mixture containing a sensitive explosive, usually the first element in an explosive train.

Primer Seat

Primer location within the breech chamber of a gun that uses separate loading ammunition.

Probability

The ratio of the number of favorable events divided by the total number of events possible.

Probable Error

An error of such magnitude that the probability of making an error greater than it in any given observation is just equal to the probability of making one less than it, both probabilities being one-half.

Probate Analysis

A statistical analysis using a limited number of samples to determine a reliability factor. In this test, the level of variable is changed in a certain predetermined manner.

Procedure, Design

Outline of steps to follow in designing an item.

Product Lot Sampling

Tests conducted on a sample of a production lot to determine that the lot meets the specified dimensional and firing characteristics.

Progressive Burning

The burning of a propellant grain in which the reacting surface area increases during the combustion.

Progressive Granulation

Propellant grain which burns with a continually increasing surface until the grain is completely consumed.

Projectile

Object, such as a bullet or shell, that is propelled from a weapon by an explosive propelling charge.

Projectile Impact Sensitivity

The projectile impact sensitivity is the reaction of an explosive charge if hit by infantry projectiles. Impact safety is given if the charge does not fully explode at impact. The projectile

impact sensitivity does not only depend on the type of explosive itself, but also on the nature of its confinement (metallic, plastic, thin-walled, or thick-walled). A single bullet impact by an ordinary or a hard steel cored projectile, or a machine gun burst, will create different reactions. A test has been developed in Sweden: cylinders made of copper, brass, and aluminum (15 mm \varnothing) are brought to accurately adjusted and measured impact velocities. Also [Impact Sensitivity](#).

Proof Ammunition <bob>

Ammunition incorporating solid, blunt-nosed, steel or cast iron shot of inexpensive manufacture; used in proof firing of guns; used to simulate the weight of projectile designed for the gun in adjusting the charge weight or propellant.

Propaganda Shell

Leaflet Shell.

Propagation

The detonation of explosive charges by an impulse received from adjacent or nearby explosive charges.

Propane

Propane ($\text{CH}_3\text{CH}_2\text{CH}_3$), colorless gaseous *Hydrocarbons* that occurs in [Natural Gas](#) and [Petroleum](#). Propane is sold compressed in cylinders, often mixed with other hydrocarbons, and is used as fuel in lamps, gas grills, certain home and portable stoves, and certain cigarette lighters.

Propellant

- 1.) Explosive material whose rate of combustion is low enough, and its other properties suitable, to permit its use as a propelling charge.
- 2.) An explosive substance or mixture of substances which, when burned, produces gases to provide energy.

Propellant Actuated Device (PAD)

A mechanical device actuated by a contained or inserted propellant charge.

Propellant Composite

Propellant compositions commonly contain additives which affect the performance of the propellant.

Propellant Double Base

The double-base propellant consists of nitrocellulose and [nitroglycerin](#) with the addition of various stabilizers.

Propellant Explosive

An explosive material that normally functions by deflagration and is used for propulsion purposes. It may be a Class A or Class B explosive, depending upon its susceptibility to detonation.

Propelling Charge

Explosive charge that is burned in a weapon to propel a projectile therefrom ([Propellant](#)). Burning of the confined propelling charge produces gases whose pressure forces the projectile out.

Proper Motion

Proper motion (M), apparent angular motion of a star on the celestial sphere, usually measured in seconds of arc per year. A star's transverse velocity V_T i.e., its motion across the line of sight to

the star (as opposed to its RADIAL *Velocity*, or line-of-sight velocity), is calculated in kilometers per second from the equation $V_T = 4.74 M/p$, where p is the star's *Parallax*, expressed in seconds of arc.

Protein

Protein, any of the group of highly complex organic compounds found in all living cells. Protein is the most abundant class of all biological molecules, comprising about 50% of cellular dry weight. Classified by biological function, proteins include the enzymes, which catalyze cellular reactions; collagen, keratin, and elastin, which are structural, or support, proteins; hemoglobin and other transport proteins; casein, ovalbumin, and other nutrient proteins; antibodies, which are necessary for immunity; protein hormones, which regulate metabolism; and proteins such as actin and myosin, the contractile muscle proteins, that perform mechanical work. Structurally, proteins are large molecules composed of one or more chains of varying amounts of the same 22 amino acids, which are linked by peptide bonds. Each protein is characterized by a unique and invariant amino acid sequence. Protein chains may contain hundreds of amino acids; some proteins also incorporate phosphorus or such metals as iron, zinc, and copper. The amino acid sequence also determines the molecule's three-dimensional structure; this so-called native state is required for proper biological function. The information for the syntheses of the specific amino acid sequences from free amino acids is carried by the cell's nucleic acids.

Proton

Proton, *Elementary Particle* having a single positive electrical charge and constituting the nucleus of the ordinary hydrogen *Atom*. Every atomic nucleus contains one or more protons. The mass of the proton is about 1,840 times the mass of the *Electron* and slightly less than the mass of the neutron. In 1919 Ernest Rutherford discovered the proton as a product of the disintegration of the atomic nucleus. The proton and the neutron are regarded as two aspects, or states, of a single entity, the nucleon. The antiproton, the proton's antiparticle (*Antimatter*), was discovered in 1955.

Prototype

The first fully workable item; also a precursor of later developments.

Proximity Fuze

Fuze designed to detonate a projectile, bomb, mine, or charge when activated by an external influence in the close vicinity of a target.

Pyro Powder

Straight nitrocellulose powder; smokeless propelling charge consisting of a nitrocellulose that has a smaller nitrogen content than *guncotton*; single-base propellant.

Pyrocellulose

Nitrocellulose containing 12.60 percent nitrogen.

Pyrochemical

To be used (with discretion) in lieu of pyrotechnical, especially in regard to the chemical reactions of pyrotechnics.

Pyrocore

A flexible explosive cord similar to MDF except that the high explosive core is modified to promote ignition at the speed of detonation. A high velocity ignition propagation fuse (detonating).

Pyrocotton

[Pyrocellulose](#).

Pyrogen

A rocket ignition system containing a solid propellant grain as its main ignition material.

Pyrotechnic

A mixture of chemicals designed to produce heat, light, smoke, gas or noise.

Pyrotechnics

Any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects. Pyrotechnics are commonly referred to as fireworks.

Pyroxylin (Collodion)

Nitrocellulose containing 8-12 percent nitrogen.

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Qualification Tests

A series of tests conducted on an item or system to determine if it meets the requirements established for the specified use.

Quality Assurance

System of assuring that material accepted is in accordance with requirements, including inspection and test procedures, acceptance criteria, etc.

Quantity - Distance Table

A table listing minimum recommended distances from explosive materials stores of various weights to a specific location.

Quantum Theory

Quantum theory, modern physical theory that holds that energy and some other physical properties often exist in tiny, discrete amounts. The older theories of classical physics assumed that these properties could vary continuously. Quantum theory and the theory of [Relativity](#) together form the theoretical basis of modern physics. The first contribution to quantum theory was the explanation of blackbody radiation in 1900 by Max Planck, who proposed that the energies of any harmonic oscillator are restricted to certain values, each of which is an integral multiple of a basic minimum value. The energy E of this basic quantum is directly proportional to the frequency ν of the oscillator; thus $E = h\nu$, where Planck's constant h is equal to 6.63×10^{-34} J-sec. In 1905 Albert *Einstein*, in order to explain the *Photoelectric Effect*, proposed that radiation itself is also quantized and consists of light quanta, or [Photons](#), that behave like particles. Niels *Bohr* used the quantum theory in 1913 to explain both atomic structure and atomic spectra. The light or other radiation emitted and absorbed by atoms is found to have only certain frequencies (or wavelengths), which correspond to the absorption or emission lines seen in atomic spectra ([Spectrum](#)). These frequencies correspond to definite energies of the photons and result from the fact that the electrons of the atoms can have only certain allowed energy values, or levels. When an electron changes from one allowed level to another, a quantum of energy is emitted or

absorbed whose frequency is directly proportional to the energy difference between the two energy levels E_1 and E_2 ; thus $E_2 - E_1 = h\nu$. Quantum mechanics, the application of the quantum theory to the motions of material particles, was developed during the 1920s. In 1924 Louis de Broglie proposed that not only does light exhibit particle-like properties but also particles may exhibit wavelike properties. The observation, by Clinton Davisson and Lester Germer in a 1927 experiment that the diffraction of a beam of electrons is analogous to the diffraction of a beam of light confirmed this hypothesis. A particularly important discovery of the quantum theory is the uncertainty principle, enunciated by Werner Heisenberg in 1927; it places an absolute, theoretical limit on the combined accuracy of certain pairs of simultaneous, related measurements.

Quasar

Quasar or quasi-stellar object, one of a class of faint blue celestial objects, starlike in appearance, that are currently believed to be the most distant and most luminous objects in the universe. The spectral lines of quasars have enormous [Red Shifts](#) that seem to imply that they are receding from our galaxy with speeds as great as 80% of the speed of light. If *Hubble's Law* for the expansion of the universe is extrapolated to include quasars, they may be as far as 8 billion *Light-Years* away and consequently as luminous intrinsically as 100 galaxies combined.

Quickness

Rate of change of pressure within the closed chamber with respect to time.

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Radar

Radar (radio detection and ranging), system or technique for detecting the position, motion, and nature of a remote object by means of radio waves reflected from its surface. Radar systems transmit pulses of electromagnetic waves by means of directional *Antennas*; some of the pulses are reflected by objects in the path of the beam. Reflections are received by the radar unit, processed electronically, and converted into images on a [Cathode-Ray Tube](#). The distance of the object from the radar source is determined by measuring the time required for the radar signal to reach the target and return. The direction of the object with respect to the radar unit is determined from the direction in which the pulses were transmitted. In most units, the beam of pulses is continuously rotated at a constant speed, or it is scanned (swung back and forth) over a sector at a constant rate. The velocity of the object is sometimes determined by the [Doppler Effect](#): if the object is approaching the radar unit, the frequency of the returned signal is greater than the frequency of the transmitted signal; if the object is receding, the returned frequency is less; and if the object is not moving relative to the radar unit, the frequency of the returned signal is the same as the frequency of the transmitted signal. Most radar units operate on microwave frequencies.

Radial Velocity

Radial velocity, the speed with which a star moves toward or away from the sun. It is measured from the [Red Shift](#) or blue shift in the star's spectrum. Also *Proper Motion*.

Radiation

Radiation is the emission or transmission of energy in the form of [Waves](#) through space or

through a material medium; the term also applies to the radiated energy itself. The term includes electromagnetic, acoustic, and particle radiation, and all forms of ionizing radiation. According to [Quantum Theory](#), [Electromagnetic Radiation](#) may be viewed as made up of [Photons](#). Acoustic radiation is propagated as sound waves. Examples of particle radiation are alpha and beta rays in [Radioactivity](#), and [Cosmic Rays](#).

Radiation Sickness

Radiation sickness is the illness caused by the effects of radiation on body tissues. It may be acute, delayed, or chronic and may occur after repeated (cumulative) exposure to small doses of radiation (as in a plant, a laboratory, or the environment); undue exposure to solar radiation; or exposure to a nuclear explosion. Symptoms may be mild and transitory, or severe, depending on the type of radiation, the dose, and the rate at which exposure is experienced. They include weakness, loss of appetite, vomiting, diarrhea, a tendency to bleed, increased susceptibility to infection, and—in severe cases—brain damage and death. Mild radiation sickness is a common side effect of radiation therapy for Cancer. Exposure to radiation is of concern even in small doses because of possible long-term genetic effects.

Radio

Radio, transmission or reception of [Electromagnetic Radiation](#) in the radio frequency range from one place to another without wires. For the propagation and interception of radio waves, a transmitter and receiver are employed. A radio wave carries information-bearing signals; the information may be encoded directly on the wave by periodically interrupting its transmission (*Telegraph*) or impressed on the carrier frequency by a process called *Modulation*, e.g., amplitude modulation (AM) or frequency modulation (FM). In its most common form, radio transmits sounds (voice and music) and pictures ([Television](#)). The sounds (or images) are converted into electrical signals by a *Microphone* (or camera tube), amplified (*Amplifier*), and used to modulate a carrier wave that has been generated by a transmitter. The modulated carrier is also amplified, then applied to an *Antenna* that converts the electrical signals to electromagnetic waves that radiate into space at the speed of light. Receiving antennas intercept part of this radiation, convert it back into electrical signals, and feed it to a receiver. Once the basic signals have been separated from the carrier wave, they are fed to a *Loudspeaker* or [Cathode-Ray Tube](#), where they are converted into sound and visual images, respectively. Some celestial bodies and interstellar gases emit relatively strong radio waves that are observed with radio telescopes composed of very sensitive receivers and large directional antennas (*Radio Astronomy*). Long-range radio signals enable communications between astronauts and ground-based controllers and carry information from *Space Probes* as they travel to and encounter distant planets. The invention of the *Transistor* and other microelectronic devices (*Micro*) led to the development of portable transmitters and receivers. Military applications of radio include the proximity fuse and various types of *Reconnaissance Satellites*. Citizens band (CB) radios, operating at frequencies near 27 megahertz, are used in vehicles for communication while traveling. Also *Broadcasting*; *Communications*

Radio Waves

The use of electromagnetic waves in the approximate frequency range from 10 kilocycles/second to 300,000 megacycles/second to transmit or receive electric signals without wires connecting the

points of transmission and reception.

Radioactivity

Radioactivity, the spontaneous disintegration or decay of the nucleus of an atom by emission of particles, usually accompanied by . [Electromagnetic Radiation](#). Natural radioactivity is exhibited by several elements, including [Radium](#) and [Uranium](#). The radiation produced is of three types: the alpha particle, which is a nucleus (two protons and two neutrons) of an ordinary helium atom; the beta particle, which is a high-speed electron or, in some cases, a positron (the electron's antiparticle); and [Gamma Radiation](#), which is a type of electromagnetic radiation with very short wavelengths. The rate of disintegration of a radioactive substance is commonly designated by its half-life, which is the time required for one half of a given quantity of the substance to decay. Radioactivity may be induced in stable elements by bombardment with particles of high energy. Also [Dating](#); [Isotope](#).

Radiometer

An instrument for the detection or measurement of [Electromagnetic Radiation](#), particularly [Infrared Radiation](#). Radiometers that function by increasing the temperature of the device are called thermal detectors; examples include the bolometer and the *Thermocouple*.

Radio Frequency Energy (RF)

The energy transferred by electromagnetic wave in the radio frequency spectrum.

Radio Frequency Transmitter

An electronic device that radiates radio frequency waves; the device may be fixed (stationary) or mobile.

Radium

Radium (Ra), is a radioactive metallic element, discovered in Pitchblende in 1898 by Pierre and Marie Curie. It is a rare, lustrous, white [Alkaline-Earth Metal](#) that resembles barium in its chemical properties. Radium compounds are found in uranium ores. The [Radioactivity](#) of radium and its compounds is used in the treatment of cancer. Radium compounds are mixed with a phosphor in luminous paints. In its radioactive decay, radium emits alpha, beta, and gamma rays and produces heat. *Element*; [Periodic Table](#).

Radon

(Rn), gaseous radioactive element, discovered by Ernest Rutherford in 1899. A colorless, chemically unreactive *Inert Gas*, it is the densest gas known. Highly radioactive (emitting alpha rays), it is used chiefly in the treatment of cancer by radiotherapy. In homes and other buildings in some areas of the U.S. radon produced by the radioactive decay of uranium-238 present in soil and rock can reach levels regarded as dangerous, but the seriousness of the problem is unclear.

Ram

- 1.) To push into position.
- 2.) To seal a projectile in the bore of a gun.

Rammer

- 1.) Device for driving a projectile into position in a gun. It may be hand- or power-operated or a part of the receiver mechanism.
- 2.) Tool used to remove live projectiles from the bore of a gun.

Random Sample

Sample selected without bias or prejudice.

Range

The difference between the smallest and largest measurements in the sample.

Rare Earth Oxides of the Rare-Earth Metals

. The name of an earth is formed from the name of its element by replacing -um with -a. Once thought to be very scarce, they are widely distributed and fairly abundant in the earth's crust. Rare-earth minerals include bastnasite, cerite, euxenite, gadolinite, monazite, and samarskite. Mixed rare earths are used in glassmaking, ceramic glazes, and glass-polishing abrasives, and as [catalysts](#) for petroleum refining. Individual purified rare earths are used in lasers and as color-television picture-tube phosphors.

Rare-Earth Metals

Group of chemical elements including those in the [Lanthanide](#) series, usually yttrium, sometimes scandium and thorium, and rarely zirconium. Promethium, which is not found in nature, is not usually considered a rare-earth metal. The metals occur together in minerals as their oxides Rare Earths and are difficult to separate because of their chemical similarity. The cerium metals are a subgroup, consisting of the elements with atomic numbers between 57 and 63 and ytterbium.

Rarefaction

Pertaining (among others) to the atmosphere at high altitude or relatively low pressure pulse following a shock wave.

Rated Maximum Pressure

For any type gun, that value of the maximum pressure which is specified in the propellant specification as the upper limit of average pressure which may be developed by an acceptable propellant in the form of propelling charges which will impart the specified muzzle velocity to the specified projectile. The smokeless propellant in propelling charges which, in the acceptance test, develops an average maximum pressure exceeding this value is considered as having failed to pass the test.

RDF (Reinforced Detonating Fuse)

Most frequently applied to reinforced MDF.

RDX (Cyclotrimethylenetrinitramine)

Secondary high explosive used extensively by the military.

A high explosive compound, the term RDX originated as an acronym for research development explosive by the U.S. military. In reality RDX is Cyclotrimethylenetrinitramine - for short cyclonite and is expressed as the empirical formula $C_3H_6N_6O_6$. Cyclonite is a colorless crystal, with a molecular weight of 222.1, density of 1.82 g/cm^3 , oxygen balance: -21.6%, nitrogen content: 37.84%, volume of detonation gases: 900 l/kg. Detonation velocity, confined: 8,750 m/s = 28,700 ft/s at $r = 1.76 \text{ g/cm}^3$. Critical diameter of steel sleeve test: 8mm, impact sensitivity 7.5 N m. RDX is very stable, insoluble in water, sparingly soluble in alcohol, ether and benzene, and soluble in acetone. Cyclohexanone, nitrobenzene and glycol are solvents at elevated temperatures. RDX is probably the most important high-brisance explosive; its brisant power is owed to its high density and high detonating velocity. It is relatively insensitive (as compared to [PETN](#) - an explosive of similar strength). Its performance properties are only slightly inferior to those of the homologous [Octogen](#) (HMX).

Reaction Engine

An engine that develops thrust by its reaction to ejection of a substance from it; specifically, such an engine that ejects a jet or stream of gases created by the burning of fuel within the engine.

Recommended Firing Current (Or Energy)

In an EED, the current (or energy) which must be applied to a bridge circuit to cause operation within a specified time.

Recommended Test Current (Or Energy)

In an EED, the current (or energy) that can be applied to a bridge circuit for extended periods without degrading the explosive material or firing device.

Reconnaissance Satellite

An artificial [Satellite](#) launched by a country to provide intelligence information on the military activities of foreign countries. There are four major types. Early-warning satellites detect enemy missile launchings. Nuclear-explosion detection satellites are designed to detect and identify nuclear explosions in space. Photo-surveillance satellites provide photographs of enemy military activities, e.g., the deployment of intercontinental ballistic missiles (ICBMs). There are two subtypes: close-look satellites provide high-resolution photographs that are returned to earth via a re-entry capsule, whereas area-survey satellites provide lower-resolution photographs that are transmitted to earth via radio. Later satellites have combined these two functions. Electronic-reconnaissance (ferret) satellites pickup and record radio and radar transmissions while passing over a foreign country. The U.S. and the USSR have launched numerous reconnaissance satellites since 1960.

Rectifier

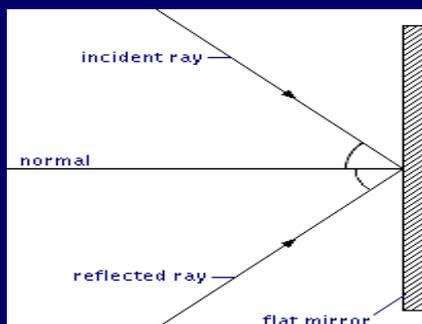
Rectifier, component of an [Electric Circuit](#) that changes alternating current to direct current.

Rectifiers operate on the principle that current passes through them freely in one direction, but only slightly or not at all in the opposite direction. Also [Diode](#); [Electron Tube](#).

Red Shift

Red shift, the systematic increase in the wavelength of all light received from a celestial object; it is observed in the shifting of individual lines in the [Spectrum](#) of the object toward the red, or longer-wavelength, end of the visible spectrum. Most observed red shifts are the result of the [Doppler Effect](#); they are also produced by gravitation in accordance with the general theory of [Relativity](#). Also [Hubble's Law](#); [Quasar](#).

Reflection



Reflection, return of a wave, such as light, from a surface it strikes into the medium through which it has traveled. The law of reflection states that the angle of reflection (the angle between the reflected ray and the normal, or line perpendicular, to the surface at the point of reflection) is equal to the angle of incidence (the angle between the incident ray and the normal).

[Echo](#); [Mirror](#); [Refraction](#).

Refraction

Refraction, the deflection of a wave on passing obliquely from one transparent medium into a second medium in which its speed is different, as the passage of a light ray from air into glass.

The index of refraction of a transparent medium is equal to the ratio of the speed of light in a vacuum to the speed of light in the medium. Snell's law states that the ratio of the sine of the angle i of incidence (angle between the incident ray and the normal, or line perpendicular to the boundary between the two mediums at the point of refraction) to the sine of the angle r of refraction (angle between the refracted ray and the normal) is equal to the ratio of the refracting medium's index of refraction n_r to the original medium's index of refraction n_i .

Refractory

Very resistant especially to high temperatures; refractive pertains to optics.

Regenerative Cooling

A system for keeping liquid rocket engines cool in which one of the liquid propellants is circulated through the engine thrust chamber walls to protect the metal of the walls from melting under high combustion temperatures.

Regressive Burning

Burning of a propellant grain in such a manner that the surface area decreases as burning progresses.

Relative Force

Ratio of observed maximum pressure developed by a propellant under test to the maximum pressure developed by a standard propellant under identical test conditions.

Relative Strength

The chart below is based on US military explosives used for demolition purposes (tactical breaching is a significantly different task than military demolition).

RELATIVE EFFECTIVENESS FACTOR OF VARIOUS EXPLOSIVES

| Explosive Name | Principal Use | V.O.D.
m/s f/s | Relative
Effectiveness as
breaching charge
(TNT=1) | Intensity Of
Poisonous
Fumes | Water
Resistance |
|----------------|--|-------------------------|---|------------------------------------|---------------------|
| TNT | Demolition charge and composition explosives | 6,900 m/s
22,600 f/s | 1.00 | Dangerous | Excellent |
| PETN | Det cord, blasting caps and demolition charges | 8,300 m/s
27,200 f/s | 1.66 | Slight | Excellent |
| PETN | Demolition charges as M118 block or M186 roll | 7,100 m/s
23,000 f/s | 1.14 | Slight | Excellent |

| | | | | | |
|-----------------|---|-------------------------------------|-------|-----------|-----------|
| RDX | Det cord,
blasting caps
and demolition
charges | 8,350 m/
s

27,400 f/
s | 1.60 | Dangerous | Excellent |
| RDX | Demolition
charges as M118
block or M186
roll | 7,100 m/
s

23,000 f/
s | 1.14 | Dangerous | Excellent |
| Tetryl | Booster charge
and composition
explosives | 7,100
mm/s

23,300 f/
s | 1.25 | Dangerous | Excellent |
| Tetrytol 75/25 | Demolition
charge,

M2 block | 7,000 m/
s

23,000 f/
s | 1.20 | Dangerous | Excellent |
| Amatol 80/20 | Bursting charge | 4,900
mm/s

16,000 f/
s | 1.17 | Dangerous | Very Poor |
| Pentolite 50/50 | Booster charge
and bursting
charge | 7,450 m/
s

24,400 f/
s | ----- | Dangerous | Excellent |
| Composition A3 | Booster charge
and bursting
charge | 8,100 m/
s

26,500 f/
s | ----- | Dangerous | Good |

| | | | | | |
|-----------------------|--|---------------------------------|-------|-----------|-----------|
| Composition B | Bursting charge | 7,800 m/
s
25,600 f/
s | 1.35 | Dangerous | Excellent |
| Composition C3 | Demolition charge,
M3 block | 7,625 m/
s
25,000 f/
s | 1.34 | Dangerous | Good |
| Composition C4 | Demolition charge, M5A1 block and M112 block | 8,040 m/
s
26,400 f/
s | 1.34 | Slight | Excellent |
| Black Powder | Time blasting fuse | 400 m/s
1,300 f/s | 0.55 | Dangerous | Poor |
| Ammonium Nitrate | Demolition charge and composition explosives | 2,700 m/
s
8,900 f/s | ----- | Dangerous | None |
| Ammonium Nitrate | Demolition charge | 3,400 m/
s
11,000 f/
s | 0.42 | Dangerous | None |
| Military Dynamite, M1 | Demolition charge | 6,100 m/
s
20,000 f/
s | 0.92 | Dangerous | Good |
| Nitroglycerine | Commercial dynamites | 7,700 m/
s
25,200 f/
s | 1.50 | Dangerous | Good |

| | | | | | |
|---------------------------------------|-------------------|-------------------------|------|-----------|-------------------------------|
| Straight Dynamite
(Commercial 40%) | Demolition charge | 4,600 m/s
15,000 f/s | 0.65 | Dangerous | Good if fired within 24 hours |
| Straight Dynamite
(Commercial 50%) | Demolition charge | 5,500 m/s
18,000 f/s | 0.79 | Dangerous | Good if fired within 24 hours |
| Straight Dynamite
(Commercial 60%) | Demolition charge | 5,800 m/s
19,000 f/s | 0.83 | Dangerous | Good if fired within 24 hours |
| Ammonia Dynamite
(Commercial 40%) | Demolition charge | 2,700 m/s
8,900 f/s | 0.41 | Dangerous | Poor |
| Ammonia Dynamite
(Commercial 50%) | Demolition charge | 3,400 m/s
11,000 f/s | 0.46 | Dangerous | Poor |
| Ammonia Dynamite
(Commercial 60%) | Demolition charge | 3,700 m/s
12,000 f/s | 0.53 | Dangerous | Poor |
| Gelatine Dynamite
(Commercial 40%) | Demolition charge | 2,400 m/s
7,900 f/s | 0.42 | Slight | Poor |
| Gelatine Dynamite
(Commercial 50%) | Demolition charge | 2,700 m/s
8,900 f/s | 0.47 | Slight | Poor |

| | | | | | |
|---|-------------------|-------------------------|-------|--------|-----------|
| Gelatine Dynamite
(Commercial 60%) | Demolition charge | 4,900 m/s
16,000 f/s | 0.76 | Slight | Poor |
| Ammonia Geletine Dynamite
(Commercial 40%) | Demolition charge | 4,900 m/s
16,000 f/s | ----- | Slight | Excellent |
| Ammonia Geletine Dynamite
(Commercial 60%) | Demolition charge | 5,700 m/s
18,700 f/s | ----- | Slight | Excellent |

Relativity

Relativity, physical theory, introduced by Albert Einstein, that discards the concept of absolute motion and instead treats only relative motion between two systems or frames of reference. Space and time are no longer viewed as separate, independent entities but rather as forming a four-dimensional continuum called *Space Time*. In 1905 Einstein enunciated the special relativity theory, in which the hypothesis that the laws of nature are the same in different moving systems also applies to the propagation of light, so that the measured speed of light is constant for all observers regardless of the motion of the observer or of the source of light. From these hypotheses Einstein reformulated the mathematical equations of physics. In most phenomena of ordinary experience the results from the special theory approximate those based on Newtonian dynamics, but the results deviate greatly for phenomena occurring at velocities approaching the speed of light. Among the assertions and consequences of the special theory are the propositions that the maximum velocity attainable in the universe is that of light; that mass increases with velocity; that mass and energy are equivalent; that objects appear to contract in the direction of motion; that the rate of a moving clock seems to decrease as its velocity increases; that events that appear simultaneous to an observer in one system may not appear simultaneous to an observer in another system. Einstein expanded the special theory of relativity into a general theory (completed in 1915) that is principally concerned with the large-scale effects of [Gravitation](#) (Also *Cosmology*). The general theory recognizes the equivalence of gravitational and inertial mass, and asserts that material bodies produce the curvature of the space-time continuum and that the path of a body is determined by this curvature. The theory predicts that a ray of light is deflected by a gravitational field; observations of starlight passing near the sun, first made by Arthur *Eddington* and colleagues during a 1919 eclipse of the sun, confirmed this. The theory also predicts a [Red Shift](#) of spectral lines of substances in a gravitational field, a result

confirmed by observation of light from white dwarf stars. Finally, the theory also accounts for the entire observed perihelion motion of the planet Mercury, only part of which could be explained by Newtonian [Celestial Mechanics](#). Also [Motion](#).

Relay, (electrical)

Material to be added.

Relay, electromechanical

Switch in which the variation of current in one [Electric Circuit](#) controls the flow of electricity in another circuit. A relay consists of a movable contact connected to an *Electromagnet* by a spring. When the electromagnet is energized by the controlling current, it exerts a force on the contact that overcomes the pull of the spring and moves the contact so as to either complete or break a circuit. When the electromagnet is de-energized, the contact returns to its original position.

Relay, (explosive)

An element of a fuze explosive train which augments an outside and otherwise inadequate output of a prior explosive component so as to reliably initiate a succeeding train component. Relays, in general, contain a small single explosive charge such as lead azide and are not usually employed to initiate high explosive charges.

Reliability

A statistical evaluation of the probability of a device performing its design function.

Remaining Velocity

Speed of a projectile at any point along its path of flight. Remaining velocity is usually measured in feet per second.

Remover

An explosive telescoping device designed to remove a canopy from an aircraft.

Resin

Resin, any of a class of amorphous solids or semisolids. Natural resins occur as plant exudations (e.g., of pines and firs), and are also obtained from certain scale insects. They are typically yellow to brown in color, tasteless, and translucent or transparent. Oleoresins contain essential oils and are often sticky or plastic; other resins are exceedingly hard, brittle, and resistant to most solvents. Resins are used in varnish, shellac, and lacquer and in medicine. Synthetic resins, e.g., bakerlite, are widely used in making Plastics.

Resistance

The property of an electric conductor by which it opposes flow of electricity and dissipates electrical energy away from the [Electric Circuit](#), usually as heat. Resistance is basically the same for alternating- and direct-current circuits. A high-frequency alternating current, however, tends to travel near the surface of a conductor. Because such a current uses less of the available cross section of the conductor, it meets with more resistance than direct current. The unit of resistance is the OHM. Also [Conduction](#); [Impedance](#); [OHM's Law](#); [Superconductivity](#).

Resistance Of Copper

&Iron Wire Ohms /

1000' of wire

| | | |
|-----|--------|------|
| AWG | Copper | Iron |
|-----|--------|------|

| | | |
|-----|--------|-------|
| #6 | 0.395 | 1.4 |
| #8 | 0.628 | 3.7 |
| #10 | 0.999 | 6.1 |
| #12 | 1.590 | 9.8 |
| #14 | 2.530 | 15.6 |
| #16 | 4.020 | 24.8 |
| #18 | 6.380 | 39.5 |
| #20 | 10.150 | 62.7 |
| #21 | 12.800 | 76.1 |
| #22 | 16.140 | 100.0 |
| #23 | 20.360 | 126.0 |
| #24 | 25.670 | 159.0 |

Resistor

Resistor, two-terminal *Electric Circuit* component that generates heat by offering opposition to an electric current. The most common forms of resistors are made from fine wires of special alloys wound onto cylindrical forms or from a molded composition material containing carbon and other substances in varying amounts. Resistors are rated for the maximum amount of power that they can safely handle.

Restricted Burning Grain

A solid propellant grain in which certain surfaces are restricted or inhibited to provide particular burning characteristics.

Restricted Burning Rate

A solid propellant grain in which certain surfaces are restricted or inhibited to provide particular burning characteristics.

Retrofit

A partial change in older equipment.

Retrorocket

A rocket fired in a direction opposite to the line of flight of the vehicle to which it is attached.

Ricochet

Glancing rebound of a projectile after impact.

Rifle

- 1.) Any firearm that has rifling in the bore designed to give a spin to the projectile for greater accuracy of fire and longer range (not extensively used in this manner, except for shoulder arms).
- 2.) To cut spiral grooves (rifling) in the bore of a gun in order to give a spin to the projectile so that it will have a greater accuracy of fire and longer range.

Rifling

Spiral grooves in the bore of a weapon designed to give a spin to the projectile for greater accuracy. Rifling includes both the grooves and the ridges between, called lands.

Rocket

A missile containing combustibles, independent of atmospheric oxygen, which on being ignited, liberate gases producing thrust.

Rocket Propellant

Any agency used for consumption or combustion in a rocket and from which the rocket derives its thrust, such as a fuel oxidizer, additive, [catalyst](#), or any compound or mixture of these.

"Rocket propellant" is often shortened to "propellant."

Roll

The rolling of a launch vehicle about its axis as the vehicle continues on its flight path.

Rope (as it pertains to ballistics)

Electromagnetic wave reflectors consisting of long strips of metal foil. Similar to window or chaff, but longer. Dropped from planes or shot into the air in projectile, a small parachute or other device may be attached to each strip to reduce rate of fall.

Rotating Band

Soft metal band around a projectile near its base. The rotating band makes the projectile fit tightly in the bore by centering the projectile, thus preventing escape of gas and giving the projectile its spin as it engages in the rifling.

Round

1.) All the parts that make up the ammunition necessary in firing one shot (also called *Complete Round*).

2.) One shot fired by a weapon.

Round Of Ammunition

Round.

Rubber

Rubber, any solid substance, usually elastic, that can be vulcanized to improve its elasticity and add strength; the term includes natural rubber, or caoutchouc, and a wide variety of synthetic rubbers, which have similar properties. Rubbers are composed chiefly of [Carbon](#) and [Hydrogen](#), but some synthetics also have other elements, e.g., chlorine, fluorine, nitrogen, or silicon. All are compounds of high [molecular weight](#); each consists of a series of one kind of molecule (e.g., isoprene in natural rubber) hooked together in a long chain to form a very flexible, larger molecule, the [Polymer](#). Natural rubber is obtained as latex, a milky suspension of rubber globules found in a large variety of plants, chiefly tropical and subtropical. An important source is the *Para Rubber Tree*. Latex can be shipped for processing either as a liquid or coagulated by acid and rolled into sheets. For most purposes rubber is ground, dissolved in a solvent, and compounded with other ingredients, e.g., fillers, *Pigments*, and plasticizers. Known by pre-Columbian Indians of South and Central America, rubber first attracted interest in Europe in the 18th cent. Vulcanization, a process invented (1839) by Charles Goodyear revolutionized the rubber industry. It usually involves heating raw or compounded rubber with *Sulfur*, causing sulfur bridges to form between molecules. The product is nonsticky, elastic, and resistant to heat and cold. Natural rubber is used chiefly to make tires and inner tubes because it is cheaper than synthetic rubber and has greater resistance to tearing when hot. Natural rubber can be treated to make foam rubber and sponge rubber. The first synthetic rubber was made in Germany in World War I. Today synthetics, e.g., Buna S, neoprene, butyl, and nitrile, account for most of the

world's rubber production. Made from *Coal*, *Petroleum*, *Natural Gas*, and *Acetylene*, synthetic rubbers are resilient over a wider temperature range than natural rubber and are more resistant to aging, weathering, and attack by certain substances, notably, oil, solvents, oxygen, and ozone. *Silicone* rubbers are used in insulation. *Polyurethanes* are used in tires, in shoes, and as foams. Neoprene is used for making hose and tank linings. Butyl rubber is used in inner tubes and as insulation.

S

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Sabot

Lightweight carrier to permit firing a smaller projectile from a larger weapon having a larger bore.

Safe And Arm

A device for interrupting (safing) and aligning (arming) an explosive train.

Safety Fuse

A flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a fuse detonator.

Safety Standard

Suggested precautions relative to the safety practices to be employed in the manufacture, transportation, storage, handling, and use of explosive materials.

Safety Wire

Wire set into the body of a fuze to lock all movable parts into safe position so that the fuze will not be set off accidentally. It is pulled out just before loading.

Salt

A chemical compound (other than water) formed by neutralization reactions between *Acids* and *Bases*; by direct combination of metal with nonmetal, e.g., sodium chloride (common table salt); by reaction of a metal with a dilute acid; by reaction of a metal oxide with acid; by reaction of a nonmetallic oxide with a base; or by reaction of two salts with each other to form two new salts. Most salts are ionic compounds. The chemical formula indicates the proportion of atoms of the elements making up the salt. A salt is classified as acidic, basic, or normal if it has, respectively, hydrogen (H), hydroxyl (OH), or neither in its formula. A salt undergoes dissociation when dissolved in a polar solvent, e.g., water

Saltpeter

Saltpeter or potassium nitrate, chemical compound (KNO_3), occurring as colorless prismatic crystals or as a white powder. When heated, it decomposes to release oxygen. Saltpeter has been used in *gunpowder* manufacture since about the 12th century, it is also used in explosives, fireworks, matches, and fertilizers, and as a food preservative.

Sample

That fraction of the population that is to undergo testing. Something to be analyzed.

Sapper

Soldier in WWI who was tasked with demolishing battle field barriers.

Satellite, artificial

An object launched by a *Rocket* into orbit around the earth or, occasionally, another solar-system body (*Space Probe*). A satellite in circular orbit at an altitude of 22,300 mi (35,880 km) has a period of exactly 24 hr, the time it takes the earth to rotate once on its axis; such an orbit is called synchronous. If such an orbit also lies in the equatorial plane, it is called geostationary, because the satellite will remain stationary over one point on the earth's surface. The first artificial satellite, Sputnik 1, was launched by the USSR on Oct. 4, 1957. Explorer 1, the first American satellite, was launched on Jan. 31, 1958. The principal types of applications satellites are *Communications Satellites*, *Navigation Satellites*, *Reconnaissance Satellites* and *Weather Satellites*. Major U.S. scientific research satellites include the Orbiting Astronomical Observatories (OAO), the Orbiting Geophysical Observatories (OGO), the Orbiting Solar Observatories (OSO), the High Energy Astronomical Observatories (HEAO), many Explorer satellites, the Solar Maximum Mission (SMM), and the forthcoming Space Telescope. Major Soviet space-science satellite programs include Elektron, Proton, Prognoz, and many Cosmos satellites. The U.S. has also launched several Landsat satellites to survey the earth's resources by means of special television cameras and radiometric scanners.

Satellite, natural

A celestial body orbiting a planet. The earth's only satellite is the MOON; thus satellites of other planets are often referred to as moons. The largest in the solar system is Jupiter's Ganymede, whose radius of 1,639 mi (2,638 km) is larger than that of the planet Mercury. Also *Planet*, table; articles on individual planets.

Scabbing

Breaking off of fragments from the inside wall of hard material due to impact or explosion of a projectile on the outside. *Spall*.

Scaled Distance

A factor relating similar blast effects from various size charges of the same explosive at various distances. Scaled distance referring to blasting effects is obtained by dividing the distance of concern by a fractional power of the weight of the explosive materials.

Scaling Law

A formula which permits calculating some explosive effect based on data obtained from a similar but different size article.

Scavenger

Sometimes used to indicate removal of (gaseous) material by energetic chemical action.

SCID (Small Column Insulated Delay)

Slow burning pyrotechnic core contained in a flexible metallic sheath used to produce delay trains.

Screening Smoke

Chemical agent which, when burned, hydrolyzed or atomized produces an obscuring smoke; used to deny observation and reduce effectiveness of aimed fire.

Second

Second (sec or s), fundamental unit of time in all systems of measurement. In practical terms, the second is 1/60 of a minute and 1/3,600 of an hour. Since 1967 it has been calculated by atomic standards to be 9,192,631,770 periods of vibration of the radiation emitted at a specific

wavelength by a cesium-133 atom.

Secondary Explosive

A high explosive which is relatively insensitive to heat and shock, usually initiated by a primary explosive or by an exploding bridgewire.

Secondary Fragmentation

Fragments produced by an explosive device that are made up of the target materials or other materials other than those directly resulting from the device itself.

Seek / Seeker

Refers to instrumentation for the guiding of missiles to the target.

Seismograph

An instrument, useful in monitoring blasting operations, that records ground vibration. Particle velocity, displacement, or acceleration is generally measured and recorded in three mutually perpendicular directions.

Semiconductor

Semiconductor, a solid material (*Solid State Physics*) whose electrical conductivity at room temperature lies between that of a conductor and that of an insulator ([Conduction](#); [Insulation](#)). At high temperatures its conductivity approaches that of a metal, and at low temperatures it acts as an insulator. In a semiconductor there is a limited movement of electrons, depending upon the crystal structure of the material used. Incorporation of certain impurities in a semiconductor enhances its conductive properties. The impurities either add free electrons or create holes (electron deficiencies) in the crystal structures of the host substances by attracting electrons. Thus there are two semiconductor types: the n-type (negative), in which the current carriers (electrons) are negative, and the p-type (positive), in which the positively charged holes move and carry the current. Compounds such as indium antimonide, gallium arsenide, and aluminum phosphide are semiconductors. Semiconductors are used in electronic devices such as computers, *Photoelectric Cells*, [Rectifiers](#), and [Transistors](#).

Semifixed Ammunition

Ammunition in which the cartridge case is not permanently fixed to the projectile, so that the zoned charge within the cartridge case can be adjusted to obtain the desired range; loaded into the weapon as a unit.

Semifixed Round

Round of semifixed ammunition.

Semtex

Trade name of a plastic explosive ([Plastic Bonded Explosives](#)) from the Czechoslovakian firm Synthesia, Pardubice-Semtin.

Semtex consists of *Pentaerythritol Tetranitrate* and styrene-butadiene copolymer as a plasticizer.

detonation rate: 5000 m/s

oxygen balance: -44.0%

critical diameter: 15 mm

Sensitiveness

A measure of an explosive's cartridge-to-cartridge propagating ability under certain test conditions. It is expressed as the distance through air at which a primed half-cartridge (donor) will detonate an unprimed half-cartridge (receptor).

Sensitivity

A physical characteristic of an explosive material classifying its ability to be initiated upon receiving an external impulse such as impact, shock, flame, friction, or other influences that can cause explosive decomposition.

Separated Ammunition

Separated ammunition is characterized by the arrangement of the propelling charge and the projectile for loading into the gun. The propelling charge, contained in a primed cartridge case that is sealed with a closing plug and the projectile are loaded into the gun in one operation. Separated ammunition is used when the ammunition is too large to handle as fixed ammunition.

Separate-Loading Ammunition

Ammunition in which the projectile, propelling charge and primer are not held together in a shell case, as in fixed ammunition, but are loaded into a gun separately. No cartridge case is utilized in this type of ammunition.

Separating Burst

Method of ejecting the contents of a projectile by means of a charge of propellant that breaks the projectile into two approximately equal parts, along a specially designed circumferential shear joint.

Separation Distances

Minimum recommended distances from explosive materials accumulations to certain specific locations.

Series Blasting Circuit

An electric blasting circuit that provides one continuous path for the current through all caps in the circuit.

Series in Parallel Blasting Circuit

An electric blasting circuit in which the ends of two or more series of electric detonators are connected across the *firing line* directly or through buswire.

Service Ammunition

Ammunition intended for combat rather than for training purposes.

Setback

Rearward movement of components of a missile, relative to the missile as a whole, that results from the force due to acceleration during launching.

Shaped Charge

An explosive charge with a lined cavity specifically designed to produce a high velocity cutting or piercing jet of liner material. *Mohaupt Effect*.

Sheet Explosive

Known by many trade names, such as Metabel, Deta sheet, Series 1000 - PETN sheet explosive, and Series 2000 - RDX sheet explosive. These plastic bonded explosives have a very high brisance and detonating velocity. Sheet explosive is in most cases the explosive of choice for the tactical loading of the HYDRO CUT Entry and Gun Port Frames. Sheet explosive is supplied in North America in rolls which are a standard 10" wide. Depending on the thickness of the sheet explosive it is supplied as two X 10 pound rolls per box, or two X 20 pound rolls per box. P.E.T. N. - SERIES 1000 SHEET EXPLOSIVE PRODUCT INFORMATION

63% PETN, V.O.D. 6800 m/s, Density 1.48 g/cc

| THICKNESS IN INCHES | WEIGHT (Gm/Sq. INCH) | LENGTH IN FEET/ROLL | WEIGHT IN POUNDS/ROLL | PETN BASED |
|---------------------|----------------------|---------------------|-----------------------|------------|
| 0.042 | C-1.0 | 36 | 10 | * |
| 0.062 | C-1.5 | 24 | 10 | * |
| 0.083 | C-2.0 | 36 | 20 | * |
| 0.125 | C-3.0 | 24 | 20 | * |
| 0.166 | C-4.0 | 18 | 20 | * |
| 0.208 | C-5.0 | 15 | 20 | * |
| 0.250 | C-6.0 | 12 | 20 | * |
| 0.333 | C-8.0 | 9 | 20 | * |

R.D.X. - SERIES 2000 SHEET EXPLOSIVE PRODUCT INFORMATION

88% RDX, V.O.D. 7800 m/s, Density 1.58 g/cc

| THICKNESS IN INCHES | WEIGHT (Gm/Sq. INCH) | LENGTH IN FEET/ROLL | WEIGHT IN POUNDS/ROLL | RDX BASED |
|---------------------|----------------------|---------------------|-----------------------|-----------|
| 0.083 | C-2.0 | 33 | 20 | * |
| 0.125 | C-3.0 | 22 | 20 | * |
| 0.166 | C-4.0 | 18 | 20 | * |
| 0.250 | C-6.0 | 11 | 20 | * |
| 0.300 | C-8.0 | 9 | 20 | * |

Sheet explosive should be cut with a knife, not with scissors or shears to avoid potential injury. Both Series 1000 and Series 2000 are cap sensitive explosives.

Shelf Life

The length of time of storage during which an explosive material retains adequate performance characteristics.

The storage time during which an explosive item remains serviceable.

Shell

Hollow projectile filled with explosive, or chemical or other material as opposed to shot, which is a solid projectile.

Shell-Destroying Tracer

Tracer with an igniter element, placed between the explosive in an anti-aircraft projectile and the tracer element, that is designed to detonate the explosive after the projectile has passed the target point but is still high enough to be harmless to ground troops.

Shock Wave

Rapid expansion of hot gases resulting from detonation of an explosive charge. A shock wave is a wave formed of a zone of extremely high pressure within a fluid (*Fluid Mechanics*), especially one such as the atmosphere, that propagates through the fluid at supersonic speed, i.e., faster than the speed of *Sound*. Shock waves are caused by the sudden, violent disturbance of a fluid, such as that created by a powerful explosion or by the supersonic flow of a fluid over a solid object (*Sonic Boom*). **Shock Wave**

A transient pressure pulse that propagates at supersonic velocity. **Shock Tube** add description
Nonel

Short-Delay Blasting

The practice of detonating blastholes in successive intervals where the time difference between any two successive detonations is measured in milliseconds.

Short Delay Fuze

One which will burst a projectile on ricochet, preferably about 6 to 10 feet above ground. Some crater effect will be obtained on hard ground.

Shot

- 1.) A solid projectile for cannon, without a bursting charge.
- 2.) Pellets; small balls, or slugs in shotgun shells, and some other types of ammunition.

Shot Firer

That qualified person in charge of and responsible for the loading and firing of a blast (*Blaster*).

Shrapnel

Artillery projectile which contains small lead balls that are propelled by a powder charge in the base, set off by a time fuze. Shrapnel has been replaced almost entirely by high-explosive shells. Wounds called shrapnel wounds usually are due to shell fragments rather than to shrapnel.

Shrinkage

Contraction of propellant grain from wet (green) dimensions (as it comes from the graining dye) to the dry dimensions after solvent extraction and evaporation.

Shunt

The shorting together of the free ends of 1) electric detonator legwires, or 2) the wire ends of an electric blasting circuit or part thereof; the name of an electrical shorting device applied to the free ends of electric detonators by the manufacturer.

SI System Of Measurement

SI, which is the abbreviation of the French word "Système Internationale d'Unités", is the accepted abbreviation for the International Metric System, which has several base units, as shown below.

| Quantity measured | Unit | Abbreviation |
|-------------------|------|--------------|
|-------------------|------|--------------|

| | | |
|---------------------|---------------|-----|
| Length | meter | m |
| Mass | kilogram | kg |
| Time | second | s |
| Electrical Current | ampere | A |
| Temperature | degree Kelvin | K |
| Luminous Intensity | candela | cd |
| Amount Of Substance | mole | mol |

Side Spray

Spray.

Signal

A pyrotechnic item designed to produce a sign (illumination, smoke or sound) to provide identification, location, warning, etc.

Signaling Smoke

Any type of smoke, but usually colored smoke from a hand or rifle grenade, or from a message.

Signs-Explosive (Placards)

Signs, called placards, placed on vehicles transporting explosives denoting the character of the cargo, or signs placed near storage areas as a warning to unauthorized personnel.

Silica

A compound of silicon such as quartz sand.

Silicon

A chemical element used in pyrotechnics.

Silicone

A modern type of plastic.

Silver Chloride Cell

A special battery of relatively low current output used in a *blasting galvanometer*.

Simple Harmonic Motion

Simple harmonic motion is the relationship between displacement, frequency and velocity allowing calculation of any of the three if the other two are known.

$V = 2 \pi f D$ where:

V = peak particle velocity in inches per second (ips)

$\pi = 3.14$

f = frequency in Hertz (cycles per second)

D = maximum displacement (inches)

also $T = \text{period} = 1/f$

and $2 \pi f =$ the circular frequency of the particle, = (or angular velocity)

Hence, $D = V / 2 \pi f$ and $f = V / 2 \pi D$

Simulator

An item which simulates a hazardous item for training purposes, also a type of test instrument.

Single-Base Propellant

Propellant whose principal active ingredient is nitrocellulose.

Single-Section Charge

Propelling charge in separate-loading ammunition that is loaded into a single bag. A single-section charge cannot be reduced or increased for changes of range, as a multi-section charge can be.

Slurry

An aqueous explosive material solution of AN sensitized with a combustible fuel (and thickened with a gelling agent at the point of charging).

SMDC (Shielded Mild Detonating Cord)

MDF contained in a small (.180" diameter) steel tubing. Sometimes referred to as hardline CDF.

Small Arms

Small arms, firearms designed primarily to be carried and fired by one person, as distinguished from heavy arms, or *Artillery*, from which such weapons developed in the late 1300s. At first, small arms were nothing more than small, hand-held cannon fired by placing a small flame at the touchhole. In the matchlock—the first real handgun—a trigger moved the flame to the touchhole; in its successors, the wheel lock and flintlock, a spark-producing mechanism ignited the *Gunpowder*. Among early weapons of this kind were the musket, fired from the shoulder, and the pistol, held and fired with one hand. The rifle, invented in the 15th cent., is a firearm with a rifled bore (that is, with spiral grooves that impart a spinning motion to the bullet, giving it greater accuracy). Rifles first came into widespread use in the American colonies. Two major innovations of the early 19th cent. were the percussion cap, a small capsule filled with fulminate of mercury that exploded when struck and fired the gun instantly; and the gas-expanding bullet, which, after being dropped down the barrel of a rifle, would expand when fired to fit the barrel's rifling. Both sides in the U.S. Civil War used a rifled musket. Thereafter, all guns became rifled with the exception of the shotgun, a smooth-bored, short-range gun firing a single slug or several small shot. Practical breech-loading, or rear-loading, firearms came into general use about 1870; by the 1880s magazine loading, smokeless powder, and bolt action had been introduced. Although a crude “revolving pistol” existed in the late 16th cent., the modern revolver was introduced c.1835 by Samuel Colt. Colt's revolving cylinder permitted his gun to be fired six times without reloading. The revolver and the magazine-loading rifle were the standard small arms of the later 19th cent., but around 1900 a host of new automatic weapons were developed. The heavy Gatling gun, used in the U.S. Civil War, was the forerunner of the modern, rapid-firing machine gun, which achieved its full potential during the trench warfare of World War I and remains an important military firearm. The 1920s saw the development of submachine guns, notably the Thompson submachine gun (or “tommy gun”), an easily portable automatic weapon that fired 450 to 600 cartridges per minute. During World War II the bolt-action rifle was supplanted by the semiautomatic Garand rifle—a lightweight, self-loading, clip-fed shoulder weapon. The Garand was the standard U.S. army and marine corps service rifle through the time of the Korean War. The American-made M-16 rifle, still widely used, can fire accurately up to 500 yd (460 m) when hand-held and up to 800 yd (730 m) when mounted.

Small-Arms Ammunition

Any cartridge for shotgun, rifle, pistol, revolver, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges or any incendiary, tracer, spotting, or pyrotechnic projectile is excluded from this definition.

Small-Arms Ammunition Primers

Small percussion-sensitive explosive charges encased in a cap or capsule and used to ignite propellant powder.

Smoke

The airborne suspension of solid particles from the products of detonation or deflagration.

Smoke Shell

Any projectile containing a smoke-producing chemical agent that is released on impact or burst. Also called smoke projectile. Smoke may be white or colored. *Colored Marker Shell*.

Smokeless Propellant (Smokeless Powder)

Solid propellant, commonly called smokeless powder in the trade, used in small-arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

Smokeless Powder

Smokeless Propellant.

Smooth-Bore

Having a bore that is smooth and without rifling; shotguns and mortars are commonly smooth-bore

SN

Sodium nitrate.

Sodium

Sodium (Na), metallic element, discovered in 1807 by Sir Humphrey Davy; its compounds have been known since antiquity. A silver-white, very reactive [Alkali Metal](#), it must be stored out of contact with air and water. The metal is used in arc-lamp lighting, as a heat-transfer liquid in nuclear reactors, and in manufacture of tetraethyl lead. Widely used compounds include *Sodium Chloride* (common salt), *Sodium Bicarbonate* (baking soda), *Sodium Carbonate* (soda ash), hydroxide (lye), nitrate, phosphates, and *Borax*. Soap is made with sodium hydroxide. Sodium compounds are widely distributed in rocks, soil, oceans, salt lakes, mineral waters, and salt deposits, and are found in the tissues of plants and animals. Sodium is an essential element of the diet. *Element*; [Periodic Table](#).

Sodium Bicarbonate

Or sodium hydrogen carbonate, chemical compound (NaHCO_3), a white crystalline or granular powder, commonly known as bicarbonate of soda or baking soda. It is soluble in water and very slightly soluble in alcohol. Because it evolves carbon dioxide gas when heated above 50°C (122°F), it is used in baking powder. It is sometimes used medically to correct excess stomach acidity.

Sodium Carbonate

A chemical compound (Na_2CO_3) soluble in water and very slightly soluble in alcohol. Pure sodium carbonate is a white, odorless powder that absorbs moisture from the air and forms a strongly alkaline water solution. One of the most basic industrial chemicals, it is usually produced by the Solvay process. The chief uses of sodium carbonate are in glassmaking and the production of chemicals.

Sodium Chloride

(NaCl), common salt. It is a chemical compound containing equal numbers of positively charged sodium and negatively charged chlorine *Ions*. The colorless-to-white crystals have no odor but a characteristic taste. When dissolved in water, the ions move about freely and conduct electricity

([Electrolysis](#)). Salt is essential in the diet of humans and animals, and is a part of blood, sweat, and tears. Salt is widely used for the seasoning, curing, and preserving of foods. Its major use is in the production of *Chlorine*, [Sodium](#), and *Sodium Hydroxide*. Salt makes up nearly 80% of the dissolved material in seawater and is also widely distributed in solid deposits. Manufacture and use of salt is one of the oldest chemical industries.

Sodium Tetraborate

Decahydrate, Borax or chemical compound ($\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$) occurring as a colorless, crystalline salt or a white powder. Borax is used as an antiseptic, cleansing agent, water softener, corrosion inhibitor in anti freeze, and flux for silver soldering, and in the manufacture of fertilizers, Pyrex glass, and pharmaceuticals.

Sofar Bomb

A sound producing bomb designed to detonate at a given depth under water.

Solar Energy

Any form of [Energy](#) radiated by the [Sun](#), including light, radio waves, and X rays. Solar energy is needed by green plants for the process of *Photosynthesis*, which is the ultimate source of all food. The energy in fossil fuels (e.g., coal and petroleum) and other organic fuels (e.g., wood) is derived from solar energy. Difficulties with these fuels have led to the invention of devices that directly convert solar energy into usable forms of energy, such as electricity. Solar batteries, which operate on the principle that light falling on photosensitive substances causes a flow of electricity, play an important part in astronautics but are presently too expensive to be in common use on the earth ([Photovoltaic Cell](#)). Thermoelectric generators convert the heat generated by solar energy directly into electricity. Heat from the sun is used in air-drying a variety of materials and in producing salt by the evaporation of sea water (*Desalination*). Experimental solar heating systems can supply heat and hot water for domestic use; heat collected in special plates on the roof of a house is stored in rocks or water held in a large container. Such systems, however, usually require a conventional heater to supplement them. Solar stoves, which focus the sun's heat directly, are employed in regions where there is perennial sunlight.

Solar system

The [Sun](#) and the family of *Planets*, natural [Satellites](#), *Asteroids*, *Meteors*, and *Comets*; in order of increasing distance from the sun, they are MERCURY, VENUS, EARTH, MARS, JUPITER, SATURN, URANUS, NEPTUNE, and PLUTO. All the planets orbit the sun in approximately the same plane (that of the ECLIPTIC) and move in the same direction (from west to east). Current theories suggest that the solar system was formed from a NEBULA consisting of a dense nucleus, or protosun, surrounded by a thin shell of a gaseous matter extending to the present edges of the solar system. Because of gravitational instabilities, the nebula eventually broke up into whirlpools of gas, called protoplanets, within the rotating mass. In time the protoplanets condensed and accreted to form the planets.

Major Planets Of The Solar System

| Planet | Distance from the sun (AU)* | Period of revolution | Period of rotation | Mass (earth = 1) | Diameter (earth = 1) | Known Satellites |
|--------|-----------------------------|----------------------|--------------------|------------------|----------------------|------------------|
| | | | | | | |

| | | | | | | |
|----------------|-------|-----------|----------|--------|-----------|----|
| Mercury | 0.39 | 88 days | 59 days | 0.06 | 0.38 | 0 |
| Venus | 0.72 | 225 days | 243 days | 0.82 | 0.95 | 0 |
| Earth | 1 | 365 days | 24 hours | 1 | 1 | 1 |
| Mars | 1.52 | 687 days | 25 hours | 0.11 | 0.53 | 2 |
| Jupiter | 5.20 | 12 years | 10 hours | 317.89 | 11.27 | 16 |
| Saturn | 9.54 | 29 years | 10 hours | 95.15 | 9.44 | 17 |
| Uranus | 19.18 | 84 years | 16 hours | 14.54 | 4.10 | 15 |
| Neptune | 30.06 | 165 years | 18 hours | 17.23 | 3.88 | 8 |
| Pluto | 39.44 | 248 years | 6.4 days | .002? | 0.12-0.30 | 1 |

* AU = Astronomical Unit (Earth = 1)

Solar Time

Time defined by the position of the sun. The observer's local solar time is 0 hr (noon) when the center of the sun is on the observer's meridian. The solar day is the time it takes for the sun to return to the same meridian in the sky. The length of the solar day varies throughout the year because the earth moves with varying speed in its orbit and because the equatorial plane is inclined to the orbital plane. It is thus more convenient to define time in terms of the mean solar time, or average of local solar time; hence every mean solar day is of equal length. The equation of time is the difference between the local solar time and the mean solar time at a given location. Civil time is mean solar time plus 12 hr; the civil day begins at midnight, whereas the mean solar day begins at noon. Greenwich mean time (GMT) is the local civil time at the former site of the Royal Observatory in Greenwich, England, which is located on the Prime Meridian (0° longitude). Standard time is the civil time within one of the 24 time zones into which the earth's surface is divided. Within a zone all locations keep the same time, namely, the mean solar time of the central meridian (except when Daylight Saving Time is in effect). Zone times generally differ by a whole number of hours from GMT.

Solar Wind

A stream of ionized hydrogen and helium that radiates outward from the sun, carrying away about 1 million tons of gas per sec. Near the earth the solar wind normally has a velocity of 450 mi/sec (700 km/sec). The wind is believed to extend to between 100 and 200 *astronomical units* from the sun. Comet tails always point away from the sun because of the pressure exerted by the solar wind. The interaction of the solar wind with the earth's magnetic field is also responsible in part for such phenomena as the auroras and geomagnetic storms.

Solid Propellant

Specifically, a rocket propellant in solid form, usually containing both fuel and oxidizer combined or mixed and formed into a monolithic (not powdered or granulated) grain.

Solid-State Physics

Solid-state physics, the study of properties exhibited by atoms because of their association and

regular, periodic arrangement in [Crystals](#). Besides mechanical and thermal properties, electric conductivity ([Conduction](#)) is one of the most important properties of solids. [Metals](#) are highly conductive and offer little resistance to electric currents. Most solid nonmetals are insulators; they offer virtually infinite resistance to electric currents. [Semiconductors](#), which possess electrical conductivity that is neither very high nor very low, are used in [Transistors](#).

Sonic boom

A sonic boom is a [Shock Wave](#) produced by an object moving through the air at supersonic speed, i.e., faster than the speed of sound. An object, such as an airplane, moving through the air generates sound. When the speed of the object exceeds the speed of sound, the object forces the sound ahead of itself faster than the speed at which the sound would ordinarily travel. The piled-up sound takes the form of a violent shock wave propagating behind the object.

Sound

Sound is pressure [Waves](#) that propagate through air or other media. Sounds are generally audible to the human ear if their frequency lies between 20 and 20,000 vibrations per [second](#). Sound waves with frequencies below the audible range are called subsonic, and those with frequencies higher than the audible range are called ultrasonic ([Ultrasonics](#)). When a body, such as a violin string, vibrates, or moves back and forth, its movement in one direction pushes the molecules of the air before it, crowding them together. When it moves back again past its original position and on to the other side, it leaves behind it a nearly empty space. The body thus causes alternately in a given space a crowding together of the air molecules (a condensation) and a thinning out of the molecules (a rarefaction). The condensation and rarefaction make up a sound wave; such a wave is called longitudinal, or compressional, because the vibratory motion is forward and backward along the direction that the wave is following. Because such a wave consists of a disturbance of particles of a material medium, sound waves cannot travel through a vacuum. The velocity of sound in air at 32°F (0°C) is 1,089 ft/sec (331.9 m/sec), but at 68°F (20°C) it is increased to about 1,130 ft/sec (344.4 m/sec). Sound travels more slowly in gases than in liquids, and more slowly in liquids than in solids. The pitch of a sound depends upon the frequency of vibration; the higher the frequency, the higher the pitch. Loudness, or intensity of sound, is measured in units called [Decibels](#). Also [Acoustics](#); [Doppler Effect](#); [Echo](#); [Interference](#).

Sound Speed

A material's sound speed is the rate at which sound is conducted through that particular medium. A material's sound speed is also effected by the temperature the particular material is at. For example at standard temperature and standard pressure (STP) the velocity of sound in air is 340 m/s, (331 m/s at 0° C). The density of air at STP is 1.39 kg/m³. In air or other gases, the velocity of sound increases proportionally with the square root of the absolute temperature; the velocity increase is approximately 2% for each 10° C temperature increase. Usually, the temperature decreases with altitude - an average of the gradient is 0.6° C per 100 meters.

Space-Time

Space-time, the central concept in the theory of [Relativity](#) that replaces the earlier concepts of space and time as separate absolute entities. In space-time, events in the universe are described in terms of a four-dimensional continuum in which each observer locates an event by three spacelike coordinates and a timelike coordinate. The choice of the last is not unique; hence, time

is not absolute but is relative to the observer.

Spall

Fragments broken from either surface of a barrier (for example, fragments broken from an armor plate as the result of penetration, impact of a projectile, or detonation against the plate.

Specific Density

Mass per unit volume of a homogeneous material. In interior ballistics, it is usually distinguished from loading density and gravimetric density.

Specific Energy

The specific energy of an explosive is defined as its working performance per kg, calculated theoretically from the general equation of state for gases:

$$f = pV = nRT$$

where p is the pressure, V is the volume, n is the number of moles of the explosion gases per kg (® also *Volume of Detonation gases*), R is the ideal gas constant, and T is the absolute temperature of the explosion. If we put the volume equal to unity, i.e., if the loading density is unity, the specific energy becomes

$$f = p$$

i.e., is equal to the pressure which would be exerted by the compressed explosion gases in their confinement, if the latter were indestructible. This is why the term “specific pressure” is also frequently used, and why the magnitude f is often quoted in atmospheres.

Nevertheless, strictly speaking, [is an energy value and for this reason is reported in meter-tons per kg. The value of f will have this dimension if R is taken as $0.8479 \times 10^{-3} \text{ mt} \times \text{K} \times \text{mol}$.

In accordance with recent standardization regulations, the energy data are also reported in joules. For more details [Strength](#).

Specific Gravity

The ratio of the [Weight](#) of any volume of substance to the weight of an equal volume of pure water, which has a density of 1000 kg/m^3 or can also be expressed as 1.00 g/cm^3 . [Density](#).

Specific Heat

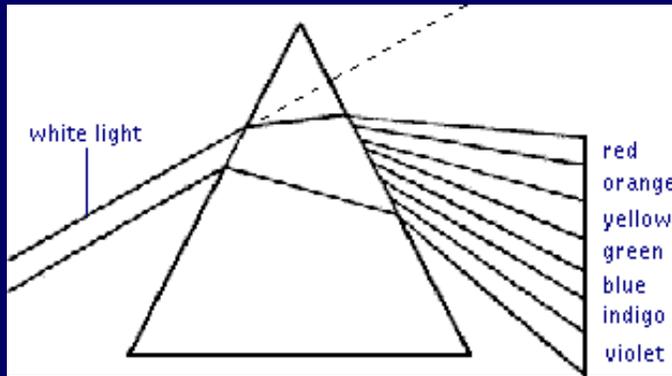
Specific heat is the ratio of the *Heat Capacity* of a substance to the heat capacity of a reference substance, usually water. Because the heat capacity of water is 1 BTU/Lb per degree Fahrenheit or 1 cal/gram per degree Celsius, the specific heat of a substance relative to water will be numerically equal to its heat capacity.

Specific Impulse

The thrust in pounds developed by burning one pound of a particular propellant in one second.

Spectrum

The arrangement or display of *Light* or other forms of *Electromagnetic Radiation* separated according to wavelength, frequency, energy, or some other property. Dispersion, the separation of visible light into a spectrum, may be accomplished by means of a prism or a *Diffractiongrating*. Each different wavelength or frequency of visible light corresponds to a different color, so that the spectrum appears as a band of colors ranging from violet at the short-wave length (high-frequency) end of the spectrum through indigo, blue, green, yellow, and orange, to red at the long-wavelength (low-frequency) end of the spectrum. A continuous spectrum containing all colors is produced by all incandescent solids and liquids and by gases under high pressure. A low-pressure gas made incandescent by heat or by an electric discharge emits a spectrum of bright emission lines. A dark-line absorption spectrum is produced by white light passing through a cool gas and consists of a continuous spectrum with superimposed dark lines; each line corresponds to a frequency where a bright line would appear if the gas were incandescent. The absorption lines correspond to transitions of electrons from a lower energy level to a higher energy level when a *Photon* is absorbed by the atom, and the emission lines correspond to transitions from a higher to a lower energy level in the atom, accompanied by the emission of a photon. The frequency of each emission or absorption line is proportional to the difference in energy between the two energy levels involved (*Quantum Theory*). Both absorption and line spectra are useful in chemical analysis, because they reveal the presence of particular elements.



Spin

Angular velocity about the axis of the projectile.

Spin-Decelerating Moment

A couple about the axis of the projectile which diminishes spin.

Spin Stabilization

Method of stabilizing a projectile during flight by causing it to rotate about its own longitudinal axis.

Spray

Fragments of a bursting shell. The nose, side and base sprays are the fragments thrown forward, sideways and rearward, respectively.

Squashed-Head Shell

High Explosive Plastic Shell. Squib

Used as a general term to mean any of various small-size pyrotechnic or explosive devices.

Squib

A firing device that burns with a flash and is used for igniting black powder or pellet powder.

Squib Switch (Explosive Switch)

An electric switch operated by a squib or pressure cartridge. **Stability**

The ability of an explosive material to retain its original properties without degradation when exposed to various environmental conditions over a period of time.

Stability

The ability of an explosive material to retain chemical and physical properties specified by the manufacturer when exposed to specific environmental conditions over a particular period of time.

Stability Test

Accelerated test to determine the suitability of an explosive material for long-term storage under a variety of environmental conditions.

Stabilizer

Material added to propellant colloid to inhibit, or reduce, decomposition in storage.

Stacked Charge

Powder charge in which the powder grains lie end to end within the powder bag.

Staging Area

The area directly outside of the target area, the final location where the assault element will prepare to enter the target area.

Standard Atmosphere

Values of air temperature, pressure and density vs. altitude based on average conditions and arbitrarily assumed as standard for computations. Various standards are in current use.

Standard Deviation (Sigma)

The square root of the sum of the squared deviations from the mean. For a given sample, this must be divided by the sample size in order to correct for bias and be a proper estimate of the true population. A measure of the variability or dispersion of a number of observations.

Standard Trajectory

Calculated path that a projectile will follow under given conditions of weather, position and material, including the particular fuze, projectile and propelling charge that are used. Firing tables are based on standard trajectories.

Stand Off

The distance between a shaped charge liner and the target material.

Star (astrological)

Star, hot, incandescent sphere of gas (usually more than 90% hydrogen) that is held together by its own gravitation and emits light and other forms of electromagnetic radiation whose ultimate source is nuclear energy. The universe contains billions of galaxies, and each galaxy contains billions of stars, which are frequently bunched together in star clusters of as many as 100,000. The stars visible to the unaided eye are all in our own galaxy, the Milky Way. The visible stars are divided into six classes according to their apparent *Magnitude*. Stars differ widely in mass, size, temperature, age, and luminosity. About 90% of all stars have masses between one tenth and 50 times that of the sun. The most luminous stars (excluding supernovas) are about a million

times more powerful than the sun, while the least luminous are only a hundredth as powerful. Variable stars fluctuate in luminosity. Red giants, the largest stars, are hundreds of times greater in size than the sun. At the opposite extreme, white dwarfs are no larger than the earth, and neutron stars are only a few kilometers in radius. The central region, or core, has a temperature of millions of degrees. At this temperature nuclear energy is released by the fusion of hydrogen to form helium. By the time nuclear energy reaches the surface of the star, it has been largely converted into visible light with a spectrum characteristic of a very hot body. The theory of stellar evolution states that a star must change as it consumes its hydrogen in the nuclear reactions that power it. When all its nuclear fuel is exhausted, the star dies, possibly in a supernova explosion.

Star (pyrotechnic)

Pyrotechnic signal that burns as a single light.

Star Gage

Instrument for measuring the diameter of the bore of a gun.

Star Grain

A solid propellant grain with an internal star-shaped cross section.

Star Shell

Illumination Shell.

Starting Mix

An easily ignited mixture that transmits flame from an initiating device to a less readily ignitable composition.

States Of Matter

The forms of matter differing in several properties because of differences in the motions of and the forces between the molecules (or atoms or ions) of which they are composed. There are three common states of matter: solid, liquid, and gas. The molecules of a solid are limited to vibrations about a fixed position, giving a solid both a definite volume and a definite shape. When heat is applied to a solid, its molecules begin to vibrate more rapidly until, at a temperature called the melting point, they break out of their fixed positions and the solid becomes a liquid. Because the molecules of a liquid are free to move throughout the liquid but are held from escaping by intermolecular forces (*Adhesion and Cohesion*), a liquid has a definite volume but no definite shape. As more heat is added to the liquid, some molecules near the surface gain enough energy to evaporate, or break away completely from the liquid, and change to a gaseous state. Finally, at a temperature called the BOILING POINT, molecules throughout the liquid become energetic enough to escape, forming bubbles of vapor that rise to the surface; the liquid thus changes completely to a gas. Because its molecules are free to move in every possible way, a gas has neither a definite shape nor a definite volume but expands to fill any container in which it is placed. The reverse processes of melting and boiling are, respectively, freezing and condensation. Also *Crystal; Gas Laws; Kinetic-Molecular Theory of Gases; Plasma.*

Static Electricity

Electric charge at rest on a person or object. It is most often produced by the contact and separation of dissimilar insulating materials.

Static Entry

A description given to a type of entry where a team member has access to the target area, but is

not moving into or around the target area, an example would be a gun port breach point.

Statics

Statics is a branch of *Mechanics* concerned with the maintenance of equilibrium in bodies by the interaction of *Forces* upon them. In a state of equilibrium the resultant of all outside forces acting on a body is zero, thus keeping the body at rest.

Statistical Method

A technique used to obtain, analyze and present numerical data.

Statistics

The science which deals with the collection, classification and use of numerical data relating to a given subject.

Steady State Velocity

The characteristic velocity at which a specific explosive at a given charge diameter will detonate.

Stemming

Material to be added.

Stoichiometric

Relating to components involved in a burning process which are present in exactly the quantities needed for reaction, without an excess of any component.

Storage

The safekeeping of explosive materials, usually in specially designed structures called magazines.

Stowage

- 1) Method of placing cargo in a vessel to prevent damage, shifting, etc.
- 2) Method of placing equipment and supplies in a vehicle to provide availability and operating room.
- 3) Equipment when stowed.

STP (Of Gases)

At standard temperature and pressure.

Stray Current

A flow of electricity outside an insulated conductor system.

Strength

The explosive strength of unit weight (or volume) of a high explosive when compared with that of Blasting Gelatine in a ballistic mortar. Although compared with Blasting Gelatine it is sometimes designated in percentage of nitroglycerine (%NG). This latter designation is not a true measure of its strength.

Strength of materials

Strength of materials, the capacity of materials to withstand stress (the internal force exerted by one part of an elastic body upon an adjoining part) and strain (the deformation or change in dimension occasioned by stress). When a body is subjected to a pull, it is said to be under tension, or tensional stress; when it is compressed, it is under compression, or compressive stress. Shear, or shearing stress, results when a force tends to make part of a body slide past the other part. Torsion, or torsional stress, occurs when external forces tend to twist a body around an axis. The elastic limit is the maximum stress that a material can sustain and still return to its original form. The ratio of tensile stress to strain for a given material is called its Young's modulus. Hooke's law states that, within the elastic limit, strain is proportional to stress.

Striker

Part of the firing mechanism of a gun, mine, mortar, etc., that hits the primer, hammer or firing pin of a gun.

Striking Velocity

Speed of a projectile at the point of impact.

Strontium

Strontium (Sr), metallic element, first recognized as distinct from [barium](#) by A. Crawford in 1790. A soft, silver-yellow [Alkaline-Earth Metal](#), it is stored away from air and water. Strontium-90 from nuclear fallout is absorbed in plants and animals, and may induce bone cancer and leukemia. *Element; [Periodic Table](#).*

Subcaliber

Of a caliber smaller than standard.

Subsonic

Less than the speed of sound of a particular medium.

Sulfur

Sulfur (S) or sulphur, nonmetallic element, known to antiquity as the biblical brimstone and recognized as an element by Antoine Lavoisier in 1777. Solid sulfur is yellow, brittle, odorless, tasteless, and insoluble in water. Sulfur is widely distributed in minerals and ores, some volcanic regions, and large underground deposits, and often occurs with coal, natural gas, and petroleum. It is found in most proteins and protoplasm of plants and animals. Sulfur is used in [Gunpowder](#), matches, [Rubber](#) vulcanization, insecticides, and the treatment of certain skin diseases., *Sulfuric Acid* is its most important compound; others are used as disinfectants, refrigerants, organic solvents, and *Sulfa Drugs*. *Element; [Periodic Table](#).*

Sun

Sun, intensely hot, self-luminous body of gases (mainly hydrogen and helium) at the center of the [Solar System](#). The sun is a medium-size main-sequence [Star](#). Its mean distance from the earth is defined as one [Astronomical Unit](#). The sun is c.865,400 mi (1,392,000 km) in diameter; its volume is about 1,300,000 times, and its mass 332,000 times, that of the earth. At its center, the sun has a density over 100 times that of water, a pressure of over 1 billion atmospheres, and a temperature of about 15,000,000°K. This temperature is high enough for the occurrence of nuclear reactions, which are assumed to be the source of the sun's energy. Hans Bethe proposed a cycle of nuclear reactions known as the carbon cycle, in which carbon acts much as a [catalyst](#), while hydrogen is transformed by a series of reactions into helium and large amounts of high-energy gamma radiation are released. The so-called proton-proton process is now thought to be a more important energy source: the collision of two protons ends with the production of helium atoms and the release throughout of gamma radiation. The bright surface of the sun is called the photosphere; its temperature is about 6000°K. During an *Eclipse* of the sun, the chromosphere (a layer of rarified gases above the photosphere) and the corona (a luminous envelope of extremely fine particles surrounding the sun, outside the chromosphere) are observed. Also *Solar Wind*; *Sunspots*.

Superconductivity

Superconductivity, the total disappearance of electrical resistance in a wire or circuit. Discovered

in 1911, superconductivity only appears in a specific material below a critical temperature. The major problems confronting the possible applications of superconductivity were the extremely low temperatures initially required (only a few degrees above absolute zero) and the fact that a strong magnetic field could destroy it. Much research has been done in recent years in the field of "high-temperature" superconductivity. Newer composites permit the absence of electrical resistance at temperatures near 125° K (-243° F).

Superfluidity

The capability of liquid helium cooled below a temperature of 2.19°K (the lambda point) to flow freely, even upward, with no measurable friction and viscosity. Superfluid helium flows easily through capillary tubes (*Capillarity*) that resist the flow of ordinary fluids, and a Dewar Flask filled with superfluid helium from a larger container will empty itself back into the original container because the liquid helium flows spontaneously in an invisible film over the surface of the flask.

Superquick Fuze

Fuze that functions immediately upon impact of the missile with the target. Action of this type of fuze is the quickest possible; the firing pin is driven into the primer immediately upon the first contact of the missile; functions at the surfaces of the target. Also called instantaneous fuze.

Supersensitive Fuze

Fuze that will set off a projectile when it strikes even a very light target, such as an airplane wing.

Supersonic

Greater than the speed of sound of a particular medium.

Supplemental Charge

Filler, normally TNT, used in deep cavitied projectiles to fill void between ordinary fuze and booster combination and bursting charge.

Sure-Fire Current

Minimum current which must be applied to a bridgewire circuit to reliably ignite the prime material without regard to the time of operation.

Surface tension

Surface tension, the cohesion forces (*Adhesion and Cohesion*) at the surface of a liquid. The molecules within a liquid are attracted equally from all sides, but those near the surface experience unequal attractions and thus are drawn toward the center of the liquid mass by this net force. A result of surface tension is the tendency of a liquid to reduce its exposed surface to the smallest possible area.

Surveillance (as it pertains to ordnance)

Observation, inspection, investigation, test study and classification of ammunition, ammunition components and explosives in movement, storage and use with respect to degree of serviceability and rate of deterioration.

Sustainer Grain

A propellant or pyrotechnic grain used in a pressure cartridge or igniter to sustain burning.

Swell Diameter

Maximum diameter of the ogive extended to the place where its generating arc is parallel to the center line.

Switch

An electrical device having two states—on, or closed, and off, or open—and, ideally, having the property that when closed it offers a zero *Impedance* to a current and when open it offers infinite impedance to a current. For many operations, as in digital computers, the operation of mechanical switches, which move contacts together and apart, is too slow. When faster switching is required, *Transistors* or vacuum tubes are used, operated in such a way that they conduct either heavily or very little. *Relay*.

Sympathetic Detonation (Ignition)

The explosion of a second charge or device caused by nearby detonation (ignition) of another.

Sympathetic Propagation

The detonation of an explosive material as the result of receiving an impulse from another detonation through air, earth, or water.

Synthetic Elements

Synthetic elements, radioactive chemical elements discovered not in nature but as artificially produced isotopes. They are TECHNETIUM, PROMETHIUM, ASTATINE, FRANCIUM, and the *TRANSURANIUM* ELEMENTS. Some have since been found to exist in small amounts in nature as short-lived members of natural radioactive decay series (*Radioactivity*).

T

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Taliani Test

A heat stability test for propellants and explosives.

Tamping

The act of charging or tamping a charge into a hole, with the aid of a tamping stick. Sometimes used loosely for “*stemming*” (*q.v.*). The action of compacting the explosive charge or the *stemming* in a blasthole.

Tamping Bags

Cylindrical bags containing stemming material and used in boreholes to confine the explosive material charge.

Tamping Pole

A wooden or plastic pole used to compact explosive charges or stemming.

Tank (military)

A military tank is an armored vehicle that has caterpillar traction and is armed with machine guns, cannon, rockets, or flamethrowers. It was developed by the British and first used (Sept. 1916) in World War I. In World War II tanks and tank tactics were greatly improved. The German army, using large numbers of tanks, overran Poland in less than a month. In mass tank battles on the plains of Europe and N Africa the tide often swung toward the side with the best tanks. Since World War II the basic features of tanks and tank tactics have remained unchanged, although there have been refinements. Tanks are vulnerable to recoilless weapons and various antitank missiles, but they remain indispensable, because of their mobility and versatile weaponry, wherever the terrain is suitable to their operation.

Tar (and pitch)

Tar and pitch, viscous, dark-brown to black substances, obtained by the destructive distillation of certain organic materials, e.g., Coal, Wood, and Petroleum. Although the terms tar and pitch are sometimes used interchangeably, pitch is actually a component of tar that can be isolated by heating. Tar, more or less fluid, is now used to produce [Benzene](#) and various other substances. Tar from pine wood is used to make soap and medicinals. Coal tar derivatives are used to make dyes, cosmetics, and synthetic flavoring extracts. Pitch tends to be more solid than tar and is used to make roofing paper, in varnishes, as a coal-dust binder in making fuel briquettes, and as a lubricant. Asphalt is a naturally occurring pitch.

Target Area

An area to be entered or breached, generally where a threat resides.

Telegraph

An electrically operated device or system for distant communication (the first ever invented) by means of visible or audible signals. The method used throughout most of the world, based in large part on the mid-19th-cent. work of Samuel F.B. Morse, utilizes an [Electric Circuit](#) set up customarily by using a single overhead wire and employing the earth as the other conductor to complete the circuit. In the telegraph's simplest form, an electromagnet in the receiver is activated by alternately making and breaking the circuit. Reception by sound, with the Morse Code signals received as audible clicks, is the basis for a low-cost, reliable method of signaling. In addition to wires and cables, telegraph messages are now sent by such means as [Radio Waves](#), Microwaves, and Communications Satellites. Telex is a telegraphy system that transmits and receives messages in printed form. Facsimile is a system for transmitting and reproducing photographs and other graphic material by wire or radio.

Telephone

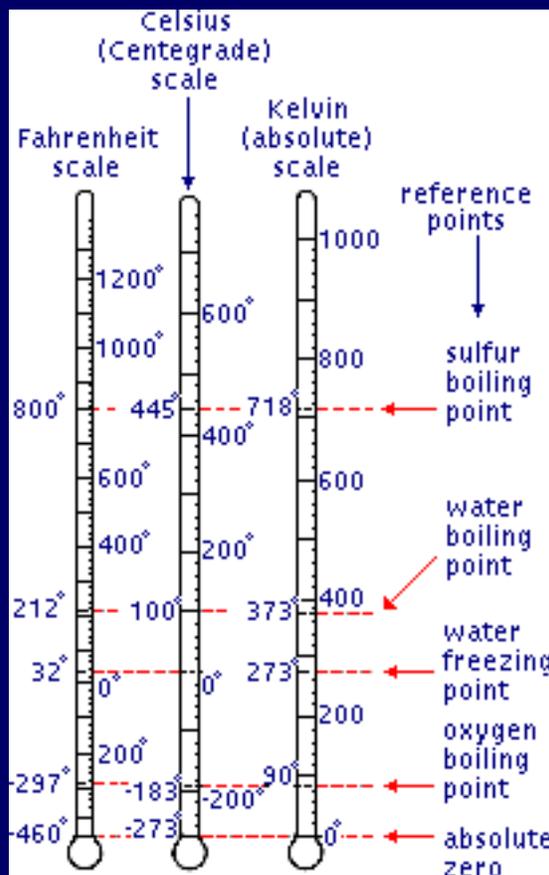
A device for transmitting and receiving sound, especially speech, by means of wires in [Electric Circuits](#). The telephones now in general use are developments of the device invented by Alexander Graham Bell and patented by him in 1876 and 1877. A modern telephone transmitter, which is essentially a carbon Microphone, contains loosely packed carbon grains. When someone speaks into the telephone, the diaphragm vibrates, causing the carbon grains to be compressed and released. This motion varies the current flow in the associated electric circuit. The current, when transmitted to a distant identical instrument, causes the diaphragm in it to vibrate in response to the fluctuations induced by the nearby magnetic field. Telephone lines used include ordinary open-wire lines; lead-sheathed cables consisting of many lines; coaxial cables; and, most recently, glass fibers (*Fiber Optics*). Coaxial cables and fiber-optic lines are placed underground, but other cables may be either overhead or underground. Long-distance transmission of telephone messages is often accomplished by means of radio and microwave transmissions. In some cases microwaves are sent to an orbiting communications satellites, from which they are relayed back to a distant point on the earth. Sophisticated services, including automatic switching systems, automatic dialing, call forwarding, and conference calling, have been developed in recent years.

Television

Television, transmission and reception of still or moving images by means of electrical signals, especially by means of [Electromagnetic Radiation](#) using the techniques of [Radio](#). One of the

most widely used image pickup devices, or camera tubes, is the iconoscope (invented by Vladimir Zworykin, 1923), which consists of a thin sheet of mica upon which thousands of microscopic globules of a photosensitive silver-cesium compound have been deposited. Backed with a metallic conductor, this expanse of mica becomes a mosaic of tiny Photoelectric Cells and Capacitors. The differing light intensities of various points of a scene cause the cells of the mosaic to emit varying quantities of electrons. The cells are left with positive charges in strengths proportional to the electrons lost. An electron gun, or “scanner,” passes its beam across the cells. As it does so, the charge is released, causing an electrical signal to appear on the back of the mosaic, which is connected externally to an amplifier. The strength of the signal is proportional to the amount of charge released. In the Vidicon, another type of pickup tube, the photoemissive mosaic is replaced by a photoconductive layer, resulting in increased efficiency. The scanning process, which is the essence of television accomplishment, operates as the human eye does in reading a page of printed material, i.e., line by line. A complex circuit of horizontal and vertical deflection coils controls this movement and causes the electron beam to scan the back of the mosaic 30 times per second. Two principal means of recording television programs for future use are video tape recording and kinescope. Video tape recording is similar to conventional tape recording except that because of the wide frequency range—4.2 megahertz (MHz)—occupied by a video signal, the effective speed at which the tape passes the recording head is kept very high. Sound is recorded along with the video signal on the same tape. Kinescope is a method in which programs are recorded on motion-picture film. Appropriate changes in the signal-carrying circuitry allow kinescopes to be played back from a developed negative as well as from a positive. Systems for recording television programs on discs have been recently developed. When a television program is broadcast, the varying electrical signals are amplified and used to modulate a carrier wave (*Modulation*); the modulated carrier is usually fed to an antenna, where it is converted to electromagnetic waves and broadcast over a large region. The waves are sensed by antennas connected to television receivers, and the image is reconstructed essentially by reversing the pickup operation. The final image is displayed on the face of a [*Cathode-Ray Tube*](#), where an electron beam scans the fluorescent face, called the “screen,” line for line with the pickup scanning. The tube's inside face glows when hit by the electrons, and the visual image is reproduced. Color television today uses an “element-sequential” system. Light from the subject is broken up into its three primary-color components (red, blue, and green), which are simultaneously scanned by three pickups. In the receiver the signals are brought together again. Each element, or dot, on the picture tube screen is subdivided into areas of red, blue, and green phosphors. Beams from three electron guns, modulated by the three color signals, scan the elements together in such a way that the beam from the gun using a given color signal strikes the phosphor of the same color.

Temperature



Temperature, the measure of the relative warmth or coolness of an object. The temperature of a substance measures not its heat content but rather the average kinetic energy of its molecules. Temperature is measured by means of a Thermometer or other instrument having a scale calibrated in units called degrees. A temperature scale is determined by choosing two reference temperatures and dividing the temperature difference between these points into a certain number of degrees. The size of the degree depends on the particular temperature scale being used. The most common reference temperatures are the Melting Point of ice and the Boiling Point of water. An absolute temperature scale for which zero degree corresponds to zero average kinetic energy can be defined theoretically (*Kinetic-Molecular Theory of Gases*); the Kelvin temperature scale is an absolute scale having degrees the same size as those on the Celsius scale. Also Energy; [Gas Laws](#); Heat; [Thermodynamics](#).

Temperature Coefficient

The relative change of a property (pressure, burning time) with the temperature.

Terminal Ballistics

The branch of ballistics which deals with the ultimate effect produced by a projectile.

Terminal Velocity

The constant velocity of a falling body attained when the resistance of air or other ambient fluid has become equal to the force of gravity acting upon the body. Sometimes called "limiting velocity."

Test Blasting Cap No. 8

[Institute of Makers of Explosives No. 8 Test Detonator.](#)

Tetryl

Sensitive explosive used especially in caps and boosters to detonate less sensitive explosives, and as the explosive filler in some types of projectiles.

Thermite

A high temperature producing mixture.

An incendiary composition consisting of 2.75 parts black iron oxide (ferrosferric oxide) and 1.0 part of granular aluminum.

Thermocouple

Thermocouple, a temperature-measuring device formed by joining the ends of two strips of dissimilar metals in a closed loop, with the two junctions at different temperatures. Because the voltage that arises in this circuit is proportional to the temperature difference between the junctions, the temperature at one junction can be determined if the other junction is maintained at a known temperature.

Thermodynamics

The science of the mechanical action of heat, or the relationship of heat and mechanical energy, and the conversion of one into the other. Refers to the branch of science concerned with the nature of heat and its conversion into other forms of energy. Heat is a form of energy associated with the positions and motion of the molecules of a body (*Kinetic-Molecular Theory of Gases*). The total energy that a body contains as a result of the positions and the motions of its molecules is called its internal energy. The first law of thermodynamics states that in any process the change in a system's internal energy is equal to the heat absorbed from the environment minus the work done on the environment. This law is a general form of the law of conservation of energy (*Conservation Laws*). The second law of thermodynamics states that in a system the entropy cannot decrease for any spontaneous process. A consequence of this law is that an engine can deliver work only when heat is transferred from a hot reservoir to a cold reservoir or heat sink. The third law of thermodynamics states that all bodies at absolute zero would have the same entropy; this state is defined as having zero entropy.

Thermometer

Thermometer, an instrument for measuring temperature. A clinical thermometer consists of a small vacuum tube of uniform bore, with a temperature scale etched on its front. The tube is closed at one end and connected at the other with a chamber containing mercury or another liquid. When the chamber is heated, the fluid expands and rises into the tube.

Through-Bulkhead Ignition (TBI)

A means of transferring a detonation from one side of a bulkhead to the other without destroying the integrity of the bulkhead seal.

Thrust

The resultant force in the direction of motion produced by a rocket motor.

Thrust Chamber

Spray Cooling and protective flow of water over external area of thrust chamber during static firing.

Thruster

The thruster was designed to provide a force through a relatively short stroke. The device consists of a cylinder, piston and propellant cartridge.

Thunderstorm

A violent local atmospheric disturbance accompanied by lightning, thunder, and heavy rain, often by strong gusts of winds and sometimes by hail. The typical thunderstorm caused by convection occurs on a hot summer afternoon when the sun's warmth has heated a large body of moist air near the ground. This air rises and is cooled by expansion. The cooling condenses the water vapor in the air, forming a cumulus cloud. If the process continues violently, the cloud becomes immense; the summit often attains a height of 4 mi (6.5 km) above the base, and the top spreads out in the shape of an anvil as the transition to a cumulonimbus cloud occurs. The turbulent air currents within the cloud cause a continual breaking up and reuniting of the raindrops, building up strong electrical charges that result in lightning.

Titration

The determination of the concentration of acids or bases (*Acids and Bases*) in solution by the gradual addition of an acidic solution of known volume and concentration to a basic solution of

known volume, or vice versa, until complete neutralization (observable by the color change in an added indicator, such as phenolphthalein) has occurred.

TNT

Trinitrotoluene.

Torpedo

A missile designed to contain an explosive charge and be launched into water where it is selfpropelling and usually directable.

Tracer

Element of a type of ammunition (called tracer ammunition) containing a chemical composition which burns visibly in flight. Tracer is used for observation and adjustment of fire, for incendiary purposes, and for signaling.

Trajectory

Path of projectile, missile or bomb in flight.

Trajectory Chart

Diagram of a side view of the paths of projectiles fired at various elevations, under standard conditions. The trajectory chart varies for different guns, projectiles and fuzes.

Transducer

A device which changes one form of energy into another. A loudspeaker changes electrical energy into acoustical energy, for example. A transducer is a device that accepts an input of energy in one form and produces an output of energy in some other form, with a known, fixed relationship between the input and output. One class of transducers consists of devices that produce an electrical output signal, e.g., Microphones, Record-Player cartridges, and Photoelectric Cells. Other transducers accept an electrical input, e.g., Loudspeakers, light bulbs, and Solenoids. Transducers may be either active or passive. Active transducers require a source of energy in addition to the input signal to produce the output signal, whereas passive transducers require only an input signal.

Transformer

Transformer, an electrical device that transfers an alternating current or voltage (*Potential, Electric*) from one Electric Circuit to another using Electromagnetic Induction. A simple transformer consists of two coils of wire electrically insulated from each other and arranged so that a change in the current through the primary coil will produce a change in voltage across the secondary coil. The ratio of the alternating-current (AC) output voltage to the AC input voltage is approximately equal to the ratio of the number of turns in the secondary coil to the number of turns in the primary coil. This capability for transforming voltages is the basis for a great many applications. Transformers are classified according to their use; power transformers (*Power, Electric*) are used to transmit power at a constant frequency, audio transformers are designed to operate over a wide range of frequencies with a nearly constant ratio of input to output voltage, and radio-frequency transformers operate efficiently within a narrow range of high frequencies.

Transistor

Transistor, an electronic device used as a voltage and current amplifier, consisting of semiconductor materials that share common physical boundaries. The material most commonly used is silicon into which impurities have been introduced. In n-type semiconductors there is an excess of free electrons, or negative charges, whereas in p-type semiconductors there is a

deficiency of electrons and therefore an excess of positive charges. Transistors are used in many applications, including radio receivers, electronic computers, and automatic control instrumentation (e.g., in spaceflight and guided missiles). Since the invention (announced in 1948) of the transistor by the American physicists John Bardeen, Walter H. Brattain, and William Shockley, many types have been designed. The n-p-n junction transistor consists of two n-type semiconductors separated by a thin layer of p-type semiconductor; the three segments are called emitter, base, and collector, respectively, and are usually sealed in glass, with a wire extending from each segment to the outside, where it is connected to an electric circuit. The transistor action is such that if the electric potentials on the segments are properly determined, a small current between the emitter and base connections results in a large current between the emitter and collector connections, thus producing current and amplification. The p-n-p junction transistor, consisting of a thin layer of n-type semiconductor lying between two p-type semiconductors, works in the same manner, except that all polarities are reversed. Also [Integrated Circuits](#); [Microelectronics](#).

Transition Elements or Transition Metals

Elements of group VIII and the b groups (I through VII) of the Periodic Table, characterized by the filling of an inner d or f electron orbital as atomic number increases. Many chemical and physical properties of these elements are due to their unfilled d or f orbitals. Transition elements generally have high densities and melting points, magnetic properties, and variable valence arising from the electrons in the d or f orbitals. These metals form stable coordination complexes, or complexions, many of which are highly colored and exhibit paramagnetism.

Transponder

An electronic device that receives a challenging signal and automatically transmits a response.

Transtainer

A low trailer for transportation of the rocket stages.

Transuranium

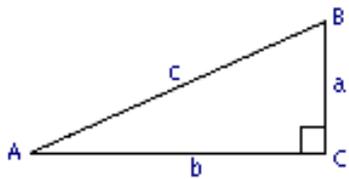
Elements Radioactive chemical elements with atomic numbers greater than 92 (Uranium). Only Neptunium (at. no. 93) and Plutonium (at. no. 94) occur in nature; they are produced in minute amounts in the radioactive decay of uranium. The transuranium elements of the [Actinide Series](#) were discovered as synthetic radioactive isotopes. Both American and Soviet scientists claim to have discovered independently the unstable transactinide elements 104, 105, and 106, and West German scientists reported discovering the unstable transactinide elements 107 and 109.

Trauzl Test

Method of determining relative energy available from an explosive material by measurement of the volume expansion of a lead block test.

Trigonometry

The study of certain mathematical relations originally defined in terms of the angles and sides of a right triangle, i.e., one containing a right ANGLE (90°). Six basic relations, or trigonometric functions, are defined. If A, B, and C are the angles of a right triangle (C = 90°) and a, b, and c are the lengths of the respective sides opposite these angles, then six functions can be expressed for one of the acute angles, say A, as various ratios of the opposite side (a), the adjacent side (b), and the hypotenuse (c), as set out in the table. Although the actual lengths of the sides of a right triangle may have any values, the ratios of the lengths will be the same for all similar right triangles, large or small. It may be seen that $\sin B = \cos A$, $\cos B = \sin A$, $\tan B = \cot A$, and so forth. The values of the sine and the cosine are always between 0 and 1, the values of the secant and the cosecant are always equal to or greater than 1, and the values of the tangent and the cotangent are unbounded, increasing from 0 without limit. The values of the trigonometric functions can be found in a set of tables or on a calculator. The notion of the trigonometric functions is extended beyond 90° (the largest angle size in a right triangle) by defining the functions with respect to Cartesian Coordinates; the functions then take on negative as well as positive values in a pattern that repeats every 360°. This repeating, or periodic, nature of the trigonometric functions leads to important applications in the study of such periodic phenomena as light and electricity. A general triangle, not necessarily containing a right angle, can also be analyzed by means of trigonometry. Spherical trigonometry, the study of triangles on the surface of a sphere, is important in surveying, navigation, and astronomy.

| TRIGONOMETRIC FUNCTIONS | |
|--|--|
|  | |
| Function (abbreviation) | Definition |
| sine (sin) | $\sin A = \frac{\text{opposite}}{\text{hypotenuse}} = \frac{a}{c}$ |
| cosine (cos) | $\cos A = \frac{\text{adjacent}}{\text{hypotenuse}} = \frac{b}{c}$ |
| tangent (tan) | $\tan A = \frac{\text{opposite}}{\text{adjacent}} = \frac{a}{b}$ |
| cotangent (cot or ctn) | $\cot A = \frac{\text{adjacent}}{\text{opposite}} = \frac{b}{a}$ |
| secant (sec) | $\sec A = \frac{\text{hypotenuse}}{\text{adjacent}} = \frac{c}{b}$ |
| cosecant (csc) | $\csc A = \frac{\text{hypotenuse}}{\text{opposite}} = \frac{c}{a}$ |

Trimonite

High explosive used as a substitute for trinitrotoluene as a bursting charge. Trimonite is a mixture of picric acid and mononitronaphthalene.

Trinitrophenol

Picric Acid.

Trinitrotoluene

(TNT) High explosive widely used as explosive filler in projectiles and by engineers; trinitrotoluol.

Trinitrotoluol

Trinitrotoluene.

Triple-Base Propellant

Propellant whose principal active ingredients are nitrocellulose, [nitroglycerin](#) and nitroguanidine. [Propellant.](#)

Triple Point

Intersection of the original shock wave, the reflected shock wave and the Maeh stem.

Trunkline

The line of detonating cord on the ground surface that connects detonating cord downlines.

Truss

Rigid frame between rocket tanks to hold electronic equipment.

Tube

The inner cylinder of a built-up gun, usually extending from the inner face of the breechblock to the muzzle.

Tubular Grain

A solid propellant grain in the form of a tube.

Twist

Inclination of the spiral grooves to the axis of the bore of a weapon. The degree of twist is the determining factor in the speed of rotation of the projectile.

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Ullage

The empty volume of a propellant tank which is not occupied by fuel or oxidizer.

Ultrasonics

Ultrasonics is the study and application of Sound Waves with frequencies greater than 20,000 cycles per second, i.e., beyond the range of human hearing. Ultrasounds are commonly produced by piezoelectric transducers. They are used for nondestructive testing, and for the cleaning of fine machine parts and surgical instruments. In medicine, Ultrasound devices are used to examine internal organs without surgery. Ultrasonic whistles are audible to dogs and are used to summon them.

Ultrasound

Ultrasound, in medicine, a technique that uses sound waves to study hard-to-reach body areas. In scanning with ultrasound, high-frequency sound waves are transmitted to the area of interest and the returning echoes recorded. First developed in World War II to locate submerged objects, the technique is now widely used in virtually every branch of medicine, e.g., in obstetrics to study the fetus, in cardiology to detect heart damage, in ophthalmology to detect retinal problems. It is noninvasive, involves no radiation, and avoids the possible hazards—such as bleeding, infection, or reactions to chemicals—of other diagnostic methods.

Ultraviolet Radiation

Ultraviolet radiation is invisible Electromagnetic Radiation with frequencies (about 10¹⁵ to 10¹⁸ Hz) between that of visible violet light and X rays; it ranges in wavelength from about 400 to 4 nanometers. Ultraviolet (UV) radiation can be detected by the Fluorescence it induces in certain substances and by its blackening of photographic film. Most of the UV component of sunlight is absorbed by the Ozone layer of the atmosphere. UV radiation can also be produced artificially in arc lamps. Vitamin D in humans is produced by the action of UV radiation on ergosterol, a substance present in the human skin.

Unconfined Detonation Velocity

The detonation velocity of an explosive material without confinement, for example, a charge fired in the open.

Underwriters Laboratory, Inc. (UL)

A nationally recognized incorporated testing laboratory qualified and equipped to conduct the necessary tests to determine compliance with appropriate standards and the satisfactory performance of materials or equipment in actual usage.

Uranium

uranium (y•ră´nä•m) (U), radioactive metallic element, discovered in oxide form in Pitchblende by M.H. Klaproth in 1789. A silver-white, hard, dense, malleable, ductile, highly reactive metal in the [Actinide](#) series it occurs naturally as a mixture of three Isotopes. Because of a constant decay rate, the age of uranium samples can be estimated (v [Dating](#)). The rare uranium-235 isotope is the only naturally occurring fission fuel for Nuclear Energy. Breeder reactors convert the abundant but nonfissionable uranium-238 into fissionable plutonium-239. Uranium-235 and plutonium-239 are also practicable fissionable nuclei for [Atomic Bombs](#). *Element; [Nuclear Reactor](#); [Periodic Table](#); [Radioactivity](#).*

U.S. Bureau of Mines (USBM)

A bureau of the Department of Interior active in promoting safety in coal mines and in carrying out broad programs in mining and related fields.

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V Rating

Material to be added.

Vacuum Stability Test

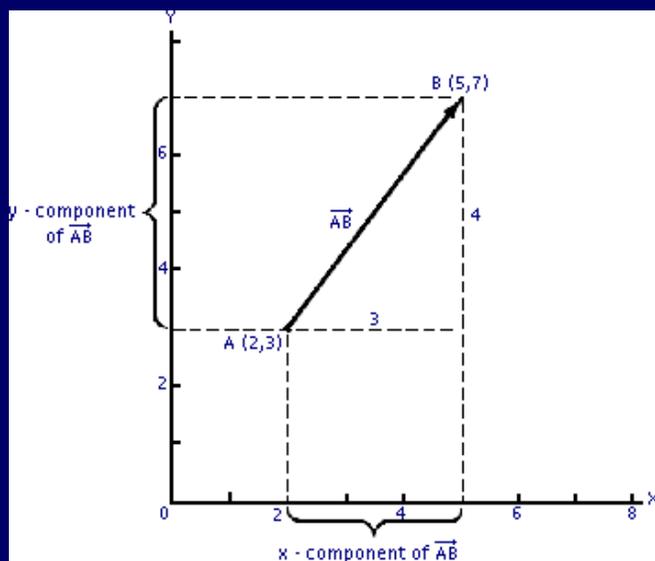
Stability Test.

Valence

Valence or oxidation state, combining capacity of an Atom expressed as the number of single bonds the atom can form or the number of electrons an Element gives up or accepts when reacting to form a compound. The valence of an atom is determined by the number of electrons in the outermost, or valence, electron shell. An atom exists in its most stable configuration when its outermost shell is completely filled; in combining with other atoms, it thus tends to gain or lose valence electrons in order to attain a stable configuration. The valence of many elements is determined from their ability to combine with hydrogen or to replace it in compounds.

Vector

A quantity having both magnitude and direction. Many physical quantities are vectors, e.g., force, velocity, and *momentum*. The simplest representation of a vector is an arrow connecting two points: [m.ABvector] designates the vector represented by an arrow from point A to point B, whereas [m.BAvector] designates the vector of equal magnitude from B to A. In order to compare vectors and to operate on them mathematically, it is necessary to have some reference system that determines scale and direction, such as Cartesian Coordinates. A vector is frequently symbolized by its components with respect to the coordinate axes. Suppose, for example, that the point A has coordinates (2,3) and the point B has coordinates (5,7). The x-component of [m.ABvector] i.e., its size with respect to the x-axis, is the difference between the x-coordinates of the points A and B, or $5 - 2 = 3$; the y-component is $7 - 3 = 4$. Thus [m.ABvector] becomes {3,4}. Knowledge of the components of a vector enables one to compute its magnitude—in this case, 5, by the Pythagorean theorem $\{(3^2 + 4^2)^{1/2} = 5\}$ —and its direction (from Trigonometry). There are an infinite number of vectors with the components {3,4}, all of which have the same magnitude and direction; they are considered equal. The concept of a vector can be extended to three or more dimensions. To add two vectors U and V, one can add their corresponding components to find the resultant vector R, or one can graph U and V on a set of coordinate axes and complete the parallelogram formed with U and V as adjacent sides to obtain R as the diagonal from the common vertex of U and V. The scalar, or dot, product of two vectors A and B is a nondirectional (scalar) quantity with a magnitude of $A \cdot B = |A| |B| \cos \theta$, where θ is the angle between A and B. The vector, or cross, product of A and B is a vector whose magnitude $A \times B = |A| |B| \sin \theta$ and whose direction is perpendicular to both A and B and pointing in the direction in which a right-hand screw would advance if turned from A to B through the angle θ .



Vehicle

In terms of space flight, a structure, machine or device, such as a rocket, designed to carry a burden through air or space; more restrictively, a rocket craft.

Velocity

- 1) Speed.
- 2) A vector quantity equal to speed in a given direction.

Venturi Tube

A short tube with varying cross sections and a constricted throat which controls flow velocity

Very Pistol

A firing device for pyrotechnical cartridges.

Viscosity

Viscosity, resistance of a fluid to flow. This resistance acts against the motion of any solid object through the fluid, and also against motion of the fluid itself past stationary obstacles. Viscosity also acts internally on the fluid between slower- and faster-moving adjacent layers. All fluids exhibit viscosity to some degree.

Viscosity And Consistency

Related but different rheological (pertaining to flow) terms.

VOD

Velocity of detonation, a measure of the rate at which the detonating wave travels through an explosive charge; the speed of detonation of a particular explosive. *Detonating Velocity*.

Volt

The unit of voltage or, more technically, of Electric Potential and Electromotive Force. It is defined as the difference of electric potential existing across the ends of a conductor having a resistance of 1 OHM when the conductor is carrying a current of 1 AMPERE.

Volume Strength

Same as *Cartridge Strength* or *Bulk Strength*.

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Warhead

That portion of a rocket, guided missile or torpedo containing the destructive load which the vehicle is to deliver.

Warning Signal

A visual or audible signal that is used for warning personnel in the vicinity of the blast area of the impending explosion.

Water

Water, odorless, tasteless, transparent liquid that is colorless in small amounts but exhibits a bluish tinge in large quantities. It is the most abundant liquid on earth. In solid form (ice) and liquid form it covers about 70% of the earth's surface. Chemically, water is a compound of hydrogen and oxygen whose formula is H₂O. The two H—O bonds form an angle of about 105°—an arrangement that results in a polar molecule, because there is a net negative charge toward the oxygen end (the apex) of the V-shaped molecule and a net positive charge at the hydrogen ends. Consequently, each oxygen atom is able to attract two nearby hydrogen atoms of two other water molecules. These hydrogen bondings keep water liquid at ordinary temperatures. Because water is a polar compound, it is a good solvent. Because of the hydrogen bondings between molecules, the latent heats of fusion and of evaporation and the Heat Capacity of water are all unusually high. For these reasons water serves both as a heat-transfer medium (e.g., ice for

cooling and steam for heating) and as a temperature regulator (the water in lakes and oceans helps regulate the climate). Water is chemically active, reacting with certain metals and metal oxides to form bases, and with certain oxides of nonmetals to form acids. Although completely pure water is a poor conductor of electricity, it is a much better conductor than most pure liquids because of its self-ionization, i.e., the ability of two water molecules to react to form a hydroxyl ion (OH⁻) and a hydronium ion (H₃O⁺).

Water Gel

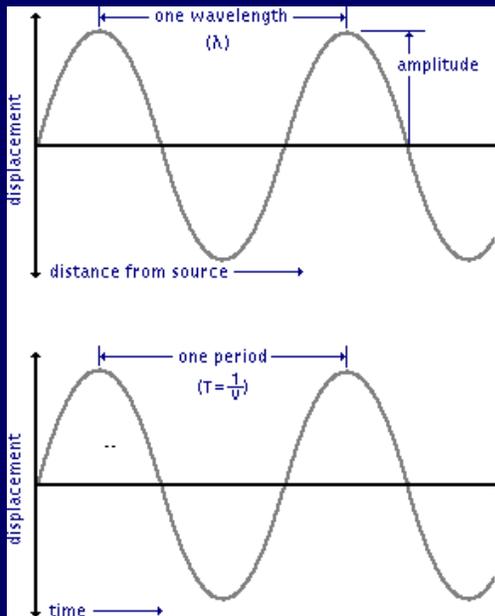
An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

Watt

A unit of electrical power equal to 1 joule/sec.

Wave

Wave in physics, the transfer of Energy by some form of regular vibration, or oscillatory motion, either of some material medium (*Sound*) or by the variation of intensity of the field vectors of an electromagnetic field (*Electromagnetic Radiation*). In longitudinal, or compressional, waves the vibration is in the same direction as the transfer of energy; in transverse waves the vibration is at right angles to the transfer of energy. The amplitude of a wave is its maximum displacement. The distance between successive crests or successive troughs is the wavelength λ of a wave. One full wavelength of a wave represents one complete cycle, that is, one complete vibration in each direction. All waves are referenced to an imaginary synchronous motion in a circle; thus one complete cycle is divided into 360 degrees. The phase is that part of the cycle, expressed in degrees, that is completed at a certain time. The various phase relationships between combining waves determine the type of interference that takes place. The frequency n of a wave is equal to the number of crests (or troughs) that pass a given fixed point per unit of time. The period T of a wave is the time lapse between the passage of successive crests (or troughs). The speed v of a wave is determined by its wavelength and its frequency according to the equation $v = \lambda n$. Because the frequency is inversely related to the period T , this equation also takes the form $v = \lambda/T$.



Wavefront

Surface which is the locus of all molecules having motion in identical phase in a propagating wave.

Weather-Resistant

Construction designed to offer reasonable protection against weather.

Web, Web Size, Web Thickness

- 1) Alternate terms describing the minimum distance between any two specified burning surfaces of a propellant grain.
- 2) Terms used in describing portions of structural "I" beams and "H" beams.

Web Range

Tolerance of web thickness to allow for manufacturing limitation.

Weight

The force with which an earth-bound body is attracted toward the earth. Weight, a measure, commonly expressed in pounds or grams, of the force of gravity on a body ([Gravitation](#)), which is more correctly measured in newtons. Because the weights of different bodies at the same location are proportional to their masses, weight is often used as a measure of [Mass](#). Unlike the mass, the weight of a body depends on its location in the gravitational field of the earth or of some other astronomical body.

Weights And Measures

Weights and measures, units and standards for expressing the amount of some quantity, such as length, capacity, or weight; the science of measurement standards and methods is known as metrology. Crude systems of weights and measures probably date from prehistoric times. Early units were commonly based on body measurements and on plant seeds or other agricultural objects. As civilization progressed, technological and commercial requirements led to increased standardization. Units were usually fixed by edict of local or national rulers and were subdivided and multiplied or otherwise arranged into systems of measurement. Today the chief systems are the *English Units Of Measurement* and the [Metric System](#). The United States is one of the few countries still using the former system.

Weight Strength

The energy of an explosive material per unit of weight expressed as a percentage of the energy per unit of weight of a specified explosive standard.

White Phosphorous (WP)

Yellow waxy solid which ignites spontaneously when exposed to air. It is used as a filling for various projectiles as a smoke-producing agent and has an incendiary effect. White phosphorous may be mixed with a xylene solution of synthetic [rubber](#) to form plasticized white phosphorous.

Window

A type of confusion reflector consisting essentially of metal foil ribbon, but sometimes metalized on one side only. Also known as "chaff." Similar to, but shorter in length than rope. [Rope](#).

Windshield

Ballistic Cap.

Work

Work, in physics, transfer of Energy by a force acting against a resistance or a body and resulting in displacement. Work W has a magnitude equal to the scalar product ([Vector](#)) of the force F and the distance d of the resulting movement; thus $W = Fd \cos \theta$; where θ is the angle between the directions of the force and the movement. The foot-pound ([English Units of Measurement](#)), the erg (cgs system), and the joule (mks system) are the units of work or energy expended, respectively, by a 1-lb force acting through a distance of 1 ft, by a 1-dyne force through 1 cm, and by a 1-newton force through 1 m. One foot-pound equals 1.356 joules; 1 erg equals 10^{-7} joules.

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X-Ray

Electromagnetic radiation of very short wavelength, lying within the wavelength interval of 0.0 to 100 angstroms (between gamma rays and ultra-violet radiation). Also called "X-radiation", "Roentgen ray." (X-rays penetrate various thicknesses of all solids and they act upon photographic plates in the same manner as light. Secondary X-rays are produced whenever X-rays are absorbed by a substance; in the case of absorption by a gas, this results in ionization.)

Xenon

(Xe), gaseous element, discovered spectroscopically in 1898 by William Ramsay and M.W. Travers. It is a rare, colorless, odorless, tasteless [Inert Gas](#) used in certain photographic-flash lamps, in high-intensity arc lamps for motion-picture projection, in high-pressure arc lamps to produce ultraviolet light, and in numerous radiation-detection instruments.

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Yaw

- 1) The lateral rotational or oscillatory movement of an aircraft, rocket or the like about a transverse axis.
 - 2) The amount of this movement, i.e., the angle of yaw.
-

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Zero G

Weightlessness.

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Length Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

From: Centimeters Inches Feet Yards Meters Chains Kilometers Miles

To: Centimeters Inches Feet Yards Meters Chains Kilometers Miles

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Mass Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

From: Kilograms Grains Troy Avoirdupois Troy Avoirdupois Short Long Metric
 Ounces Ounces* Pounds Pounds* Tons Tons Tons

To: Kilograms Grains Troy Avoirdupois Troy Avoirdupois Short Long Metric
 Ounces Ounces* Pounds Pounds* Tons Tons Tons

* Also known as Apothecary Ounces and Pounds

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Metrology Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

From: Angstrom Surface Surface Light Precision Close Tol. Metric U.S.
 Units Microinch Microns Bands* tenths thousandths Millimeters Inches

To: Angstrom Surface Surface Light Precision Close Tol. Metric U.S.
 Units Microinches Microns Bands* tenths thousandths Millimeters Inches

* Monochromatic helium count

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Power Equivalents

Type the number you wish converted here:

Then click radio buttons for desired conversion:

| | | | | | | | |
|--------------|----|-----------|--------------|--------------|---------------|----------|---------|
| From: | Hp | Metric hp | Kw Poncelets | Kg-m/
sec | Ft-lb/
sec | Kcal/sec | Btu/sec |
| To: | Hp | Metric Hp | Kw Poncelets | Kg-m/
sec | Ft-lb/
sec | Kcal/sec | Btu/sec |

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Pressure Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

Fm: megadynes/ kg/ lb/ atmos- Hg* Hg* H2O* H2O* H2O*
 sq cm sq cm sq in pheres Meters Inches Meters Inches Feet

To: megadynes/ kg/ lb/ atmos- Hg* Hg* H2O* H2O* H2O*
 sq cm sq cm sq in pheres Meters Inches Meters Inches Feet

*Standard columns of Mercury at 0° C, $g = 980.665 \text{ cm/sec/sec}$
 Standard columns of Water at 60° F, $g = 32.1756 \text{ ft/sec/sec}$

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U.S. Fluid or Liquid Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

From: Minims Drams Ounces Gills Pints Quarts Gallons Barrels*

To: Minims Drams Ounces Gills Pints Quarts Gallons Barrels*

*42 Gallon Unrefined petroleum oil - no "standard" liquid barrel

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Velocity Equivalents

First, type the number you wish converted here:

Then, click radio buttons for desired conversion:

Fm: cm/sec m/sec m/min km/hr ft/sec ft/min mi/hr Knots

To: cm/sec m/sec m/min km/hr ft/sec ft/min mi/hr Knots

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Security & Intelligence & Terrorism & Threats

✓ Information

- [Canadian Security Intelligence Service Act \(1984\)](#)
- [FBI Central Records System Classification Codes](#)
- [Freedom of Information Act Kit](#)
- [G7/P8 Ministerial Conference on Terrorism --- 1996](#)
- [Profiles of the U.S. Intelligence Community](#)
- [Right-wing parties around the world](#)
- [39 Profiles of worldwide terroristic organisations](#)
- [Terrorist Group Profiles](#)
- [Report on state strategy in punishing criminal offences motivated by racism and xenophobia or committed by supporters of extremist groups](#)

✓ Articles, transcripts

- [Bomb Threats and Physical Security Planning](#)
- [Europäischer Rechtsextremismus](#)
- ["How Terrorism Ends"](#)
- [Press Briefing on Russian Diplomat Declared Persona Non Grata Washington, DC, December 9, 1999 *new*](#)
- [Right-wing Extremist Activities on the Internet](#)
- [U.S. National Security and Military/Commercial Concerns with the People's Republic of China \("Cox Report"\)](#)

✓ Online books

- [Anarchist's Cookbook](#)
- [Defensive Information Warfare](#)
- [Patterns of Global Terrorism: 1998](#)
- [Open Source Intelligence: Professional Handbook 1.0](#)
- [NSA new employee security manual](#)

- [Searchingfor Partners: Regional Organizations and Peace Operations](#)
- [Strategic Assessment1997; Flashpoints en Force Structure](#)
- [Strategic Assessment1998; Engaging Power for Peace](#)
- [Terrorist Handbook](#)

 **Course**

- [The Basics of Terrorism](#)

<http://www.csis-scrs.gc.ca/eng/act/csisacte.html>

Canadian Security Intelligence Service Act

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OFFICE CONSOLIDATION

CHAPTER C-23

Canadian Security Intelligence Service Act

An Act to establish the Canadian Security Intelligence Service

Short Title

Short title

1. This Act may be cited as the Canadian Security Intelligence Service Act. 1984, c. 21, s. 1.

Interpretation

Definitions

2. In this Act,

"department"

"department", in relation to the government of Canada or of a province, includes

- (a) any portion of a department of the Government of Canada or of the province, and
- (b) any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof;

"Deputy Minister"

"Deputy Minister" means the Deputy Solicitor General and includes any person acting for or on behalf of the Deputy Solicitor General;

"Director"

"Director" means the Director of the Service;

"employee"

"employee" means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the *Canadian Security Intelligence Service Act*, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

"foreign state"

"foreign state" means any state other than Canada;

"Inspector General"

"Inspector General" means the Inspector General appointed pursuant to subsection 30(1);

"intercept"

"intercept" has the same meaning as in section 183 of the *Criminal Code*;

"judge"

"judge" means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;

"Minister"

"Minister" means the Solicitor General of Canada;

"place"

"place" includes any conveyance;

"Review Committee"

"Review Committee" means the Security Intelligence Review Committee established by subsection 34

(1);

"security assessment"

"security assessment" means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;

"Service"

"Service" means the Canadian Security Intelligence Service established by subsection 3(1);

"threats to the security of Canada"

"threats to the security of Canada" means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,

(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,

(c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state, and

(d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d). 1984, c. 21, s. 2.

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PART I

CANADIAN SECURITY INTELLIGENCE SERVICE

Establishment of Service

Establishment of Service

3. (1) The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

(2) The principal office of the Service shall be in the National Capital Region described in the schedule to the National Capital Act.

Other offices

(3) The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada. 1984, c. 21, s. 3.

Director

Appointment

4. (1) The Governor in Council shall appoint the Director of the Service.

Term of office

(2) The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

(3) Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.

Limitation

(4) No person shall hold office as Director for terms exceeding ten years in the aggregate.

Absence or incapacity

(5) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council. 1984, c. 21, s. 4.

Salary and expenses

5. (1) The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.

Pension benefits

(2) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from outside the Public Service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply. 1984, c. 21, s. 5.

Management of Service

Role of Director

6. (1) The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Minister may issue directions

(2) In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

Directions deemed not to be statutory instruments

(3) Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the *Statutory Instruments Act*, 1984, c. 21, s. 6.

Consultation with Deputy Minister

7. (1) The Director shall consult the Deputy Minister on

- (a) the general operational policies of the Service; and
- (b) any matter with respect to which consultation is required by directions issued under subsection 6(2).

Idem

(2) The Director or any employee designated by the Minister for the purpose of applying for a warrant under section 21 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

Advice by Deputy Minister

(3) The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection. 1984, c. 21, s. 7.

Powers and duties of Director

8. (1) Notwithstanding the *Financial Administration Act* and the *Public Service Employment Act*, the Director has exclusive authority to appoint employees and, in relation to the personnel management of employees, other than persons attached or seconded to the Service as employees,

- (a) to provide for the terms and conditions of their employment; and
- (b) subject to the regulations,
 - (i) to exercise the powers and perform the duties and functions of the Treasury Board relating to personnel management under the *Financial Administration Act*, and
 - (ii) to exercise the powers and perform the duties and functions assigned to the Public Service Commission by or pursuant to the *Public Service Employment Act*.

Discipline and grievances of employees

(2) Notwithstanding the *Public Service Staff Relations Act* but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons

attached or seconded to the Service as employees.

Adjudication of employee grievances

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Staff Relations Board established under section 11 of the *Public Service Staff Relations Act*.

Regulations

(4) The Governor in Council may make regulations

(a) governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and

(b) in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances. 1984, c. 21, s. 8.

Process for resolution of disputes of support staff

9. (1) Notwithstanding the *Public Service Staff Relations Act*,

(a) the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and

(b) the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

Public Service Superannuation Act

(2) Employees of the Service shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*. 1984, c. 21, s. 9.

No suspension of arbitration

9.1 (1) Notwithstanding section 62 of the *Public Service Staff Relations Act* but subject to subsection (2), the operation of sections 64 to 75.1 of that Act is not suspended in respect of the resolution of any dispute applicable to employees of the Service.

Limit on maximum rate of increase

(2) During the period referred to in section 62 of the *Public Service Staff Relations Act*, an arbitration board, as defined in subsection 2(1) of that Act, shall, in rendering an arbitral award, limit the aggregate amount of any increase in pay and other benefits in respect of any dispute applicable to employees of the Service to that concluded through collective, bargaining or otherwise by a comparable bargaining unit in the Public Service, within the meaning of that Act, after the compensation plan applicable to that bargaining unit ceased to be continued by virtue of the *Public Sector Compensation Act*. 1996, R.S., c. F-11

Oaths

10. The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule. 1984, c. 21, s. 10.

Certificate

11. A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it. 1984, c. 21, s. 11.

Duties and Functions of Service

Collection, analysis and retention

12. The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada. 1984, c. 21, s. 12.

Security assessments

13. (1) The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

(2) The Service may, with the approval of the Minister, enter into an arrangement with

(a) the government of a province or any department thereof, or

(b) any police force in a province, with the approval of the Minister responsible for policing in the province,

authorizing the Service to provide security assessments.

Arrangements with foreign states

(3) The Service may, with the approval of the Minister after consultation by the Minister of Foreign Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments. R.S., 1985, c. C-23, s. 13; 1995, c. 5, s. 25(1)(d).

Advice to Ministers

14. The Service may

(a) advise any minister of the Crown on matters relating to the security of Canada, or

(b) provide any minister of the Crown with information relating to security matters or criminal activities, that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizenship Act or the Immigration Act. 1984, c. 21, s. 14.

Investigations

15. The Service may conduct such investigations as are required for the purpose of providing security

assessments pursuant to section 13 or advice pursuant to section 14. 1984, c. 21, s. 15.

Collection of information concerning foreign states and persons

16. (1) Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of

(a) any foreign state or group of foreign states; or

(b) any person other than

(i) a Canadian citizen,

(ii) a permanent resident within the meaning of the *Immigration Act*, or

(iii) a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Limitation

(2) The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(b)(i), (ii) or (iii).

Personal consent of Ministers required

(3) The Service shall not perform its duties and functions under subsection (1) unless it does so

(a) on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and

(b) with the personal consent in writing of the Minister. R.S., 1985, c. C-23, s. 16; 1985, c. 5, s. 25(1)(d).

Cooperation

17. (1) For the purpose of performing its duties and functions under this Act, the Service may,

(a) with the approval of the Minister, enter into an arrangement or otherwise cooperate with

(i) any department of the Government of Canada or the government of a province or any department thereof, or

(ii) any police force in a province, with the approval of the Minister responsible for policing in the province; or

(b) with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

Copies of arrangements to Review Committee

(2) Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee. R.S., 1985, c. C-23, s. 17; 1985, c. 5, s. 25(1)(d).

Offence to disclose identity

18. (1) Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions

under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of

- (a) any other person who is or was a confidential source of information or assistance to the Service, or
- (b) any person who is or was an employee engaged in covert operational activities of the Service can be inferred.

Exceptions

(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

(3) Every one who contravenes subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction. 1984, c. 21, s. 18.

Authorized disclosure of information

19. (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Idem

(2) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,

- (a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;
- (b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;
- (c) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or
- (d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the public service of Canada is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

(3) The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure. R.S., 1995, c. C-23, s. 19; 1985, c. 5, s. 25(1)(d).

Protection of employees

20. (1) The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada

(3) The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Copies to Review Committee

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee. 1984, c. 21, s. 20.

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PART II

JUDICIAL CONTROL

Application for warrant

21. (1) Where the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the approval of the Minister, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application for warrant

(2) An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,

- (a) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;
- (b) that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is

likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;

(c) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;

(d) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;

(e) the persons or classes of persons to whom the warrant is proposed to be directed;

(f) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;

(g) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and

(h) any previous application made in relation to a person identified in the affidavit pursuant to paragraph (d), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

Issuance of warrant

(3) Notwithstanding any other law but subject to the Statistics Act, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,

(a) to enter any place or open or obtain access to any thing;

(b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or

(c) to install, maintain or remove any thing.

Matters to be specified in warrant

(4) There shall be specified in a warrant issued under subsection (3)

(a) the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in paragraphs (3)(a) to (c) authorized to be exercised for that purpose;

(b) the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;

(c) the persons or classes of persons to whom the warrant is directed;

(d) a general description of the place where the warrant may be executed, if a general description of that place can be given;

(e) the period for which the warrant is in force; and

(f) such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

(5) A warrant shall not be issued under subsection (3) for a period exceeding

- (a) sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or
- (b) one year in any other case. 1984, c. 21, s. 21.

Renewal of warrant

22. On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that
- (a) the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and
 - (b) any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances. 1984, c. 21, s. 22.

Warrant authorizing removal

23. (1) On application in writing by the Director or any employee designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed pursuant to a warrant issued under subsection 21(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrants

- (2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f). 1984, c. 21, s. 23.

Warrant to have effect notwithstanding other laws

24. Notwithstanding any other law, a warrant issued under section 21 or 23
- (a) authorizes every person or person included in a class of persons to whom the warrant is directed,
 - (i) in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or
 - (ii) in the case of a warrant issued under section 23, to execute the warrant; and
 - (b) authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant. 1984, c. 21, s. 24.

Crown Liability and Proceedings Act not to apply

25. No action lies under section 18 of the Crown Liability and Proceedings Act in respect of
- (a) the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21; or
 - (b) the disclosure pursuant to this Act of the existence of any such communication. R.S., 1985, c. C-23, s. 25; 1993, c. 34, s. 49.

Exclusion of Part VI of Criminal Code

26. Part VI of the Criminal Code does not apply in relation to any interception of a communication

under the authority of a warrant issued under section 21 or in relation to any communication so intercepted. 1984, c. 21, s. 26.

Hearing of applications

27. An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a warrant shall be heard in private in accordance with regulations made under section 28. 1984, c. 21, s. 27.

Regulations

28. The Governor in Council may make regulations

- (a) prescribing the forms of warrants that may be issued under section 21 or 23;
- (b) governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants and for renewals of those warrants; and
- (c) notwithstanding the Federal Court Act and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept. 1984, c. 21, s. 28.

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PART III

REVIEW

Interpretation

Definition of "deputy head"

29. In this Part, "deputy head" means, in relation to

- (a) a department named in Schedule I to the Financial Administration Act, the deputy minister thereof,
- (b) the Canadian Forces, the Chief of the Defence Staff,
- (c) the Royal Canadian Mounted Police, the Commissioner,
- (d) the Service, the Director, and
- (e) any other portion of the public service of Canada, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the public service of Canada. 1984, c. 21, s. 29.

Inspector General

Inspector General

30. (1) The Governor in Council shall appoint an officer to be known as the Inspector General, who is responsible to the Deputy Minister.

Functions

(2) The functions of the Inspector General are

- (a) to monitor the compliance by the Service with its operational policies;
- (b) to review the operational activities of the Service; and
- (c) to submit certificates pursuant to subsection 33(2). 1984, c. 21, s. 30.

Access to information

31. (1) Notwithstanding any other Act of Parliament but subject to subsection (2), the Inspector General is entitled to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Inspector General and is also entitled to receive from the Director and employees such information, reports and explanations as the Inspector General deems necessary for the performance of those duties and functions.

Compelling production of information

(2) No information described in subsection (1), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Inspector General on any grounds. 1984, c. 21, s. 31.

Compliance with security requirements

32. The Inspector General shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule. 1984, c. 21, s. 32.

Periodic reports by Director

33. (1) The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Service during that period, and shall cause the Inspector General to be given a copy of each such report.

Certificates of Inspector General

(2) As soon as practicable after receiving a copy of a report referred to in subsection (1), the Inspector General shall submit to the Minister a certificate stating the extent to which the Inspector General is satisfied with the report and whether any act or thing done by the Service in the course of its operational activities during the period to which the report relates is, in the opinion of the Inspector General,

- (a) not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or
- (b) involves an unreasonable or unnecessary exercise by the Service of any of its powers.

Transmission to Review Committee

(3) As soon as practicable after receiving a report referred to in subsection (1) and a certificate of the Inspector General referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee. 1984, c. 21, s. 33.

Security Intelligence Review Committee

Security Intelligence Review Committee

34. (1) There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Term of office

(2) Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

(3) A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

(4) Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions. 1984, c. 21, s. 34.

Chairman of the Review Committee

35. (1) The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee

(2) The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman. 1984, c. 21, s. 35.

Staff of Review Committee

36. The Review Committee may, with the approval of the Treasury Board,

- (a) engage a secretary and such other staff as it requires; and
- (b) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a). 1984, c. 21, s. 36.

Compliance with security requirements

37. Every member of the Review Committee and every person engaged by it shall comply with all

security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule. 1984, c. 21, s. 37.

Functions of Review Committee

38. The functions of the Review Committee are

(a) to review generally the performance by the Service of its duties and functions and, in connection therewith,

(i) to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),

(ii) to review directions issued by the Minister under subsection 6(2),

(iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,

(iv) to review any report or comment given to it pursuant to subsection 20(4),

(v) to monitor any request referred to in paragraph 16(3)(a) made to the Service,

(vi) to review the regulations, and

(vii) to compile and analyse statistics on the operational activities of the Service;

(b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and

(c) to conduct investigations in relation to

(i) complaints made to the Committee under sections 41 and 42,

(ii) reports made to the Committee pursuant to section 19 of the *Citizenship Act* or sections 39 and 81 of the *Immigration Act*, and

(iii) matters referred to the Committee pursuant to section 45 of the *Canadian Human Rights Act*. 1984, c. 21, s. 38.

Committee procedures

39. (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Access to information

(2) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled

(a) to have access to any information under the control of the Service or of the Inspector General that relates to the performance of the duties and functions of the Committee and to receive from the Inspector General, Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions;

and

(b) during any investigation referred to in paragraph 38(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

Idem

(3) No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, may be withheld from the Committee on any grounds. 1984, c. 21, s. 39.

Review

40. For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

- (a) direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or
- (b) where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself. 1984, c. 21, s. 40.

Complaints

Complaints

41. (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if

- (a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and
- (b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available

(2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the *Public Service Staff Relations Act*. 1984, c. 21, s. 41.

Denial of security clearance

42. (1) Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Idem

(2) Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Receipt and investigation of complaints

(3) The Review Committee shall receive and investigate a complaint from

- (a) any individual referred to in subsection (1) who has been denied a security clearance;
or
(b) any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made

(4) A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows. 1984, c. 21, s. 42.

Member of the Committee authorized to act alone

43. A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints. 1984, c. 21, s. 43.

Complaints submitted on behalf of complainants

44. Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized. 1984, c. 21, s. 44.

Written complaint

45. A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise. 1984, c. 21, s. 45.

Statement and notice of hearing to be sent to the complainant

46. The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned. 1984, c. 21, s. 46.

Investigations

Notice of intention to investigate

47. Before commencing an investigation of a complaint referred to in paragraph 38(c) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint. 1984, c. 21, s. 47.

Investigations in private

48. (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted

in private.

Right to make representations

(2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person. 1984, c. 21, s. 48.

Canadian Human Rights Commission may comment

49. In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint. 1984, c. 21, s. 49.

Powers of Review Committee

50. The Review Committee has, in relation to the investigation of any complaint under this Part, power

- (a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;
- (b) to administer oaths; and
- (c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law. 1984, c. 21, s. 50.

Evidence in other proceedings

51. Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings. 1984, c. 21, s. 51.

Report of findings

52. (1) The Review Committee shall,

- (a) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and
- (b) at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Idem

(2) On completion of an investigation in relation to a complaint under section 42, the Review Committee

shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the Committee considers appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant. 1984, c. 21, s. 52.

Reports

Annual reports

53. The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it. R.S., 1985, c. C-23, s. 53; R.S., 1985, c. 1 (4th Supp.), s. 7.

Special reports

54. The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions. 1984, c. 21, s. 54.

Protection of confidential information

55. The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing

- (a) a statement under section 46 of this Act, subsection 45(6) of the *Canadian Human Rights Act*, subsection 19(5) of the *Citizenship Act* or subsection 39(6) or 81(5) of the *Immigration Act*; or
- (b) a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the *Canadian Human Rights Act*, subsection 19(6) of the *Citizenship Act* or subsection 39(10) or 81(8) of the *Immigration Act*. 1984, c. 21, s. 55.

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PART IV

REVIEW BY PARLIAMENT

Review of Act after five years

56. (1) After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Report to Parliament

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review

to Parliament including a statement of any changes the committee recommends. 1984, c. 21, s. 69.

SCHEDULE

(Section 10)

OATH OF OFFICE

I,, swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

OATH OF SECRECY

I,, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the Canadian Security Intelligence Service Act. So help me God.

1984, c. 21, Sch.

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FBI Central Records System Classification Codes

These numbers correspond to the first three numbers of any FBI file and are used to designate the type of investigation the FBI has undertaken. Thus, an FBI file that began with the number 007 would indicate that the file was created as part of a Kidnapping investigation.

- 1 National Academy Matters
- 2 Neutrality Matter
- 3 Destruction or Overthrow of the Government
- 4 National Firearms Act
- 5 Income Tax
- 6 Interstate Transportation of Strikebreakers
- 7 Kidnapping
- 8 Migratory Bird Act
- 9 Extortion Matters
- 10 Red Cross Act
- 11 Tax (other than income)
- 12 Narcotics
- 13 National Defense Act; Prostitution; Selling Whiskey Within Army Camps, 1920 only (obsolete)
- 14 Sedition
- 15 Theft from Interstate Shipment
- 16 Consolidated into Classification 69
- 17 Fraud Against the Government - Veterans Administration
- 18 May Act
- 19 Censorship Matters
- 20 Federal Grain Standards Act, 1920 only (obsolete)
- 21 Food and Drugs
- 22 National Motor Vehicle Traffic Act, 1922-27 (obsolete)
- 23 Prohibition
- 24 Profiteering, 1920-24 (obsolete)
- 25 Selective Service Act
- 26 Interstate Transportation of Stolen Motor Vehicles and Stolen Aircraft
- 27 Patent Matter
- 28 Copyright Matters
- 29 Bank Fraud and Embezzlement
- 30 Interstate Quarantine Law (obsolete)
- 31 White Slave Traffic Act
- 32 Fingerprint Matters
- 33 Uniform Crime Reporting
- 34 Violation of Lacy Act, 1922-43 (obsolete)
- 35 Civil Service
- 36 Mail Fraud

- 37 False Claim Against the Government, 1922-29 (obsolete)
- 38 Application for Pardon to Restore Civil Rights, 1921-35 (obsolete)
- 39 Falsely Claiming Citizenship (obsolete)
- 40 Passport and Visa Matters
- 41 Explosives (obsolete)
- 42 Deserter
- 43 Illegal Wearing of Uniform
- 44 Civil Rights
- 45 Crime on the High Seas
- 46 Fraud Against the Government
- 47 Impersonation
- 48 Postal Violations (except Mail Fraud)
- 49 National Bankruptcy Act
- 50 Involuntary Servitude and Slavery
- 51 Jury Panel Investigation
- 52 Theft or Destruction of Government Property
- 53 Excess Profits on Wool, 1918 (obsolete)
- 54 Customs Laws and Smuggling
- 55 Counterfeiting
- 56 Election Laws
- 57 War Labor Dispute Act (obsolete)
- 58 Bribery; Conflict of Interest
- 59 World War Adjusted Compensation Act, 1924-44 (obsolete)
- 60 Anti-Trust
- 61 Treason
- 62 Miscellaneous-Non-subversive
- 64 Foreign Miscellaneous
- 65 Espionage
- 66 Administrative Matters
- 67 Personnel Matters
- 68 Alaskan Matters (obsolete)
- 69 Contempt of Court
- 70 Crime on Government Reservation
- 71 Bills of Lading Act
- 72 Obstruction of Criminal Investigations
- 73 Application for Pardon
- 74 Perjury
- 75 Bondsmen and Sureties
- 76 Escaped Federal Prisoner
- 77 Applicants (Special Inquiry, Departmental, Other Gov't Agencies)
- 78 Illegal use of Government Transportation Requests
- 79 Missing Persons
- 80 Laboratory Research Matters, Headquarters

- 81 Gold Hoarding, 1933-45 (obsolete)
- 82 War Risk Insurance (obsolete)
- 83 Claims court
- 84 Reconstruction Finance Corporation Act (obsolete)
- 85 Home Owners Loan Corporation (obsolete)
- 86 Fraud Against the Government - Small Business Administration
- 87 Interstate Transportation of Stolen Property
- 88 Unlawful Flight to Avoid Prosecution
- 89 Assaulting or Killing a Federal Officer
- 90 Irregularities in Federal Penal Institutions
- 91 Bank Robbery
- 92 Racketeering Enterprise Investigations
- 93 Ascertaining Financial Ability
- 94 Research Matters
- 95 Laboratory Examinations
- 96 Alien Applicants (obsolete)
- 97 Foreign Agents Registration Act
- 98 Sabotage
- 99 Plant Survey (obsolete)
- 100 Domestic Security
- 101 Hatch Act (obsolete)
- 102 Voorhis Act
- 103 Interstate Transportation of Stolen Cattle
- 104 Servicemen's Dependents Allowance Act of 1942 (obsolete)
- 105 Foreign Counterintelligence
- 106 Alien Enemy Control
- 107 Denaturalization Proceedings (obsolete)
- 108 Foreign Travel Control (obsolete)
- 109 Foreign Political Matters
- 110 Foreign Economic Matters
- 111 Foreign Social Conditions
- 112 Foreign Funds
- 113 Foreign Military and Naval Matters
- 114 Alien Property Custodian Matter (obsolete)
- 115 Bond Default
- 116 Department of Energy, Applicant
- 117 Atomic Energy Act
- 118 Applicant, Central Intelligence Agency (obsolete)
- 119 Federal Regulation of Lobbying Act
- 120 Federal Tort Claims Act
- 121 Loyalty of Government Employees (obsolete)
- 122 Labor Management Relations Act
- 123 Special Inquiry, State Department, Voice of America (obsolete)

- 124 European Recovery Program (obsolete)
- 125 Railway Labor Act
- 126 National Security Resources Board (obsolete)
- 127 Sensitive Positions in the United States Government (obsolete)
- 128 International Development Program (obsolete)
- 129 Evacuation Claims (obsolete)
- 130 Special Inquiry, Armed Forces Security Act (obsolete)
- 131 Admiralty Matter
- 132 Special Inquiry, Office of Defense Mobilization (obsolete)
- 133 National Science Foundation Act Applicant (obsolete)
- 134 Foreign Counterintelligence Assets
- 135 PROSAB - Protection of Strategic Air Command Bases of the US Air Force (obsolete)
- 136 American Legion Contacts (obsolete)
- 137 Informants
- 138 Loyalty of Employees of International Organizations
- 139 Interception of Communications
- 140 Security of Government Employees
- 141 False Entries in Records of Interstate Carriers
- 142 Illegal Use of Railroad Pass
- 143 Interstate Transportation of Gambling Devices
- 144 Interstate Transportation of Lottery Tickets
- 145 Interstate Transportation of Obscene Matter
- 146 Interstate Transportation of Prison Made Goods
- 147 Fraud Against the Government-Department of Housing and Urban Development
- 148 Interstate Transportation of Fireworks
- 149 Destruction of Aircraft or Motor Vehicles
- 150 Harboring of Federal Fugitives, Statistics (obsolete)
- 151 Referral Cases from Office of Personnel Management, Applicant Loyalty
- 152 Switchblade Knife Act
- 153 Automobile Information Disclosure Unit
- 154 Interstate Transportation of Unsafe Refrigerators
- 155 National Aeronautics and Space Act of 1958
- 156 Employee Retirement Income Security Act
- 157 Civil Unrest
- 158 Labor-Management Reporting and Disclosure Act of 1959 (obsolete)
- 159 Labor-Management Reporting and Disclosure Act of 1959
- 160 Federal Train Wreck Statute
- 161 Special Inquiries for White House, Congressional Committees, and Other Government Agencies
- 162 Interstate Gambling Activities
- 163 Foreign Police Cooperation
- 164 Crime Aboard Aircraft

- 165 Interstate Transmission of Wagering Information
- 166 Interstate Transportation in Aid of Racketeering
- 167 Destruction of Interstate Property
- 168 Interstate Transportation of Wagering Paraphernalia
- 169 Hydraulic Brake Fluid Act (obsolete)
- 170 Extremist Informants (obsolete)
- 171 Motor Vehicle Seat Belt Act (obsolete)
- 172 Sports Bribery
- 173 Civil Rights Act of 1964
- 174 Explosives and Incendiary Devices
- 175 Assaulting, Kidnapping or Killing the President
- 176 Antiriot Laws
- 177 Discrimination in Housing
- 178 Interstate Obscene or Harassing Telephone Calls
- 179 Extortionate Credit Transactions
- 180 Desecration of the Flag
- 181 Consumer Credit Protection Act
- 182 Illegal Gambling Business
- 183 Racketeer Influenced and Corrupt Organizations
- 184 Police Killings
- 185 Protection of Foreign Officials and Official Guests
- 186 Real Estate Settlement Procedure Act of 1974
- 187 Privacy Act of 1974
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- 189 Equal Credit Opportunity Act
- 190 Freedom of Information / Privacy Acts
- 191 False Identity Matter (obsolete)
- 192 Hobbs Act - Financial Institutions; Commercial Institutions
- 193 Hobbs Act - Commercial Institutions (obsolete)
- 194 Hobbs Act - Corruption of Public Officials
- 195 Hobbs Act - Labor Related
- 196 Fraud by Wire
- 197 Civil Actions or Claims Against the Government
- 198 Crime on Indian Reservations
- 199 Foreign Counterintelligence - Terrorism
- 200 Foreign Counterintelligence Matters
- 201 Foreign Counterintelligence Matters
- 202 Foreign Counterintelligence Matters
- 203 Foreign Counterintelligence Matters
- 205 Foreign Revenue Sharing
- 205 Foreign Corrupt Practices Act of 1977
- 206 Fraud Against the Government
- 207 Fraud Against the Government

- 208 Fraud Against the Government
- 209 Fraud Against the Government
- 210 Fraud Against the Government
- 211 Ethics in Government Act of 1978
- 212 Foreign Counterintelligence - Intelligence Community Support
- 213 Fraud Against the Government
- 214 Civil Rights of Institutionalized Persons Act
- 215-229 Foreign Counterintelligence Matters
- 230-240 FBI Training Matters
- 241 DEA Applicant Investigations
- 242 Automation Matters
- 243 Intelligence Identities Protection Act of 1982
- 244 Hostage Rescue Team
- 245 Drug Investigative Task Force
- 246-248 Foreign Counterintelligence Matters
- 249 Toxic Waste Matters
- 250 Tampering with Consumer Products
- 251 Controlled Substances
- 252 National Center for the Analysis of Violent Crime/Violent Criminal Apprehension Program - NCAVC/VI-CAP
- 253 Fraud and Related Activity in Connection with Identification Documents
- 254 Destruction of Energy Facilities
- 255 Counterfeiting of State and Corporate Securities
- 256 Hostage Taking - Terrorism
- 257 Trademark Counterfeiting Act of 1984
- 258 Credit and/or Debit Card Fraud
- 259 Security Clearance Investigations Program
- 260 Industrial Security Program
- 261 Security Office Matters
- 262 Overseas Homicide - Attempted Homicide
- 263 OPR - Office of Professional Responsibility Matters
- 264 Computer Fraud and Abuse
- 265 Acts of Terrorism in the United States - International Terrorists
- 266 Acts of Terrorism in the United States - Domestic Terrorists
- 267 Drug-Related Homicide. Title 21, U.S. Code, Section 848(e).
- 268 Engineering Technical Matters--FCI.
- 269 Engineering Technical Matters--Non-FCI.
- 270 Cooperative Witnesses.
- 271 Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.
- 272 Money Laundering. Title 18, U.S. Code, Sections 1956 and 1957.
- 273 Adoptive Forfeiture Matter--Drug. Forfeiture
- 274 Adoptive Forfeiture Matter--Organized Crime. (Same explanation as 273.)
- 275 Adoptive Forfeiture Matter--White Collar Crime.

276 Adoptive Forfeiture Matter--Violent Crime/Major Offenders Program.

277 Adoptive Forfeiture Matter--Counterterrorism Program.

278 Presidents Intelligence Oversight Board. Executive Order 12334.

279 Biological Weapons Anti-Terrorism Act of 1989.

280 Equal Employment Opportunity Investigations.

281 Organized Crime Drug Investigations.

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Extreme right-wing parties around the world

Extreme right-wing is a collection label for nationalist, xenophobic and fascist(oide) parties. Nationalist parties are defined here as parties strongly emphasizing national values. National emancipation parties are not listed in this category. Xenophobic parties are defined here as parties which are hostile to national minorities. Fascist is only used for parties officially adhering fascist (mussolini'ist) ideas.

Only official sites of political parties are added to this list. Parties which do not participate in elections or have only a small amount of support are not listed. Parties boycotting elections are listed if they have more than a small amount of support.

Inclusion of a link **does not in any way mean endorsement of or support for** the listed parties.

| | |
|--------------------|--|
| Albania | Balli Kombetar
Partia e Unitetit Kombëtare |
| Argentina | Movimiento por la Dignidad y la Independencia |
| Australia | Pauline Hansons' One Nation |
| Austria | Die Freiheitlichen |
| Azerbaijan | Azerbaycan Milli Istiqlal Partiyasi |
| Belgium | Front National/Front voor de Natie
Vlaams Blok |
| Bosnia-Herzegovina | Hrvatska Stranka Prava
Narodna Radikalna Stranka "Nikola Pasic"
Radikalna Stranka Republike Srpske
Srpska Demokratska Stranka-Srpskih Zemalja
Srpska Patriotska Stranka
Srpska Radikalna Stranka Republike Srpske |
| Bulgaria | Balgarski Biznes Blok |
| Croatia | Hrvatska Stranka Prava
Hrvatska Stranka Prava 1861 |
| Czech Republic | Sdru`eni pro republiku/Republikanská strana ^eskoslovenska |

| | |
|------------------|---|
| Denmark | Dansk Folkeparti
Fremskridtspartiet |
| France | Front National
Mouvement pour la France |
| Germany | Deutsche Volksunion
Die Republikaner |
| Hungary | Magyar Igazság és Elet Pártja |
| Israel | Moledet
Herut
Tekuma |
| Italy | Movimento Sociale Fiamma Tricolore |
| Kyrgyzstan | Partai Alta-Mekel |
| Latvia | Latvijas Vienibas Partija
Tautas Kustibas Latvijai-Zigerista Partija |
| Lithuania | Lietuviu Nacionaline Partija "Jaunoji Lietuva" |
| Macedonia | Vnatresno-Makedonska Revolucionerna Organizacija-Demokratska Partija za Makedonsko Nacionalno |
| Netherlands | Centrumdemocraten |
| New Caledonia | Front National |
| Northern Ireland | Democratic Unionist Party
Progressive Unionist Party
Ulster Democratic Party
United Kingdom Unionist Party |
| Norway | Fremskrittspartiet |
| Romania | Partidul România Mare
Partidul Unitati Nationale Române |
| Russia | Blok Stanislava Govorukhina
Derzhava
Liberalno-Demokraticeskaya Partiya Rossii
Vlast Narodu! |
| Slovakia | Slovenská národná strana |
| Slovenia | Slovenska Nacionalna Stranka |
| South Africa | Afrikaner Eenheidsbeweging |
| Sweden | Ny Demokrati |

| | |
|-------------------|--|
| Switzerland | Schweizer Demokraten/Démocrates Suisses/Democratici Svizzeri
Schweizerische Volkspartei /Union D mocratique du Centre /Unione
Democratica di Centro /Partida Populara Svizra |
| Turkey | Milliyetçi Hareket Partisi |
| Ukraine | Ukrainska Konservatyvna Respublikanska Partiya |
| Yugoslavia-Serbia | Srpski Pokret Obnove
Srpska Radikalna Stranka |

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<http://nsi.org/Library/Terrorism/profterr.txt>

TERRORIST PROFILES

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| 1st OF OCTOBER ANTIFASCIST RESISTANCE GROUP (GRAPO) | <i>Spain</i> |
| FORCE 17 | <i>Lebanon</i> |
| ABU NIDAL ORGANIZATION (ANO) | <i>Lybia/Syria</i> |
| PALESTINE LIBERATION FRONT (PLF) | <i>Tunesia/Iraq</i> |
| AL-FATAH | <i>Tunesia/Lebanon</i> |
| ARMENIAN SECRET ARMY FOR THE LIBERATION OF ARMENIA (ASALA) (aka <i>The Orly Group</i>) | <i>Lebanon</i> |
| BASQUE FATHERLAND AND LIBERTY (ETA) | <i>Spain/France</i> |
| CHUKAKU-HA (Nucleus or Middle-Core Faction) | <i>Japan</i> |
| CNPZ (see <i>Nestor Paz Zamora Commission</i>) | |
| DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP) | <i>Syria/Lebanon</i> |
| DEVRIMCI SOL (aka: <i>DEV SOL</i>) | <i>Turkey</i> |
| REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC) | <i>Colombia</i> |
| FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) | <i>El Salvador</i> |
| HAWARI GROUP [aka: <i>Fatah Special Operations Group Martyrs of Tal Al Za'atar, Amn Araissi</i>] | <i>Middle East</i> |
| HIZBALLAH (Party of God) [aka: <i>Islamic Jihad</i>] | <i>Lebanon/Bekaa Val.</i> |
| JAPANESE RED ARMY (JRA) [aka: <i>Anti-Imperialist International Brigade (AIIB)</i>] | <i>Lebanon/Syria</i> |
| KURDISH WORKER'S PARTY (PKK) [aka: <i>Kurdish Labor Party</i>] | <i>Iran/Syria/Iraq</i> |

| | |
|---|---------------------------------------|
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| MORAZANIST PATRIOTIC FRONT (FPM) | <i>Honduras</i> |
| LAUTARO YOUTH MOVEMENT (MJL) | <i>Chile</i> |
| MOZAMBICAN NATIONAL RESISTANCE (RENAMO) | <i>Mozambique</i> |
| MRTA (see <i>Tupac Amaru Revolutionary Movement</i>) | <i>Bolivia</i> |
| NATIONAL LIBERATION ARMY (ELM)--<i>Bolivia</i> | <i>Bolivia</i> |
| NATIONAL LIBERATION ARMY (ELN)--<i>Colombia</i> | <i>Colombia</i> |
| NESTOR PAZ ZAMORA COMMISSION (CNPZ) | |
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| POPULAR STRUGGLE FRONT (PSF) | <i>Syria</i> |
| RED ARMY FACTION (RAF) | <i>Germany</i> |
| REVOLUTIONARY PEOPLE'S STRUGGLE (ELA) | <i>Greece</i> |
| SENDERO LUMINOSO (Shining Path, SL) | <i>Peru</i> |
| TERRA LLIURE (TL) (Free Land) | <i>Spain</i> |
| TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA) | <i>Peru/Bolivia</i> |
| PROVISIONAL IRISH REPUBLICAN ARMY (PIRA) [aka: <i>The Provos</i>] | <i>N. Ireland</i> |
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15 MAY ORGANIZATION

DESCRIPTION

Formed in 1979 from remnants of Wadi Haddad's Popular Front for the Liberation of

Palestine-Special Operations Group (PFLP-SOG). Led by Muhammad al-Umari, who is known throughout Palestinian circles as Abu Ibrahim or the bombman. Group was never part of PLO. Reportedly disbanded in the mid-1980s when several key members joined Colonel Hawari's Special Operations Group of Fatah.

ACTIVITIES

Claimed credit for several bombings in the early-to-mid- 1980s, including hotel bombing in London (1980), El Al's Rome and Istanbul offices (1981), and Israeli Embassies in Athens and Vienna (1981). Anti-US attacks include an attempted bombing of a Pan Am airliner in Rio de Janeiro and a bombing on board a Pan Am flight from Tokyo to Honolulu in August 1982. (The accused bomber in this last attack, Mohammed Rashid, is currently jailed in Greece following his conviction for the bombing, which killed a Japanese teenager.)

STRENGTH

50 to 60 in early 1980s.

LOCATION/AREA OF OPERATION

Baghdad until 1984. Before disbanding, operated in Middle East, Europe, and East Asia, Abu Ibrahim is reportedly in Iraq.

EXTERNAL AID

Probably received logistic and financial support from Iraq until 1984.

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REVOLUTIONARY ORGANIZATION 17 NOVEMBER (17 November)

Description

A radical leftist group established in 1975 and named for the November 1973 student uprising protesting the military regime. Anti-US, anti-Turkish, anti-NATO; committed to violent overthrow of the regime, ouster of US bases, removal of Turkish military presence from Cyprus, and severing of Greece's ties to NATO and the EC. Organization is obscure, possibly affiliated with other Greek terrorist groups.

Activities

Initial attacks were selected handgun assassinations against senior US officials , including US Embassy official Richard Welch in 1975 and US Navy Captain George Tsantes in 1983. Began assassinating Greek officials and public figures in 1976 and added bombings, including attacks against US military buses in 1987 and assassination of US defense attache William Nordeen in 1988. Since 1990 has expanded targeting to include EC facilities and foreign firms investing in Greece, and added improvised rocket attacks to its methods. In 1991 was responsible for at least five of the 15 terrorist attacks against coalition targets in Greece during the Gulf War, including the assassination in March of a US Army sergeant. Also stepped up attacks against Turkish interests with attempted murder of Turkish Embassy official in July and assassination of Turkish Embassy press attache in October.

Strength

Unknown, but presumed to be small.

Location/Area of Operations

Greece, primarily in Athens metropolitan area.

External Aid

May receive support from ELA and other Greek terrorist group cadres.

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FIRST OF OCTOBER ANTIFASCIST RESISTANCE GROUP (GRAPO)*DESCRIPTION*

Small, Maoist urban terrorist group established in 1975. Loosely associated with the Spanish Communist Party-Reconstituted. Seeks to remove US military forces from Spain and establish a revolutionary regime.

ACTIVITIES

Carried out small-scale bombing attacks on US and NATO facilities in early 1980s; capabilities reduced by arrests since 1985. During 1991, GRAPO claimed responsibility

for bombing a rail line outside Madrid and segments of the NATO pipeline in Spain.

STRENGTH

Probably fewer than a dozen operatives.

LOCATION/AREA OF OPERATION

Spain.

EXTERNAL AID

Reported to have had ties to the French Action Directe and the Italian Red Brigades. The German RAF has sought ties to the group.

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FORCE 17

DESCRIPTION

Formed in early 1970s as a personal security force for Arafat and other PLO leaders.

ACTIVITIES

According to press sources, in 1985 expanded operations to include terrorist attacks against Israeli targets. No confirmed terrorist activity outside Israel and the occupied territories since September 1985, when it claimed responsibility for killing three Israelis in Cyprus, an incident that was followed by Israeli air raids on PLO bases in Tunisia.

STRENGTH

Unknown.

LOCATION/AREA OF OPERATION

Based in Beirut before 1982. Since then, dispersed in several Arab countries. Now operating in Lebanon, other Middle Eastern countries, and Europe.

EXTERNAL AID

PLO is main source of support.

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ABU NIDAL ORGANIZATION (ANO)

aka: Fatah REvolutionary Council, Arab Revolutionary Council, Arab Revolutionary Brigades, Black September, Revolutionary Organization of Socialist Muslims.

DESCRIPTION:

International terrorist organization led by Sabri alBanna. Split from the PLO in 1974. Made up of various functional committees, including political, military , and financial.

ACTIVITIES:

Has carried out over 90 terrorist attacks since 1974 in 20 countries, killing or injuring almost 900 people. Targets the United States, the United Kingdom, France, Isreal, moderate Palestinians, the PLO. and various Arab countries, depending on which state is sponsoring it at the time. Major attacks include Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul, the Pan Am Flight 73 hijacking in Karachi in September 1986, and The City of Poros day-excursion ship attack in July 1988 in Greece. Suspected of carrying out assasination on 14 January 1991 in Tunis of PLO deputy chief Abu Iyad and PLO security chief Abu Hul. ANO members also attacked and seriously wounded a senior ANO dissident in Algeria in MArch 1990

STRENGTH:

Several hundred plus "militia" in Lebanon and overseas support structure.

LOCATION/AREA OF OPERATION

Headquartered in Irag (1974-83) and Syria (1983-87); currently headquartered in Libya with substantial presence in Lebanon (in the Bekaa Valley and several Palestinian refugee camps in coastal areas of Lebanon). Also has presence in Algeria. Has demonstrated ability to operate over wide aream including Middle East Asia and Europe.

EXTERNAL AID:

Has received considerable support, including safe haven, training, logistical assistance, and financial aid from Iraq and Syria (until 1987); continues to receive aid from Libya, in addition to close support for selected operations.

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PALESTINE LIBERATION FRONT (PLF)

DESCRIPTION

Terrorist group that broke away from the PFLP-GC in mid- 1970s. Later split again into pro-PLO, pro-Syrian, and pro- Libyan factions. Pro-PLO faction led by Muhammad Abbas (Abu Abbas), who became member of PLO Executive Committee in 1984, but left the Executive Committee in 1991.

ACTIVITIES

Abu Abbas-led faction carried out abortive seaborne attack staged from Libya against Israel on 30 May 1990. Abbas's groups were also responsible for October 1985 attack on the cruise ship Achille Lauro and the murder of US citizen Leon Klinghoffer. A warrant for Abu Abbas's arrest is outstanding in Italy. Others who were involved in the hijacking are wanted elsewhere. Openly supported Iraq during Persian Gulf war.

STRENGTH

At least 50.

LOCATION/AREA OF OPERATION

PLO faction based in Tunisia until Achille Lauro attack. Now based in Iraq.

EXTERNAL AID

Receives logistic and military support mainly from PLO, but also Libya and Iraq.

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AL-FATAH

aka: Al-'Asifa.

DESCRIPTION:

Headed by Yasser Arafat, Fatah joined the PLO in 1968 and won the leadership role in 1969. Its commanders were expelled from Jordan following violent confrontations with Jordanian forces during the period 1970-71, beginning with Black September in 1970. The Israeli invasion of Lebanon in 1982 led to the group's dispersal to several Middle Eastern countries, including Tunisia, Yemen, Algeria, Iraq, and others. Maintains several military and intelligence wings that have carried out terrorist attacks, including Force 17 and the Hawari Special Operations Group. Two of its leaders, Abu Jihad and Abu Iyad, were assassinated in recent years.

ACTIVITIES:

In the 60s and the 1970s, Fatah offered training to a wide range of European, Middle Eastern, Asian, and African terrorist and insurgent groups. Carried out numerous acts of international terrorism in Western Europe and Middle East in the early-to-mid-1970s.

STRENGTH:

6,000 to 8,000.

LOCATION / AREA OF OPERATION:

Headquartered in Tunisia, with bases in Lebanon and other Middle Eastern countries.

EXTERNAL AID:

Has had close, longstanding political and financial ties to Saudi Arabia, Kuwait, and other moderate Persian Gulf states. These relations were disrupted by the Gulf crisis of 1990-91. Also has had links to Jordan. Received weapons, explosives, and training from the former USSR and the former Communist regimes of East European states. China and North Korea have reportedly provided some weapons.

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ARMENIAN SECRET ARMY FOR THE LIBERATION OF ARMENIA (ASALA)

aka: The Orly Group, 3rd October Organization

DESCRIPTION:

Marxist-Leninist Armenian terrorist group formed in 1975 with stated intention to compel Turkish Government to acknowledge publicly its alleged responsibility for the deaths of 1.5 million Armenians in 1915, pay reparations, and cede territory for an Armenian homeland. Led by Hagop Hagopian until he was assassinated in Athens in April 1988.

ACTIVITIES:

Initial bombing and assassination attacks directed against Turkish targets. Later attacked French and Swiss targets to force release of imprisoned comrades. Made several minor bombing attacks against US airline offices in Western Europe in early 1980s. Bombing of Turkish airline counter at Orly Airport in Paris in 1983 --eight killed and 55 wounded--led to split in group over rationale for causing indiscriminate casualties. Suffering from internal schisms, group has been relatively inactive over past four years, although recently claimed an unsuccessful attack on Turkish Ambassador to Hungary.

STRENGTH

A few hundred members and sympathizers.

LOCATION/AREA OF OPERATION

Lebanon; Western Europe, Armenia, United States, and Middle East.

EXTERNAL AID

Has received aid, including training and safehaven, from Syria. May also receive some aid from Libya. Has extensive ties to radical Palestinian groups, including the PFLP and PFLP-GC.

[Top](#)**BASQUE FATHERLAND AND LIBERTY (ETA)***DESCRIPTION*

Founded in 1959 with the aim of creating an independent homeland in Spain's Basque region. Has muted commitment to Marxism. In 1974 split into two factions--ETA/ Political- Military and ETA- Military; the former has been inactive since limited home

rule granted in 1982. Despite the arrest of several leaders and terrorist cells in Spain and France over the past two years, ETA-Military has continued to conduct lethal attacks.

ACTIVITIES

Chiefly bombings and assassinations of Spanish Government targets, especially security forces. Finances activities through kidnappings, robberies, and extortion . Bombings are sophisticated, lethal, and sometimes indiscriminate. Over 40 people were killed and over 200 injured in ETA attacks during 1991.

STRENGTH

Unknown; may have hundreds of members, plus supporters.

LOCATION/AREA OF OPERATIONS

Operates primarily in Spain and France, but conducted low- intensity bombings against Spanish diplomatic, commercial, and cultural facilities in Italy and Germany in 1991.

EXTERNAL AID

Has received training at various times in Libya, Lebanon, and Nicaragua. Also has close ties to PIRA.

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CHUKAKU-HA

aka: Nucleus or Middle-Core Faction

DESCRIPTION

An ultraleftist/radical group with origins in the fragmentation of the Japanese Communist Party in 1957. Largest domestic militant group; has political arm plus small, covert action wing called Kansai Revolutionary Army. Funding derived from membership dues, sales of its newspapers, and fundraising campaigns.

ACTIVITIES

Participates in mass protest demonstrations and snake- dancing in streets; supports

farmers' protest of construction of Narita airport, among other causes; sabotaged part of Japanese railroad system in 1985 and 1986; sporadic attacks usually designed to cause only property damage through use of crude rockets and incendiary devices; anti-US attacks include small-scale rocket attempts against US military and diplomatic targets; no US casualties so far.

STRENGTH

3,500.

LOCATION/AREA OF OPERATION

Japan.

EXTERNAL AID

None known.

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CNPZ

see Nestor Paz Zamora Commission

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DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP)

DESCRIPTION

Marxist group that split from the PFLP in 1969. Believes Palestinian national goals can be achieved only through revolution of the masses. In early 1980s, occupied political stance midway between Arafat and the more radical rejectionists. Split into two factions in 1991, one pro- Arafat and another more hardline faction headed by Nayif Hawatmah.

ACTIVITIES

In the seventies, carried out numerous small bombings and minor assaults and some more spectacular operations in Israel and the occupied territories, concentrating on Israeli

targets such as the 1974 massacre in Ma'alot in which 27 Israelis were killed and over 100 wounded. Involved only in border raids since 1988.

STRENGTH

Estimated at 500 (total for both factions).

LOCATION/AREA OF OPERATION

Syria, Lebanon, and the Israeli--occupied territories; attacks have taken place entirely in Israel and the occupied territories.

EXTERNAL AID

Receives financial and military aid from Syria and Libya.

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DEV RIMCI SOL

aka: DEV SOL

DESCRIPTION

Formed in 1978 as a splinter faction of the Turkish People's Liberation Party/Front. Espouses a Marxist ideology, intensely xenophobic, and virulently anti-US and anti-NATO; seeks to unify the proletariat to stage a national revolution. Finances its activities chiefly through armed robberies and extortion.

ACTIVITIES

Conducted attacks against US, Turkish, and NATO targets until weakened by massive arrests during 1981-83. Methods of attack include handgun assassinations and bombings. Since reemergence during late 1980s, has concentrated attacks against current and retired Turkish security and military officials; responsible for the murders of four active and retired generals and nearly 30 police officers in 1991. Resumed operations against foreign interests during 1991, claiming responsibility for assassinating two American contractors and one British businessman; attempted the murder of a US Air Force officer and over 30 bombings against Western diplomatic, commercial, and cultural facilities.

STRENGTH

Several hundred members, several dozen armed militants.

LOCATION/AREA OF OPERATION

Carries out attacks in Turkey--primarily in Istanbul, Ankara, Izmir, and Adana . Conducts fundraising operations in Western Europe.

EXTERNAL AID

Possible training support from radical Palestinians.

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REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC)

Description

Established in 1966 as military wing of Colombian Communist Party; is largest guerrilla group there. Goal is to overthrow government and ruling class; anti-US. Organized along military lines, includes at least one urban front.

Activities

Armed attacks against Colombian targets, bombings of US businesses, kidnappings of Colombians and foreigners for ransom, and assassinations. Traffics in drugs and has well-documented ties to drug traffickers. Peace talks with Colombian Government have proved unsuccessful.

Strength

Approximately 4,500 to 5,500 armed combatants and 10,000 supporters.

Location/Area of Operation

Colombia.

External Aid

FARC has ties to Cuba; amount of aid unknown.

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FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN)

DESCRIPTION

Formed in 1980 with Cuban backing, the guerrilla umbrella organization is composed of five leftist groups: Central American Workers' Revolutionary Party (PRTC), People's Revolutionary Army (ERP), Farabundo Marti Popular Liberation Forces (FPL), Armed Forces of National Resistance (FARN), and the Communist Party of El Salvador's Armed Forces of Liberation (FAL). The group reached a peace agreement with the Government of El Salvador on 31 December 1991.

ACTIVITIES

Bombings, assassinations, economic sabotage, arson, among other rural and urban operations. Since 1988 the FMLN increased urban terrorism in the capital.

STRENGTH

6,000 to 7,000 combatants.

LOCATION/AREA OF OPERATION

El Salvador, limited activity in Honduras.

EXTERNAL AID

Has received direct support from Cuba and receives support from the Sandinistas in Nicaragua, where it maintains an office. The FMLN also receives significant financial support from front groups and sympathetic organizations in the United States and Europe.

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HAWARI GROUP

aka: Fatah Special Operations Group, Martyrs of Tal Al Za'atar, Amn Araissi

DESCRIPTION

Part of Yasser Arafat's Fatah apparatus, the group is named after its leader commonly known as Colonel Hawari, who died in an automobile crash in May 1991 while traveling from Baghdad to Jordan. The group has ties historically to Iraq. Membership includes former members of the radical Palestinian 15 May organization.

ACTIVITIES

Carried out several attacks in 1985 and 1986, mainly in Europe and usually against Syrian targets. Has also targeted Americans, most notably in the April 1986 bombing of TWA Flight 840 over Greece in which four Americans were killed. Future of group uncertain following Hawari's death.

STRENGTH

Unknown.

LOCATION/AREA OF OPERATION

Middle Eastern countries and Europe.

EXTERNAL AID

PLO is main source of support.

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HIZBALLAH (Party of God)

aka: Islamic Jihad, Revolutionary Justice Organization, Organization of the Oppressed on Earth, Islamic Jihad for the Liberation of Palestine

DESCRIPTION

Radical Shia group formed in Lebanon; dedicated to creation of Iranian-style Islamic republic in Lebanon and removal of all non-Islamic influences from area. Strongly anti-West and anti-Israel. Closely allied with, and often directed by, Iran. Dissidents, however, have conducted rogue operations that were not approved by Tehran.

ACTIVITIES

Known or suspected to have been involved in numerous anti-US terrorist attacks, including the suicide truck bombing on the US Marine barracks in Beirut in October 1983 and the US Embassy annex in September 1984. Elements of the group were responsible for the kidnapping and continuing detention of most, if not all, US and other Western hostages in Lebanon.

STRENGTH

Several thousand.

LOCATION/AREA OF OPERATION

Operates in the Bekaa Valley, the southern suburbs of Beirut, and southern Lebanon; has established cells in Western Europe, Africa, and elsewhere.

EXTERNAL AID

Receives substantial amounts of financial, training, weapons, explosives, political, diplomatic, and organizational aid from Iran.

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JAPANESE RED ARMY (JRA)

aka: Anti-Imperialist International Brigade (AIIB)

DESCRIPTION

An international terrorist group formed about 1970 after breaking away from Japanese Communist League Red Army Faction. Now led by Fusako Shigenobu, believed to be in Syrian-garrisoned area of Lebanon's Bekka Valley. Stated goals are to overthrow Japanese Government and monarchy and to help foment world revolution. Organization unclear, but may control or at least have ties to Anti-Imperialist International Brigade (AIIB); may also have links to Antiwar Democratic Front--an overt leftist political organization--inside Japan. Details released following November 1987 arrest of leader Osamu Maruoka indicate that JRA may be organizing cells in Asian cities, such as Manila and Singapore. Has had close and longstanding relations with Palestinian terrorist groups--based and operating outside Japan--since its inception.

ACTIVITIES

Before 1977, JRA carried out series of brutal attacks over wide geographical area, including the massacre of passengers at Lod airport in Israel (1972) and two Japanese airliner hijackings (1973 and 1977). Anti-US attacks include attempted takeover of US Embassy in Kuala Lumpur (1975). Since mid-1980s has carried out several crude rocket and mortar attacks against a number of US embassies. In April 1988, JRA operative Yu Kikumura was arrested with explosives on the New Jersey Turnpike, apparently planning an attack to coincide with the bombing of a USO Club in Naples, a suspected JRA operation that killed five, including a US servicewoman. He was convicted of these charges and is serving a lengthy prison sentence in the United States.

STRENGTH

About 30 hardcore members; undetermined number of sympathizers.

LOCATION/AREA OF OPERATION

Based in Syrian-controlled areas of Lebanon; often transits Damascus.

EXTERNAL AID

Receives aid, including training and base camp facilities, from radical Palestinian terrorists, especially the PFLP. May also receive aid from Libya. Suspected of having sympathizers and support apparatus in Japan.

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KURDISH WORKER'S PARTY (PKK)

aka: Kurdish Labor Party

DESCRIPTION

Marxist-Leninist terrorist group composed of Turkish Kurds established in mid-1970s. Seeks to set up Marxist state in southeastern Turkey, which has a large population of Kurds.

ACTIVITIES

Primary targets are Turkish Government forces and civilians in southeastern Turkey, but is becoming increasingly active in Western Europe against Turkish targets and rival Kurdish groups. In 1986, attacked NATO target in Mardin, Turkey. Last summer the PKK carried out a spate of kidnappings of Westerners; all were released unharmed.

STRENGTH

3,000, plus 2,000 to 5,000 supporters.

LOCATION/AREA OF OPERATIONS

Iran, Syria, and Iraq. Operates in Turkey and Western Europe; training facilities in Lebanon's Bekaa Valley.

EXTERNAL AID

Probably still receives some aid and safehaven from Syria, Iran, and Iraq.

ADDITION

The leader Ocelan has been sentenced to death in Turkey in June 1999

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EMANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR)

DESCRIPTION

The FPMR was founded in 1983 as the armed wing of the Chilean Communist Party. Named for a hero in Chile's war of independence against Spain. The main movement announced it was laying down arms to become a political movement on 1 June 1991. The group splintered in 1987 into two factions, of which the dissident wing (FPMR/D) is now one of Chile's most active terrorist groups.

ACTIVITIES

FPMR/D is responsible for numerous bombing attacks against domestic and foreign targets and assassinations of Chileans. Responsible for many attacks on Mormon churches and US businesses from 1986 through 1991. In November 1990 an FPMR/D bomb concealed in a softball bat killed a Canadian and injured a US Embassy officer. The

group attacked a Marine guard van at the US Embassy on 16 February with an antitank rocket that did not detonate and automatic weapons fire, injuring one US Marine.

STRENGTH

1,000 to 1,500.

LOCATION/AREA OF OPERATION

Chile.

EXTERNAL AID

Received training and weapons support from Cuba in past years, none in 1991. May cross-train with Peru's MRTA.

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MJL

see *Lautaro Youth Movement*

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MORAZANIST PATRIOTIC FRONT (FPM)

DESCRIPTION

A radical, leftist terrorist group that first appeared in the late 1980s. Attacks made in protest of US intervention in Honduran economic and political affairs.

ACTIVITIES

Attacks on US, mainly military, personnel in Honduras. Claimed responsibility for attack on a bus in March 1990 that wounded seven US servicemen. Claimed bombing of Peace Corps office in December 1988, bus bombing that wounded three US servicemen in February 1989, attack on US convoy in April 1989, and grenade attack that wounded seven US soldiers in La Ceiba in July 1989.

STRENGTH

Unknown, probably relatively small.

LOCATION/AREA OF OPERATION

Honduras.

EXTERNAL AID

Had ties to former Government of Nicaragua and possibly Cuba.

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LAUTARO YOUTH MOVEMENT (MJL)

aka: The Lautaro faction of the United Popular Action Movement (MAPU/L) or Lautaro Popular Rebel Forces (FRPL)

DESCRIPTION

Violent, anti-US, extremist group that advocates the overthrow of the Chilean Government. Leadership largely from leftist elements, but includes criminals and alienated youths. Recruits from poorer areas of cities. The leftist group became active in late 1980s. Its assaults during 1990 increased in number and sophistication and have continued through 1991.

ACTIVITIES

Has been linked to several assassinations of policemen, bank robberies, and bombings and burnings of Mormon chapels.

STRENGTH

Unknown.

LOCATION/AREA OF OPERATION

Chile; mainly in Santiago.

EXTERNAL AID

May have ties to Cuba.

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MOZAMBICAN NATIONAL RESISTANCE (Resistencia Nacional Mocambicana, or RENAMO)

DESCRIPTION

Established in 1976 by the Rhodesian security services, primarily to operate against anti-Rhodesian guerrillas based in Mozambique. South Africa subsequently developed RENAMO into an insurgent group opposing the Front for the Liberation of Mozambique (FRELIMO).

ACTIVITIES

Operates as a guerrilla insurgency against Mozambique Government and civilian targets; frequently and increasingly runs cross-border operations into Zimbabwe, Malawi, and Zambia, where it has murdered and kidnapped numerous civilians and destroyed property.

STRENGTH

20,000 guerrillas.

LOCATION/AREA OF OPERATION

Mozambique; border areas of Zimbabwe, Malawi, and Zambia.

EXTERNAL AID

Assistance previously received from South Africa as well as from private Individuals and groups in Europe and elsewhere.

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MRTA

see *Tupac Amaru Revolutionary Movement*

NATIONAL LIBERATION ARMY (ELM)--Bolivia*DESCRIPTION*

Claims to be revived ELN that was established by Che Guevara in the 60s and was active into the early 70s. Holds traditional Marxist-Leninist revolutionary ideologies. Operates as an umbrella group over numerous small Bolivian subversive movements that includes the CNPZ.

ACTIVITIES

During 1991 focused on domestic Bolivian targets. See Nestor Paz Zamora Commission (CNPZ) for further information on ELN activities. Threats against US interests continued through 1991. Probably responsible for fake bomb placed in US Embassy elevator in April 1991.

STRENGTH

Unknown.

LOCATION/AREA OF OPERATION

Bolivia.

EXTERNAL AID

May receive training, logistic, and other limited support from Peru's MRTA.

NATIONAL LIBERATION ARMY (ELN)--Colombia*DESCRIPTION*

Rural-based, anti-US, Maoist-Marxist-Leninist guerrilla group formed in 1963. Engaged in unsuccessful peace talks with the Government of Colombia during 1991.

ACTIVITIES

Periodically kidnaps foreign employees of large corporations and holds them for very large ransom payments. Extortion and bombing attacks against US and other foreign businesses in Colombia, particularly the petroleum industry. Has inflicted major damage on oil pipelines since 1986.

STRENGTH

1,000 to 2,000.

LOCATION/AREA OF OPERATION

Colombia.

EXTERNAL AID

In the past received limited arms and training from Cuba and training from Nicaragua.

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NESTOR PAZ ZAMORA COMMISSION (CNPZ)

Description

Radical leftist terrorist organization that first appeared in October 1990. Named after deceased brother of President Paz Zamora. Currently operates under the ELN (Bolivia) umbrella. Violent, extremely anti-US, Marxist-Leninist organization.

ACTIVITIES

The group attacked the US Embassy Marine guardhouse on 10 October 1990 with automatic weapons and a bomb. One Bolivian policeman was killed and another seriously injured in the attack.

STRENGTH

Unknown. Probably fewer than 100.

LOCATION/AREA OF OPERATION

Bolivia.

EXTERNAL AID

Peru's MRTA has provided training, limited funding, and logistic support.

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NEW PEOPLE'S ARMY (NPA)

Description

The guerrilla arm of the Communist Party of the Philippines, an avowedly Maoist group formed in December 1969 with the aim of overthrowing the government through protracted guerrilla warfare. Although primarily a rural-based guerrilla group, the NPA has an active urban infrastructure to carry out terrorism; uses city-based assassination squads called sparrow units. Derives most of its funding from contributions of supporters and revolutionary taxes extorted from local business.

Activities

In addition to guerrilla activities, has used urban terrorism, including attacks on government officials, police, and military officers in Manila and other major cities. Has vowed to kill US citizens who allegedly are involved in the government's counterinsurgency campaign. The NPA has killed 10 US military members and private American citizens in the Philippines since 1987. Attacked some US businesses located in rural areas who refused to pay so-called revolutionary taxes.

Strength

16,000, plus support groups.

Location/Area of Operations

The Philippines.

External Aid

Receives funding from overseas fundraisers in Western Europe and elsewhere; also linked to Libya. Diverts some funding of humanitarian aid.

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POPULAR FRONT FOR THE LIBERATION OF PALESTINE-GENERAL COMMAND (PFLP-GC)

Description

Split from the PFLP in 1968, claiming that it wanted to focus more on fighting and less on politics. Violently opposed to Arafat's PLO. Led by Ahmad Jabril, a former captain in the Syrian Army. Closely allied with, supported by, and probably directed by Syria.

Activities

Claims to have specialized in suicide operations. Has carried out numerous cross-border terrorist attacks into Israel, using unusual means, such as hot-air balloons and motorized hang gliders. Hafiz Kassem Dalkamoni, a ranking PFLP-GC official, was convicted in Germany in June 1991 for bombing US troop trains. He faces additional charges in Germany for other terrorist offenses, including manslaughter.

Strength

Several hundred.

Location/Area of Operations

Headquarters in Damascus with bases in Lebanon and cells in Europe.

External Aid

Receives logistic and military support from Syria, its chief sponsor. Financial support from Libya. Safehaven in Syria. Support also from Iran.

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PALESTINIAN ISLAMIC JIHAD (PIJ)

Description

The PIJ originated among militant Palestinian fundamentalists in the Gaza Strip during the 1970s. The PIJ may be a series of loosely affiliated factions, rather than a cohesive group. The PIJ is committed to the creation of an Islamic Palestinian state and the destruction of Israel through holy war. Because of its strong support for Israel, the United States has been identified as an enemy of the PIJ. The PIJ also opposes moderate Arab governments that it believes have been tainted by Western secularism.

Activities

The PIJ demonstrated its terrorist credentials when it attacked a tour bus in Egypt in February 1990 and killed 11 people, including nine Israelis. The PIJ also has carried out cross-border raids against Israeli targets in the West Bank and Gaza Strip. A PIJ leader in Jordan has publicly threatened to attack US interests. PIJ agents were arrested in Egypt in September 1991 while attempting to enter the country to conduct terrorism.

Strenght

Unknown.

Location/Area of Operations

Primarily Israel and occupied territories and other parts of the Middle East, including Jordan and Lebanon.

External Aid

Uncertain, possibly Iran and Syria.

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POPULAR FRONT FOR THE LIBERATION OF PALESTINE SPECIAL COMMAND (PFLP-SC)

Description

Marxist-Leninist group formed by Abu Salim in 1979 after breaking away from the now-defunct PFLP-Special Operations Group.

Activities

Has claimed responsibility for several notorious international terrorist attacks in Western Europe, including the bombing of a restaurant frequented by US servicemen in Torrejon, Spain, in April 1985. Eighteen Spanish civilians were killed in the attack.

Strength

50.

Location/Area of Operation

Operates out of southern Lebanon, in various areas of the Middle East, and in Western Europe.

External Aid

Probably receives financial and military support from Syria, Libya, and Iraq.

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PALESTINE LIBERATION ORGANIZATION (PLO)

Description

Founded in 1964 as a Palestinian nationalist umbrella organization dedicated to the establishment of an independent Palestinian state. After the 1967 Arab-Israeli war, control devolved to the leadership of the various fedayeen militia groups, the most dominant of which was Yasser Arafat's Al-Fatah. In 1969, Arafat became chairman of the PLO's Executive Committee, a position he still holds. In the early 1980s, PLO became fragmented into several contending groups but remains the preeminent Palestinian organization. The United States considers the PLO an umbrella organization that includes several constituent groups and individuals holding differing views on terrorism. At the same time, US policy accepts that elements of the PLO have advocated, carried out, or accepted responsibility for acts of terrorism. PLO Chairman Arafat publicly renounced terrorism in December 1988 on behalf of the PLO. The United States considers that all PLO groups, including Al-Fatah, Force 17, Hawari Group, PLF, and PFLP, are bound by Arafat's renunciation of terrorism. The US-PLO dialogue was suspended after the PLO failed to condemn the 30 May 1990 PLF attack on Israeli beaches. PLF head Abu Abbas left the PLO Executive Committee in September 1991; his seat was filled by another PLF member.

Activities

In the early 1970s, several groups affiliated with the PLO carried out numerous international terrorist attacks. By the mid-1970s, under international pressure, the PLO claimed it would restrict attacks were later carried out by groups affiliated with the PLO/Fatah, including the Hawari Group, the Palestine Liberation Front, and Force 17, against targets inside and outside of Israel.

Strength

See numbers for affiliated groups.

Location/Area of Operation

Tunis, other bases in various countries in the Middle East.

External Aid

See affiliated groups. Accurate public information on financial support for the PLO by Arab governments is difficult to obtain.

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POPULAR STRUGGLE FRONT (PSF)

Description

Radical Palestinian terrorist group once closely involved in the Syrian-dominated Palestinian National Salvation Front. Led by Dr. Samir Ghosheh. Rejoined the PLO in September 1991.

Activities

Terrorist attacks against Israeli, moderate Arab, and PLO targets.

Strength

Fewer than 300.

Location/Area of Operation

Mainly Syria and Lebanon, and elsewhere in the Middle East.

External Aid

Receives support from Syria and may now receive aid from the PLO.

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RED ARMY FACTION (RAF)

Description

The small and disciplined RAF is the successor to the Baader Meinhof Gang, which originated in the student protest movement in the 1960s. Ideology is an obscure mix of Marxism and Maoism; committed to armed struggle. Organized into hardcore cadres that carry out terrorist attacks and a network of supporters who provide logistic and propaganda support. Has survived despite numerous arrests of top leaders over the years.

Activities

Bombings, assassinations, kidnappings, and robberies. Targets German Government and private sector and US interests. Among the latter, attempted assassination in Belgium of NATO Commander (1979); bombing of NATO Air Force headquarters in Ramstein (1981); rocket attack of USAREUR Commander in Heidelberg (1981); and bombing of Rhein-Main Air Force Base (1985). In February 1991, the RAF fired approximately 250 assault rifle rounds at the US Embassy in Bonn, and in April the group assassinated the German Trust Agency director, Detlev Karsten Rohwedder.

Strength

Ten to 20, plus several hundred supporters.

Location/Area of Operations

Germany.

External Aid

Basically self-sustaining, but during Baader-Meinhof period received some support from Middle Eastern terrorist groups; some ties may still exist. The RAF received logistic support, sanctuary, and training from the German Democratic Republic during the early 1980s. The RAF appears to be developing closer ties to GRAPO in Spain.

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REVOLUTIONARY PEOPLE'S STRUGGLE (ELA)

Description

Formed in 1971 to oppose the Greek military junta; is a self described leftwing revolutionary, anticapitalist, anti- imperialist group. Organization is unclear, but probably consists of a loose coalition of several very small and violent groups or affiliates, possibly including 17 November.

Activities

Before 1974, was nonviolent; turned to terrorism after removal of junta. Has targeted US military and business facilities and, since 1986, stepped up attacks on Greek Government and commercial interests; primary method has been bombings of buildings, apparently without intent to endanger life. Safehouse raid in November 1990 revealed weapons cache and direct contacts with 1 May and Revolutionary Solidarity; during 1991, ELA and 1 May claimed joint responsibility for over 20 bombings.

Strength

Unknown, perhaps up to 20 or 30, plus supporters.

Location/Area of Operation

Greece.

External Aid

No known foreign sponsors.

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SENDERO LUMINOSO (Shining Path, SL)

Description

Peru's largest subversive organization is among the world's most dangerous and ruthless terrorist groups. Formed in late 1960s by then university professor Abimael Guzman Reynoso. Goal is to destroy existing Peruvian institutions and replace them with a peasant revolutionary regime as well as to rid Peru of foreign influences. Has extensive ties to narcoproducers and narcotraffickers working in Peru.

Activities

Killed 10 foreigners in 1991. Engages in particularly brutal forms of terrorism. Originally rural based, but has increasingly operated in urban areas since 1986 . Has attacked diplomatic missions of nearly every country represented in Peru, foreign businesses, foreign and domestic humanitarian aid projects, in addition to Peruvian Government and private-sector targets.

Strength

4,000 to 5,000 combatants. Strong rural support base.

Location/Area of Operation

Peru.

External Aid

No known foreign sponsors. Receives money from drug trade including Colombian narcotics traffickers.

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TERRA LLIURE (TL) (Free Land)

Description

Leftwing Catalonian separatist terrorist group formed in the 1970s with the goal of establishing an independent Marxist state in the Spanish Provinces of Catalonia and Valencia. Leadership announced in July 1991 that the group had ceased terrorist

operations, but hardcore members may remain active.

Activities

Mainly small-scale bombing attacks against property in northeastern Spain. Targets include foreign banks and travel agencies. Reportedly renounced terrorism in July 1991.

Strength

Unknown.

Location/Area of Operation

Spain.

External Aid

None known.

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TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA)

Description

Traditional Marxist-Leninist revolutionary movement in Peru formed in 1983. Led by Nestor Cerpa and Victor Polay. Objective is to rid Peru--and perhaps region--of "imperialist" influence and establish a Marxist regime.

Activities

Responsible for more anti-US attacks than any other group in Latin America. In 1990 and 1991, attacked the US Ambassador's residence, bombed the US Consulate and US-Peruvian Binational Center, attacked US businesses and Mormon churches. Attacked Peru's Presidential Palace, and President Fujimori's airplane in 1991.

Strength

1,000 to 2,000 combatants.

Location/Area of Operation

Peru. Bolivia in conjunction with the ELN.

External Aid

Has received training in Cuba. May have ties to Libya.

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PROVISIONAL IRISH REPUBLICAN ARMY (PIRA)

aka: The Provos

Description

A radical terrorist group formed in 1969 as the clandestine armed wing of Sinn Fein, a legal political movement dedicated to removing British forces from Northern Ireland and then to unify Ireland. Has a Marxist orientation. Organized into small, tightly knit cells under the leadership of the Army Council.

Activities

Bombings, assassinations, kidnappings, extortion, and robberies.

Targets government and private-sector interests--including senior British officials and British military targets in Western Europe--and Northern Irish Protestant paramilitary organizations.

Has become increasingly indiscriminate in its spectacular bombing attacks. PIRA has stepped up operations on mainland Britain over the past two years, conducting over 20 attacks there during 1991. In February, a mortar attack against No. 10 Downing Street was launched while Prime Minister Major and senior members of his Cabinet were meeting. Bombing at two busy railway stations in central London resulted in the death of one civilian and injury to dozens more. In December, PIRA exploded a 2,000-pound bomb outside a police station in Northern Ireland, injuring over 60 civilians, and launched a wave of bomb attacks against rail lines and shopping centers on the British mainland.

Strength

Several hundred, plus several thousand sympathizers.

Location/Area of Operation

Northern Ireland, Irish Republic, Great Britain, and Western Europe.

External Aid

Has received aid from a variety of groups and countries and considerable training and arms from Libya and, at one time, the PLO. Also is suspected of receiving funds and arms from sympathizers in the United States. Maintains links to ETA.

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Europäischer Rechtsextremismus

Der nachfaschistische Rechtsextremismus in Europa kann zunächst als nationalstaatlich orientierter und organisierter Rassismus begriffen werden. Sein Subjekt ist nicht länger der "Arier" oder "(Indo-)Germane", sondern der "Inländer" als Produkt ideologischer Zuschreibungen und materieller Zuweisungen.

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Zwar wird die Dichotomie "Inländer-Ausländer" nach wie vor überlagert von den klassischen rassistischen Vorstellungen, ihre Energie bezieht sie jedoch vorrangig aus den aktuellen Diskursen über Migration. Rechtsextreme Kader und Gruppen sind in diesen Diskursen nur AkteurInnen neben anderen, wobei insbesondere der Nationalsozialstaat als institutionalisierte Gewalt wie auch die "ideologische Macht" (Friedrich Engels) zu nennen wäre. Und genau auf diesen Staat, beziehungsweise auf dessen imaginierte Stärke, Souveränität und ethnische Homogenität bezieht sich der moderne Rechtsextremismus. Nur von daher wird auch der Schwenk der FPÖ zum Austropatriotismus verstehbar.

Die nationalen Partikularismen, welche die extreme Rechte in Europa unter anderem gegen eine Einigung Marke Maastricht und den Euro agitieren lassen, verhinderte bis dato die Ausbildung eines europäischen Rechtsextremismus. Dies betrifft sowohl die konkrete Zusammenarbeit über Ländergrenzen hinweg als auch die Ausformulierung einer kohärenten Ideologie. Auch internationale Zusammenrottungen wie im belgischen Diksmuide, am Kärntner Ulrichsberg oder sonst wo machen noch keine nationale Internationale aus. Eine gewisse Ausnahme bildet hier der Neonazismus, der am Konzept der "weißen Rasse" festhielt.

Daneben gibt es jedoch seit 1945 Versuche rechtsextremer Intellektueller, "Europa" im Rückgriff auf präfaschistische Ideologen, den "Befreiungskampf" der SS und den "arischen Mythos" zu rekonstruieren. Auch wenn heute der Erfolg dieser Anstrengungen, eine derartige "Nation Europa" zu schaffen, nicht absehbar ist, sollen sie uns im folgenden besonders interessieren. Sie treffen sich nämlich durchaus mit Anstrengungen der politischen wie ökonomischen Eliten, die EU samt ihrem Hinterhof im

Osten als Weltmacht zu festigen. Konkret könnte etwa der Antiamerikanismus der extremen Rechten Aufnahme finden in die offiziöse ideologische Begleitmusik zum Konkurrenzkampf mit den USA. Die faschistische Ideologie der "Festung Europa" hat bereits durchaus eine Entsprechung auf der Ebene eines gesamteuropäischen Migrationsregimes. Der nationalsozialstaatliche Rassismus scheint sich zu einem "europäischen" zu transformieren. Wie überhaupt die vielerorts ständig strapazierte Idee "Europa" "im Kern, wenn schon nicht mit ihr gleichsetzbar, zwei spezifisch rassistische ideologische Schemata (enthält), die fortwährend kollektive Gedächtnis- und Wahrnehmungseffekte hervorbringen können: das koloniale und das antisemitische Schema." In der popularisierten und radikalisierten "Kulturkampfthese", welche hierzulande vor allem von rechten Militärs zu eigenen Legitimationszwecken propagiert wird, kommen diese Schemata deutlich zum Vorschein.

In Anlehnung an diese offiziösen Diskurse führt auch die extreme Rechte "Europa" als Kampfbegriff im Munde. Zur Verteidigung eines "christlichen Abendlandes" tritt der konservative Flügel an. Die alte Rechte verwendet "Europa" als Synonym für ein Großdeutschland, während die sogenannte "Neue Rechte" einen kontinentalen Unabhängigkeitskampf gegen die "raumfremde" Macht USA und die im Westen verorteten Ideen der bürgerlichen Revolution propagiert. Ihr neuheidnischer Flügel kämpft zudem gegen das behauptetermaßen uneuropäische "Judäo-Christentum".

"Neue Rechte"

Im Gegensatz zur etatistischen alten Rechten, die in ihrem wütenden Antikommunismus und Revanchismus zu Zeiten des Kalten Krieges immer wieder Bündnisse mit der westlich orientierten politischen Mitte eingehen konnte, wurde in der "europäischen" Fraktion des Faschismus die Position einer kontinentalen Revolution gegen beide Supermächte eingenommen. Hinter diesem Europa-Konzept steht jener befreiungsnationalistische Ansatz, der meint, der Kontinent sei sowohl in militärischer als auch in ideologischer Hinsicht kolonialisiert. Und zwar seit 1945, als eine "Linie (...) von Nichteuropäern quer durch unseren Kontinent gezogen wurde". Die neuheidnische Abteilung der "Neuen Rechten" hingegen setzt den Zeitpunkt für die "Kolonisation der europäischen Mentalität" schon mit der Christianisierung fest. Sie beginnt hier mit der Herrschaft des Monotheismus, auf dessen jüdische Wurzeln zu verweisen die neuheidnische Rechte nicht müde wird. Mit dem "Judäo-Christentum" habe sich die Auffassung der Gleichheit aller Menschen breit gemacht, um dann in der Aufklärung und im Marxismus ihren Höhepunkt und Abschluß zu finden.

Bei der angesagten geistigen Emanzipation Europas kommt - wenig überraschend - Großdeutschland wieder zentraler Stellenwert zu: Die ersehnte unabhängige "Nation Europa" habe bei ihren germanischen Ursprüngen anzuknüpfen, liege doch in der vorchristlichen Blut- und Bodenreligion das durchzusetzende Abstammungs- und Identitätsprinzip begründet.

Diese neofaschistische Ideologie einer "Nation Europa", die sich zur dritten Weltmacht aufschwingt, geht auf die britische Szenegröße Sir Oswald Mosley zurück, der sich damit bereits 1948 an die Reorganisation einer braunen Internationalen machte. Die strategische Bezugnahme auf Europa im neofaschistischen Projekt knüpft wiederum bruchlos an die Nazi-Propaganda von der SS als

"Vorkämpfer für des vereinte Europa" und der deutschen Aggression als "Kampf für die Freiheit Europas" an.

1951 gilt hier als Jahr der Weichenstellungen: In Malmö versammelte sich die faschistische Elite Europas, um die "Europäische Soziale Bewegung" (ESB) ins Leben zu rufen. In der BRD gründete der vormalige SS-"Sturmbannführer" und oberste "Bandenbekämpfer" Hitlers, Arthur Erhardt, die bis heute erscheinende, zentrale Zeitschrift "Nation (und) Europa. Monatsschrift im Dienst der europäischen Neuordnung". In seinem mit "Die Idee wird siegen" übertitelten "Politischen Testament" meint Erhardt, eine "europäische Großnation" um die natürliche Führungsmacht Deutschland - notwendig aufgrund einer "blutsmäßig bedingten weitgehenden Wesensgleichheit unserer Völker" - sei 1945 im Kampf der "europäischen Kameraden, der französischen Legion im Kampf um Berlin und der nordischen, flämischen, osteuropäischen SS-Kameraden an allen Fronten (...) mit Blut getauft" worden.

Erhardts "europäische Großnation" umfaßt bei Haider auch Gebiete, die Hitlers Mörderbanden 1938ff gar nicht betreten hatten: "Wir müssen den Mut aufbringen, Europa vom Atlantik bis zum Ural und im Grunde bis Wladiwostok zu sehen."

Mit dem Zusammenbruch des Realen Sozialismus sehen zwar viele wieder mit Haider bis Wladiwostok, doch "befreit" ist Europa noch lange nicht. "Die Zeit ist reif", heißt es etwa beim "Nation & Europa"-Chefredakteur und "Aula"-Autor Karl Richter, "für eine grundlegende Umorientierung der europäischen Völker - weg vom raumfremden, überstaatlichen Weltpolizisten, hin zu einer neuen kontinentalen Großraumordnung, die europäischen Interessen endlich Vorrang einräumt und Europa wieder in den Rang einer souverän handelnden Größe erhebt." Die geistige Urheberchaft derartiger Forderungen tritt offen zu tage: Carl Schmitt formulierte bereits 1939 eine "Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte" als Monroe-Doktrin des deutschen Faschismus.

FPÖ-Führer Haider, der Österreich ja noch immer an die (europäisierte) Nato binden will, formuliert den Antiamerikanismus kulturalistisch, wenn sich ihm "die Dürftigkeit des europäischen Geisteslebens offenbart, das sich in der Tendenz als oberflächliche, amerikanisierte Einheitskultur darstellt." Auch Haider stellt einem europäischen Bundesstaat nach dem Vorbild der USA ein ethnopluralistisches Staatengefüge gegenüber, "das der Buntheit und Vielfalt der besten Tradition des Reiches Karls des Großen gerecht wird."

Regionalismus und Reichsschwärmerei

Auch die "Neue Rechte", deren Nationalismus nicht mehr auf den Staat abzielt, bekämpft die Maastricht-EU als "amerikanische" Form der Integration. Aber während Le Pen, Haider oder Schönhuber darauf noch mit einem "Europa der Vaterländer" (i.e. der Nationalstaaten) antworten, strapaziert man hier die "Regionen" und das "Reich".

Der Regionalismus des in nationalrevolutionärer Tradition stehenden Flügels der Rechten setzt der EU als "Breachreiz-Einheitsbrei" und "McDonald-Paradies" eine unmittelbare Heimeligkeit entgegen. Auch

die alten Figuren der Blut und Boden-Erzählungen finden hier Anwendung: "Das Europa der Regionen bedeutet Verwurzelung in der Heimat." Ihren Revanchismus drapiert die "Neue Rechte" mit regionalistischen und separatistischen Parolen. Adressaten für diese Parolen gibt es zuhauf: "In Europa überlappen einander die Lebensräume der Völker." An welche Grenzen denkt wohl ein "Deutscher" in Österreich, wenn er hofft, daß mit einer "Neuordnung Europas (...) die ungerecht und willkürlich gezogenen Grenzen (...) revidiert werden (können)?"

Aber nicht nur "Volks-" und "Auslandsdeutsche" sind Subjekte dieser Neuordnung Europas, das Einklagen von "Volksgruppenrechten" auch für andere Minderheiten ist "seit den 20er Jahren ein beliebtes Instrument zur Zerlegung der deutschen Nachbarstaaten in territoriale Einzelteile." Wie sehr die territoriale Integrität der Staaten Mittel- und Osteuropas den deutschen Imperialismus bis heute am Ausleben hindert, wird weiter unten der Geopolitiker Jordis von Lohausen belegen. Christoph Pan, Präsident der "Föderalistischen Union Europäischer Volksgruppen" (FUEV), jenes Vereins, der sich gegenwärtig um den "Volksgruppenschutz" kümmert, steckt im politischen Jahrbuch der FPÖ dessen Einsatzgebiet ab: "Ohne die westeuropäischen Zwergstaaten (...) zählt Europa (einschließlich Großrußland) gegenwärtig 39 Staaten mit insgesamt rund 70 Sprachen (nur diesseits des Ural) und über 200 nationale Minderheiten (in dieser Zahl nicht berücksichtigt sind Juden und Sinti-Roma), worunter Völker ohne eigentliche Staatlichkeit (...) sowie Volksgruppen (als Teile von Völkern, die vom jeweiligen Muttervolk durch Staatsgrenzen getrennt leben) zu verstehen sind."

Tatsächlich ist es als Drohung zu verstehen, wenn der Führer der FUEV mit "der Inanspruchnahme des in letzter Konsequenz und unter bestimmten Voraussetzungen im Selbstbestimmungsrecht enthaltenen Sezessionsrechts" winkt und behauptet, daß das "Grundproblem (der "nationalen Frage", Anm.) nach zwei Weltkriegen noch nicht gelöst worden ist."

So wollen RegionalistInnen heute wieder dem "Pseudo-Nationalstaat" an den Kragen, weil er nicht vermochte, "alle Angehörigen eines Volkes in einem Staat zu vereinen". Doch bleibt der Regionalismus, jene Form des völkischen Nationalismus, mit der bewußt an alternativ-ökologische Diskurse angeschlossen wird, nicht bei der Denunziation der "Pseudo-Nationalstaaten" stehen. Vielmehr soll er als Nationalismus an der Basis im Prozeß der Formation einer "Nation Europa" aufgehen: "Heute geht es um die kontinentale Behauptung eines europäischen Großraumes, andererseits aber um eine festere oder auch neue Verwurzelung der Identitäten. Um die europäischen Probleme lösen zu können, ist der Nationalstaat zu klein. Um Identitäten herzustellen, ist er wiederum zu groß. (...) Deswegen muß der Nationalstaat zerschlagen werden, damit die Nationen tiefer wurzeln können."

Als Vorbild für die Integration Europas wird hier gerne das "Heilige Römische Reich Deutscher Nation" präsentiert. Ihr neues altes, föderalistisches Reich unter der Hegemonie des deutschen Blockes bleibt als rückwärts gewandte Utopie aber äußerst vage. Es wird kaum als politisch-institutionelles System präzisiert, sondern als Stimmung angerufen. So wird zum Beispiel gefragt, wo "wir Bürger der Europäischen Union (...) unser Vaterland mit der Seele suchen (können)". Die Suche endet beim "Reich" als "Restauration des vornationalstaatlichen Europas", das eben auch ein vordemokratisches ist. Diese Vorstufe zur "Nation Europa" sei somit "kein Staat, in dem sich das Staatsvolk zu allem souverän ermächtigt", sondern ein "göttlicher Auftrag, (...) das Gemeinwohl der europäischen Völker zu sichern".

Geopolitik, wiederaufgelegt

Während die extreme Rechte in ihren Anstrengungen, die Grenzen Europas neu zu zeichnen, vor 1989 vor allem mit den Konzepten des Regionalismus und Ethnopluralismus operierte, wird in der wiedererlangten Position der Stärke Deutschlands nun die sogenannte Geopolitik erneut relevant. Entwickelt wurde dieses neoimperialistische Konzept von der Weimarer Rechten um den Münchener Geographen Haushofer, der verlangte, Mitteleuropa solle als Deutsches Reich gemeinsam mit Asien und Rußland gegen die westlichen Mächte antreten. Haushofer, der als Vorsitzender der pangermanistischen Kampftruppe "Volksbund für das Deutschtum im Ausland" (VDA) im deutschen Faschismus an der Realisierung der Geopolitik mitarbeitete, theoretisierte für die Nazis die natürliche Führungsrolle Deutschlands in einem autarken kontinentaleuropäischen Machtstaat. Der bis 1945 boomende Begriff "Mitteleuropa", der Deutschland in den Grenzen von 1939 und die von Deutschen kolonialisierten und ehemals von Berlin oder Wien regierten Länder meint, taucht ab den 70er Jahren wieder in der Agitation von deutsch-österreichischen Revanchisten aller Schattierungen auf.

Ihre maßgebliche Wiederaufbereitung erfuhr die Geopolitik durch den österreichischen General a.D. Jordis von Lohausen. Dieser beschreibt in seinem schon 1980 erschienenen Machwerk "Mut zur Macht. Denken in Kontinenten", wie Völker, Länder bzw. Großräume durch ihre Lage zum außenpolitischen Handeln quasi gezwungen werden. Für das FPÖ-Jahrbuch 1995 untersucht er "Zwischeneuropa", ein weiteres Theorem der Geopolitik: "Länder, die, seit es sie als geschichtlich gewachsene Einheiten gibt, eindeutig immer 'Abendland' waren, wie etwa Schlesien, Pommern, Ostpreußen oder die deutschen Sudetengebiete, sind heute - nicht für immer, aber doch zur Zeit - eindeutig Zwischeneuropa. Die meisten zwischeneuropäischen Grenzen wurden durch Diktate gezogen, vornehmlich durch die des Jahres 1919. Und durch sie überhaupt entstand erst der Begriff 'Zwischeneuropa', als Inbegriff von etwas bloß Versuchtem, Unterfertigtem (? , Anm.), Mißglücktem und Unerlöstem, jedenfalls Provisorischem und in keiner Hinsicht Endgültigem - herumliegende Bausteine künftiger Umgestaltung."

Lohausen, der selbst an den Feldzügen der Wehrmacht zur "Befreiung Zwischeneuropas", diesem völkermörderischen Aufgreifen "herumliegende(r) Bausteine künftiger Umgestaltung", teilnahm, macht in bester Antisemiten-Manier "New Yorker Bankhäuser" für die "Zerstörung Mitteleuropas" verantwortlich. Da die "zwischeneuropäischen Länder (...) Deutschlands natürliche Ergänzung (bildeten)" und die beiden übrigen "möglichen Ergänzungen" - durch Frankreich und Rußland - kaum realisierbar erscheinen, verlangt der greise General a.D. schon wieder den "Anschluß der kleinen Völker Zwischeneuropas an Deutschland, umgekehrt die Aufrundung Deutschlands zu Mitteleuropa."

Auch der Haider-Berater Andreas Mölzer meint da, die Zeichen der Zeit erkennen zu können: "Hier wird auch das neue Deutschland wieder auf seine klassische, abendländische Rolle verwiesen werden: Mittler der westlichen Kultur, politischer Schutzherr und wirtschaftlicher Förderer zu sein für die Nationen des östlichen und südöstlichen Mitteleuropa. Der Weg für die Kroaten, Slowaken, Ungarn, Rumänen, aber auch jener der Ukrainer und Russen - zurück ins Abendland - wird über Deutschland führen." Dies ist die - von der neuen alten "Mittellage" abgeleitete - Verantwortung Großdeutschlands

für Europa.

Bei Otto Habsburg liest sich diese Verobjektivierung imperialistischer Interessen in der Geopolitik - hier in der österreichischen Version - wie folgt: "Durch Jahrhunderte war Wien das Herz des Erdteils. In der Europäischen Gemeinschaft wird Österreich wieder zu seiner historischen Mission finden."

Der Kaiser-Sproß und CSU-Europaparlamentarier Habsburg erfüllt für die extreme Rechte eine wichtige Brückenfunktion unter Konservativen. So verdanken ihm etwa Haider's Abgeordnete im Europaparlament die (ergebnislose) Kontaktnahme mit der neogaullistischen Minifraktion "Vereinigung Europäischer Demokraten" (RDE). Insbesondere als Präsident der 1947 reanimierten "Paneuropa-Union" hält der "VDA-Intimus" Habsburg den Reichs-Mythos am Leben und kämpft für einen hegemonialen deutschen Block in einem vereinten Europa. Dabei trifft er sich mit Andreas Mölzer, der das umstrittene "Kerneuropa"-Papier des damaligen CDU/CSU-Fraktionsführers Schäuble als Wiederkehr seines alten Reiches feiert. Unter dem Pseudonym F. X. Seltsam freut sich Reichsschwärmer Mölzer, "daß ein solches Kerneuropa" als geopolitisch legitimes Machtzentrum "das Europa Karls des Großen wäre". "Seltsam" wäre nicht Mölzer, würde er es sich verkneifen, die politisch-ökonomische Vormachtstellung der "Hartwährungszone", wie sie im Europa der zwei Geschwindigkeiten zementiert werden sollte, deutschvölkisch zu interpretieren: "Ohne nunmehr in alldeutsche Phantastereien auszubrechen, darf doch daran erinnert werden, daß diese Hartwährungszone als ein Bereich besonderer ökonomischer Leistungskraft und finanzpolitischer Disziplin auf ganz kuriose Weise mit dem alten deutschen Volksboden identisch ist."

Auch Jürgen Hatzenbichler begrüßt Schäubles "Kerneuropa" als "Rückkehr zur Geopolitik", geht dabei jedoch auf Distanz zur Deutschtümelei der alten Rechten. Statt an Mölzer's deutschem Wesen soll Europa hier an der "franco-germanische(n) Kontinental-Achse" genesen. Haider selbst kann in seinem "freiheitlichen Europa" auf die Franzosen verzichten, vielmehr attestiert er ihnen ein "gestörtes Verhältnis gegenüber dem Streben nach nationaler Identität und ethnischer Vielfalt."

Verteidigung Europas

Bekanntlich setzt die FPÖ-Mehrheitslinie (noch) auf einen Beitritt Österreichs zur Nato. Zwar bedauert man, daß diese "unter der Fuchtel der raumfremden Macht USA steht", aber mangels einer eigenständig agierenden Weu geben sich die Freiheitlichen hier pragmatisch. Doch ist das Ziel abgesteckt: Auf Perspektive braucht die dritte Weltmacht Europa eine von den USA unabhängige Sicherheitspolitik. So schreibt Mölzer entlang des eingangs skizzierten Befreiungsnationalismus von der "Apokalypse des Jahres 1945", welche die "totale politische Entmachtung Europas zur Folge (hatte); auch die Idee Europas hatte aufgehört, zu existieren." Wohlgermerkt, Mölzer behandelt das Jahr 1945 und nicht die vorangegangenen Ereignisse, wenn er behauptet: "Abgetreten war nach Jalta und Potsdam aber auch die Freiheit der Völker und Nationen Europas."

Jedoch weiß sogar Mölzer, daß Europa, will es "als handelndes Subjekt der Weltgeschichte" wiedererstehen, auf bereits existierende militärische Strukturen nicht verzichten kann: "Es bleibt also

derzeit nur die Nato." In die selbe Kerbe schlägt auch Nato-General a.D. Günter Kießling, einer der prominentesten Wortführer der nationalneutralistischen Strömung in der BRD, wenn er über die Nato schreibt: "(...) sie ist im Augenblick die einzige Realität, aus der heraus man eine europäische Sicherheitsorganisation entwickeln könnte. Aber so unverzichtbar sie für kurz- oder mittelfristige Lösungen ist, sie taugt nicht für längerfristige Lösungen, wenn sie sich nicht grundlegend ändert."

Im FPÖ-Jahrbuch 1995 hält Franz Uhle-Wettler, ein weiterer Ex-Militär, "Ein Plädoyer für die Nato". Dieses verbindet er ebenfalls mit der Forderung nach einem germanisierten Bündnis: "Die neue Nato wäre schlecht beraten, wollte sie den Amerikanern und Briten helfen, den westlichen Liberalismus und Individualismus wie ein Richtschwert weltweit über fremden Völkern und Kulturen zu schwingen."

Es bleibt wieder mal der Grazer "Aula" überlassen, andere Saiten aufzuziehen. In der Ausgabe 2/94 agitiert der deutsche Rechtsextremist Rigolf Hennig gegen die Westbindung der BRD. Nach einer Replik von Hans Merkel (CSU) in der "Aula"-Sommernummer fragt Hennig, ganz Geopolitiker: "Versteht sich Deutschland als Mittelmacht oder sucht es sein Heil in einer einseitigen Westbindung?" Nach der "klein-deutsche(n) Wiedervereinigung" müßten sich die Deutschen "eiligst aus ihren westlichen Verstrickungen lösen", denn eine andauernde Nato-Mitgliedschaft der BRD schade deren "nationalen Interessen". Hennig, der Nazi-Deutschland zum "Opfer" eines "Überfalls" durch die USA erklärt, steht in bester Tradition faschistischer Ostorientierung, wenn er verlangt, die BRD soll wieder mehr in Richtung Wladiwostok blicken. Denn: "Weit mehr als die USA jenseits des Atlantik ist Rußland der natürliche Partner Deutschlands."

Rechtsextremismus im Europaparlament

1984 zog der "Front National" (FN) mit zehn, der "Movimento Sociale Italiano" (MSI) mit fünf Abgeordneten sowie ein griechischer Rechtsextremist in das europäische Parlament (EP) ein. Kurz darauf durch den Abgeordneten der nordirischen "Ulster Unionist Party" verstärkt, bildeten diese Abgeordneten die "Fraktion der europäischen Rechten" unter dem Vorsitz von Le Pen. Während sich bei der vorangegangenen Wahl unter der Ägide italienischer NeofaschistInnen eine (erfolglose) gemeinsame Plattform ("Eurodestra") bildete, waren die rechtsextremen Parteien 1984 getrennt in den Wahlkampf gezogen. Gleiches gilt für die Wahl 1989, aus welcher der FN mit zehn, der MSI mit vier, die deutschen "Republikaner" mit sechs und der belgische "Vlaams Blok" (VB) mit einem EP-Abgeordneten hervorging. Mit Ausnahme der italienischen NeofaschistInnen schlossen sich die MandatarInnen der genannten Parteien zur "Technischen Fraktion der europäischen Rechten" zusammen. Neben dem unverhohlenen Führungsanspruch Le Pens liegt der Grund für den Nicht-Beitritt des MSI im "Südtirolproblem", über dessen Lösung sich deutsche und italienische NationalistInnen naturgemäß nicht verständigen konnten. Aber auch ohne MSI sah sich die Fraktion nicht als inhaltlicher Zusammenschluß, was schon durch das Beiwort "technisch" signalisiert wurde. Bei aller feierlichen Betonung der "deutsch-französischen Achse" prallten hier die eingangs erwähnten nationalen Partikularismen aufeinander. Verschärft wurden die Spannungen durch den unterschiedlichen Charakter der Nationalismen: Während VB und Reps der völkischen Linie anhängen und den Regionalismus hochhielten, argumentierte der FN zunächst etatistisch und zentralistisch. Jedoch näherte sich der FN

unter dem Einfluß "neurechter" Intellektueller seit dem Ende der achtziger Jahre dem völkischen Nationsbegriff an. So formulierte der FN-Chefideologe Bruno Mégret in deutlicher Anlehnung an die "Neue Rechte" bereits 1988 seine Zustimmung zur "Festung Europa": "Wir sind für Europa, für die Grenzniederlegungen zwischen unseren Staaten, unter der Bedingung, daß die Grenzen zwischen Europa und dem Rest der Welt tatsächlich aufrecht erhalten werden."

Derartige Wortspenden beziehen sich jedoch nur auf die gemeinsame Flüchtlingsabwehr, am Konzept eines "Europa der Vaterländer" wurde seitens der Euro-Rechten weiterhin festgehalten. Dieses Konzept läßt die RechtsextremistInnen das EP grundsätzlich ablehnen. Deutsche Mitglieder der "Technischen Fraktion" meinten etwa 1992: "Nach der gegenwärtigen Lage müssen wir geradezu froh sein über die begrenzten Befugnisse des Europäischen Parlaments." Aus dem selben Grund steht übrigens auch die FPÖ einer "Befugnisserweiterung" des EP "kritisch gegenüber", ginge diese doch zu Lasten der nationalen Souveränität. In der Agitation wird aber gleichzeitig das Demokratiedefizit der EU kritisiert: Mächtige Industrielobbies und sonstige Verschwörungen (etwa Haider's Feindbild vom angeblichen Geheimbund der "Bilderberger") würden in Brüssel regieren.

Die Europawahlen 1994 brachten schließlich deutliche Gewinne für die rechtsextremen Parteien mit Ausnahme der deutschen: Die zuvor durch Streitigkeiten und Austritte arg ramponierten Reps zogen nicht wieder ins EP ein. Der in "Alleanza Nazionale" (AN) umbenannte MSI konnte seinen Stimmenanteil mehr als verdoppeln und ist nun mit 11 Abgeordneten vertreten. FN und VB gewannen je ein Mandat dazu und verfügen nun über elf bzw. zwei Sitze im EP. Mit einem Abgeordneten neu vertreten ist die belgische Version des FN. Im Unterschied zu 1989 kam diesmal eine gemeinsame Fraktion jedoch nicht zustande. Neben den persönlichen Animositäten ist dafür die strategische Umorientierung der AN verantwortlich zu machen: Die Salon- und Regierungsfähigkeit verträgt sich nun mal nicht mit einem Bündnis mit dem polternden Le Pen. Wie kurz darauf die FPÖ versuchte die AN statt dessen in der gaullistischen RDE-Fraktion Aufnahme zu finden.

Die seit der österreichischen EP-Wahl 1996 mit sechs Abgeordneten in Brüssel und Straßburg vertretene FPÖ distanzierte sich ebenfalls vom FN. So unterstützte etwa Peter Sichrovsky die Forderung der SozialdemokratInnen nach Ausschluß Le Pens aus dem EP, nachdem dieser die Morde in den Gaskammern des "Dritten Reiches" als "Detail der Geschichte" abgetan hatte. Zuvor bejubelte der FN den Erfolg der Haider-Partei und lud die FPÖ-Abgeordneten zur Fraktionsbildung ein, was diese - gerade am europäischen Parkett ebenfalls auf Salonfähigkeit bedacht - jedoch ablehnten. Mittlerweile zieht es Le Pen in seinen Versuchen, eine Euro-Rechte unter französischer Dominanz zu etablieren, mehr nach Osten. Das 1997 etablierte Bündnis "Europa der Nationalisten" ("Euronat") wird in erster Linie von osteuropäischen Parteien wie der "Großrumänien-Partei" oder der "Slowakischen Nationalpartei" unterstützt. Auch der ungarische Nationalist Istvan Csurka führt seinen Kampf gegen "Plutokratie", "internationales Finanzkapital" und "Kosmopolitismus" in enger Tuchfühlung mit Le Pen. Ob diesen Vernetzungsversuchen mehr Erfolg als allen vorangegangenen beschieden sein wird, darf angesichts der in Osteuropa noch stärker ausgebildeten nationalen Partikularismen allerdings bezweifelt werden.

Doch kehren wir wieder auf das EU-Parkett zurück: Im Unterschied zum FN distanzierte sich die AN

von Anfang an von der FPÖ. Wenig Erfolg war auch den Anbiederungsversuchen an die britischen Konservativen beschieden: Lancierte Meldungen, wonach FPÖ und Tories über eine Zusammenarbeit verhandeln würden, haben letztere als "böartigen Nonsens" zurückgewiesen. Die populistische Anti-Maastricht-Fraktion "Europa der Nationen" betonte ebenfalls umgehend, daß es ihr "unmöglich" sei, "mit Herrn Haider's Partei zusammenzuarbeiten." Gleiches gilt für "Forza Italia" und "Lega Nord": Vertreter beider Parteien betonten schon vor der österreichischen EP-Wahl, daß sie nicht im Entferntesten daran dächten, mit der FPÖ in Kontakt zu treten. Zumindstens von der "Lega" und ihrem Anführer Bossi hielt Haider aber plötzlich ohnehin nichts mehr. So meinte der FPÖ-Führer im Interview mit "Nation & Europa", ihm störe Bossis "Bereitschaft, mit den Linken zusammenzuarbeiten."

Die Fraktionslosigkeit möchte die FPÖ aber nicht als Zeichen der Isolierung verstanden wissen. So macht man aus der Not eine Tugend und betont den "Vorteil der Unabhängigkeit vom Klubzwang", was eine Vertretung "nationaler Interessen" erst ermögliche. Der freiheitliche Neo-Europaparlamentarier Gerhard Hager war da offensichtlich mit der Sprachregelung noch nicht so vertraut, meinte er doch, die Fraktionslosigkeit sei ein "Manko, das wir durch Mehrarbeit ausgleichen müssen".

Heribert Schiedel

Heribert Schiedel ist Politikwissenschaftler in Wien und freier Mitarbeiter des Dokumentationsarchivs des Österreichischen Widerstandes.

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"How Terrorism Ends"

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U.S. Institute of Peace working group report, May 1999

Briefly...

- The nature of the grievance matters. Ethnically based terrorist campaigns can be harder to end decisively than politically based ones, because they often enjoy broader support among a population they seek to represent.
- Political violence by itself can rarely achieve its aims, but it can sometimes do so in conjunction with less violent political action.
- By the same token, deterring terrorism and prosecuting terrorists may be insufficient to end terrorism, especially when a large population supports the terrorists' cause. In such situations, negotiated settlements may provide the only solutions.
- In Sri Lanka, the government appears to have concluded from its victory over the Maoist JVP that law enforcement and compulsion can end a terror campaign. However, the LTTE has a much broader base of support than the JVP ever did, and the LTTE is unlikely to go away simply through government-applied force.
- One of the most effective strategies at governments' disposal may be to split off pragmatists from radical rejectionists. Such efforts can diminish public support for the terrorists and deny them a strong base from which to operate.

- In the cases of the IRA and the PLO, the initiation of political negotiations has not conclusively ended terrorism, but it has swung public support behind a peaceful solution and helped diminish popular support for the terrorists.
- Making concessions to causes espoused by terrorists can arouse hostility from those who believe that terrorism is "being rewarded." Weak governments find it difficult to make such concessions.
- Peace overtures must be well-timed. Ideally, they should come at a time when the government is strong and the terrorist organization is undergoing a period of introspection. Good intelligence can make a difference in these cases.

In an attempt to better understand what governmental actions can hasten the end of political violence, on April 12, 1999, the United States Institute of Peace, together with the British-based Airey Neave Trust, convened a working group meeting on the subject "How Terrorism Ends." The workshop began with an overview of the problem by Martha Crenshaw. Her presentation was followed by three case studies. In the first, Paul Wilkinson of St. Andrews University discussed the Irish Republican Army (IRA), and in the second, Jon B. Alterman of the United States Institute of Peace discussed the Palestine Liberation Organization (PLO). Both were considered "successful" case studies, because the organizations in question have embraced political dialogue instead of violence to pursue their aims. In the third case study, Teresita Schaffer of the Center for Strategic and International Studies discussed the Liberation Tigers of Tamil Eelam (LTTE), who have been fighting for autonomy for Tamil-populated areas in Sri Lanka for almost two decades. The LTTE was considered a "failed" case because government actions have been unable to end the violence.

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Martha Crenshaw on How Terrorism Ends

As we try to create governmental policies aimed at ending terrorism, it is useful to enumerate some of the variables that distinguish different situations.

The first set of variables involves the terrorist groups themselves.

- **Internal factors.** How does the organization make decisions? How does the organization perceive its environment? What are the internal psychological dynamics? Is the organization divided internally? All of these things are important to know but often difficult to ascertain.
- **External factors.** How does the relative strength of the terrorist organization compare with that of the government it opposes? Are the terrorists ideologically or ethnically motivated? What kinds of ties do they have to outside groups who may

support them? Is the conflict best characterized as a secessionist movement's civil war, or does the conflict involve a battle over civil society and representation?

The second set of variables involves the tools that a government uses to respond to terrorism. Many of these options can be pursued simultaneously.

- **Deterrence.** Governments can use their coercive capacity to make terrorism too costly for those who seek to use it. They can do this by military strikes against terrorist bases, assassinations of key leaders, collective punishment, or other methods. There are several drawbacks to this approach, however. On the one hand, it can lead to unacceptable human rights violations. In addition, groups may not come to government attention until movements are so well developed that efforts to contain them through deterrent methods are insufficient.
- **Criminal justice.** Governments can treat terrorism primarily as a crime and therefore pursue the extradition, prosecution, and incarceration of suspects. One drawback to this approach is that the prosecution of terrorists in a court of law can compromise government efforts to gather intelligence on terrorist organizations. In addition, criminal justice efforts (like deterrent efforts) are deployed mostly after terrorists have struck, meaning that significant damage and loss of life may have already occurred.
- **Enhanced defense.** Governments can make targets harder to attack, and they can use intelligence capabilities to gain advance knowledge of when attacks may take place. As targets are hardened, however, some terrorist groups may shift their sights to softer targets. An example is the targeting of U.S. embassies in Kenya and Tanzania in August 1998 by truck bombs. Although the attacks are strongly believed to have been coordinated by individuals with Middle Eastern ties, targets in Africa were chosen because of their relatively lax security compared with targets in the Middle East.
- **Negotiations.** Governments can elect to enter into negotiations with terrorist groups and make concessions in exchange for the groups' renunciation of violence. While governments are often reluctant to do so at the beginning of terror campaigns, negotiations may be the only way to resolve some long-standing disputes.

Given the above sets of variables, the end of terrorism may result from one or more of the following situations:

- **Success.** The terrorists may have accomplished their objectives, such as the overthrow of a government or the end of an occupation. Terrorism per se cannot

achieve long-term goals such as revolution or independence, but it can sometimes do so in conjunction with less violent political action.

- **Preliminary success.** A corollary to achieving objectives is having at least achieved public recognition for an organization and the cause it espouses. In this case, continued terrorist actions may alienate supporters, sponsors, or key third-country actors for whom continued violence is unacceptable.
- **Organizational breakdown.** Terrorist organizations, like any organizations, must constantly work to maintain themselves. If recruiting dries up, or if funding becomes unavailable, the organization may be unable to sustain itself. On the other hand, self-preservation may in fact force organizations to continue terrorist activities even if the leadership otherwise wishes to give them up. It may be that the only way for the organization to continue to attract new recruits and financial support is to continue to gain publicity for its terrorist actions.
- **Dwindling support.** Organizations may lose the support of their various constituencies--the populations they seek to represent or the governments or other organizations that support them. They can do so for reasons of ideological or strategic differences, personality clashes, or simple fatigue. Terrorist actions can also provoke moral outrage and undermine support.
- **New alternatives.** At times, other options for political change emerge. They can include more traditional forms of warfare or revolution, mass protests, or political negotiations.

As suggested above, many of the factors and consequences outlined above may occur simultaneously. Both governments and terrorist organizations can pursue many tracks at once, and organizations may confront a wide series of challenges simultaneously.

Governmental decisions about how to confront terrorism are made more difficult by the frequently high degree of uncertainty governments have about the nature of terrorist organizations, their motivations, and the effects of government actions on those organizations. The need for understanding terrorist organizations is highlighted by the fact that such groups' calculations are based on the groups' perceptions of costs and rewards, not those of the authorities confronting them or of objective observers.

So called "get-tough" measures against terrorist groups can have unintended consequences. Trying to "decapitate" a movement may radicalize the whole movement or some splinter faction. Assassinations and military force can provoke a desire for revenge, and raids and arrests can reinforce martial images, create mythologies of martyrdom, or feed paranoia and secretiveness (which makes the movements even harder to penetrate for reasons of either understanding motivations or foiling actions).

In the event that organizations are primarily motivated by a desire for recognition, how should policymakers respond? Should the government recognize the organizations and eliminate their motivation for terrorism? Since terrorist actions most often are considered newsworthy events by media organizations, it is beyond governments' control whether the actions garner attention or not. Governments can play an effective role, however, in influencing how terrorist events are portrayed to the public, and thus influence (but not control) how the public interprets those events.

Public opinion is important because it strongly affects the amount of financial and operational support the terrorists enjoy. In some cases, support comes from abroad and is difficult for governments to control. In other cases, however, governments have control over populations sympathetic to the terrorists. In this event, they must walk a difficult line. On the one hand, repressive measures can encourage antigovernment hostility and support for the terrorists. On the other, fear of punishment for the terrorists' excesses can undermine a population's willingness to support terrorist activities. In this balance, the terrorists have two weapons on their side. The first is their own ability to mete out punishment against those who do not support their actions, and the second is their ability to build on group solidarity to overcome reservations about their methods.

One effective tactic against many terrorist organizations may be to promote their disintegration from the inside. Governments can demonstrate to groups that their support among the populations those groups supposedly represent is waning. Even if such allegations are true, however, groups may be resolute in believing they enjoy support even after that support has dissipated. Governments can also split off members from a group, either by offering large rewards for information that undermines group solidarity or by making promises of leniency for imprisoned group members. Finally, governments can unilaterally enact reforms that reduce public support for the terrorists without rewarding the terrorists directly, or even negotiating with them.

Another tactic may be to put pressure on states sympathetic to a terrorist group's goals, even if the states are not outright sponsors of the group. Expulsion from a haven often causes financial pressures or logistical difficulties and can sometimes end a group's viability. In many cases, however, affected countries lack the necessary ties to effect such pressure, or laws governing free expression make it very difficult to crack down on an organization's activities.

If efforts to eliminate a terrorist group through compulsion fail, however, governments are left trying to reach a peaceful settlement with that group. In civil conflicts, such a settlement will entail negotiations for amnesty on both the individual and group levels.

Governments must confront opposition on two fronts: among rank-and-file members, who may be more disposed toward violence than the leadership, and among their own populations, who may oppose the government's sitting down with killers and "rewarding violence." Groups opposed to a peaceful reconciliation at that time will act to undermine the peace, often by undertaking terrorist actions of their own. In this event, governments that have only a precarious grip on power will find it difficult to move decisively toward peace.

In addition, governments must time their peace overtures carefully, first by making such gestures when their ability to reward good behavior and punish bad is strong, and second, by making them when the terrorist organization is going through some period of internal questioning. In such situations, effective intelligence can be crucial, since it can both identify auspicious times for a peaceful gesture and help inform the nature of that gesture.

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Paul Wilkinson on the IRA

Of Martha Crenshaw's models presented above, we can discount three with regard to the IRA.

- We cannot let the terrorists win on their own terms. The prospect of conceding the future of Northern Ireland to those who have shown little regard for democratic processes is simply horrifying.
- We cannot wait for the terrorists to discount themselves. The idea of the IRA just "withering away" in the medium term or even the long term is highly unlikely because through a long process of socialization, predilections toward extreme violence are deeply embedded in some elements of society in Northern Ireland.
- State use of "draconian military force" is unacceptable because it suspends democratic rights and allows terrorist groups a victory at the expense of democratic institutions.

These options eliminated, three main areas for maneuver remain. The first is what might be called "politics, diplomacy, and prophylaxis." That is, to use democratic processes to address the underlying grievances of various groups in the region. Such a response is an important tool for any democratic government. In fact, a democratic government should be responding to the kinds of grievances that lead to violent conflict before that conflict turns violent at all. That being said, once violence has broken out, it is possible for a democratic system to address the causes of violence and reduce the violence that results from people's grievances.

Along these lines, the example of the Basque population in Spain is instructive. The new democratic government in Spain in the late 1970s made a bold and farsighted decision to grant autonomy to the Basque regions. Consequently, popular support for the Basque terror group ETA (Euskadi Ta Askatasuna, or Basque Fatherland and Liberty) has been reduced enormously. ETA has become so fragile in recent years that it has decided to investigate following the Northern Ireland example. The Spanish government is understandably cautious about negotiating, but negotiating may represent a way forward in that conflict.

It is important to remember, however, that political rapprochement cannot end violence entirely. It is unrealistic to expect that, after decades of violence, a single document can put an end to every violent act. A political agreement can, however, attract the support of a large segment of a population, and that support can be a very important component in ending a cycle of violence.

The second model to be considered involves criminal justice and law enforcement. The United States and other democratic countries reach for this model almost instinctively, and rightly so, for terrorist actions are crimes. The criminal justice system is an important weapon in both reducing and deterring violence, and it remains an important tool to combat terrorism in Northern Ireland.

As part of its execution, the criminal justice model may have to include military aid to the civilian power if the civilian police are unable to maintain order on their own. In such a case, it is important that the military assistance remain under the firm authority of the civilian police, because, if unchecked, the military power threatens to destroy democratic rights and processes.

The third model is enhanced international cooperation against terrorism. Even though many terrorist groups carry out their actions in a narrowly defined geographical area, groups waging violence have developed increasingly sophisticated international support structures. Such support may be in terms of political and diplomatic support abroad but could also include significant fund-raising and arms procurement activities. Even localized terrorism can have a crucial international element, and it takes international cooperation to diminish the terrorist threat.

In the case of Northern Ireland, all three of these models are being used. Since the Downing Street declaration and the start of the Northern Ireland peace process, there has been a very heavy stress on prophylaxis and politics. The Good Friday Agreement worked out by George Mitchell expresses well the fears of both sides in the Northern Ireland conflict, and it enjoys overwhelming support in the communities affected by it.

Nonetheless there remain threats to the Good Friday Agreement. The most important is neglect of the key relationship between peace and security. A broadly inclusive political settlement must include groups with a long and brutal terrorist past that lack a genuine commitment to democratic principles. In the case of the IRA, its political wing, Sinn Fein, is highly experienced and committed to making political progress. But its military wing, especially at the grass roots, is much more skeptical about progress through a political process and has wanted to keep its traditional weapon--force--ready and waiting if politics does not gain it the results it wants.

Consequently, there has been deadlock over the issue of decommissioning weapons. The IRA maintains a large stockpile of highly destructive weapons, including the explosive Semtex, mortars, and machine guns. While perhaps not numerically larger than the stockpiles of the Loyalists, the IRA stockpiles contain more destructive weapons. The Good Friday Agreement provides a two-year time frame for decommissioning forces, but more than one year into the agreement, not a single weapon has been handed in on either side. The IRA argues that giving up any weapon is an act of surrender. Still,

decommissioning of weapons is the litmus test of the Agreement, not only for its practical effects but also for its psychological effects on the parties.

Given the present state of affairs, the respective governments may wish to link various events in the Northern Ireland peace process to increase the incentive for terrorists' cooperation. For example, the original agreement does not link the release of large numbers of prisoners to the decommissioning of weapons. This strategy may bear revisiting.

Another way out may be to try to split Sinn Fein off from the IRA. Sinn Fein may decide that progress at the political level is important enough that it will distance itself from the armed wing of the IRA and sever links with that wing if it refuses to cooperate with the political process. Such an outcome occurred with the Basques.

Whatever the IRA, Sinn Fein, or the Loyalist terrorists decide, democratic parties must continue the political process. The political framework must function even if some factions remain attached to terrorist groups. Along these lines, it is hard to imagine one terrorist group completely making the transition to a political party; perhaps a split is the best we can hope for.

Some groups are not on board in this peace process, so we have not eliminated the problem of terrorist groups. Therefore, our best option now may be to use public opinion to marginalize the terrorists while using the criminal justice system to punish those who continue to pursue terrorism.



John Dillon carries one of his son's coffins on Tuesday, July 14, 1998, as the three coffins of Richard, Mark, and Jason Quinn, are moved to the Catholic church at Rasharkin, Northern Ireland. The three brothers were killed in a sectarian arson attack on their home on July 12. Their deaths shocked the province and led to serious soul-searching about the future of Northern Ireland's shaky peace. Their funeral highlighted the emotional distress that more than 20 years of violence have wrought on individual families. AP Photo/Alastair Grant

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Jon B. Alterman on the PLO

Although originally established in 1964 by the Arab League, the PLO absorbed a number of other movements in the aftermath of the 1967 war and has been an umbrella organization dominated by Fateh in general and Yasser Arafat in particular. Arafat's constant effort to build coalitions between Fateh and other organizations has made the PLO something of a less rational actor on the one hand, but more responsive to changes in Palestinian public opinion on the other hand.

A second characteristic of the PLO is that since an early period it has resembled a government, with a large resource base (perhaps exceeding \$1 billion per year in the late 1980s), its own bureaucracy and entitlement programs, and the recognition of at least some world governments.

A third characteristic is that it has been able to rely on sympathetic regional governments for logistical support. Moving from Jordan to Lebanon to Tunisia (and with fighters in an even wider array of countries), the PLO has been able to rebound from setbacks.

The decision to abandon armed struggle has not been unanimous, but the idea has garnered increasing support within the organization since it first surfaced in the early 1970s. Several developments accelerated that move:

- **Soviet policy.** The Soviet Union was a strong ally of the PLO for many years, but Mikhail Gorbachev made it clear to Arafat in the late 1980s that Soviet support for Palestinian armed struggle was diminishing (as indeed were the larger fortunes of the Soviet Union).
- **Intifada.** The Palestinian uprising against the Israeli occupation occurred without PLO coordination and forced the PLO leadership to move quickly to reassert their centrality to Palestinian life. In so doing, they were forced to choose between those favoring a violent solution to the Arab-Israeli conflict (many of whom were in exile) and those favoring a negotiated one. They chose the latter (in the process incorporating such local leadership as Hanan Ashrawi and Faisal Husseini) but have been careful not to crack down too hard on the former, especially Hamas.
- **Gulf war.** By all accounts, the PLO's embrace of Saddam Hussein following the latter's invasion of Kuwait was a horrible miscalculation that led to the expulsion of huge numbers of Palestinian workers from the wealthy Gulf monarchies and a dramatic cut in those countries' subsidies to the PLO.
- **Madrid.** In exchange for Arab support in Desert Storm, the Bush Administration orchestrated a conference in Madrid to find a permanent solution to the Arab-Israeli conflict. While the Madrid Conference itself did not produce progress, it created an environment in which the Oslo Accords could be struck.

While many of the factors in the PLO's turn to diplomacy are specific to that case, there appear to be several generalizable lessons.

- The PLO had an **unusually rich resource** base to draw on. It was not merely a terrorist organization but also a government in exile, a business conglomerate, and a source of significant patronage--it had durability.

- The PLO was a **responsive organization**. As a loose confederation of nationalist organizations, it often had to (and did) shift policy to reflect the opinions of its constituency or rebound from changes in the international environment.
- **U.S. diplomacy** played an important role. As early as the 1970s, PLO leaders began to understand that they could not achieve their goals without at least tacit support from the United States. American conditions for a dialogue shaped to some degree PLO behavior in the 1980s and even 1990s.

Israeli law enforcement measures appear to have played little role in the PLO's decision to turn toward a negotiated solution to the Arab-Israeli conflict. Broader strategies such as the village council plan of 1980-81 were ineffectual, and Israel's widely reported support for Hamas in its earliest phases appears to have backfired.

Two Israeli decisions have played a crucial role in the PLO's transformation, however. The first was the Israeli invasion of Lebanon, which at one stroke denied the PLO territoriality and removed it from Israel's borders. Although Lebanon has turned into a quagmire for Israel, it marked a decisive end to any PLO illusions about victory through force. Second, the government of Israel was willing to negotiate when the opportunity presented itself at Oslo. Despite having ignited a political backlash at home, it helped pave the way for an as yet to be achieved negotiated end to the Arab-Israeli conflict.

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Teresita Schaffer on the LTTE

Sri Lanka has the distinction of having had two civil wars going on at the same time; and in a number of ways, Sri Lanka's two different experiences with terrorist organizations have complicated the task of dealing with its terrorist problems. One of Sri Lanka's terrorist experiences has happened two times. The government has twice put down a majority Sinhalese group called the JVP (Janatha Vimukthi Peramuna, or National Liberation Front) using police action verging on military force. The government has also battled for a decade and a half with the LTTE, although that effort has been markedly less successful.

Of the Sri Lankan population of 18 million, 75 percent are Sinhalese and 19 to 20 percent are Tamil. The two groups are ethnically and linguistically distinct, and Sinhalese are predominantly Buddhist while the Tamils are predominantly Hindu. More than half of the Tamils live in the North and East, with smaller concentrations in major cities such as Colombo. Other Tamils are plantation workers whose ancestors were brought over from India about 100 years ago by the British to work on the tea plantations; they are known as "Hill Tamils" or "Estate Tamils." The remainder of the population consists primarily of Tamil-speaking Muslims who tend to oppose the Tamil militants.

The experience of twice putting down a group with extreme political views has left an unfortunate legacy of allowing people in the Sri Lankan government to think that they know how to deal with

terrorism. First founded in the 1960s, the Maoist JVP had ties to the Chinese Communist Party but was philosophically closer to Peru's "Shining Path." The organization was avowedly revolutionary, and its support in the early years came mainly from university students and frustrated high school graduates. In the late 1960s these youth mobilized politically and also armed themselves. In the 1970 Sri Lankan election, they threw their support to the Sri Lankan Freedom Party, which was victorious. By April 1971, however, they had grown disaffected with mainstream politicians, and one night they coordinated simultaneous attacks on five police stations, followed by a series of political killings. The JVP was put down by military action supported by India, Pakistan, China, and the United States. Members were either jailed or killed, and the group virtually ceased to exist.

In 1977, politicians seeking to show that the JVP could not survive in the political arena allowed the party to reestablish itself legally. The experiment appeared to work; in a 1981 election the group registered less than 5 percent of the vote nationally, and in its strongest district received just 13 percent of the vote. In university elections, however, the group enjoyed significant support.

In 1987 the Indian government sent 100,000 troops to Sri Lanka to enforce a peace agreement following four years of Sinhalese-Tamil armed strife. The presence of Indian troops on Sri Lankan soil agitated members of the ferociously nationalist JVP, and the organization's militant opposition to those troops helped it gain support among many Sri Lankan nationalists.

By the late 1980s, the JVP's membership was almost completely different than it had been twenty years before. Although Rohana Wijeweera still led the JVP, most of its old members had gone on to more mainstream political affiliations, and a new crop of young, unemployed graduates once again comprised the rank and file. The group's first actions were a series of general strikes, but in late 1988 the JVP began to target the families of police officers. In response, the government closed ranks behind the police and attacked the JVP mercilessly. At the height of the conflict, the weekly death toll topped 300 people. By early 1990, the entire JVP leadership had been killed and the organization was destroyed.

Almost a decade later, the legacy of the JVP remains. Many Sri Lankans lost friends or relatives in the violence, and memories of those days remain fresh in many people's minds. In addition, many Sri Lankans harbor resentment over what they perceived to be lectures by Western officials demanding that they respect human rights in their deadly battle against the JVP. Finally, many Sri Lankans have concluded that the government did what it had to do against the JVP and that they now understand how to counter terrorist campaigns.

In fact, the government's campaign against the JVP succeeded in part because the JVP lacked a broad constituency. Put quite simply, the JVP's grievances did not capture the imagination of any major concentrations of people. Even at the height of its popularity, there was no district in which the JVP would have won an election. As a consequence, the JVP's campaign of terror got it more attention and influence than it would have gotten through political means. At the same time, the JVP failed because there was never a huge reservoir of people who said, "We don't like their methods but at least they've gotten us on the map." It makes a difference how much resonance the underlying grievance has.

The LTTE has been a different phenomenon. Ethnic rivalry has a long history in Sri Lanka, but the roots of the present-day ethnic conflict lie in the period after its independence from Britain in 1948. For centuries, intercommunal ties between Tamils and Sinhalese have been close at the elite level, but Sri Lanka's first post-independence government made a catastrophic decision. In a blatant attempt to tighten the Sinhalese grip on power, the government wrote a nationality law that effectively disenfranchised the Hill Tamils, who constitute almost half of the Tamil population. The error was compounded in 1956 when a prime ministerial candidate, S.W.R.D. Bandaranaike, decided to campaign on a call for the primacy of Sinhalese language, culture, and religion in Sri Lanka. The two moves served to heighten intercommunal tension and led first to Tamil militancy and later to separatist sentiments.

The first Tamil militant groups were founded in the 1960s, and they took as their goal greater rights for the Tamil population. By 1976, the Tamil United Liberation Front (TULF) had emerged as the first political group calling for a separate Tamil state. In 1983, however, the Sri Lankan government adopted a constitutional amendment criminalizing advocacy of a separate state within Sri Lankan territory and requiring that all members of parliament swear an oath not to support separatism in any way. That decision forced the TULF out of the parliament and deepened the alienation between the Tamil population and the government. As a result, support for the LTTE increased.

In the early years, much of the support for Tamil independence came from individuals in their thirties who were primarily motivated by the language issue. Starting in the 1970s, the cause of Tamil independence began to attract a younger crowd, in part because of quotas on university admissions aimed at limiting the number of Tamils with access to higher education. In the 1990s, the trend toward youth has accelerated. Some members are as young as thirteen or fourteen years old. Many of these younger members are fanatical; they are issued a cyanide capsule on completion of their basic training with the LTTE, and they have been engaged in suicide bombing.

The LTTE's first acts of terrorism were directed against Tamils who opposed the LTTE's policies; LTTE leader Velupillai Prabhakaran got his start assassinating the mayor of the predominantly Tamil city of Jaffna in the mid-1970s. Since 1985, the four targets of frequent terrorism have been:

- VIPs, such as Indian Prime Minister Rajiv Gandhi in 1991 and Sri Lankan President Ranasinghe Premadasa in 1993;
- Tamil rivals;
- isolated Sinhalese and Muslim populations on the borders of Tamil-majority areas;
- civilian population centers, such as mosques and the Temple of the Tooth Shrine.

In combating the LTTE, the Sri Lankan government has employed three strategies.

- **Law enforcement efforts** have placed constraints on the LTTE and have imprisoned a number of their followers and sympathizers, but at the same time have alienated many Tamils.
- **Military efforts** have been inconclusive, in part because the Sri Lankan military has not proven particularly competent, and in part because it does not appear to possess a clear strategy. The military has never been able to hold the main Tamil population centers in the North and East of the country simultaneously.
- **Efforts to negotiate a political settlement** have generally been cases of too little, too late. A 1995 peace proposal started out with great promise but is now moribund.

The Sri Lankan government has not tried three strategies that may hold out the promise of ending the long-running conflict.

- **Engage in public diplomacy.** The Sri Lankan government could launch a major "hearts and minds" campaign to win the support of large segments of the Tamil population away from LTTE sympathy. The present government mounted a limited effort along these lines in the so-called "White Lotus" campaign, but a major campaign has yet to be tried.
- **Demonstrate that autonomy can work.** The Sri Lankan government could mount a major effort to show that autonomy can work. Constitutional amendments introduced in 1987 provided for a degree of decentralization of power. This could have been an opportunity to show that the Sri Lankan government was capable of allowing local authorities, including Tamil-dominated ones, to run their own affairs effectively. The near-normalization of life in the East in 1994 and the government's taking control of Jaffna in 1995 could have led to similar "demonstration projects" in devolution. In each case, the opportunity slipped away, reinforcing the concerns of skeptics in the Tamil community about whether devolution could work.
- **Conclude a peace settlement.** The Sri Lankan government could reach a peace agreement with the LTTE. There have, of course, been a whole series of negotiating efforts, which thus far have come to naught.

The chief lesson to be learned here is that if we focus only on the criminal side of terrorism, then we will fail to solve even that side of terrorism. In the Sri Lankan case, resolving the terrorism arising out of the ethnic conflict will require at least two approaches: a political negotiation and an integrated military strategy. This government understood the importance of the political part of the package but was unable to deliver on it. It then turned to the military arm as a separate response but, despite its success in capturing the LTTE's stronghold in Jaffna, was not able to put the military and political parts of its strategy together. The LTTE, of course, had by then lost interest in the negotiation, leaving the conflict

in a new and bloodier stalemate.

Success in the initial political negotiations might not have eliminated terrorism. When one is dealing with hard-bitten adversaries, some of whom see little personal advantage in a peaceful settlement, the risk is high that extremist elements will continue to use terrorism even if the mainstream has settled. However, under these circumstances, terrorism would be reduced to its criminal element. With the underlying grievances at least headed for resolution, the terrorism problem would assume manageable proportions.

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Conclusions

One of the hardest problems facing government officials dealing with terrorism is deciding when to employ what strategy. Negotiations with those perpetrating violence are not the solution to every problem; by the same token, many terrorist campaigns cannot be stopped by law enforcement actions alone. Many participants suggested a decisive factor determining the sufficiency of law enforcement activities is the support that the terrorist groups have among the populations in which they are based. Narrowly based terrorist groups can be rooted out, but groups that rely on a broad base of support (some of which can come from beyond a nation's borders) have a durability that may defy such efforts. For that reason, ethnically based groups may be harder to eliminate through force than class-based groups, since ethnicity has proven a stronger tie than class in most cases.

If negotiations are pursued, two conditions should be present. The first is that the government should enjoy a strong popular mandate. Political opponents often portray negotiating with terrorists as "giving in to terrorism." Such an attack can topple weak governments or, short of that, stymie whatever agreement has been reached through negotiations.

The second condition is that the terrorist organization is going through a period of self-evaluation. In such circumstances, the government may be able to successfully split off pragmatists from hard-line terrorists, bring the population along with the pragmatists, and dry up popular support for those continuing to pursue violence.

Throughout, participants stressed the importance of intelligence. In confronting terrorism, the nature of the grievance does matter, and the nature of the organization putting forth the grievance matters as well. Intelligence is important not only to prevent terrorist attacks but also to understand how the organization works and how its decision making processes can be affected.

A consistent theme in all of the presentations was the extent to which terrorism is an international problem. Money and weapons flow across borders, and supporters of terrorism (if not the terrorists themselves) often have established bases in other countries. Increasingly, law enforcement efforts aimed at stemming terrorism have an international component, and such a strategy will require more

international cooperation in the future.

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About the Report

Political violence remains a serious threat to life in much of the world, and it can have a corrosive effect on the political processes that contribute to domestic and international peace. On April 12, 1999, the United States Institute of Peace, together with the British-based Airey Neave Trust, convened a working group meeting on the subject "How Terrorism Ends." The workshop, which attracted the participation of academic experts, current and former government officials, and security consultants, was conducted as an activity of the International Research Group on Political Violence, which the Institute co-sponsors with the Airey Neave Trust and which is chaired by the Rt. Hon. Sir Adam Butler.

Panelists at the workshop included:

Professor Martha Crenshaw, the John E. Andrus Professor of Government at Wesleyan University in Middletown, CT. She is the author of a number of works on political violence and terrorism and was co-editor of *The Encyclopedia of World*.

Professor Paul Wilkinson, professor of international relations and chairman of the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews in Scotland. He is the author of several authoritative works on terrorism and political violence. His most recent book, *Terrorism and Liberal Democracy*, will be published shortly.

Jon B. Alterman, program officer in the United States Institute of Peace's Research and Studies Program, where he covers the Middle East. His most recent book is *New Media, New Politics? From Satellite Television to the Internet in the Arab World*.

Ambassador Teresita Schaffer, director of the South Asia Program at the Center for Strategic and International Studies. She is a thirty-year veteran of the Foreign Service and served as U.S. Ambassador to Sri Lanka from 1992 to 1995.

Institute President Richard H. Solomon moderated the meeting, which was attended by some forty authorities in the field of political violence. This report, written by Dr. Alterman with the help of former research assistant Sara Simon summarizes, the points made by the panelists.

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About the United States Institute of Peace

The United States Institute of Peace is an independent, nonpartisan federal institution created by Congress to promote research, education, and training on the peaceful resolution of international conflicts. Established in 1984, the Institute meets its congressional mandate through an array of programs, including research grants, fellowships, professional training programs, conferences and workshops, library services, publications, and other educational activities. The Institute's Board of Directors is appointed by the President of the United States and confirmed by the Senate.

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Press Briefing on Russian Diplomat Declared Persona Non Grata Washington, DC, December 9, 1999

U.S. Department of State

David Carpenter, Assistant Secretary for Diplomatic Security

And Neil J. Gallagher, Assistant Director in Charge of the FBI National Security Division

MR. FOLEY: Welcome to the State Department. Let me just note for the record, before we move to the subject matter at hand that we have scheduled a briefing for 11 o'clock on the State Department's release today of its Ethnic Cleansing in Kosovo Report. That may slip by a few minutes because we have pressing business at hand, but we need that to start by 11:15 so I'm going to try to bring this briefing to an end by about 11 o'clock, maybe 11:05, if some of you may need a few minutes, and we'll need to allow time to transition to the next briefing.

As to the purpose of this briefing, as you know, we announced last evening that a Russian diplomat has been declared persona non grata here in Washington. I would make a correction for the record. He was listed as a Second Secretary in the announcement. He is not a Second Secretary. He's an embassy employee enjoying diplomatic immunity of the embassy of the Russian Federation.

With us today are two gentlemen who have worked very closely together on this matter over the past period, namely Mr. Neil Gallagher, who is the Assistant Director of the FBI and Mr. David Carpenter, who is Assistant Secretary for Diplomatic Security here in the State Department. Assistant Secretary Carpenter will begin with brief remarks. Assistant Director Gallagher will also have brief opening remarks and then we will open the floor to your questions.

Obviously, the matter at hand is sensitive. It's a matter involving intelligence. It's a matter that is subject to ongoing investigation so there are inherent limits as to the degree of specificity with which they can answer your questions. But we felt it was opportune to give you an opportunity to ask those questions.

David.

ASSISTANT SECRETARY CARPENTER: As Jim said, I just want to read a brief statement, then Neil has some comments, then we'll answer your questions. Counter-intelligence agents of the FBI and the State Department's Diplomatic Security Service have worked jointly to neutralize this intelligence-gathering effort. This counter-intelligence operation could only have been accomplished through the cooperative efforts of these two outstanding organizations.

Secretary Albright takes this opportunity to acknowledge the superb investigative work of the FBI

throughout this operation. In the Secretary's view, the successful resolution of this case is a classic example of what can be accomplished when law enforcement agencies cooperate with each other.

This episode should be a stark reminder to all of us at government that, despite the thawing of tensions between competing nations, government facilities and personnel remain a desirable target for foreign intelligence services. This matter reinforces the Department's belief that its counter-intelligence program must remain a cornerstone of its overall security posture.

Neil.

ASSISTANT DIRECTOR GALLAGHER: Let me at the beginning also introduce Assistant Director Jimmy Carter from our Washington Field Office and, sitting off on the side, should be on the side, SAC Tim Caruso of our Washington Field Office responsible for counter-intelligence in Washington Field Office.

At a time when we talk about sensitive technologies and advancements, I want to tell you a story of a classic counter-intelligence investigation. This is also a story of very good street work by a group of professional surveillance team members assigned to Washington Field Office.

When you think of the FBI's counter-intelligence mission, our mission is to identify and to neutralize hostile intelligence service activity in the United States, and I would like to go back over the two main parts of this, identify and neutralize.

Back in the summer, several months ago, a Washington Field Office surveillance team on a routine surveillance, completely unrelated to this matter, made an observation. They made an observation that Stanislav Gusev was standing in the vicinity of State Department. And it took them as a little bit odd and they just remembered that very brief observation and came back and developed a surveillance strategy to determine if there was any significance to this, again, very brief observation.

Over a period of some time, what they identified was that on a rather frequent basis, each week, Mr. Gusev would show up in the vicinity of State Department, literally just walking around the surrounding street. They also noticed that his manner in parking his car and the way that he located it, where he located his car, was a little bit unusual and it suggested to them that this may take on some more significance.

We initiated some extensive coverage of Mr. Gusev. We also identified every time that he showed up in the area of Department of State. We documented his activity around the State Department and concluded at the time that this may, in fact, be some sort of a technical operation. That assumption was based upon the frequency of his presence around the State Department, his personal movement, and the activity surrounding his car.

Obviously, because of the association with the Department of State and the proximity of the Department

of State, it was necessary to then consider could there be a technical penetration in the State Department, and where could it be. It was literally attempting to find a needle in a haystack and to do so without compromising the investigation, without alerting unnecessarily all of the employees in State Department, so we began a technical survey utilizing very sophisticated, very sensitive, technical equipment and were able to locate what we believed to be a listening and transmittal device.

The goal was to clearly establish whether or not there was, in fact, a Russian intelligence service technical penetration of the Department of State. We left the device in place. We took steps to protect it. We took steps to minimize any loss that would result of its continued presence in State Department.

We also utilized the technical expertise of several different U.S. Government agencies to attempt to fully understand and to exploit this device while it remained within State Department. That led to the second part of the FBI's counter-intelligence program, the neutralization of the device and that is, in essence, what occurred yesterday.

Again, we needed and wanted to clearly establish that this was a Russian intelligence technical penetration and then stop it, and to prevent any further loss from Department of State. What this depended upon was one individual, and that's Mr. Gusev, to in fact show up at the vicinity of State Department. So as to the timing of when we would take this down, it was completely dependent upon him showing up at Department of State and, for the first time in a period of several days, that was December 8th.

At 11:34 a.m. yesterday morning, Mr. Gusev was detained by FBI and Diplomatic Security agents. He was transported to the Washington Field Office, arriving there at 11:50 a.m. After being informed that he claimed diplomatic immunity, at 1:32 p.m. I contacted the Russian embassy and informed them that we had an individual that was at our Washington Field Office who claimed to be both a Russian and a diplomat. I asked that they dispatch someone over to our Washington Field Office to confirm both events.

They did so. They called back at 1:56 p.m. and we made arrangements for them to arrive and identify themselves at our Washington Field Office. This occurred at 2:30 p.m. Two Russian embassy officials arrived at our Washington Field Office and by 2:39 p.m., we had turned Mr. Gusev over to their custody. At 5:10 p.m. last night, I was contacted by the Russian embassy confirming that, in fact, it was a diplomat assigned to the Russian embassy that was turned over to the two consular officials.

There are several parts of this investigation that I would now like to address and tell you about that remain outstanding. First of all, I should have said it at the beginning. Not only is this a classic counter-intelligence story, it is also a classic story of cooperation between the Diplomatic Security and the FBI. Because when we first made these observations several months ago, we came to Diplomatic Security, we came to them with a serious problem of a potential penetration within the State Department and the obvious difficulties of conducting this investigation in a covert manner to protect the investigation and be able to get to the ultimate resolution, and that is whether or not it was a Russian intelligence

penetration.

That demanded and received the fullest of cooperation between Diplomatic Security and the FBI and we were able to do that investigation without unnecessarily alerting the Russian intelligence service or the general public that we were conducting this investigation.

What remains is we need to fully understand how the device was introduced into State Department. With the Diplomatic Security we initiated a series of interviews and investigation yesterday in a more overt fashion immediately upon Mr. Gusev being detained, and not only are we conducting the investigation to understand how it was introduced, the second part of that is to do a damage assessment with Diplomatic Security as to what potentially could have been lost by the introduction of this device.

The last issue is a very obvious issue. We have recovered the device in State Department and will be doing a very extensive technical exploitation of that device to fully understand and appreciate it. Perhaps, in conclusion, a simple statement that this is not only a story of effective counter-intelligence and cooperation but it is also a very important story of the aggressive activity of Russian intelligence presence inside the United States. The fact remains that a foreign intelligence service introduced a device within Department of State on U.S. soil.

We'll entertain any questions.

Q: Could you tell us where the device was located? There have been reports that it was in a conference room.

ASSISTANT DIRECTOR GALLAGHER: Let me, because that is part of the ongoing investigation, it would be inappropriate for me to give the specific location of where the device was located, but perhaps Dave can address some other concerns because there has been some speculation as to where it could have been located that may help answer the question.

ASSISTANT SECRETARY CARPENTER: To further confuse you, what I'll try to do here is tell you where it wasn't. Some of the reports, that at least I read, was that it was in the Secretary's suite of offices, what we call our executive section. It clearly was not in that area or any other principal's office or suite of offices.

Q: Can you tell us what floor it was on, David?

ASSISTANT SECRETARY CARPENTER: Under the same provision that Mr. Gallagher just mentioned, I would prefer to not while this investigation is ongoing.

Q: Can you tell us where he was arrested, specifically what he was doing at the time?

ASSISTANT DIRECTOR GALLAGHER: Mr. Gusev had driven up to the vicinity of State

Department, had parked his car--based upon our understanding of his prior activity--, had activated some equipment, and had begun a collection operation within eyesight of Department of State, and it was at that point that we detained him.

Q: Mr. Gallagher, you say the timing of the arrest was dependent on the Russian's arrival. Are you saying that there is no connection then with the recent case in Moscow of the American diplomat?

ASSISTANT DIRECTOR GALLAGHER: Absolutely not. This was a long-term FBI investigation. What drove the decision to bring this investigation to closure was the need to ensure that there would be no continued loss of any information from Department of State. We were working against, on one side, allowing the Russian intelligence service to continue to attempt to collect information; at the same time, trying to clearly establish that this was a Russian operation.

Once I met my threshold, I had no reason to ask the Department of State or Diplomatic Security that we continue to allow this operation to continue. There was no other further intelligence benefit that I was going to get.

Q: Could you spell his last name, please?

ASSISTANT DIRECTOR GALLAGHER: It's in his statement.

Q: Mr. Carpenter, I wonder if you can tell us if DS is going to institute any additional security measures in the building, given that this appears to be a penetration inside the building itself.

ASSISTANT SECRETARY CARPENTER: First of all, let me just say that the method by which this penetration was accomplished is still under investigation so that's one thing that should be made very clear. As all of you should be aware that come to work here at this building every day, we are in the process right now and have been in the process for the last year and a half since I've been here of upgrading our security here, both our physical security and our technical systems, but to suggest that we are doing anything in addition to those upgrades would be wrong at this point.

Q: Can you tell us whether the timing of Mr. Gusev's arrival to activate the listening devices keyed to some knowledge of activities inside State that would suggest some sort of sophisticated knowledge of the operations inside the State Department? Can you tell us the make of the car and can you tell us whether when he was in the car he, you know, had headphones on or had a tape recorder going? Can you give us any kind of physical picture of what he was doing in the car?

ASSISTANT DIRECTOR GALLAGHER: A lot of questions. Let me try to answer them. First of all, your first question?

Q: Whether he had some knowledge of what was going on in State that keyed him to arrive at a certain time?

ASSISTANT DIRECTOR GALLAGHER: No. That was an issue that we looked at extensively because we asked ourselves many of the same questions that you're asking yourself. Our assessment was that he did not have inside information as to what was happening at the location where the device was located. It was somewhat sporadic coverage.

I don't have the exact description of his car and I would defer to, I guess, the Russian embassy if they want to provide that to you. The activity around his car, there was some activity that suggested that he was utilizing and adjusting technical equipment at various times. That was one of the developments that caused us to determine that, in fact, this appeared to be a technical collection operation.

I wouldn't want to go into other details because, obviously, we are continuing our evaluation of the technical equipment associated with this operation.

Q: You said that one of your concerns was obviously to prevent any further loss, which implies that you believe there certainly was a loss before that time. Can you give me an idea or an estimation of how long the device had been in place before you discovered it and also what kind of conversations generally take place in the room where it was discovered?

ASSISTANT SECRETARY CARPENTER: Again, the nature--and I think Jim said it early on before he introduced us--the nature of this type of investigation, counter-intelligence, really prohibits us discussing exactly those issues that you bring up. Those are under investigation. The answers will be made available but, at this point, we are not in a position to discuss those.

Q: (Inaudible) --about the device, or a year? Can you give us any sort of estimate?

ASSISTANT DIRECTOR GALLAGHER: We've known about the device for several months. And in direct response to your question, recognize that we have had the device for less than 24 hours so, as far as the full understanding of the length of time in the room, there are technical examinations which may begin to answer some of those questions. But you'll have to bear with us because we need to have a very sophisticated evaluation of that piece of equipment and we just need time.

Q: Is there a search underway for other potential devices?

ASSISTANT SECRETARY CARPENTER: That has already been accomplished. We expanded--we have a program here that deals with this type of issue. Once this device became known to us, we began a very, very aggressive sweep of our principals' offices in this building to ensure that there was not another device.

Q: Mr. Gallagher, you had said that there was a particularly aggressive presence of Russian intelligence in the United States. Could you give us some sense of the extent of that, the aggressiveness of that and how disturbing that is to the FBI?

ASSISTANT DIRECTOR GALLAGHER: I think this incident, by itself, sends a strong message that there is a very aggressive Russian intelligence presence operation inside the United States. That is an issue that the U.S. Government has and continues to be concerned about.

As to the numbers and extent, that is probably a larger issue that is beyond this particular operation. There have been some discussions concerning the Russian intelligence presence and I'm sure they'll continue, but it just points to the seriousness and the need for the FBI to maintain a very aggressive counter-intelligence program. I know, SAC Caruso will probably ask me to remind--he reminds me that we also need a very professional surveillance capability in and around the Washington, DC area and will probably ask me for more resources.

Q: (Inaudible) --technology changing, fast-moving, there is something that seems rather crude about the operation you have described in the sense that someone was walking around the building, parking a car, sitting right outside the State Department. Why would it be necessary to engage in this type of surveillance that could so obviously be discovered, as opposed to something, longer-range listening devices or like that?

ASSISTANT DIRECTOR GALLAGHER: The initial assessment, the equipment is very sophisticated.

Q: Recovered inside?

ASSISTANT DIRECTOR GALLAGHER: Right. We may describe his movements as crude. However, you've got to be careful here. It was effective.

What he did--think yourself of someone seeing someone sitting on a park bench outside State Department or along anywhere on these streets during the summer. Do you really take a second look at them? You had trained professionals that saw something different than what the ordinary citizen may see and it was the fact that they knew of him, knew him to be an intelligence officer and saw him sitting there that draws attention.

His activities, in itself, wouldn't have drawn unusual attention either by State Department or the ordinary citizen walking back, seeing someone walking up on a sunny day for an hour or so.

Q: The activities he was involved in were not actually listening but perhaps adjusting the device in some form or fashion?

ASSISTANT DIRECTOR GALLGHER: It would appear that.

Q: Can you confirm that Mr. Gusev was, in fact, arrested from a bench or was it from his car? And, secondly, you said that he was not a Second Secretary? What's his title? Do any of the State Department records reflect that he had access to the room in which the device was found?

MR. FOLEY: In terms of the title, I've been informed that he was referred to as an attache of the embassy. If that requires further refinement I'll get back to you later, but we just learned that before coming in.

Q: How long has he been in Washington?

ASSISTANT DIRECTOR GALLAGHER: Since March of this year.

Q: What about the bench? Was he arrested from a bench or from his car?

ASSISTANT DIRECTOR GALLAGHER: He was detained in the vicinity of his car.

Q: (Inaudible) --records of his access to the State Department, do you show that he was in the location where the device was found? Did he work with somebody else who may have had access and he monitored the device?

ASSISTANT SECRETARY CARPENTER: We're still going over those access records. To date, we don't show a record of him being in the building.

Q: Mr. Gallagher, your description of the device as still requiring more sophisticated analysis indicates that it's some sort of device you haven't seen before, if you could confirm that. And, secondly, since it seems to give sporadic coverage, did it have any recording capability and was putting out maybe voice-actuated bursts?

ASSISTANT DIRECTOR GALLAGHER: The device--I wouldn't want to characterize that we have not seen a device of that sophistication before. Using our engineering research facility, we are certainly going to afford it very extensive technical evaluation to understand its full capabilities.

The second part of your question?

Q: Whether it might have had some recording capability where the recordings picked up later when Gusev came.

ASSISTANT DIRECTOR GALLAGHER: We know that there were technical emanations coming out of State Department at the time that Mr. Gusev was in the vicinity. That would suggest that it's not a recording but it's a transmitter, but I wouldn't want to go any further than that.

Q: You talk about an aggressive program that you've had over the last year and a half to improve security and, yet, I'm wondering if you regularly sweep principals' offices and conference rooms for devices and, if so, how come you didn't pick this one up. And does that suggest that you need to improve your program?

ASSISTANT SECRETARY CARPENTER: The answer to your first question, do we regularly sweep, the answer to that is yes, we do--albeit, I would prefer not to get into where we do sweep and where we don't sweep, for obvious reasons. We are somewhat limited in our capabilities to be--I think you used the word "aggressive" or I used the word "aggressive" in this by our manpower. We do have limitations. This is a big building. So I don't want to understate the difficulty in doing something like this, but we have a program that ensures specific offices that we feel would be most vulnerable are, in fact, swept on a regular basis, on a reoccurring basis.

Q: A couple of small questions. You said you had an aggressive search for other devices. You didn't say whether you actually found any. Did you find any in this effort and how often do you find them on your other sweeps?

And then, also, I was wondering if you could give us an idea of how big this device was and where was it in the conference room, under a piece of furniture or whatever--something like that?

ASSISTANT SECRETARY CARPENTER: Your first part is have we found any other devices?

Q: In the search that was prompted by the discovery of this device and, secondly, how often do you find devices when you do these regular sweeps?

ASSISTANT SECRETARY CARPENTER: Clearly, if we found other devices we'd probably be meeting on a much more frequent basis. The answer is we have not. As a result of the search that was done after this device was discovered, we did not find other devices.

Again, it's an ongoing process. I might be--I might try to be brutally honest with you. There are some instances if a device were to be found, because of the investigative leads that would come out of that, it might take quite some time before it would be made public and we would not publish that fact that other devices had been found until that investigation had been, in this case, concluded.

Neil.

ASSISTANT DIRECTOR GALLAGHER: As to the size and disguise of the device, I mean, let's step around it just a little bit. It was an extremely sophisticated device and was professionally introduced into State Department. I would not want to go any further until we complete our full technical evaluation. It's just not slapped on here where we're looking at it. You would not--an ordinary person would not see it.

Q: So was it in a wall or a ceiling?

ASSISTANT DIRECTOR GALLAGHER: Again, I would not want to go any further until we complete - what began yesterday at noon, Diplomatic Security and the FBI was able, for the first time, to go

aggressively into an overt investigation to begin to understand how the device was introduced into State Department. We're less than 24 hours into the investigation. We need as much time as we can to begin to answer many of the questions that both you and I have.

Q: Two quick questions. Mr. Gallagher, can you tell us, you said that there was some pattern that he used parking his car. Can you tell us what this pattern was, or the strange way in which he parked his car?

ASSISTANT DIRECTOR GALLAGHER: Oh, his pattern?

Q: Yes. And also, if I may, how often were his visits around the building?

ASSISTANT DIRECTOR GALLAGHER: Okay. His pattern of activity was such that on times he would park his car, he would move his car around the block and come back to another location. It appeared to us that he was trying to position his car in an ideal location. It's not an observation that you see just on one visit or two visits. It comes over a period of time that you begin to see this repeated time and time again.

We also--as to the visits, they varied. He had several days of the week that he favored. Whenever he showed up, we knew it. He would go for periods of time that he would not come. So there was no unique pattern that either suggested he had inside information or was there a unique pattern that he always showed up on the same day, the same time. It was, again, the difficulty was developing this pattern over an extended period of time to fully understand it.

Q: Is this diplomatic license plates or plates that could identify him as a member of--

ASSISTANT DIRECTOR GALLAGHER: Yes, his car had diplomatic plates.

Q: Do you have any reason to believe that this was installed after he arrived in March or was it before March?

ASSISTANT DIRECTOR GALLAGHER: It's far too premature to even speculate. That's the whole focus of the Diplomatic Security-FBI investigation to understand how the device was introduced. And what's ongoing today in State Department, there are teams of FBI agents working with Diplomatic Security agents conducting interviews, reviewing records, trying to get an answer to that question.

(The briefing concluded at 11:05 A.M.)

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This transcription was send to ISA-Discussion@onelist.com by:
Jeremy Compton <jeremy.compton@stonebow.otago.ac.nz>

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Right-wing Extremist Activities on the Internet

März 1998

Comment:

The addresses of Internet sites used by extremists are not listed for obvious reasons. Attention is drawn to the fact that this report does not purport to be a comprehensive listing of right-wing extremist activities in Internet.

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1. Introductory Remarks

1.1 Creation of Internet

The basis for the creation of Internet was the establishment of the computer network "ARPANET" (Advanced Research Projects Agency Network) in the USA, which linked four computers together by means of new network software. In the ensuing period ARPANET served as a prototype for the development of additional computer networks, especially in the university and administrative fields. In 1982 a supra-regional data link system under the designation "Internet" came into being through the linking of various networks; since the early 1990s this has become more accessible to users through modern software products - in particular in the field of home personal computers - and the fall in price of software and hardware.

Today, Internet is a world-wide system linking computers and computer networks of the most varying kinds and consequently it is the largest data link system with more than 50 million linked equipments. These, however, are not all linked simultaneously to one another. It is estimated that at any one time more than three million computers are connected in on-line dialogue over 40,000 networks in more than 70 countries. Parallel to Internet, there exists a large number of national and international networks.

1.2 Internet as a means of communication

In contrast to other computer networks, Internet has no recognisable central unit - no "central computer" exists. Rather it consists of various processing units, so-called HOSTS, connected by a direct, permanent "fixed line" which, as a rule, are connected to individual networks. The connected computers and networks therefore work together to realise and maintain the Internet system. This decentralised structure has as a consequence that, with the loss of one line path for the transmission of data, a second, functioning path is chosen independently. Ultimately, this is a result of the military origin of Internet, where it was intended that any outside interference on the flow of data would be avoided as far as possible. This integrity intended at that time explains, on the other hand, the limited opportunity for control on Internet by state agencies.

The average Internet user generally acquires access to the net via a provider, who as the operator of one or more HOSTS offers access facilities and memory capacity (e.g. for operating a homepage) in Internet. Providers may also be online services such as CompuServe or America Online (AOL), if they in addition to offers of their own information and communications services also allow access to Internet. The type and extent of Internet access is governed by commercial providers through the type of contract

signed with the user. The extent to which a provider can influence Internet is limited of course only to its own computer or network.

In the recent past, Internet has crystallised into the medium of the "communications age", by means of which the individual can not only obtain almost unlimited information but is also able to communicate across frontiers worldwide. This opens social and economic perspectives of immense proportions. With the increase of computers in the home - with falling prices and simpler operation - the significance of Internet will increase considerably in the future.

1.3 Use of Internet by extremists

However, this positive trend is also associated with less agreeable attendant symptoms. The worldwide data network almost represents an "arbitrary area" in which the posting of criminal content cannot be effectively prevented or prosecuted under national law, and which allows an almost uncontrollable flow of information.

1.3.1 Propaganda and Communications

Thus, Internet offers extremists a welcome platform for the propagation of their anti-constitutional aims and concepts; extremists can reach a disproportionately larger public in comparison with conventional methods of propaganda (e.g. printed media, demonstrations). By surfing through the information on offer in Internet a person, who until then had not harboured any anti-constitutional thoughts, can - either by accident or on purpose - come across extremist content, which he would not have obtained through conventional means. Agreedly, the effectiveness of extremist propaganda is limited as far as the average Internet user is concerned. In isolated cases, however, an "extremist career" can have its origins in this way. Also included in Internet are detailed instructions for the construction of explosive and incendiary devices and other methods of sabotage. They are immediately available to all and sundry; by conventional methods access to such information would be extremely difficult. Internet therefore represents for extremists a qualitative big step forward in their opportunities. One may assume that these activities - in view of the described advantages of Internet as opposed to conventional media - will increase.

1.3.2. Encryption and Conspiracy

In the past, it has repeatedly been demonstrated how flexibly, target-orientatedly and professionally extremists have exploited the opportunities afforded by technology. As a consequence, the BfV is also concerned with the development of encryption technology and its use by extremists. Currently this problem does not play a major role. It is, however, to be expected that the use of cryptological items in the field of communications will be a foregone conclusion in the near future as a result of technological advances. Those very extremists would benefit to a great extent from the opportunity offered by encrypted communications inaccessible to the security authorities.

It must be fully realised that extremist content in Internet can only be successfully countered to a certain extent within the national framework. Internet is a universal medium, which in the end effect calls for an international solution, and this is improbable at present, given the differing legal considerations in individual countries.

Attention is drawn to the fact that this report does not represent any conclusive listing of right-wing extremist activities.

2. Right-wing extremist activities in Internet

2.1 Focal points

Since the middle of last year, German right-wing extremists have been making increased use of Internet, where the World Wide Web field (WWW) in particular is the main area of interest because of its creative opportunities. Whilst German right-wing extremists installed 30 homepages in Internet in 1996, the BfV today is aware of at least 90 homepages of German right-wing extremists. In addition, there are about 90 further homepages from European and about 150 from American right-wing extremists.

A large number of right-wing extremist groups of persons and individuals are in the meantime present in Internet with their own declarations. Right-wing extremist parties are represented even down to area and district association level. The number of homepages from right-wing extremist parties and sub-organisations has risen from 6 in 1996 to 40.

In recent months the visual and technical form of the homepages has also been improved. On the homepage of the party "Die Republikaner" (The Republicans - REP), for example, several sections can only be accessed by using a password.

The main emphasis in the homepages is placed on pertinent literature, propaganda material from home and abroad, information on right-wing extremist organisations, their postal addresses and telephone numbers, along with lists of additional Internet contents of right-wing extremist reference. Links offer the Internet user automatic connection to a considerable number of other right-wing extremist homepages. In individual cases, Internet has also been used for the mobilisation of the right-wing extremist scene. For example, the homepage of the Augsburg District Association of the "Nationaldemokratische Partei Deutschlands" (National Democratic Party of Germany - NPD) called for attendance at a demonstration in Nuremberg on 1 May 1997.

Commercial providers in Germany have already repeatedly banned homepages with a right-wing extremist content. As a consequence of this, right-wing extremist parties are now appearing as providers themselves (e.g. the NPD) and offer interested parties the opportunity of becoming involved in Internet with their assistance.

Information content entered into Internet by German right-wing extremists is generally so formulated

that the right-wing extremist basic attitude remains recognisable but allows no facet for legal action to be taken. Right-wing extremists wishing to disseminate criminal texts, on the other hand, make increasing use of providers abroad.

2.2 Use of Internet for linking the right-wing extremist scene

The use of modern communications media is an element of right-wing extremist strategy: right-wing extremists consider this compensation for their structural deficiencies. Right-wing extremists who are orientated towards an alliance especially are sanguine of being able to overcome the organisational divide in the right-wing scene through the use of these methods of communication. At a press conference in Munich on 27 March 1996, the Federal Chairman of the NPD, Udo VOIGT, even described the intensification of electronic networking and the increased use of the Internet communications system as one of the main political aims of the party.

In addition, right-wing extremists hope to be able to popularise right-wing extremist concepts especially with Internet. Thus, the right-wing extremist "Gesellschaft für Freie Publizistik e.V." (Society for Free Journalism - GFP) intends using Internet as a weapon against "Homogenizing, Falsification of History and Exclusion" (Gleichschaltung, Geschichtsfälschung und Ausgrenzung) ¹⁾.

Within the neo-Nazi scene the use of modern communications methods also has a strategic significance: As a consequence of the numerous state measures taken against right-wing extremist activities (especially the ban on associations), neo-Nazis are attempting to find new forms of action. Leading neo-Nazis work for the creation of new structures and push for the establishment of "autonomous" comradeships. In this way, loose structures free of any organisation are to be created instead of firm, association organisations. Their cohesion and coordination of nationwide actions is to be guaranteed through an "information network", i.e. the use of modern communications systems:

Nevertheless, there are indications that the strategy of "information networking" has not yet led to an improvement in the mobilisation and action capability within the neo-Nazi scene. Within the rest of the right-wing extremist spectrum was an organisational ideological network by no means achieved with the assistance afforded by Internet: as a result of the plethora of information on offer, Internet as a mobilisation instrument for demonstrations or actions is only suitable to a limited extent. Primarily, Internet is currently of use for information focusing. But here again, its use is limited, as Internet does not yet have global coverage within the right-wing extremist scene. Therefore Internet cannot yet be considered as the most important linking element within the right-wing extremist scene.

Right-wing extremists have also had as little success to date in establishing a mass base with the aid of modern communications methods. The fact that right-wing extremist propaganda can not only be distributed by traditional means but also via the new media has not effected any increasing acceptance of content outside the right-wing extremist scene. To date, texts in Internet, which had often been previously published by "conventional" methods, have not in any case contained any indication of new concepts within the right-wing extremist discourse.

2.3 Right-wing extremist Mailboxes in Internet

The mailbox multi-computer system "Thule Network", which has been in existence since spring 1993, offers the right-wing extremist scene the opportunity for a fast, screened exchange of information. In comparison to Internet, however, such mailbox networks pertaining to the scene only reach a limited circle of users. In addition, the mailboxes have only limited styling capabilities (they cannot have any graphic or acoustic content).

The integration of the mailbox contents into Internet on the other hand unites the advantages of both communications systems: For this reason the provider of the (former) "Thule Network" mailbox "Elias.BBS" introduced an Internet homepage in the WWW area in March 1996. Since June 1996, the "Thule Network" has its own domain (=address) in Internet.

The domain is operated through a provider in Canada and offers extensive written documents via the "Thule Network". In addition, it contains a large number of links to other right-wing extremist homepages. It is also possible to access commentaries on the encryption software "Pretty Good Privacy" (PGP). The "Thule Network" homepage is currently brought up to date by the user "Torwaechter" ["doorman"] via the Mailbox "Janus.BBS" located in Munich

After the barring of the mailboxes "Elias.BBS" and "Asgard.BBS" from the "Thule Network" in March 1997, their users joined together to form the "Nordland Network", which is represented with its own homepage as a sub-page of the domain of "Nationaler Widerstand"(National Resistance). In the meantime, "Elias.BBS" has returned to the "Thule Network" and has its own homepage in Internet.

2.4 Right-wing extremist homepages in Germany

Several right-wing extremist organisations and individuals represented in Internet are named here as examples:

2.4.1 Neo-Nazi homepages

In October 1996 the "**NIZ Verlag**" (**the Publishing House NIZ - "National Information Centre"**)²⁾ **Publishing House** under the designation "The Occident Project" (Das Abendland Projekt - DAP) established its own homepage in WWW. Recorded texts of the "Nationales Info-Telefon" (National Information Telephone" - NIT) Hamburg can be accessed through the homepage. In February 1997 NIT announced that the Provider "America Online"(AOL) had banned the homepage because of the spread of national socialist propaganda. Subsequently, the homepage could be accessed on AOL under the address "Oxzident" (Occident). Here again, AOL cancelled the membership on grounds of unacceptable homepage content. Since September 1997 a domain under the title "homepages of progressive Nationalists" has been in existence, which contains statements from NIT Hamburg and Schleswig-Holstein in addition to contents of the NIZ Publishing House and the publication "Progress". Moreover,

the user offers an online radio programme of about one hour under the designation "North-Rock-Radio".

Since February 1997 the right-wing extremist songsmith Frank RENNICKE has been running an Internet homepage with the title "Heimatseite" (Homepage: Songs for Family, Nation and Fatherland). RENNICKE introduces himself as a "national bard", "persecuted" and "patriotic songsmith". His ideal was the "flier for peace" and "longest-serving political prisoner of modern times", Rudolf Heß. Some songs can be accessed as sound data files. To preclude possible censorship of his homepage, RENNICKE has in the meantime had the same content published in the domain of the Swedish right-wing extremist "Nordland".

2.4.2 "Nationaldemokratische Partei Deutschlands"(National Democratic Party of Germany - NPD)

"Junge Nationaldemokraten (Young National Democrats - JN)

The NPD entered Internet with its own homepage in February 1996, which was created by a functionary from the Augsburg District Association. In a self-portrait, it is stated that contacts to kindred spirits are to be established via the homepage and the formation of political opinion within the national camp should be advanced.

On 20/21 July 1996 the NPD District Association in Augsburg held an "Internet Congress" under the title "Cooperation and Networking of the national groups participating in modern information technology". Primarily, the aim of the congress, at which operators of the "Thule Network" mailboxes and neo-Nazis were present, was the synchronisation of homepages in Internet. A further aspect was data encryption with PGP. Those attending the conference formed the "Arbeitskreis Internet der NPD und JN" (Internet Working Circle of the NPD and JN). The main role of the working circle is the introduction and coordination of "national Internet projects", providing assistance to new participants and carrying out training. The NPD was unsuccessful in its attempts to establish itself as the organisational control for the "Thule Network".

In July 1996, the NPD district association in Cologne also initiated a homepage. This was followed in September 1996 by the NPD state association of North Rhine-Westphalia, whose homepage was banned in December 1996 by the American provider AOL. AOL took this step to circumvent any damage to its reputation caused by right-wing extremist homepages. In the meantime, the homepage can be accessed through another address.

In early 1997, at the instigation of a sub-contractor - "Online Service" in Nuremberg, the provider "WWW-Service", located in the USA, cancelled the contract with the NPD for the appearance of a homepage. As a consequence, in February 1997, the NPD established its own domain in the WWW field, through which all homepages of the NPD and its associated organisation can be accessed through links. The purpose of the domain is, according to its own claims, to provide "comprehensive information on events in Germany from the national German viewpoint". Its establishment is not only a measure

taken by the NPD to improve its image promoted in the new media, but also to safeguard the party's Internet activities against action which may be taken by a provider. Worthy of note were the initial links established to the American homepages "Stormfront" and "The National Alliance", which, after accessing, also contained national socialist texts and emblems, and were later removed probably for legal considerations.

In 1997 additional homepages were established for the NPD and JN, for example, by the NPD Executive Committee, the JN Federal Committee and the JN State Association of Baden-Württemberg. Whereas sub-pages for the JN were included in the first NPD homepages, nowadays there are increasingly dedicated homepages for the JN. Information on the "Nationaldemokratische Hochschulbund" (National Democratic High School Union - NHB) can be accessed over a link to the "Thule Network" homepage.

Since mid-April 1997 the NPD appears in Internet as a service provider under the designation "NPD.net - National Provider Deutschlands - Das Deutsche Netzwerk" (Germany's National Provider - The German Network). In addition to Internet access, it also offers homepage storage and the opportunity to telephone over Internet. In this respect, it assumes the function of a provider and consequently a pioneer role in the right-wing extremist scene: By offering other right-wing extremists access to Internet, these are able to use Internet without having to fear a ban by the provider. In addition, the party has an additional source of income with slight financial risk.

2.4.3 "Die REPUBLIKANER" (The Republicans - REP)

The first Internet domain of the REP has been available for access since August 1996. The domain, for which the REP State Association of Lower Saxony is responsible, contains sub-pages of the Federal Association and the State Associations. There are also five additional REP domains in existence:

Details of these statements can be found on the following pages

- the domain of the District Association of Berlin-Neukölln, which offers information of State and Federal relevance on its pages;
- the domain introduced in April 1997 by the REP faction in the State Parliament of Baden-Württemberg which has rather a regional relevance;
- the main page of the Party which has no content of its own but shows links;
- the domain, no longer used since October 1997, of the State Association of Lower Saxony of mainly regional relevance.
- The domain of the State Association of Bavaria with contents of state and federal relevance, which was also established in 1997.

Since early 1997 the REP have considerably increased their activities in Internet. A large number of party members and functionaries have also established their own homepages.

In accordance with the policy of differentiation pursued by the party leadership towards other right-wing

extremist organisations, the REP refrain from links to other right-wing extremist homepages, although these do contain links to the Internet homepages of the REP. e.g. on the homepage of the "Thule Network".

2.4.4 Berlin-Brandenburger Zeitung (The "Berlin-Brandenburg Newspaper" BBZ)

In November 1997, the domain "Berlin-Brandenburg Newspaper for national Revival" was established, which, however, is less comprehensive than the printed versions. The main contents are the alleged state persecution of Nationalists and economic and social problems.

The masthead - as in the printed edition - gives Frank SCHWERDT as the publisher and Hans-Christian WENDT as chief editor.

2.5 Right-wing extremist homepages from abroad

German right-wing extremists can obtain in Internet right-wing extremist propaganda material, which is banned in Germany, quickly and without any problem when it was set up by fellow travellers abroad.

To circumvent prosecution in Germany, ever more German right-wing extremists - some of whom use pseudonyms - arrange for their homepages to be included via a provider abroad, especially in the USA and Canada. Whilst in 1996 only two homepages were operated by German right-wing extremists via foreign providers, today there are already ten. Of special mention are the homepages of the "Nationaler Widerstand" (National Resistance), "Adolf Hitler's Hass-Seiten" ("Adolf Hitler's Hate Pages"), the "WolfzerkersOi-88/14-Homepage" [sic] and the "InterNet Waffen SS", which disseminate seditious propaganda. On the homepage "Adolf Hitler's Hate Pages" produced in the USA, the propaganda runs

Consequently, I ask myself would the Jewish race exist at all today, if we had really executed 4,000,000 Jews during the Third Reich, I do not think so! Because in my opinion this figure is pure propaganda. Firstly, it must be proved that this figure is accurate. As far as I am concerned, it would have been alright if we had gassed all JEWS." (Text taken from the original)

The pages contain a considerable number of illustrated swastikas and deal with subjects such as "Adolf Hitler", "Heroes of the German Race" (forthcoming reports on Joseph Goebbels and Heinrich Himmler), "Anti Wops" [Kanaken - Turks], Jokes for Germans, against inferior [foreigners]" and "Anti Jews and anti foreigners".

A commentary on the computer game "Schutzstaffel 3D - Das Reich schlägt zurück" [SS 3 D - The Reich hits back], on offer until January 1998, states:

"A special train to Auschwitz is derailed. Many Jews have escaped and have armed themselves. Your difficult mission as an individual soldier of the SS is to liquidate the escaped Jews. No prisoners are to be taken. While you are at it, shoot the children of the Jews as well!"

By using a server abroad and a pseudonym, the operators consider themselves safe from prosecution in Germany for their aggressive, racist and anti-Semitic agitation. Increasingly, however, foreign right-wing extremists disseminate German language propaganda in Internet.

Thus, for example, since early October 1997, a German language homepage using the domain "National Journal" can be accessed using the same designation and containing extensive revisionist texts in German.

The domain is operated by Ahmed RAMI, a right-wing extremist resident in Sweden, using a US provider. RAMI is also the operator of an associated homepage in the same domain designated "Radio Islam", which contains articles in ten different languages.

Language used and the contents make the origin and aim of "Deutschland" [Germany] apparent and point towards the involvement of persons from the Federal Republic of Germany.

So you can read on the homepage "Starting it":



2.5.1 "Nationalsozialistische Deutsche Arbeiterpartei/Auslands- und Aufbauorganisation" (The National Socialist German Workers' Party/Foreign and Structure Organisation - NSDAP/AO)

The NSDAP/AO is led by the US neo-Nazi Gary Rex LAUCK and is based in Lincoln/ Nebraska.³⁾

In early July 1995, the NSDAP/AO publication "NS-Kampftruf" [National socialist Warcry] was published (No.113 of May-June 1995) for the first time on a newsboard in Internet. Initially, the NSDAP/AO published exclusively English texts through the provider AOL in the WWW field. In the meantime, it offers its own homepage through the American provider "Alpha",

The homepages accessible under the designations "The New Order" and "NSDAP/AO" contain National Socialist texts and symbols (including photographs of leading figures of the Third Reich) in addition to links to other right-wing extremist homepages, such as "Stormfront" and "The National Alliance". The Internet activities of the NSDAP/AO are primarily intended for American users; with the extension of the material on offer into several languages (German, English, French, Spanish) it is available to interested persons throughout the world. The German language version of the "NS Kampftruf" in the

WWW area first became available in November 1996.

The provider `Alpha' also offers links to other right-wing extremist homepages. On Alpha sub-pages are also instructions for the manufacture of bombs, e.g. "Making Plastic Explosives from bleach", "How to make a landmine/dynamite", "Nitroglycerine Recipe".

2.5.2 "Stormfront"

The homepage of the American mailbox "Stormfront" is an important instrument for the international network of right-wing extremists in Internet. By means of extensive links, it provides access to a considerable number of Internet pages.

The homepage contains right-wing extremist texts, "Internet mailing lists", pointers towards various pertinent "news groups" and mailbox addresses in the USA and Europe, some of which are accessible directly via links. Attention is also drawn to the "Thule Network". Some sub-pages contain pictures and graphics, the dissemination of which is forbidden in Germany (e.g. Nazi symbols). There are German and Spanish language areas within the homepage. German texts provide concrete support for political activities by right-wing extremists (e.g. "How to organise?", "The political deed").

2.5.3 Ernst ZÜNDEL

Ernst ZÜNDEL, the German revisionist living in Canada, is internationally considered to be one of the leading revisionists. For decades he has been disseminating right-wing extremist propaganda material through his "Samisdat Publishers Ltd" and other media, especially radio and television. Since spring 1995 he has also been represented in Internet with his homepage "Zündelsite" in the WWW area. After having to change providers, he could be contacted through the Internet page of the "Institute for Historical Review", but is once more available with his own homepage on Internet through another provider. He offers wide-ranging texts and illustrated documents as well as sound and video sequences.

At the end of September 1996 the Bundesprüfstelle für jugendgefährdende Schriften (Federal Examination Agency for Texts which could endanger Minors - BPjS) banned seven of the revisionist articles disseminated via the "Zündelsite"; these continue, however, to be accessible.

In October 1996 ZÜNDEL managed to obtain transmission time for his radio programme "Stimme der Freiheit" (Voice of Freedom) from a station in Kaliningrad (Russia). When the transmission of his (German language) programme was stopped after two weeks only, ZÜNDEL announced that he would in future offer his programmes via Internet.

2.5.4 Other Revisionists

In addition to ZÜNDEL other persons/organisations maintain homepages in WWW, which deal with revisionist subjects and are connected to one another through links, e.g.:

- the American "**Institute for Historical Review**" (IHR),
- the American "**Committee for Open Debate on the Holocaust**" (CODOH),
- the Australian "**Adelaide Institute**",
- the Belgian foundation "**Vrij Historisch Onderzoek**" (V.H.O.).

2.5.5 Skinheads

In the American domain "Hatewatch" access is available through links to five different Skinhead homepages in the USA and Great Britain and 17 record labels under the designation "White Power Music". "Hatewatch" describes itself as an organisation, which monitors the growing threat from (left-wing) "hate groups" in Internet. The five homepages contain offers of texts, photographs and music and order opportunities as well as a large number of links to other organisations.

One of these homepages - "New Jersey Skinheads" - contains a link to the "German National Socialist and Hammerskin Page" There the German Skinhead scene is described and German fan magazines of the "Hammerskins"⁴⁾ are on offer. It is written in English, in order - according to the operator - to enable them to reach more people throughout the world. In May 1997 a German language version was on offer for a time.

2.5.6 Other right-wing extremist Organisations

The homepage of the "**British National Party**" offers a series of links to "national" homepages in Europe and North America, in addition to a short self-portrayal and several English texts.

The "**Norwegian Patriot Page**" offers texts in English and Norwegian as well as links to nationalist organisations in Europe and North America, to revisionists, to the "Ku Klux Klan", to the American organisation "Christian Nationalists", to pagan sects and to two homepages with left-wing extremist content.

The homepage "**Radio Islam**" from Sweden contains Swedish, Norwegian, English, German, French, Italian, Russian, Arabic, Portuguese and Spanish texts with anti-Semitic content.

In **North America**, there exists a large number of homepages through which right-wing extremist concepts are disseminated. To a certain extent these can be assigned to political organisations. As far as Germany is concerned, to a great extent, they merely play a subordinate role. For example:

- US Parties

e.g.: "National Socialist White Peoples Party", "National Front", "Women for Aryan Unity", "National Socialist White Revolutionary Party";

- - Canadian Organisations/Mailboxes

e.g.: "Heritage Front", "Politically Incorrect BBS", "Digital Freedom BBS", "Canadian Patriots Network Homepage";

- - "Ku Klux Klan"

e.g.: "Knights of the Ku Klux Klan", "Ku Klux Klan, White Pride, Christian Identity", "Missouri Federation of Klans";

- - "Christian Identity Movement"

e.g.: "Aryan Nations/Church of Jesus Christ", "Christian identity Online WWW Page", "American Christian Nationalism";

- - "Militias"

e.g.: "Militia Page on WWW", "Frugal Squirrel's Militia Information Page", "Michigan Militia Corps".

3. Conclusion

In view of the significance of Internet for extremist organisations and individuals, the BfV is seriously involved with this problem within the framework of its legal competence. To this also belongs, as far as possible, comprehensive coverage and evaluation of data in Internet of extremist relevance. The BfV has also held discussions with providers in Germany in order to make them aware of activities and contents of relevance for the agencies for the Protection of the Constitution. As Internet also represents a "new medium" for the security authorities, a particularly close cooperation with these agencies is necessary to avoid information gaps and to remove common technical and practical difficulties when processing publications of security relevance in Internet. The BfV is fully integrated in this cooperation. Insofar as BfV is required to comment on the drafting of legislation on communications technology, it introduces the security interests of the agencies for the Protection of the Constitution, so that these agencies can carry out their role as laid down in the "Law on Cooperation between the Federal Republic and the States on Matters pertinent to the Protection of the Constitution and on the Federal Office for the Protection of the Consitution (Law on Federal Office for the Protection of the Constitution)" as effectively as possible.

1) Page 131, GFP "Minutes of Congress 1997" ..

2) The publishing house was established in June 1995 by a former functionary of the "Freiheitliche Deutsche Arbeiterpartei" (Liberal German Workers' Party) (FAP) and prominent activist of the "Norddeutsche Bewegung" (North German Movement).

3) At present LAUCK is serving a prison sentence in Germany for crimes including sedition.

4) The "Hammerskin" Movement which originates from the USA may be considered as a collective ideological movement with a partially national socialist conception. The "Hammerskins", whose logo - two crossed hammers - is intended to represent the power and strength of the white workers' movement, have an elitist, racist and partially national socialist world view. Their aim is the global unification of all white Skinheads into a "Hammerkin Nation". Since 1995 the "Hammerskin" Movement has experienced increased popularity especially in the Berlin area, Brandenburg and Baden-Württemberg.

[Return to Home](#)

[According to the Phrack editor, this is the complete manual, except that it is, of course, missing the NSA director's photo. According to subsequent investigation, it was found that the manual is indeed the real thing. NSA says it is not classified, but could only be officially obtained through Freedom of Information Act action. History of dissemination, according to Jeff Davis:

Chris Goggans received the NSA Employee's Manual anonymously in the mail. He digitized it and published it in Phrack. Grady ward found it there and posted it to Usenet. The NSA called him to find out where he got it.

At that point, Jeff Davis mass mailed it to all the media contact email addresses listed in Adam Gaffin's "EFF's Guide to the Internet".]

"NSA says it is not classified"... Therefore I don't see why I shouldn't have put it here.

NSA new employee security manual

[Manual in pdf-format](#)

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| Security Guidelines | Need-to-Know | Use and abuse of drugs | Helpful Information |
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| <u>General Responsibilities</u> | <u>Unofficial foreign travel</u> | <u>External protection of classified information</u> | |
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| <u>Classification</u> | <u>Changes in marital status/
cohabitation/names</u> | <u>Use of secure and non-secure telephones</u> | |

SECURITY GUIDELINES

This handbook is designed to introduce you to some of the basic security principles and procedures with which all NSA employees must comply. It highlights some of your security responsibilities, and provides guidelines for answering questions you may be asked concerning your association with this Agency. Although you will be busy during the forthcoming weeks learning your job, meeting co-workers, and becoming accustomed to a new work environment, you are urged to become familiar with the security information contained in this handbook. Please note that a listing of telephone numbers is provided at the end of this handbook should you have any questions or concerns.

INTRODUCTION

In joining NSA you have been given an opportunity to participate in the activities of one of the most important intelligence organizations of the United States Government. At the same time, you have also assumed a trust which carries with it a most important individual responsibility-the safeguarding of sensitive information vital to the security of our nation.

While it is impossible to estimate in actual dollars and cents the value of the work being conducted by this Agency, the information to which you will have access at NSA is without question critically important to the defense of the United States. Since this information may be useful only if it is kept secret, it requires a very special measure of protection. The specific nature of this protection is set forth in various Agency security regulations and directives. The total NSA Security Program, however, extends beyond these regulations. It is based upon the concept that security begins as a state of mind. The program is designed to develop an appreciation of the need to protect information vital to the national defense, and to foster the development of a level of awareness which will make security more

than routine compliance with regulations.

At times, security practices and procedures cause personal inconvenience. They take time and effort and on occasion may make it necessary for you to voluntarily forego some of your usual personal prerogatives. But your compensation for the inconvenience is the knowledge that the work you are accomplishing at NSA, within a framework of sound security practices, contributes significantly to the defense and continued security of the United States of America.

I extend to you my very best wishes as you enter upon your chosen career or assignment with NSA.

Philip T. Pease
Director of Security

INITIAL SECURITY RESPONSIBILITIES

ANONYMITY

Perhaps one of the first security practices with which new NSA personnel should become acquainted is the practice of anonymity. In an open society such as ours, this practice is necessary because information which is generally available to the public is available also to hostile intelligence. Therefore, the Agency mission is best accomplished apart from public attention. Basically, anonymity means that NSA personnel are encouraged not to draw attention to themselves nor to their association with this Agency. NSA personnel are also cautioned neither to confirm nor deny any specific questions about NSA activities directed to them by individuals not affiliated with the Agency.

The ramifications of the practice of anonymity are rather far reaching, and its success depends on the cooperation of all Agency personnel. Described below you will find some examples of situations that you may encounter concerning your employment and how you should cope with them. Beyond the situations cited, your judgement and discretion will become the deciding factors in how you respond to questions about your employment.

ANSWERING QUESTIONS ABOUT YOUR EMPLOYMENT

Certainly, you may tell your family and friends that you are employed at or assigned to the National Security Agency. There is no valid reason to deny them this information. However, you may not disclose to them any information concerning specific aspects of the Agency's mission, activities, and organization. You should also ask them not to publicize your association with NSA.

Should strangers or casual acquaintances question you about your place of employment, an appropriate reply would be that you work for the Department of Defense. If questioned further as to where you are employed within the Department of Defense, you may reply, "NSA." When you inform someone that

you work for NSA (or the Department of Defense) you may expect that the next question will be, "What do you do?" It is a good idea to anticipate this question and to formulate an appropriate answer. Do not act mysteriously about your employment, as that would only succeed in drawing more attention to yourself.

If you are employed as a secretary, engineer, computer scientist, or in a clerical, administrative, technical, or other capacity identifiable by a general title which in no way indicates how your talents are being applied to the mission of the Agency, it is suggested that you state this general title. If you are employed as a linguist, you may say that you are a linguist, if necessary. However, you should not indicate the specific language(s) with which you are involved.

The use of service specialty titles which tend to suggest or reveal the nature of the Agency's mission or specific aspects of their work. These professional titles, such as cryptanalyst, signals collection officer, and intelligence research analyst, if given verbatim to an outsider, would likely generate further questions which may touch upon the classified aspects of your work. Therefore, in conversation with outsiders, it is suggested that such job titles be generalized. For example, you might indicate that you are a "research analyst." You may not, however, discuss the specific nature of your analytic work.

ANSWERING QUESTIONS ABOUT YOUR AGENCY TRAINING

During your career or assignment at NSA, there is a good chance that you will receive some type of job-related training. In many instances the nature of the training is not classified. However, in some situations the specialized training you receive will relate directly to sensitive Agency functions. In such cases, the nature of this training may not be discussed with persons outside of this Agency.

If your training at the Agency includes language training, your explanation for the source of your linguistic knowledge should be that you obtained it while working for the Department of Defense. You should not draw undue attention to your language abilities, and you may not discuss how you apply your language skill at the Agency.

If you are considering part-time employment which requires the use of language or technical skills similar to those required for the performance of your NSA assigned duties, you must report (in advance) the anticipated part-time work through your Staff Security Officer (SSO) to the Office of Security's Clearance Division (M55).

VERIFYING YOUR EMPLOYMENT

On occasion, personnel must provide information concerning their employment to credit institutions in connection with various types of applications for credit. In such situations you may state, if you are a civilian employee, that you are employed by NSA and indicate your pay grade or salary. Once again, generalize your job title. If any further information is desired by persons or firms with whom you may be dealing, instruct them to request such information by correspondence addressed to: Director of Civilian Personnel, National Security Agency, Fort George G. Meade, Maryland 20755- 6000. Military

personnel should use their support group designator and address when indicating their current assignment.

If you contemplate leaving NSA for employment elsewhere, you may be required to submit a resume/ job application, or to participate in extensive employment interviews. In such circumstances, you should have your resume reviewed by the Classification Advisory Officer (CAO) assigned to your organization. Your CAO will ensure that any classified operational details of your duties have been excluded and will provide you with an unclassified job description. Should you leave the Agency before preparing such a resume, you may develop one and send it by registered mail to the NSA/CSS Information Policy Division (Q43) for review. Remember, your obligation to protect sensitive Agency information extends beyond your employment at NSA.

THE AGENCY AND PUBLIC NEWS MEDIA

From time to time you may find that the agency is the topic of reports or articles appearing in public news media-newspapers, magazines, books, radio and TV. The NSA/CSS Information Policy Division (Q43) represents the Agency in matters involving the press and other media. This office serves at the Agency's official media center and is the Director's liaison office for public relations, both in the community and with other government agencies. The Information Policy Division must approve the release of all information for and about NSA, its mission, activities, and personnel. In order to protect the aspects of Agency operations, NSA personnel must refrain from either confirming or denying any information concerning the Agency or its activities which may appear in the public media. If you are asked about the activities of NSA, the best response is "no comment." You should the notify Q43 of the attempted inquiry. For the most part, public references to NSA are based upon educated guesses. The Agency does not normally make a practice of issuing public statements about its activities.

GENERAL RESPONSIBILITIES

ESPIONAGE AND TERRORISM

During your security indoctrination and throughout your NSA career you will become increasingly aware of the espionage and terrorist threat to the United States. Your vigilance is the best single defense in protecting NSA information, operations, facilities and people. Any information that comes to your attention that suggests to you the existence of, or potential for, espionage or terrorism against the U.S. or its allies must be promptly reported by you to the Office of Security.

There should be no doubt in your mind about the reality of the threats. You are now affiliated with the most sensitive agency in government and are expected to exercise vigilance and common sense to protect NSA against these threats.

CLASSIFICATION

Originators of correspondence, communications, equipment, or documents within the Agency are responsible for ensuring that the proper classification, downgrading information and, when appropriate, proper caveat notations are assigned to such material. (This includes any handwritten notes which contain classified information).

The three levels of classification are Confidential, Secret and Top Secret. The NSA Classification Manual should be used as guidance in determining proper classification. If after review of this document you need assistance, contact the Classification Advisory Officer (CAO) assigned to your organization, or the Information Policy Division (Q43).

NEED-TO-KNOW

Classified information is disseminated only on a strict "need-to-know" basis. The "need-to-know" policy means that classified information will be disseminated only to those individuals who, in addition to possessing a proper clearance, have a requirement to know this information in order to perform their official duties (need-to-know). No person is entitled to classified information solely by virtue of office, position, rank, or security clearance.

All NSA personnel have the responsibility to assert the "need-to-know" policy as part of their responsibility to protect sensitive information. Determination of "need-to-know" is a supervisory responsibility. This means that if there is any doubt in your mind as to an individual's "need-to-know," you should always check with your supervisor before releasing any classified material under your control.

FOR OFFICIAL USE ONLY

Separate from classified information is information or material marked "FOR OFFICIAL USE ONLY" (such as this handbook). This designation is used to identify that official information or material which, although unclassified, is exempt from the requirement for public disclosure of information concerning government activities and which, for a significant reason, should not be given general circulation. Each holder of "FOR OFFICIAL USE ONLY" (FOUO) information or material is authorized to disclose such information or material to persons in other departments or agencies of the Executive and Judicial branches when it is determined that the information or material is required to carry out a government function. The recipient must be advised that the information or material is not to be disclosed to the general public. Material which bears the "FOR OFFICIAL USE ONLY" caveat does not come under the regulations governing the protection of classified information. The unauthorized disclosure of information marked "FOR OFFICIAL USE ONLY" does not constitute an unauthorized

disclosure of classified defense information. However, Department of Defense and NSA regulations prohibit the unauthorized disclosure of information designated "FOR OFFICIAL USE ONLY." Appropriate administrative action will be taken to determine responsibility and to apply corrective and/or disciplinary measures in cases of unauthorized disclosure of information which bears the "FOR OFFICIAL USE ONLY" caveat. Reasonable care must be exercised in limiting the dissemination of "FOR OFFICIAL USE ONLY" information. While you may take this handbook home for further study, remember that it does contain "FOR OFFICIAL USE ONLY" information which should be protected.

PREPUBLICATION REVIEW

All NSA personnel (employees, military assignees, and contractors) must submit for review any planned articles, books, speeches, resumes, or public statements that may contain classified, classifiable, NSA-derived, or unclassified protected information, e.g., information relating to the organization, mission, functions, or activities of NSA. Your obligation to protect this sensitive information is a lifetime one. Even when you resign, retire, or otherwise end your affiliation with NSA, you must submit this type of material for prepublication review. For additional details, contact the Information Policy Division (Q43) for an explanation of prepublication review procedures.

PERSONNEL SECURITY RESPONSIBILITIES

Perhaps you can recall your initial impression upon entering an NSA facility. Like most people, you probably noticed the elaborate physical security safeguards—fences, concrete barriers, Security Protective Officers, identification badges, etc. While these measures provide a substantial degree of protection for the information housed within our buildings, they represent only a portion of the overall Agency security program. In fact, vast amounts of information leave our facilities daily in the minds of NSA personnel, and this is where our greatest vulnerability lies. Experience has indicated that because of the vital information we work with at NSA, Agency personnel may become potential targets for hostile intelligence efforts. Special safeguards are therefore necessary to protect our personnel. Accordingly, the Agency has an extensive personnel security program which establishes internal policies and guidelines governing employee conduct and activities. These policies cover a variety of topics, all of which are designed to protect both you and the sensitive information you will gain through your work at NSA.

ASSOCIATION WITH FOREIGN NATIONALS

As a member of the U.S. Intelligence Community and by virtue of your access to sensitive information, you are a potential target for hostile intelligence activities carried out by or on behalf of citizens of

foreign countries. A policy concerning association with foreign nationals has been established by the Agency to minimize the likelihood that its personnel might become subject to undue influence or duress or targets of hostile activities through foreign relationships.

As an NSA affiliate, you are prohibited from initiating or maintaining associations (regardless of the nature and degree) with citizens or officials of communist-controlled, or other countries which pose a significant threat to the security of the United States and its interests. A comprehensive list of these designated countries is available from your Staff Security Officer or the Security Awareness Division. Any contact with citizens of these countries, no matter how brief or seemingly innocuous, must be reported as soon as possible to your Staff Security Officer (SSO). (Individuals designated as Staff Security Officers are assigned to every organization; a listing of Staff Security Officers can be found at the back of this handbook).

Additionally, close and continuing associations with any non-U.S. citizens which are characterized by ties of kinship, obligation, or affection are prohibited. A waiver to this policy may be granted only under the most exceptional circumstances when there is a truly compelling need for an individual's services or skills and the security risk is negligible.

In particular, a waiver must be granted in advance of a marriage to or cohabitation with a foreign national in order to retain one's access to NSA information. Accordingly, any intent to cohabit with or marry a non-U.S. citizen must be reported immediately to your Staff Security Officer. If a waiver is granted, future reassignments both at headquarters and overseas may be affected.

The marriage or intended marriage of an immediate family member (parents, siblings, children) to a foreign national must also be reported through your SSO to the Clearance Division (M55).

Casual social associations with foreign nationals (other than those of the designated countries mentioned above) which arise from normal living and working arrangements in the community usually do not have to be reported. During the course of these casual social associations, you are encouraged to extend the usual social amenities. Do not act mysteriously or draw attention to yourself (and possibly to NSA) by displaying an unusually wary attitude.

Naturally, your affiliation with the Agency and the nature of your work should not be discussed. Again, you should be careful not to allow these associations to become close and continuing to the extent that they are characterized by ties of kinship, obligation, or affection.

If at any time you feel that a "casual" association is in any way suspicious, you should report this to your Staff Security Officer immediately. Whenever any doubt exists as to whether or not a situation should be reported or made a matter of record, you should decide in favor of reporting it. In this way, the situation can be evaluated on its own merits, and you can be advised as to your future course of action.

CORRESPONDENCE WITH FOREIGN NATIONALS

NSA personnel are discouraged from initiating correspondence with individuals who are citizens of foreign countries. Correspondence with citizens of communist-controlled or other designated countries is prohibited. Casual social correspondence, including the "penpal" variety, with other foreign acquaintances is acceptable and need not be reported. If, however, this correspondence should escalate

in its frequency or nature, you should report that through your Staff Security Officer to the Clearance Division (M55).

EMBASSY VISITS

Since a significant percentage of all espionage activity is known to be conducted through foreign embassies, consulates, etc., Agency policy discourages visits to embassies, consulates or other official establishments of a foreign government. Each case, however, must be judged on the circumstances involved. Therefore, if you plan to visit a foreign embassy for any reason (even to obtain a visa), you must consult with, and obtain the prior approval of, your immediate supervisor and the Security Awareness Division (M56).

AMATEUR RADIO ACTIVITIES

Amateur radio (ham radio) activities are known to be exploited by hostile intelligence services to identify individuals with access to classified information; therefore, all licensed operators are expected to be familiar with NSA/CSS Regulation 100-1, "Operation of Amateur Radio Stations" (23 October 1986). The specific limitations on contacts with operators from communist and designated countries are of particular importance. If you are an amateur radio operator you should advise the Security Awareness Division (M56) of your amateur radio activities so that detailed guidance may be furnished to you.

UNOFFICIAL FOREIGN TRAVEL

In order to further protect sensitive information from possible compromise resulting from terrorism, coercion, interrogation or capture of Agency personnel by hostile nations and/or terrorist groups, the Agency has established certain policies and procedures concerning unofficial foreign travel. All Agency personnel (civilian employees, military assignees, and contractors) who are planning unofficial foreign travel must have that travel approved by submitting a proposed itinerary to the Security Awareness Division (M56) at least 30 working days prior to their planned departure from the United States. Your itinerary should be submitted on Form K2579 (Unofficial Foreign Travel Request). This form provides space for noting the countries to be visited, mode of travel, and dates of departure and return. Your immediate supervisor must sign this form to indicate whether or not your proposed travel poses a risk to the sensitive information, activities, or projects of which you may have knowledge due to your current assignment.

After your supervisor's assessment is made, this form should be forwarded to the Security Awareness Director (M56). Your itinerary will then be reviewed in light of the existing situation in the country or countries to be visited, and a decision for approval or disapproval will be based on this assessment. The

purpose of this policy is to limit the risk of travel to areas of the world where a threat may exist to you and to your knowledge of classified Agency activities.

In this context, travel to communist-controlled and other hazardous activity areas is prohibited. A listing of these hazardous activity areas is prohibited. A listing of these hazardous activity areas can be found in Annex A of NSA/CSS Regulation No. 30-31, "Security Requirements for Foreign Travel" (12 June 1987). From time to time, travel may also be prohibited to certain areas where the threat from hostile intelligence services, terrorism, criminal activity or insurgency poses an unacceptable risk to Agency employees and to the sensitive information they possess. Advance travel deposits made without prior agency approval of the proposed travel may result in financial losses by the employee should the travel be disapproved, so it is important to obtain approval prior to committing yourself financially. Questions regarding which areas of the world currently pose a threat should be directed to the Security Awareness Division (M56).

Unofficial foreign travel to Canada, the Bahamas, Bermuda, and Mexico does not require prior approval, however, this travel must still be reported using Form K2579. Travel to these areas may be reported after the fact.

While you do not have to report your foreign travel once you have ended your affiliation with the Agency, you should be aware that the risk incurred in travelling to certain areas, from a personal safety and/or counterintelligence standpoint, remains high. The requirement to protect the classified information to which you have had access is a lifetime obligation.

MEMBERSHIP IN ORGANIZATIONS

Within the United States there are numerous organizations with memberships ranging from a few to tens of thousands. While you may certainly participate in the activities of any reputable organization, membership in any international club or professional organization/activity with foreign members should be reported through your Staff Security Officer to the Clearance Division (M55). In most cases there are no security concerns or threats to our employees or affiliates. However, the Office of Security needs the opportunity to research the organization and to assess any possible risk to you and the information to which you have access.

In addition to exercising prudence in your choice of organizational affiliations, you should endeavor to avoid participation in public activities of a conspicuously controversial nature because such activities could focus undesirable attention upon you and the Agency. NSA employees may, however, participate in bona fide public affairs such as local politics, so long as such activities do not violate the provisions of the statutes and regulations which govern the political activities of all federal employees. Additional information may be obtained from your Personnel Representative.

CHANGES IN MARITAL STATUS/COHABITATION/NAMES

All personnel, either employed by or assigned to NSA, must advise the Office of Security of any changes in their marital status (either marriage or divorce), cohabitation arrangements, or legal name changes. Such changes should be reported by completing NSA Form G1982 (Report of Marriage/Marital Status Change/Name Change), and following the instructions printed on the form.

USE AND ABUSE OF DRUGS

It is the policy of the National Security Agency to prevent and eliminate the improper use of drugs by Agency employees and other personnel associated with the Agency. The term "drugs" includes all controlled drugs or substances identified and listed in the Controlled Substances Act of 1970, as amended, which includes but is not limited to: narcotics, depressants, stimulants, cocaine, hallucinogens and cannabis (marijuana, hashish, and hashish oil). The use of illegal drugs or the abuse of prescription drugs by persons employed by, assigned or detailed to the Agency may adversely affect the national security; may have a serious damaging effect on the safety and the safety of others; and may lead to criminal prosecution. Such use of drugs either within or outside Agency controlled facilities is prohibited.

PHYSICAL SECURITY POLICIES

The physical security program at NSA provides protection for classified material and operations and ensures that only persons authorized access to the Agency's spaces and classified material are permitted such access. This program is concerned not only with the Agency's physical plant and facilities, but also with the internal and external procedures for safeguarding the Agency's classified material and activities. Therefore, physical security safeguards include Security Protective Officers, fences, concrete barriers, access control points, identification badges, safes, and the compartmentalization of physical spaces. While any one of these safeguards represents only a delay factor against attempts to gain unauthorized access to NSA spaces and material, the total combination of all these safeguards represents a formidable barrier against physical penetration of NSA. Working together with personnel security policies, they provide "security in depth."

The physical security program depends on interlocking procedures. The responsibility for carrying out many of these procedures rests with the individual. This means you, and every person employed by, assign, or detailed to the Agency, must assume the responsibility for protecting classified material. Included in your responsibilities are: challenging visitors in operational areas; determining "need-to-know;" limiting classified conversations to approved areas; following established locking and checking procedures; properly using the secure and non-secure telephone systems; correctly wrapping and packaging classified data for transmittal; and placing classified waste in burn bags.

THE NSA BADGE

Even before you enter an NSA facility, you have a constant reminder of security-the NSA badge. Every person who enters an NSA installation is required to wear an authorized badge. To enter most NSA facilities your badge must be inserted into an Access Control Terminal at a building entrance and you must enter your Personal Identification Number (PIN) on the terminal keyboard. In the absence of an Access Control Terminal, or when passing an internal security checkpoint, the badge should be held up for viewing by a Security Protective Officer. The badge must be displayed at all times while the individual remains within any NSA installation.

NSA Badges must be clipped to a beaded neck chain. If necessary for the safety of those working in the area of electrical equipment or machinery, rubber tubing may be used to insulate the badge chain. For those Agency personnel working in proximity to other machinery or equipment, the clip may be used to attach the badge to the wearer's clothing, but it must also remain attached to the chain.

After you leave an NSA installation, remove your badge from public view, thus avoiding publicizing your NSA affiliation. Your badge should be kept in a safe place which is convenient enough to ensure that you will be reminded to bring it with you to work. A good rule of thumb is to afford your badge the same protection you give your wallet or your credit cards. DO NOT write your Personal Identification Number on your badge. If you plan to be away from the Agency for a period of more than 30 days, your badge should be left at the main Visitor Control Center which services your facility.

Should you lose your badge, you must report the facts and circumstances immediately to the Security Operations Center (SOC) (963-3371s/688-6911b) so that your badge PIN can be deactivated in the Access Control Terminals. In the event that you forget your badge when reporting for duty, you may obtain a "non-retention" Temporary Badge at the main Visitor Control Center which serves your facility after a co-worker personally identifies you and your clearance has been verified.

Your badge is to be used as identification only within NSA facilities or other government installations where the NSA badge is recognized. Your badge should never be used outside of the NSA or other government facilities for the purpose of personal identification. You should obtain a Department of Defense identification card from the Civilian Welfare Fund (CWF) if you need to identify yourself as a government employee when applying for "government discounts" offered at various commercial establishments.

Your badge color indicates your particular affiliation with NSA and your level of clearance. Listed below are explanations of the badge colors you are most likely to see:

| | |
|----------------------|---|
| Green (*) | Fully cleared NSA employees and certain military assignees. |
| Orange (*) (or Gold) | Fully cleared representative of other government agencies. |
| Black (*) | Fully cleared contractors or consultants. |
| | |

| | |
|------|--|
| Blue | Employees who are cleared to the SECRET level while awaiting completion of their processing for full (TS/SI) clearance. These Limited Interim Clearance (LIC) employees are restricted to certain activities while inside a secure area. |
| Red | Clearance level is not specified, so assume the holder is uncleared. |

* - Fully cleared status means that the person has been cleared to the Top Secret (TS) level and indoctrinated for Special Intelligence (SI).

All badges with solid color backgrounds (permanent badges) are kept by individuals until their NSA employment or assignment ends. Striped badges ("non-retention" badges) are generally issued to visitors and are returned to the Security Protective Officer upon departure from an NSA facility.

AREA CONTROL

Within NSA installations there are generally two types of areas, Administrative and Secure. An Administrative Area is one in which storage of classified information is not authorized, and in which discussions of a classified nature are forbidden. This type of area would include the corridors, restrooms, cafeterias, visitor control areas, credit union, barber shop, and drugstore. Since uncleared, non-NSA personnel are often present in these areas, all Agency personnel must ensure that no classified information is discussed in an Administrative Area.

Classified information being transported within Agency facilities must be placed within envelopes, folders, briefcases, etc. to ensure that its contents or classification markings are not disclosed to unauthorized persons, or that materials are not inadvertently dropped enroute.

The normal operational work spaces within an NSA facility are designated Secure Areas. These areas are approved for classified discussions and for the storage of classified material. Escorts must be provided if it is necessary for uncleared personnel (repairmen, etc.) to enter Secure Areas, and all personnel within the areas must be made aware of the presence of uncleared individuals. All unknown, unescorted visitors to Secure Areas should be immediately challenged by the personnel within the area, regardless of the visitors' clearance level (as indicated by their badge color).

The corridor doors of these areas must be locked with a deadbolt and all classified information in the area must be properly secured after normal working hours or whenever the area is unoccupied. When storing classified material, the most sensitive material must be stored in the most secure containers. Deadbolt keys for doors to these areas must be returned to the key desk at the end of the workday.

For further information regarding Secure Areas, consult the Physical Security Division (M51) or your staff Security Officer.

ITEMS TREATED AS CLASSIFIED

For purposes of transportation, storage and destruction, there are certain types of items which must be treated as classified even though they may not contain classified information. Such items include carbon paper, vu-graphs, punched machine processing cards, punched paper tape, magnetic tape, computer floppy disks, film, and used typewriter ribbons. This special treatment is necessary since a visual examination does not readily reveal whether the items contain classified information.

PROHIBITED ITEMS

Because of the potential security or safety hazards, certain items are prohibited under normal circumstances from being brought into or removed from any NSA installation.

These items have been grouped into two general classes. Class I prohibited items are those which constitute a threat to the safety and security of NSA/CSS personnel and facilities. Items in this category include:

- a. Firearms and ammunition
- b. Explosives, incendiary substances, radioactive materials, highly volatile materials, or other hazardous materials
- c. Contraband or other illegal substances
- d. Personally owned photographic or electronic equipment including microcomputers, reproduction or recording devices, televisions or radios.

Prescribed electronic medical equipment is normally not prohibited, but requires coordination with the Physical Security Division (M51) prior to being brought into any NSA building.

Class II prohibited items are those owned by the government or contractors which constitute a threat to physical, technical, or TEMPEST security. Approval by designated organizational officials is required before these items can be brought into or removed from NSA facilities. Examples are:

- a. Transmitting and receiving equipment
- b. Recording equipment and media
- c. Telephone equipment and attachments
- d. Computing devices and terminals
- e. Photographic equipment and film

A more detailed listing of examples of Prohibited Items may be obtained from your Staff Security Officer or the Physical Security Division (M51).

Additionally, you may realize that other seemingly innocuous items are also restricted and should not be brought into any NSA facility. Some of these items pose a technical threat; others must be treated as restricted since a visual inspection does not readily reveal whether they are classified. These items

include:

- a. Negatives from processed film; slides; vu-graphs
- b. Magnetic media such as floppy disks, cassette tapes, and VCR videotapes
- c. Remote control devices for telephone answering machines
- d. Pagers

EXIT INSPECTION

As you depart NSA facilities, you will note another physical security safeguard—the inspection of the materials you are carrying. This inspection of your materials, conducted by Security Protective Officers, is designed to preclude the inadvertent removal of classified material. It is limited to any articles that you are carrying out of the facility and may include letters, briefcases, newspapers, notebooks, magazines, gym bags, and other such items. Although this practice may involve some inconvenience, it is conducted in your best interest, as well as being a sound security practice. The inconvenience can be considerably reduced if you keep to a minimum the number of personal articles that you remove from the Agency.

REMOVAL OF MATERIAL FROM NSA SPACES

The Agency maintains strict controls regarding the removal of material from its installations, particularly in the case of classified material.

Only under a very limited and official circumstances classified material be removed from Agency spaces. When deemed necessary, specific authorization is required to permit an individual to hand carry classified material out of an NSA building to another Secure Area. Depending on the material and circumstances involved, there are several ways to accomplish this.

A Courier Badge authorizes the wearer, for official purposes, to transport classified material, magnetic media, or Class II prohibited items between NSA facilities. These badges, which are strictly controlled, are made available by the Physical Security Division (M51) only to those offices which have specific requirements justifying their use.

An Annual Security Pass may be issued to individuals whose official duties require that they transport printed classified materials, information storage media, or Class II prohibited items to secure locations within the local area. Materials carried by an individual who displays this pass are subject to spot inspection by Security Protective Officers or other personnel from the Office of Security. It is not permissible to use an Annual Security Pass for personal convenience to circumvent inspection of your personal property by perimeter Security Protective Officers.

If you do not have access to a Courier Badge and you have not been issued an Annual Security Pass, you may obtain a One-Time Security Pass to remove classified materials/magnetic media or admit or remove prohibited items from an NSA installation. These passes may be obtained from designated personnel in your work element who have been given authority to issue them. The issuing official must also contact

the Security Operations Center (SOC) to obtain approval for the admission or removal of a Class I prohibited item.

When there is an official need to remove government property which is not magnetic media, or a prohibited or classified item, a One-Time Property Pass is used. This type of pass (which is not a Security Pass) may be obtained from your element custodial property officer. A Property Pass is also to be used when an individual is removing personal property which might be reasonably be mistaken for unclassified Government property. This pass is surrendered to the Security Protective Officer at the post where the material is being removed. Use of this pass does not preclude inspection of the item at the perimeter control point by the Security Protective Officer or Security professionals to ensure that the pass is being used correctly.

EXTERNAL PROTECTION OF CLASSIFIED INFORMATION

On those occasions when an individual must personally transport classified material between locations outside of NSA facilities, the individual who is acting as the courier must ensure that the material receives adequate protection. Protective measures must include double wrapping and packaging of classified information, keeping the material under constant control, ensuring the presence of a second appropriately cleared person when necessary, and delivering the material to authorized persons only. If you are designated as a courier outside the local area, contact the Security Awareness Division (M56) for your courier briefing.

Even more basic than these procedures is the individual security responsibility to confine classified conversations to secure areas. Your home, car pool, and public places are not authorized areas to conduct classified discussions—even if everyone involved in the discussion possesses a proper clearance and "need-to-know." The possibility that a conversation could be overheard by unauthorized persons dictates the need to guard against classified discussions in non-secure areas.

Classified information acquired during the course of your career or assignment to NSA may not be mentioned directly, indirectly, or by suggestion in personal diaries, records, or memoirs.

REPORTING LOSS OR DISCLOSURE OF CLASSIFIED INFORMATION

The extraordinary sensitivity of the NSA mission requires the prompt reporting of any known, suspected, or possible unauthorized disclosure of classified information, or the discovery that classified information may be lost, or is not being afforded proper protection. Any information coming to your attention concerning the loss or unauthorized disclosure of classified information should be reported immediately to your supervisor, your Staff Security Officer, or the Security Operations Center (SOC).

USE OF SECURE AND NON-SECURE TELEPHONES

Two separate telephone systems have been installed in NSA facilities for use in the conduct of official Agency business: the secure telephone system (gray telephone) and the outside, non-secure telephone system (black telephone). All NSA personnel must ensure that use of either telephone system does not jeopardize the security of classified information.

The secure telephone system is authorized for discussion of classified information. Personnel receiving calls on the secure telephone may assume that the caller is authorized to use the system. However, you must ensure that the caller has a "need-to-know" the information you will be discussing.

The outside telephone system is only authorized for unclassified official Agency business calls. The discussion of classified information is not permitted on this system. Do not attempt to use "double-talk" in order to discuss classified information over the non-secure telephone system.

In order to guard against the inadvertent transmission of classified information over a non-secure telephone, and individual using the black telephone in an area where classified activities are being conducted must caution other personnel in the area that the non-secure telephone is in use. Likewise, you should avoid using the non-secure telephone in the vicinity of a secure telephone which is also in use.

HELPFUL INFORMATION

SECURITY RESOURCES

In the fulfillment of your security responsibilities, you should be aware that there are many resources available to assist you. If you have any questions or concerns regarding security at NSA or your individual security responsibilities, your supervisor should be consulted. Additionally, Staff Security Officers are appointed to the designated Agency elements to assist these organizations in carrying out their security responsibilities.

There is a Staff Security Officer assigned to each organization; their phone numbers are listed at the back of this handbook. Staff Security Officers also provide guidance to and monitor the activities of Security Coordinators and Advisors (individuals who, in addition to their operational duties within their respective elements, assist element supervisors or managers in discharging security responsibilities). Within the Office of Security, the Physical Security Division (M51) will offer you assistance in matters such as access control, security passes, clearance verification, combination locks, keys, identification badges, technical security, and the Security Protective Force. The Security Awareness Division (M56) provides security guidance and briefings regarding unofficial foreign travel, couriers, special access, TDY/PCS, and amateur radio activities. The Industrial and Field Security Division (M52) is available to provide security guidance concerning NSA contractor and field site matters.

The Security Operations Center (SOC) is operated by two Security Duty Officers (SDOs), 24 hours a day, 7 days a week. The SDO, representing the Office of Security, provides a complete range of security services to include direct communications with fire and rescue personnel for all Agency area facilities. The SDO is available to handle any physical or personnel problems that may arise, and if

necessary, can direct you to the appropriate security office that can assist you. After normal business hours, weekends, and holidays, the SOC is the focal point for all security matters for all Agency personnel and facilities (to include Agency field sites and contractors). The SOC is located in Room 2A0120, OPS 2A building and the phone numbers are 688-6911(b), 963-3371(s). However, keep in mind that you may contact any individual or any division within the Office of Security directly. Do not hesitate to report any information which may affect the security of the Agency's mission, information, facilities or personnel.

SECURITY-RELATED SERVICES

In addition to Office of Security resources, there are a number of professional, security-related services available for assistance in answering your questions or providing the services which you require.

The Installations and Logistics Organization (L) maintains the system for the collection and destruction of classified waste, and is also responsible for the movement and scheduling of material via NSA couriers and the Defense Courier Service (DCS).

Additionally, L monitors the proper addressing, marking, and packaging of classified material being transmitted outside of NSA; maintains records pertaining to receipt and transmission of controlled mail; and issues property passes for the removal of unclassified property.

The NSA Office of Medical Services (M7) has a staff of physicians, clinical psychologists and an alcoholism counselor. All are well trained to help individuals help themselves in dealing with their problems. Counseling services, with referrals to private mental health professionals when appropriate, are all available to NSA personnel. Appointments can be obtained by contacting M7 directly. When an individual refers himself/herself, the information discussed in the counseling sessions is regarded as privileged medical information and is retained exclusively in M7 unless it pertains to the national security.

Counselling interviews are conducted by the Office of Civilian Personnel (M3) with any civilian employee regarding both on and off-the-job problems. M3 is also available to assist all personnel with the personal problems seriously affecting themselves or members of their families. In cases of serious physical or emotional illness, injury, hospitalization, or other personal emergencies, M3 informs concerned Agency elements and maintains liaison with family members in order to provide possible assistance.

Similar counselling services are available to military assignees through Military Personnel (M2).

GUIDE TO SECURITY

M51 PHYSICAL SECURITY

963-6651s/688-8293b (FMHQ)

968-8101s/859-6411b (FANX)

CONFIRM and badges Prohibited Items
(963-6611s/688-7411b)

Locks, keys, safes and alarms

SOC (963-3371s/688-6911b)

Security/vehicle passes NSA facility protection and compliance

Visitor Control

Inspections

Red/blue seal areas New Construction

Pass Clearances (963-4780s/688-6759b)

M52 INDUSTRIAL AND FIELD SECURITY

982-7918s/859-6255b

Security at contractor field site facilities

Verification of classified mailing addresses for contractor facilities

M53 INVESTIGATIONS 982-7914S/859-6464B

Personnel Interview Program (PIP) Reinvestigations

Military Interview Program (MIP) Special investigations

M54 COUNTERINTELLIGENCE 982-7832s/859-6424b

Security counterintelligence analysis Security compromises

M55 CLEARANCES 982-7900s/859-4747b

Privacy Act Officer (For review of security files) Continued SCI access

Contractor/applicant processing Military access

M56 SECURITY AWARENESS 963-3273S/688-6535B

Security indoctrinations/debriefings Embassy visits

Associations with foreign nationals Briefings (foreign travel,

Security Week ham radio, courier,

Security posters, brochures, etc. LIC, PCS, TDY,

special access, etc.)

Foreign travel approval

Military contractor orientation

Special Access Office (963-5466s/688-6353b)

M57 POLYGRAPH 982-7844s/859-6363b

Polygraph interviews

M509 MANAGEMENT AND POLICY STAFF 982-7885s/859-6350b

STAFF SECURITY OFFICERS (SSOs)

| Element | Room | Secure/Non-Secure |
|---------|------|-------------------|
|---------|------|-------------------|

| | | |
|-----------|---------|-------------------|
| A | 2A0852B | 963-4650/688-7044 |
| B | 3W099 | 963-4559/688-7141 |
| D/Q/J/N/U | 2B8066G | 963-4496/688-6614 |
| E/M | D3B17 | 968-8050/859-6669 |
| G | 9A195 | 963-5033/688-7902 |
| K | 2B5136 | 963-1978/688-5052 |
| L | SAB4 | 977-7230/688-6194 |
| P | 2W091 | 963-5302/688-7303 |
| R | B6B710 | 968-4073/859-4736 |
| S/V/Y/C/X | C2A55 | 972-2144/688-7549 |
| T | 2B5040 | 963-4543/688-7364 |
| W | 1C181 | 963-5970/688-7061 |

GUIDE TO SECURITY-RELATED SERVICES

| | |
|--------------------------------|-------------------|
| Agency Anonymity | 968-8251/859-4381 |
| Alcohol Rehabilitation Program | 963-5420/688-7312 |
| Cipher Lock Repair | 963-1221/688-7119 |
| Courier Schedules (local) | 977-7197/688-7403 |
| Defense Courier Service | 977-7117/688-7826 |

Disposal of Classified Waste

| | |
|-------------------------------------|-------------------|
| * Paper only | 972-2150/688-6593 |
| * Plastics, Metal, Film, etc | 963-4103/688-7062 |
| Locksmith | 963-3585/688-7233 |
| Mail Dissemination and Packaging | 977-7117/688-7826 |
| Medical Center (Fort Meade) | 963-5429/688-7263 |
| (FANX) | 968-8960/859-6667 |
| (Airport Square) | 982-7800/859-6155 |
| NSA/CSS Information Policy Division | 963-5825/688-6527 |

Personnel Assistance

| | |
|-------------|-------------------|
| * Civilian | 982-7835/859-6577 |
| * Air Force | 963-3239/688-7980 |
| * Army | 963-3739/688-6393 |
| * Navy | 963-3439/688-7325 |

| | |
|---|-------------------|
| Property Passes (unclassified material) | 977-7263/688-7800 |
| Psychological Services | 963-5429/688-7311 |

FREQUENTLY USED ACRONYMS/DESIGNATORS

| | |
|--------|--|
| ARFCOS | Armed Forces Courier Service (now known as DCS) |
| AWOL | Absent Without Leave |
| CAO | Classification Advisory Officer |
| COB | Close of Business |
| CWF | Civilian Welfare Fund |
| DCS | Defense Courier Service (formerly known as ARFCOS) |
| DoD | Department of Defense |
| EOD | Enter on Duty |
| FOUO | For Official Use Only |
| M2 | Office of Military Personnel |
| M3 | Office of Civilian Personnel |
| M5 | Office of Security |
| M7 | Office of Medical Services |
| NCS | National Cryptologic School |
| PCS | Permanent Change of Station |
| PIN | Personal Identification Number |
| Q43 | Information Policy Division |
| SDO | Security Duty Officer |
| SOC | Security Operations Center |
| SPO | Security Protective Officer |
| SSO | Staff Security Officer |
| TDY | Temporary Duty |
| UFT | Unofficial Foreign Travel |

A FINAL NOTE

The information you have just read is designed to serve as a guide to assist you in the conduct of your security responsibilities. However, it by no means describes the extent of your obligation to protect information vital to the defense of our nation. Your knowledge of specific security regulations is part of a continuing process of education and experience. This handbook is designed to provide the foundation of this knowledge and serve as a guide to the development of an attitude of security awareness. In the final analysis, security is an individual responsibility. As a participant in the activities of the National Security Agency organization, you are urged to be always mindful of the importance of the work being accomplished by NSA and of the unique sensitivity of the Agency's operations.

[*Return to Home*](#)

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Return to Freedom of Information Act Page

Note: Any typos found in this document are transposition errors due to retyping and not necessarily an error in the original document.



[According to the Phrack editor, this is the complete manual, except that it is, of course, missing the NSA director's photo. According to subsequent investigation, it was found that the manual is indeed the real thing. NSA says it is not classified, but could only be officially obtained through Freedom of Information Act action. History of dissemination, according to Jeff Davis:

Chris Goggans received the NSA Employee's Manual anonymously in the mail. He digitized it and published it in Phrack. Grady ward found it there and posted it to Usenet. The NSA called him to find out where he got it.

At that point, Jeff Davis mass mailed it to all the media contact email addresses listed in Adam Gaffin's "EFF's Guide to the Internet".]

Subject: NSA employee's security manual

From: Phrack Magazine issue #45 30 March 94

Editor:

Chris Goggans (aka Erik Bloodaxe)

603 W. 13th #1A-278

Austin, TX 78701

erikb@mindvox.phantom.com

(This reputedly is from the NSA new employee security manual) posted to Usenet talk.politics.crypto and alt.politics.org.nsa Phrack is archived at Len Rose's anonymous ft site ftp.netsys.com



SECURITY GUIDELINES

This handbook is designed to introduce you to some of the basic security principles and procedures with which all NSA employees must comply. It highlights some of your security responsibilities, and provides guidelines for answering questions you may be asked concerning your association with this Agency. Although you will be busy during the forthcoming weeks learning your job, meeting co-workers, and becoming accustomed to a new work environment, you are urged to become familiar with the security information contained in this handbook. Please note that a listing of telephone numbers is provided at the end of this handbook should you have any questions or concerns.

INTRODUCTION

In joining NSA you have been given an opportunity to participate in the activities of one of the most important intelligence organizations of the United States Government. At the same time, you have also assumed a trust which carries with it a most important individual responsibility—the safeguarding of sensitive information vital to the security of our nation.

While it is impossible to estimate in actual dollars and cents the value of the work being conducted by this Agency, the information to which you will have access at NSA is without question critically important to the defense of the United States. Since this information may be useful only if it is kept secret, it requires a very special measure of protection. The specific nature of this protection is set forth in various Agency security regulations and directives. The total NSA Security Program, however, extends beyond these regulations. It is based upon the concept that security begins as a state of mind. The program is designed to develop an appreciation of the need to protect information vital to the national defense, and to foster the development of a level of awareness which will make security more than routine compliance with regulations.

At times, security practices and procedures cause personal inconvenience. They take time and effort and on occasion may make it necessary for you to voluntarily forego some of your usual personal prerogatives. But your compensation for the inconvenience is the knowledge that the work you are accomplishing at NSA, within a framework of sound security practices, contributes significantly to the defense and continued security of the United States of America.

I extend to you my very best wishes as you enter upon your chosen career or assignment with NSA.

Philip T. Pease
Director of Security

INITIAL SECURITY RESPONSIBILITIES



ANONYMITY

Perhaps one of the first security practices with which new NSA personnel should become acquainted is the practice of anonymity. In an open society such as ours, this practice is necessary because information which is generally available to the public is available also to hostile intelligence. Therefore, the Agency mission is best accomplished apart from public attention. Basically, anonymity means that NSA personnel are encouraged not to draw attention to themselves nor to their association with this Agency. NSA personnel are also cautioned neither to confirm nor deny any specific questions about NSA activities directed to them by individuals not affiliated with the Agency.

The ramifications of the practice of anonymity are rather far reaching, and its success depends on the cooperation of all Agency personnel. Described below you will find some examples of situations that you may encounter concerning your employment and how you should cope with them. Beyond the situations cited, your judgement and discretion will become the deciding factors in how you respond to questions about your employment.

ANSWERING QUESTIONS ABOUT YOUR EMPLOYMENT

Certainly, you may tell your family and friends that you are employed at or assigned to the National Security Agency. There is no valid reason to deny them this information. However, you may not disclose to them any information concerning specific aspects of the Agency's mission, activities, and organization. You should also ask them not to publicize your association with NSA.

Should strangers or casual acquaintances question you about your place of employment, an appropriate reply would be that you work for the Department of Defense. If questioned further as to where you are employed within the Department of Defense, you may reply, "NSA." When you inform someone that you work for NSA (or the Department of Defense) you may expect that the next question will be, "What do you do?" It is a good idea to anticipate this question and to formulate an appropriate answer. Do not act mysteriously about your employment, as that would only succeed in drawing more attention to yourself.

If you are employed as a secretary, engineer, computer scientist, or in a clerical, administrative, technical, or other capacity identifiable by a general title which in no way indicates how your talents are being applied to the mission of the Agency, it is suggested that you state this general title. If you are employed as a linguist, you may say that you are a linguist, if necessary. However, you should not indicate the specific language(s) with which you are involved.

The use of service specialty titles which tend to suggest or reveal the nature of the Agency's mission or specific aspects of their work. These professional titles, such as cryptanalyst, signals collection officer, and intelligence research analyst, if given verbatim to an outsider, would likely generate further questions which may touch upon the classified aspects of your work. Therefore, in conversation with outsiders, it is suggested that such job titles be generalized. For example, you might indicate that you

are a “research analyst.” You may not, however, discuss the specific nature of your analytic work.



ANSWERING QUESTIONS ABOUT YOUR AGENCY TRAINING

During your career or assignment at NSA, there is a good chance that you will receive some type of job-related training. In many instances the nature of the training is not classified. However, in some situations the specialized training you receive will relate directly to sensitive Agency functions. In such cases, the nature of this training may not be discussed with persons outside of this Agency.

If your training at the Agency includes language training, your explanation for the source of your linguistic knowledge should be that you obtained it while working for the Department of Defense.

You Should not draw undue attention to your language abilities, and you may not discuss how you apply your language skill at the Agency.

If you are considering part-time employment which requires the use of language or technical skills similar to those required for the performance of your NSA assigned duties, you must report (in advance) the anticipated part-time work through your Staff Security Officer (SSO) to the Office of Security's Clearance Division (M55).

VERIFYING YOUR EMPLOYMENT

On occasion, personnel must provide information concerning their employment to credit institutions in connection with various types of applications for credit. In such situations you may state, if you are a civilian employee, that you are employed by NSA and indicate your pay grade or salary. Once again, generalize your job title. If any further information is desired by persons or firms with whom you may be dealing, instruct them to request such information by correspondence addressed to: Director of Civilian Personnel, National Security Agency, Fort George G. Meade, Maryland 20755-6000. Military personnel should use their support group designator and address when indicating their current assignment.

If you contemplate leaving NSA for employment elsewhere, you may be required to submit a resume/job application, or to participate in extensive employment interviews. In such circumstances, you should have your resume reviewed by the Classification Advisory Officer (CAO) assigned to your organization. Your CAO will ensure that any classified operational details of your duties have been excluded and will provide you with an unclassified job description. Should you leave the Agency before preparing such a resume, you may develop one and send it by registered mail to the NSA/CSS Information Policy Division (Q43) for review. Remember, your obligation to protect sensitive Agency information extends beyond your employment at NSA.



THE AGENCY AND PUBLIC NEWS MEDIA

>From time to time you may find that the agency is the topic of reports or articles appearing in public news media—newspapers, magazines, books, radio and TV. The NSA/CSS Information Policy Division (Q43) represents the Agency in matters involving the press and other media. This office serves at the Agency’s official media center and is the Director’s liaison office for public relations, both in the community and with other government agencies. The Information Policy Division must approve the release of all information for and about NSA, its mission, activities, and personnel. In order to protect the aspects of Agency operations, NSA personnel must refrain from either confirming or denying any information concerning the Agency or its activities which may appear in the public media. If you are asked about the activities of NSA, the best response is “no comment.” You should the notify Q43 of the attempted inquiry. For the most part, public references to NSA are based upon educated guesses. The Agency does not normally make a practice of issuing public statements about its activities.

GENERAL RESPONSIBILITIES



ESPIONAGE AND TERRORISM

During your security indoctrination and throughout your NSA career you will become increasingly aware of the espionage and terrorist threat to the United States. Your vigilance is the best single defense in protecting NSA information, operations, facilities and people. Any information that comes to your attention that suggests to you the existence of, or potential for, espionage or terrorism against the U.S. or its allies must be promptly reported by you to the Office of Security.

There should be no doubt in your mind about the reality of the threats. You are now affiliated with the most sensitive agency in government and are expected to exercise vigilance and common sense to protect NSA against these threats.

CLASSIFICATION

Originators of correspondence, communications, equipment, or documents within the Agency are responsible for ensuring that the proper classification, downgrading information and, when appropriate, proper caveat notations are assigned to such material. (This includes any handwritten notes which contain classified information). The three levels of classification are Confidential, Secret and Top Secret. The NSA Classification Manual should be used as guidance in determining proper classification. If after review of this document you need assistance, contact the Classification Advisory Officer (CAO) assigned to your organization, or the Information Policy Division (Q43).

NEED-TO-KNOW

Classified information is disseminated only on a strict “need-to-know” basis. The “need-to-know” policy means that classified information will be disseminated only to those individuals who, in addition to possessing a proper clearance, have a requirement to know this information in order to perform their official duties (need-to-know). No person is entitled to classified information solely by virtue of office, position, rank, or security clearance.

All NSA personnel have the responsibility to assert the “need-to-know” policy as part of their responsibility to protect sensitive information. Determination of “need-to-know” is a supervisory responsibility. This means that if there is any doubt in your mind as to an individual’s “need-to-know,” you should always check with your supervisor before releasing any classified material under your control.



FOR OFFICIAL USE ONLY

Separate from classified information is information or material marked “FOR OFFICIAL USE ONLY” (such as this handbook). This designation is used to identify that official information or material which, although unclassified, is exempt from the requirement for public disclosure of information concerning government activities and which, for a significant reason, should not be given general circulation. Each holder of “FOR OFFICIAL USE ONLY” (FOUO) information or material is authorized to disclose such information or material to persons in other departments or agencies of the Executive and Judicial branches when it is determined that the information or material is required to carry out a government function. The recipient must be advised that the information or material is not to be disclosed to the general public. Material which bears the “FOR OFFICIAL USE ONLY” caveat does not come under the regulations governing the protection of classified information. The unauthorized disclosure of information marked “FOR OFFICIAL USE ONLY” does not constitute an unauthorized disclosure of classified defense information. However, Department of Defense and NSA regulations prohibit the unauthorized disclosure of information designated “FOR OFFICIAL USE ONLY.” Appropriate administrative action will be taken to determine responsibility and to apply corrective and/or disciplinary measures in cases of unauthorized disclosure of information which bears the “FOR OFFICIAL USE ONLY” caveat. Reasonable care must be exercised in limiting the dissemination of “FOR OFFICIAL USE ONLY” information. While you may take this handbook home for further study, remember that it does contain “FOR OFFICIAL USE ONLY” information which should be protected.

PREPUBLICATION REVIEW

All NSA personnel (employees, military assignees, and contractors) must submit for review any planned articles, books, speeches, resumes, or public statements that may contain classified, classifiable, NSA-derived, or unclassified protected information, e.g., information relating to the organization, mission, functions, or activities of NSA. Your obligation to protect this sensitive information is a lifetime one. Even when you resign, retire, or otherwise end your affiliation with NSA, you must submit this type of material for prepublication review. For additional details, contact the Information Policy Division (Q43) for an explanation of prepublication review procedures.

PERSONNEL SECURITY RESPONSIBILITIES

Perhaps you can recall your initial impression upon entering an NSA facility. Like most people, you probably noticed the elaborate physical security safeguards—fences, concrete barriers, Security Protective Officers, identification badges, etc. While these measures provide a substantial degree of protection for the information housed within our buildings, they represent only a portion of the overall Agency security program. In fact, vast amounts of information leave our facilities daily in the minds of NSA personnel, and this is where our greatest vulnerability lies. Experience has indicated that because of the vital information we work with at NSA, Agency personnel may become potential targets for hostile intelligence efforts. Special safeguards are therefore necessary to protect our personnel.

Accordingly, the Agency has an extensive personnel security program which establishes internal policies and guidelines governing employee conduct and activities. These policies cover a variety of topics, all of which are designed to protect both you and the sensitive information you will gain through your work at NSA.



ASSOCIATION WITH FOREIGN NATIONALS

As a member of the U.S. Intelligence Community and by virtue of your access to sensitive information, you are a potential target for hostile intelligence activities carried out by or on behalf of citizens of foreign countries. A policy concerning association with foreign nationals has been established by the Agency to minimize the likelihood that its personnel might become subject to undue influence or duress or targets of hostile activities through foreign relationships.

As an NSA affiliate, you are prohibited from initiating or maintaining associations (regardless of the nature and degree) with citizens or officials of communist-controlled, or other countries which pose a significant threat to the security of the United States and its interests. A comprehensive list of these designated countries is available from your Staff Security Officer or the Security Awareness Division. Any contact with citizens of these countries, no matter how brief or seemingly innocuous, must be reported as soon as possible to your Staff Security Officer (SSO). (Individuals designated as Staff Security Officers are assigned to every organization; a listing of Staff Security Officers can be found at the back of this handbook).

Additionally, close and continuing associations with any non-U.S. citizens which are characterized by ties of kinship, obligation, or affection are prohibited. A waiver to this policy may be granted only under the most exceptional circumstances when there is a truly compelling need for an individual's services or skills and the security risk is negligible.

In particular, a waiver must be granted in advance of a marriage to or cohabitation with a foreign national in order to retain one's access to NSA information. Accordingly, any intent to cohabit with or marry a non-U.S. citizen must be reported immediately to your Staff Security Officer. If a waiver is granted, future reassignments both at headquarters and overseas may be affected.

The marriage or intended marriage of an immediate family member (parents, siblings, children) to a foreign national must also be reported through your SSO to the Clearance Division (M55).

Casual social associations with foreign nationals (other than those of the designated countries mentioned above) which arise from normal living and working arrangements in the community usually do not have to be reported. During the course of these casual social associations, you are encouraged to extend the usual social amenities. Do not act mysteriously or draw attention to yourself (and possibly to NSA) by displaying an unusually wary attitude.

Naturally, your affiliation with the Agency and the nature of your work should not be discussed. Again, you should be careful not to allow these associations to become close and continuing to the extent that they are characterized by ties of kinship, obligation, or affection.

If at any time you feel that a "casual" association is in any way suspicious, you should report this to your Staff Security Officer immediately. Whenever any doubt exists as to whether or not a situation should be reported or made a matter of record, you should

decided in favor of reporting it. In this way, the situation can be evaluated on its own merits, and you can be advised as to your future course of action.



CORRESPONDENCE WITH FOREIGN NATIONALS

NSA personnel are discouraged from initiating correspondence with individuals who are citizens of foreign countries. Correspondence with citizens of communist-controlled or other designated countries is prohibited. Casual social correspondence, including the “penpal” variety, with other foreign acquaintances is acceptable and need not be reported. If, however, this correspondence should escalate in its frequency or nature, you should report that through your Staff Security Officer to the Clearance Division (M55).

EMBASSY VISITS

Since a significant percentage of all espionage activity is known to be conducted through foreign embassies, consulates, etc., Agency policy discourages visits to embassies, consulates or other official establishments of a foreign government. Each case, however, must be judged on the circumstances involved. Therefore, if you plan to visit a foreign embassy for any reason (even to obtain a visa), you must consult with, and obtain the prior approval of, your immediate supervisor and the Security Awareness Division (M56).

AMATEUR RADIO ACTIVITIES

Amateur radio (ham radio) activities are known to be exploited by hostile intelligence services to identify individuals with access to classified information; therefore, all licensed operators are expected to be familiar with NSA/CSS Regulation 100-1, “Operation of Amateur Radio Stations” (23 October 1986). The specific limitations on contacts with operators from communist and designated countries are of particular importance. If you are an amateur radio operator you should advise the Security Awareness Division (M56) of your amateur radio activities so that detailed guidance may be furnished to you.



UNOFFICIAL FOREIGN TRAVEL

In order to further protect sensitive information from possible compromise resulting from terrorism, coercion, interrogation or capture of Agency personnel by hostile nations and/or terrorist groups, the Agency has established certain policies and procedures concerning unofficial foreign travel.

All Agency personnel (civilian employees, military assignees, and contractors) who are planning unofficial foreign travel must have that travel approved by submitting a proposed itinerary to the Security Awareness Division (M56) at least 30 working days prior to their planned departure from the United States. Your itinerary should be submitted on Form K2579 (Unofficial Foreign Travel Request). This form provides space for noting the countries to be visited, mode of travel, and dates of departure and return. Your immediate supervisor must sign this form to indicate whether or not your proposed travel poses a risk to the sensitive information, activities, or projects of which you may have knowledge due to your current assignment.

After your supervisor's assessment is made, this form should be forwarded to the Security Awareness Director (M56). Your itinerary will then be reviewed in light of the existing situation in the country or countries to be visited, and a decision for approval or disapproval will be based on this assessment. The purpose of this policy is to limit the risk of travel to areas of the world where a threat may exist to you and to your knowledge of classified Agency activities.

In this context, travel to communist-controlled and other hazardous activity areas is prohibited. A listing of these hazardous activity areas is prohibited. A listing of these hazardous activity areas can be found in Annex A of NSA/CSS Regulation No. 30-31, "Security Requirements for Foreign Travel" (12 June 1987). From time to time, travel may also be prohibited to certain areas where the threat from hostile intelligence services, terrorism, criminal activity or insurgency poses an unacceptable risk to Agency employees and to the sensitive information they possess. Advance travel deposits made without prior agency approval of the proposed travel may result in financial losses by the employee should the travel be disapproved, so it is important to obtain approval prior to committing yourself financially. Questions regarding which areas of the world currently pose a threat should be directed to the Security Awareness Division (M56).

Unofficial foreign travel to Canada, the Bahamas, Bermuda, and Mexico does not require prior approval, however, this travel must still be reported using Form K2579. Travel to these areas may be reported after the fact.

While you do not have to report your foreign travel once you have ended your affiliation with the Agency, you should be aware that the risk incurred in travelling to certain areas, from a personal safety and/or counterintelligence standpoint, remains high. The requirement to protect the classified information to which you have had access is a lifetime obligation.

MEMBERSHIP IN ORGANIZATIONS

Within the United States there are numerous organizations with memberships ranging from a few to tens of thousands. While you may certainly participate in the activities of any reputable organization, membership in any international club or professional organization/activity with foreign members should be reported through your Staff

Security Officer to the Clearance Division (M55). In most cases there are no security concerns or threats to our employees or affiliates. However, the Office of Security needs the opportunity to research the organization and to assess any possible risk to you and the information to which you have access.

In addition to exercising prudence in your choice of organizational affiliations, you should endeavor to avoid participation in public activities of a conspicuously controversial nature because such activities could focus undesirable attention upon you and the Agency. NSA employees may, however, participate in bona fide public affairs such as local politics, so long as such activities do not violate the provisions of the statutes and regulations which govern the political activities of all federal employees. Additional information may be obtained from your Personnel Representative.



CHANGES IN MARITAL STATUS/COHABITATION/NAMES

All personnel, either employed by or assigned to NSA, must advise the Office of Security of any changes in their marital status (either marriage or divorce), cohabitation arrangements, or legal name changes. Such changes should be reported by completing NSA Form G1982 (Report of Marriage/Marital Status Change/Name Change), and following the instructions printed on the form.

USE AND ABUSE OF DRUGS

It is the policy of the National Security Agency to prevent and eliminate the improper use of drugs by Agency employees and other personnel associated with the Agency. The term “drugs” includes all controlled drugs or substances identified and listed in the Controlled Substances Act of 1970, as amended, which includes but is not limited to: narcotics, depressants, stimulants, cocaine, hallucinogens and cannabis (marijuana, hashish, and hashish oil). The use of illegal drugs or the abuse of prescription drugs by persons employed by, assigned or detailed to the Agency may adversely affect the national security; may have a serious damaging effect on the safety and the safety of others; and may lead to criminal prosecution. Such use of drugs either within or outside Agency controlled facilities is prohibited.

PHYSICAL SECURITY POLICIES

The physical security program at NSA provides protection for classified material and operations and ensures that only persons authorized access to the Agency’s spaces and classified material are permitted such access. This program is concerned not only with the Agency’s physical plant and facilities, but also with the internal and external procedures for safeguarding the Agency’s classified material and activities. Therefore, physical security safeguards include Security Protective Officers, fences, concrete barriers, access control points, identification badges, safes, and the compartmentalization of physical spaces. While any one of these safeguards represents only a delay factor against attempts to gain unauthorized access to NSA spaces and material, the total combination of all these safeguards represents a formidable barrier against physical penetration of NSA. Working together with personnel security policies, they provide “security in depth.”

The physical security program depends on interlocking procedures. The responsibility for carrying out many of these procedures rests with the individual. This means you, and every person employed by, assign, or detailed to the Agency, must assume the responsibility for protecting classified material. Included in your responsibilities are: challenging visitors in operational areas; determining “need-to-know;” limiting classified conversations to approved areas; following established locking and checking procedures; properly using the secure and non-secure telephone systems; correctly wrapping and packaging classified data for transmittal; and placing classified waste in burn bags.



THE NSA BADGE

Even before you enter an NSA facility, you have a constant reminder of security—the NSA badge. Every person who enters an NSA installation is required to wear an authorized badge. To enter most NSA facilities your badge must be inserted into an Access Control Terminal at a building entrance and you must enter your Personal Identification Number (PIN) on the terminal keyboard. In the absence of an Access Control Terminal, or when passing an internal security checkpoint, the badge should be held up for viewing by a Security Protective Officer. The badge must be displayed at all times while the individual remains within any NSA installation.

NSA Badges must be clipped to a beaded neck chain. If necessary for the safety of those working in the area of electrical equipment or machinery, rubber tubing may be used to insulate the badge chain. For those Agency personnel working in proximity to other machinery or equipment, the clip may be used to attach the badge to the wearer's clothing, but it must also remain attached to the chain.

After you leave an NSA installation, remove your badge from public view, thus avoiding publicizing your NSA affiliation. Your badge should be kept in a safe place which is convenient enough to ensure that you will be reminded to bring it with you to work. A good rule of thumb is to afford your badge the same protection you give your wallet or your credit cards. **DO NOT** write your Personal Identification Number on your badge.

If you plan to be away from the Agency for a period of more than 30 days, your badge should be left at the main Visitor Control Center which services your facility.

Should you lose your badge, you must report the facts and circumstances immediately to the Security Operations Center (SOC) (963-3371s/688-6911b) so that your badge PIN can be deactivated in the Access Control Terminals. In the event that you forget your badge when reporting for duty, you may obtain a “non-retention” Temporary Badge at the main Visitor Control Center which serves your facility after a co-worker personally identifies you and your clearance has been verified.

Your badge is to be used as identification only within NSA facilities or other government installations where the NSA badge is recognized. Your badge should never be used outside of the NSA or other government facilities for the purpose of personal identification. You should obtain a Department of Defense identification card from the Civilian Welfare Fund (CWF) if you need to identify yourself as a government employee when applying for “government discounts” offered at various commercial establishments.

Your badge color indicates your particular affiliation with NSA and your level of clearance. Listed below are explanations of the badge colors you are most likely to see:

Green (*) Fully cleared NSA employees and certain military assignees.

Orange (*) (or Gold) Fully cleared representative of other government agencies.

Black (*) Fully cleared contractors or consultants.

Blue Employees who are cleared to the SECRET level while awaiting completion of their processing for full (TS/SI) clearance. These Limited Interim Clearance (LIC) employees are restricted to certain activities while inside a secure area.

Red Clearance level is not specified, so assume the holder is uncleared.

* - Fully cleared status means that the person has been cleared to the Top Secret (TS) level and indoctrinated for Special Intelligence (SI).

All badges with solid color backgrounds (permanent badges) are kept by individuals until their NSA employment or assignment ends. Striped badges ("non-retention" badges) are generally issued to visitors and are returned to the Security Protective Officer upon departure from an NSA facility.



AREA CONTROL

Within NSA installations there are generally two types of areas, Administrative and Secure. An Administrative Area is one in which storage of classified information is not authorized, and in which discussions of a classified nature are forbidden. This type of area would include the corridors, restrooms, cafeterias, visitor control areas, credit union, barber shop, and drugstore. Since uncleared, non-NSA personnel are often present in these areas, all Agency personnel must ensure that no classified information is discussed in an Administrative Area.

Classified information being transported within Agency facilities must be placed within envelopes, folders, briefcases, etc. to ensure that its contents or classification markings are not disclosed to unauthorized persons, or that materials are not inadvertently dropped enroute.

The normal operational work spaces within an NSA facility are designated Secure Areas. These areas are approved for classified discussions and for the storage of classified material. Escorts must be provided if it is necessary for uncleared personnel (repairmen, etc.) to enter Secure Areas, and all personnel within the areas must be made aware of the presence of uncleared individuals. All unknown, unescorted visitors to Secure Areas should be immediately challenged by the personnel within the area, regardless of the visitors' clearance level (as indicated by their badge color).

The corridor doors of these areas must be locked with a deadbolt and all classified information in the area must be properly secured after normal working hours or whenever the area is unoccupied. When storing classified material, the most sensitive material must be stored in the most secure containers. Deadbolt keys for doors to these areas must be returned to the key desk at the end of the workday.

For further information regarding Secure Areas, consult the Physical Security Division (M51) or your staff Security Officer.

ITEMS TREATED AS CLASSIFIED

For purposes of transportation, storage and destruction, there are certain types of items which must be treated as classified even though they may not contain classified information. Such items include carbon paper, vu-graphs, punched machine processing cards, punched paper tape, magnetic tape, computer floppy disks, film, and used typewriter ribbons. This special treatment is necessary since a visual examination does not readily reveal whether the items contain classified information.



PROHIBITED ITEMS

Because of the potential security or safety hazards, certain items are prohibited under normal circumstances from being brought into or removed from any NSA installation. These items have been grouped into two general classes. Class I prohibited items are those which constitute a threat to the safety and security of NSA/CSS personnel and facilities. Items in this category include:

- a. Firearms and ammunition
- b. Explosives, incendiary substances, radioactive materials, highly volatile materials, or other hazardous materials
- c. Contraband or other illegal substances
- d. Personally owned photographic or electronic equipment including microcomputers, reproduction or recording devices, televisions or radios.

Prescribed electronic medical equipment is normally not prohibited, but requires coordination with the Physical Security Division (M51) prior to being brought into any NSA building.

Class II prohibited items are those owned by the government or contractors which constitute a threat to physical, technical, or TEMPEST security. Approval by designated organizational officials is required before these items can be brought into or removed from NSA facilities. Examples are:

- a. Transmitting and receiving equipment
- b. Recording equipment and media
- c. Telephone equipment and attachments
- d. Computing devices and terminals
- e. Photographic equipment and film

A more detailed listing of examples of Prohibited Items may be obtained from your Staff Security Officer or the Physical Security Division (M51).

Additionally, you may realize that other seemingly innocuous items are also restricted and should not be brought into any NSA facility. Some of these items pose a technical threat; others must be treated as restricted since a visual inspection does not readily reveal whether they are classified. These items include:

- a. Negatives from processed film; slides; vu-graphs
- b. Magnetic media such as floppy disks, cassette tapes, and VCR videotapes
- c. Remote control devices for telephone answering machines
- d. Pagers

EXIT INSPECTION

As you depart NSA facilities, you will note another physical security safeguard—the inspection of the materials you are carrying. This inspection of your materials, conducted by Security Protective Officers, is designed to preclude the inadvertent removal of classified material. It is limited to any articles that you are carrying out of the facility and may include letters, briefcases, newspapers, notebooks, magazines, gym

bags, and other such items. Although this practice may involve some inconvenience, it is conducted in your best interest, as well as being a sound security practice. The inconvenience can be considerably reduced if you keep to a minimum the number of personal articles that you remove from the Agency.



REMOVAL OF MATERIAL FROM NSA SPACES

The Agency maintains strict controls regarding the removal of material from its installations, particularly in the case of classified material.

Only under a very limited and official circumstances classified material be removed from Agency spaces. When deemed necessary, specific authorization is required to permit an individual to hand carry classified material out of an NSA building to another Secure Area. Depending on the material and circumstances involved, there are several ways to accomplish this.

A Courier Badge authorizes the wearer, for official purposes, to transport classified material, magnetic media, or Class II prohibited items between NSA facilities. These badges, which are strictly controlled, are made available by the Physical Security Division (M51) only to those offices which have specific requirements justifying their use.

An Annual Security Pass may be issued to individuals whose official duties require that they transport printed classified materials, information storage media, or Class II prohibited items to secure locations within the local area. Materials carried by an individual who displays this pass are subject to spot inspection by Security Protective Officers or other personnel from the Office of Security. It is not permissible to use an Annual Security Pass for personal convenience to circumvent inspection of your personal property by perimeter Security Protective Officers.

If you do not have access to a Courier Badge and you have not been issued an Annual Security Pass, you may obtain a One-Time Security Pass to remove classified materials/magnetic media or admit or remove prohibited items from an NSA installation. These passes may be obtained from designated personnel in your work element who have been given authority to issue them. The issuing official must also contact the Security Operations Center (SOC) to obtain approval for the admission or removal of a Class I prohibited item.

When there is an official need to remove government property which is not magnetic media, or a prohibited or classified item, a One-Time Property Pass is used. This type of pass (which is not a Security Pass) may be obtained from your element custodial property officer. A Property Pass is also to be used when an individual is removing personal property which might be reasonably be mistaken for unclassified Government property. This pass is surrendered to the Security Protective Officer at the post where the material is being removed. Use of this pass does not preclude inspection of the item at the perimeter control point by the Security Protective Officer or Security professionals to ensure that the pass is being used correctly.



EXTERNAL PROTECTION OF CLASSIFIED INFORMATION

On those occasions when an individual must personally transport classified material between locations outside of NSA facilities, the individual who is acting as the courier must ensure that the material receives adequate protection. Protective measures must include double wrapping and packaging of classified information, keeping the material under constant control, ensuring the presence of a second appropriately cleared person when necessary, and delivering the material to authorized persons only. If you are designated as a courier outside the local area, contact the Security Awareness Division (M56) for your courier briefing.

Even more basic than these procedures is the individual security responsibility to confine classified conversations to secure areas. Your home, car pool, and public places are not authorized areas to conduct classified discussions—even if everyone involved in the discussion possesses a proper clearance and “need-to-know.” The possibility that a conversation could be overheard by unauthorized persons dictates the need to guard against classified discussions in non-secure areas.

Classified information acquired during the course of your career or assignment to NSA may not be mentioned directly, indirectly, or by suggestion in personal diaries, records, or memoirs.

REPORTING LOSS OR DISCLOSURE OF CLASSIFIED INFORMATION

The extraordinary sensitivity of the NSA mission requires the prompt reporting of any known, suspected, or possible unauthorized disclosure of classified information, or the discovery that classified information may be lost, or is not being afforded proper protection. Any information coming to your attention concerning the loss or unauthorized disclosure of classified information should be reported immediately to your supervisor, your Staff Security Officer, or the Security Operations Center (SOC).

USE OF SECURE AND NON-SECURE TELEPHONES

Two separate telephone systems have been installed in NSA facilities for use in the conduct of official Agency business: the secure telephone system (gray telephone) and the outside, non-secure telephone system (black telephone). All NSA personnel must ensure that use of either telephone system does not jeopardize the security of classified information.

The secure telephone system is authorized for discussion of classified information. Personnel receiving calls on the secure telephone may assume that the caller is authorized to use the system. However, you must ensure that the caller has a “need-to-know” the information you will be discussing.

The outside telephone system is only authorized for unclassified official Agency business calls. The discussion of classified information is not permitted on this system. Do not attempt to use “double-talk” in order to discuss classified information over the non-secure telephone system.

In order to guard against the inadvertent transmission of classified information over a non-secure telephone, and individual using the black telephone in an area where classified activities are being conducted must caution other personnel in the area that the non-secure telephone is in use. Likewise, you should avoid using the non-secure telephone in the vicinity of a secure telephone which is also in use.

HELPFUL INFORMATION



SECURITY RESOURCES

In the fulfillment of your security responsibilities, you should be aware that there are many resources available to assist you. If you have any questions or concerns regarding security at NSA or your individual security responsibilities, your supervisor should be consulted. Additionally, Staff Security Officers are appointed to the designated Agency elements to assist these organizations in carrying out their security responsibilities. There is a Staff Security Officer assigned to each organization; their phone numbers are listed at the back of this handbook. Staff Security Officers also provide guidance to and monitor the activities of Security Coordinators and Advisors (individuals who, in addition to their operational duties within their respective elements, assist element supervisors or managers in discharging security responsibilities).

Within the Office of Security, the Physical Security Division (M51) will offer you assistance in matters such as access control, security passes, clearance verification, combination locks, keys, identification badges, technical security, and the Security Protective Force. The Security Awareness Division (M56) provides security guidance and briefings regarding unofficial foreign travel, couriers, special access, TDY/PCS, and amateur radio activities. The Industrial and Field Security Division (M52) is available to provide security guidance concerning NSA contractor and field site matters.

The Security Operations Center (SOC) is operated by two Security Duty Officers (SDOs), 24 hours a day, 7 days a week. The SDO, representing the Office of Security, provides a complete range of security services to include direct communications with fire and rescue personnel for all Agency area facilities. The SDO is available to handle any physical or personnel problems that may arise, and if necessary, can direct you to the appropriate security office that can assist you. After normal business hours, weekends, and holidays, the SOC is the focal point for all security matters for all Agency personnel and facilities (to include Agency field sites and contractors). The SOC is located in Room 2A0120, OPS 2A building and the phone numbers are 688-6911(b), 963-3371(s).

However, keep in mind that you may contact any individual or any division within the Office of Security directly. Do not hesitate to report any information which may affect the security of the Agency's mission, information, facilities or personnel.



SECURITY-RELATED SERVICES

In addition to Office of Security resources, there are a number of professional, security-related services available for assistance in answering your questions or providing the services which you require.

The Installations and Logistics Organization (L) maintains the system for the collection and destruction of classified waste, and is also responsible for the movement and scheduling of material via NSA couriers and the Defense Courier Service (DCS). Additionally, L monitors the proper addressing, marking, and packaging of classified material being transmitted outside of NSA; maintains records pertaining to receipt and transmission of controlled mail; and issues property passes for the removal of unclassified property.

The NSA Office of Medical Services (M7) has a staff of physicians, clinical psychologists and an alcoholism counselor. All are well trained to help individuals help themselves in dealing with their problems. Counseling services, with referrals to private mental health professionals when appropriate, are all available to NSA personnel. Appointments can be obtained by contacting M7 directly. When an individual refers himself/herself, the information discussed in the counseling sessions is regarded as privileged medical information and is retained exclusively in M7 unless it pertains to the national security.

Counseling interviews are conducted by the Office of Civilian Personnel (M3) with any civilian employee regarding both on and off-the-job problems. M3 is also available to assist all personnel with the personal problems seriously affecting themselves or members of their families. In cases of serious physical or emotional illness, injury, hospitalization, or other personal emergencies, M3 informs concerned Agency elements and maintains liaison with family members in order to provide possible assistance. Similar counseling services are available to military assignees through Military Personnel (M2).

GUIDE TO SECURITY

M51 PHYSICAL SECURITY 963-6651s/688-8293b (FMHQ)

968-8101s/859-6411b (FANX)

CONFIRM and badges Prohibited Items
(963-6611s/688-7411b)

Locks, keys, safes and alarms SOC (963-3371s/688-6911b)

Security/vehicle passes NSA facility protection and compliance

Visitor Control

Inspections

Red/blue seal areas New Construction

Pass Clearances (963-4780s/688-6759b)



M52 INDUSTRIAL AND FIELD SECURITY

982-7918s/859-6255b

Security at contractor field site facilities

Verification of classified mailing addresses for contractor facilities

M53 INVESTIGATIONS 982-7914S/859-6464B

Personnel Interview Program (PIP) Reinvestigations
Military Interview Program (MIP) Special investigations

M54 COUNTERINTELLIGENCE 982-7832s/859-6424b

Security counterintelligence analysis Security compromises

M55 CLEARANCES 982-7900s/859-4747b

Privacy Act Officer (For review of security files) Continued SCI access
Contractor/applicant processing Military access

M56 SECURITY AWARENESS 963-3273S/688-6535B

Security indoctrinations/debriefings Embassy visits
Associations with foreign nationals Briefings (foreign travel,
Security Week ham radio, courier,
Security posters, brochures, etc. LIC, PCS, TDY,
special access, etc.)

Foreign travel approval

Military contractor orientation

Special Access Office (963-5466s/688-6353b)

M57 POLYGRAPH 982-7844s/859-6363b

Polygraph interviews

M509 MANAGEMENT AND POLICY STAFF 982-7885s/859-6350b

STAFF SECURITY OFFICERS (SSOs)

| Element | Room | Secure/Non-Secure |
|-----------|---------|-------------------|
| A | 2A0852B | 963-4650/688-7044 |
| B | 3W099 | 963-4559/688-7141 |
| D/Q/J/N/U | 2B8066G | 963-4496/688-6614 |
| E/M | D3B17 | 968-8050/859-6669 |
| G | 9A195 | 963-5033/688-7902 |
| K | 2B5136 | 963-1978/688-5052 |
| L | SAB4 | 977-7230/688-6194 |
| P | 2W091 | 963-5302/688-7303 |
| R | B6B710 | 968-4073/859-4736 |
| S/V/Y/C/X | C2A55 | 972-2144/688-7549 |
| T | 2B5040 | 963-4543/688-7364 |
| W | 1C181 | 963-5970/688-7061 |

GUIDE TO SECURITY-RELATED SERVICES

| | |
|---|-------------------|
| Agency Anonymity | 968-8251/859-4381 |
| Alcohol Rehabilitation Program | 963-5420/688-7312 |
| Cipher Lock Repair | 963-1221/688-7119 |
| Courier Schedules (local) | 977-7197/688-7403 |
| Defense Courier Service | 977-7117/688-7826 |
| Disposal of Classified Waste | |
| • Paper only | 972-2150/688-6593 |
| • Plastics, Metal, Film, etc | 963-4103/688-7062 |
| Locksmith | 963-3585/688-7233 |
| Mail Dissemination and Packaging | 977-7117/688-7826 |
| Medical Center (Fort Meade) | 963-5429/688-7263 |
| (FANX) | 968-8960/859-6667 |
| (Airport Square) | 982-7800/859-6155 |
| NSA/CSS Information Policy Division | 963-5825/688-6527 |
| Personnel Assistance | |
| • Civilian | 982-7835/859-6577 |
| • Air Force | 963-3239/688-7980 |
| • Army | 963-3739/688-6393 |
| • Navy | 963-3439/688-7325 |
| Property Passes (unclassified material) | 977-7263/688-7800 |
| Psychological Services | 963-5429/688-7311 |



FREQUENTLY USED ACRONYMS/DESIGNATORS

| | |
|--------|--|
| ARFCOS | Armed Forces Courier Service (now known as DCS) |
| AWOL | Absent Without Leave |
| CAO | Classification Advisory Officer |
| COB | Close of Business |
| CWF | Civilian Welfare Fund |
| DCS | Defense Courier Service (formerly known as ARFCOS) |
| DoD | Department of Defense |
| EOD | Enter on Duty |
| FOUO | For Official Use Only |
| M2 | Office of Military Personnel |
| M3 | Office of Civilian Personnel |
| M5 | Office of Security |
| M7 | Office of Medical Services |
| NCS | National Cryptologic School |
| PCS | Permanent Change of Station |
| PIN | Personal Identification Number |
| Q43 | Information Policy Division |
| SDO | Security Duty Officer |
| SOC | Security Operations Center |
| SPO | Security Protective Officer |
| SSO | Staff Security Officer |

TDY
UFT

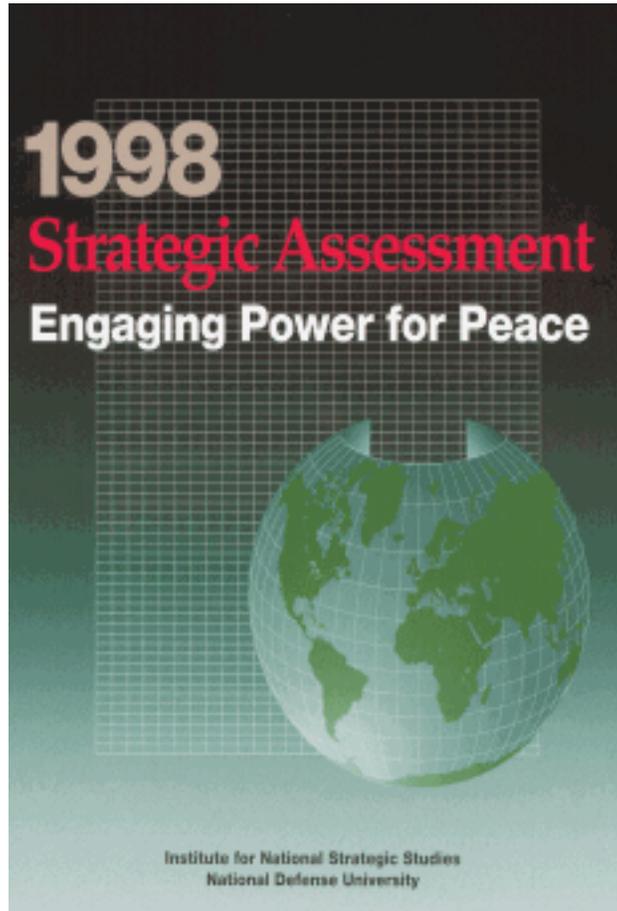
Temporary Duty
Unofficial Foreign Travel

A FINAL NOTE

The information you have just read is designed to serve as a guide to assist you in the conduct of your security responsibilities. However, it by no means describes the extent of your obligation to protect information vital to the defense of our nation. Your knowledge of specific security regulations is part of a continuing process of education and experience. This handbook is designed to provide the foundation of this knowledge and serve as a guide to the development of an attitude of security awareness.

In the final analysis, security is an individual responsibility. As a participant in the activities of the National Security Agency organization, you are urged to be always mindful of the importance of the work being accomplished by NSA and of the unique sensitivity of the Agency's operations.





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Strategic Assessment 1998

Engaging Power for Peace

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General Editor: David C. Gompert

Managing Editor: James L. Zackrison

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Preface

By LIEUTENANT GENERAL RICHARD A. CHILCOAT, U.S. ARMY
President, National Defense University

Over the past few years the Department of Defense has been intensifying its study of the global security situation, U.S. force posture, and future defense requirements. The National Defense University contributes to this dialogue through *Strategic Assessment*, an annual publication which applies the expertise of this institution through the leadership of its interdisciplinary research arm, the Institute for National Strategic Studies, with the assistance of specialists from elsewhere in government and academe. Offering such analyses, in both general and particular areas of interest to the national security community, is an important aspect of the NDU mission. This volume examines various approaches that the United States might adopt to shape the strategic environment of the future.

The current environment is characterized by instability and change. The U.S. Government needs to apply the full range of options at its disposal to achieve national goals and ensure the peace and stability required to preserve our rights to "life, liberty, and the pursuit of happiness." But such options must be studied and conceptualized for years (and in some cases, decades) in advance to take advantage of the opportunities presented by a changing global environment.

The recent Quadrennial Defense Review (QDR) recommended a series of defense posture changes. This volume reviews these recommendations and takes the next analytical step, to propose what is entailed by such changes. *Strategic Assessment 1998: Engaging Power for Peace* should prove useful beyond the defense establishment, to all readers with an interest in national security affairs. We emphasize that this report is not a statement of official policy, nor does it represent the views of the Department of Defense or the Joint Chiefs of Staff. Rather than to state policy, the role of National Defense University is to stimulate discussion and research among both policymakers and analysts.

Foreword

By HANS BINNENDIJK *and* DAVID C. GOMPERT

This is the fourth volume in the annual *Strategic Assessment* series produced by the Institute for National Strategic Studies at the National Defense University, and undertaken to contribute to the

national effort to understand more clearly the nature of, and the U.S. role in, the new international system. This volume complements the *Strategic Forum* series (issue papers on key national security topics), *Joint Force Quarterly* (a professional military journal published for the Chairman of the Joint Chiefs), and other titles issued by INSS. While *Strategic Assessment* is not an official government publication, we trust that it will inform and influence policymakers and academics alike.

Each previous volume has had a specific theme. *Strategic Assessment 1995: U.S. Security Challenges in Transition* described a new international system which held much promise and new security concerns for the United States. Some of the first volume's conclusions were:

- The world is dividing into market democracies, transitional states, and troubled states. Market democracies form the core of the U.S. international strength. Transitional states will determine the nature of the international system. Troubled states generate many new security concerns.
- The most likely conflicts in the emerging system are the least dangerous to U.S. security.
- Proliferation of weapons of mass destruction is increasingly a current rather than a future concern.
- The U.S. domestic focus is limiting our national security capabilities.
- Information technology is displacing heavy industry as the source of national power.
- International organizations are assuming an important legitimizing role, despite their limited capabilities.
- Globalization is creating transitional threats as well as benefits.
- To deal with this complex new world, the United States needs to set national security priorities--ensure peace among the major powers, engage selectively in regional conflicts, respond to transnational threats, and assist failed states.

Strategic Assessment 1996: Instruments of U.S. Power reviewed 15 different types of means of exercising U.S. power (ranging from the diplomat in the field to the nuclear weapon in its silo) and analyzed their capabilities and relevance in the post-Cold War era. Despite real budget reductions of more than one-third over the previous decade, both U.S. defense and international affairs instruments were rapidly adapted to meet many of the new challenges identified in the volume published last year. But the budget cuts were concentrated in areas like defense procurement and security assistance, which, if not reversed, could cause lasting damage to our national interests. Some of the specific conclusions of this second volume were:

- U.S. military forces are currently far more capable, better equipped, and better trained than those of any conceivable adversary. The U.S. military stands at a crossroads in deciding how much of this capable force it wants to trade in for the kind of stand-off precision warfare inherent in the systems-of-systems approach to future warfare.
- U.S. military capabilities are increasingly being used for peacetime engagement and peace operations in ways that shape the new strategic environment. These are important functions that tend to affect the operations and personnel tempo of a small number of units.
- U.S. alliances are shifting to become the cornerstone around which ad hoc coalitions can be formed. But the U.S. ability to share its information dominance with allies is not well developed

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- The United States needs to consider reorganizing its diplomatic structure.
- The United States has been very creative in finding alternative ways to fund international security requirements: seeking foreign contributions for U.S. initiatives, using old accounts for new purposes, and drawing on international organizations for things like weapons inspections.
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- The United States faces what might be called a strategic lull, but it is nonetheless confronted with a more complex and diverse set of smaller threats. It must both deal with those threats and take advantage of the strategic lull to exploit the revolution in military affairs.
- Russia will be preoccupied with internal economic and political turmoil. Its conventional forces have deteriorated rapidly and present no threat, but nuclearization of Russia's defense policy should raise concerns.
- China's leadership is focused on domestic politics, but the cultivation of nationalism, new energy needs, and rapid economic growth make it a potential theater competitor.
- While both North Korea and Iraq remain dangerous, their conventional military capabilities have declined substantially relative to that of the United States. That makes more likely their use of weapons of mass destruction, should conflict start.
- Radical Islam will remain a potentially destabilizing factor throughout the Middle East and North Africa during the next decade.

With regard to force structure alternatives, *Strategic Assessment 1997* analyzed the following:

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- An accelerated RMA force model which aggressively implements the system-of-systems, but at the cost of major force structure reductions.
- A full spectrum force model which maintains force structure and slowly integrates RMA technology, but at the cost of a larger defense budget.

No alternative was recommended, but it was clear from the threat analysis that the full spectrum force

model was preferable if the budget financing could be found.

This background was used to prepare *Strategic Assessment 1998: Engaging Power for Peace*. Many of the conclusions drawn in earlier volumes in this series found resonance in the report of the Quadrennial Defense Review, signed by Secretary of Defense William Cohen in May of 1997. The QDR looked at three military challenges facing the United States: shaping the strategic environment, responding to aggression, and preparing now for an uncertain future. It recommended a force structure somewhere between the recapitalization and full spectrum force models laid out in last year's assessment. This year's volume is organized under the rubrics of shaping, responding, and preparing, in order to amplify and extend the QDR conclusions.

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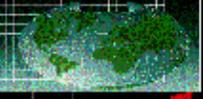
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1998 Strategic Assessment

Engaging Power for Peace



Key

Findings

* The United States now enjoys a secure and promising position in the world, because of its economic, technological, and military strengths. The other most successful nations are its closest friends; its few enemies are comparatively weak, isolated, and swimming against the current of the information age. That current--globalization--is both integrating and extending the core of free-market democracies, thus favoring U.S. interests and winning converts to the norms of state behavior.

*Great uncertainties still exist: the future of China and other large transition states; the role of U.S. core partners, especially the nations of Europe and Japan; the spread of dangerous technologies, particularly weapons of mass destruction (WMD); the extent of state failures, like those of central Africa and the Balkans; the reach of terrorism, international crime, and other nonstate threats; and the security of economic resources. Because of its capabilities, the United States has considerable influence, and a crucial stake, on how these uncertainties are resolved.

*In the best plausible case, an expanded core or commonwealth of peaceful democracies could encompass most of the planet--with U.S. partners shouldering an increased share of the burden of defending common interests and norms. China would reform and integrate into the core, rogue states and nonstates would be defanged, state failures would be averted, and energy and infrastructure would be secure. In the worst case, U.S. friends could be free riders instead of responsible partners, China's reforms would founder, state failures would multiply, and rogues armed with WMD and nonstate actors would threaten the energy supplies and infrastructure of the core--leaving the United States superior but beleaguered. Well-armed enemies would be tempted to threaten the interests of the United States, using the fear of high casualties and possible attacks on the state itself to degrade America's ability to project power and national will.

*To improve the odds of reaching the desirable future, the United States should pursue four key interests to affect the design and use of its military capabilities:

- Recast *core* alliances as more balanced partnerships
- Encourage the reform and integration of *transition states* into the core
- Weaken or coopt *rogues*
- Reduce the effects, incidences, and causes of *state failures*.

*Based on the Quadrennial Defense Review (QDR), the United States should:

- *Shape* its core partnerships and the progress of transition states toward inclusion in the core
- *Respond* to rogues posing asymmetric threats in major theater wars (MTWs), and to small-scale contingencies (SSCs) caused by state failures
- *Prepare* for a less desirable future.

*U.S. shaping strategy should be one of *presence plus...engagement*. An interactive approach is needed to recast core partnerships, encourage yet caution transition states, and increase strategic and operational flexibility. What U.S. forces do will come to matter as much as how many are permanently based where. The involvement of U.S. forces with those of core partners and transition states should stress practical strengths--power projection, information dominance, strike capability, and excellence in defense management--not numbers or U.S. supremacy.

*The purposes of U.S. military engagement vary from one region to another. The main rationale in Europe (via NATO) and East Asia (especially Japan) should be to improve the military effectiveness and responsibility sharing of core partnerships (e.g., staging to less secure adjacent areas; expanding contact; conducting combined operations with China, Russia, and other transition states; fostering defense reform; and signaling that Americans are not deployed to threaten friends). U.S. forces in the greater Middle East should demonstrate the capacity to project overwhelming strike power and deter sudden aggression. Elsewhere--in Latin America, the former Soviet Union, and Africa--the objective of engagement is mainly to foster defense and political reform. In every region,

engagement can improve cooperation against nonstate threats.

*U.S. forces are well-honed to respond to rogues in MTWs. As rogues in turn respond with asymmetric threats, or as SSCs persist, confidence in the adequacy of U.S. forces will drop unless they adapt. The QDR report correctly highlighted these two near-term concerns.

*The most severe asymmetric threats of the next 10 years are weapons of mass destruction, selective advanced weapons (e.g., surface-to-air missiles and sea mines), and information warfare (IW). Of these, WMD are the most dangerous because they can erode U.S. ability, will, and credibility to project power to protect national interests and international security. To counter such threats, the United States should:

- Underscore the possibility of nuclear retaliation for nuclear, biological, and chemical attacks
- Deploy theater missile defense, passive defense, and counterforce
- Reduce reliance on vulnerable forward bases, force flows, and troop concentrations
- Improve intelligence on the status of WMD programs and location of stockpiles and weapons.

*Small-scale contingencies present starkly different operational challenges than major theater wars. They require restrained, small-unit operations to prevent war. Because they are usually multinational, the United States should improve coalition preparations, especially in NATO. Because SSCs are seldom purely military operations, the United States should improve its civil-military coordination and capacity to provide and restore the civil infrastructure. SSCs place severe strains on the forces used, especially if those forces are also expected to be ready for MTWs. Thus, the United States should consider such options as spreading the responsibility for SSCs across more of the total force, segmenting and specializing forces for SSCs and MTWs, or developing some hybrid capability of these extremes.

* U.S. forces must also be prepared for a less desirable future. Three potential developments could pose serious and different military problems. The United States should consider these factors over the long term (10-20 years):

- Adversaries could be much *larger* (e.g., major transition states turned hostile)
- Adversaries like today's rogues, or new non-state actors, could present *nastier* dangers (e.g., an arsenal of asymmetric threats)
- Conditions in which U.S. forces operate (MTWs or SSCs) could be *messier* (e.g., urban, jungle, or politically ambiguous).

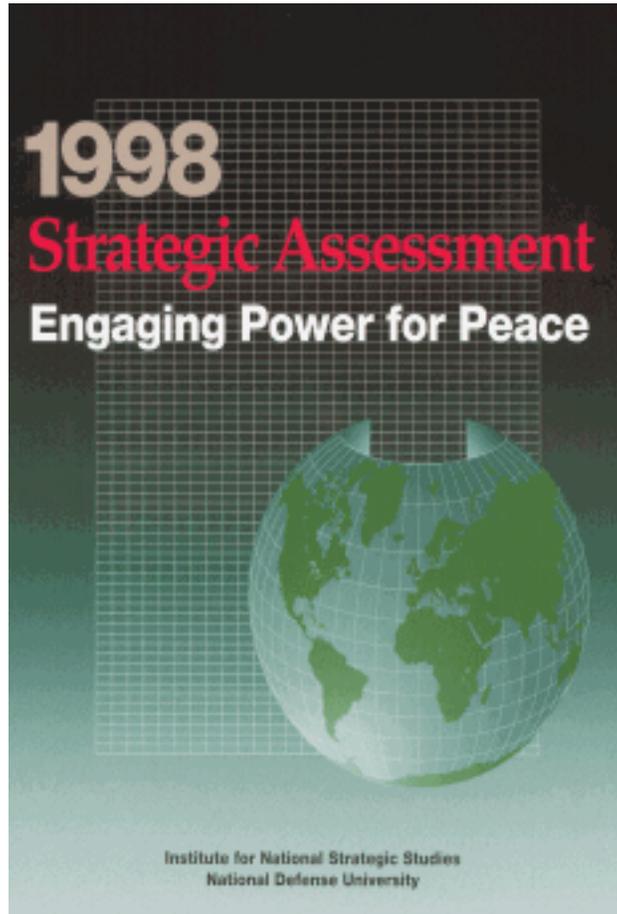
* The United States is unclear but not clueless about the future. Globalization will continue, with important consequences: worldwide interests will still need protection; technology will spread relentlessly; transition states that abandon reform and integration will have economic, technological, and military handicaps; states with no place in the global economy could fail and spawn nonstate threats (e.g., in Africa and parts of Eurasia). In light of such "clues," the United States should:

- *Prepare for* the need to project power against nastier, WMD-armed rogues and to conduct operations in messier conditions
- *Plan for* long-range WMD, terrorist, and IW threats to the U.S. homeland
- *Watch for* signs that a large new adversary is emerging, in which case ample time should exist to "scale up" U.S. capabilities.

The United States needs greater military contributions from, and improved capabilities with, its core partners.

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Strategic Assessment 1998

Engaging Power for Peace

NATIONAL DEFENSE UNIVERSITY

INSTITUTE FOR NATIONAL STRATEGIC STUDIES

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President: Lieutenant General Richard A. Chilcoat, U.S. Army

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Managing Editor: James L. Zackrison

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Preface

By LIEUTENANT GENERAL RICHARD A. CHILCOAT, U.S. ARMY
President, National Defense University

Over the past few years the Department of Defense has been intensifying its study of the global security situation, U.S. force posture, and future defense requirements. The National Defense University contributes to this dialogue through *Strategic Assessment*, an annual publication which applies the expertise of this institution through the leadership of its interdisciplinary research arm, the Institute for National Strategic Studies, with the assistance of specialists from elsewhere in government and academe. Offering such analyses, in both general and particular areas of interest to the national security community, is an important aspect of the NDU mission. This volume examines various approaches that the United States might adopt to shape the strategic environment of the future.

The current environment is characterized by instability and change. The U.S. Government needs to apply the full range of options at its disposal to achieve national goals and ensure the peace and stability required to preserve our rights to "life, liberty, and the pursuit of happiness." But such options must be studied and conceptualized for years (and in some cases, decades) in advance to take advantage of the opportunities presented by a changing global environment.

The recent Quadrennial Defense Review (QDR) recommended a series of defense posture changes. This volume reviews these recommendations and takes the next analytical step, to propose what is entailed by such changes. *Strategic Assessment 1998: Engaging Power for Peace* should prove useful beyond the defense establishment, to all readers with an interest in national security affairs. We emphasize that this report is not a statement of official policy, nor does it represent the views of the Department of Defense or the Joint Chiefs of Staff. Rather than to state policy, the role of National Defense University is to stimulate discussion and research among both policymakers and analysts.

Foreword

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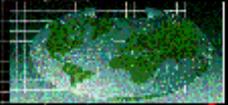
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1998 Strategic Assessment

Engaging Power for Peace



CHAPTER ONE

The Global Environment

History's most violent century is ending under conditions of general peace, cooperation, and progress. The integration of the world economy and spread of democracy have combined to create a strong sense of common interest among the most advanced powers. There is a growing respect for the norms of responsible international behavior. The successful free-enterprise democracies serve as a beacon for those states emerging from communism and other forms of authoritarianism.

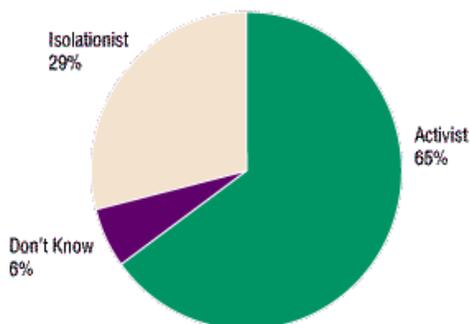
This global security environment is favorable to the United States: to its interests, ideals, and friends. The Nation's survival and territory are not threatened; its way of life is secure. As a result, the U.S. population now concerns itself mainly with the quality of life. Thanks to a growing involvement in the world economy, success in information technology, and the streamlining of industry and government, the United States is experiencing economic resurgence and sustained growth. This has helped eliminate the Federal budget deficit and enabled the country to afford its current defense budget.

The other great economic powers, the European Union (EU) and Japan, despite occasional friction, are close and trusted allies and friends of the United States. Together, the three have built a democratic, free-market core, which is now spreading throughout the Americas, Europe, and Asia. Consequently, an expanding area of the globe is increasingly peaceful and prosperous. The flow of goods, capital, and know-how throughout this area is growing and being freed from barriers and threats of interruption.

Just as the current security environment is positive, so are most (but not all) trends promising. There is no sign that great-power rivalry will displace comity as the essence of U.S.-European or U.S.-Japanese relations, despite the collapse of the Soviet Union. The three largest states outside this core--China, India, and Russia--have embarked on a transition of economic reform and integration. They know that cooperation with the leading core democracies is key to national prospects. By contrast, rogue regimes that reject the norms of the core must rely on oppression to survive and therefore face a bleak future.

The enemies of the United States are thus few, isolated, and relatively weak. No global challenger or hostile alliance is on the horizon. America's ability to maintain robust military capabilities is not in doubt, thanks to its technology, the quality of its personnel, and the scale of its defense effort.

Foreign Policy Preferences of the American Public



Source: Chicago Council on Foreign Relations, 1996

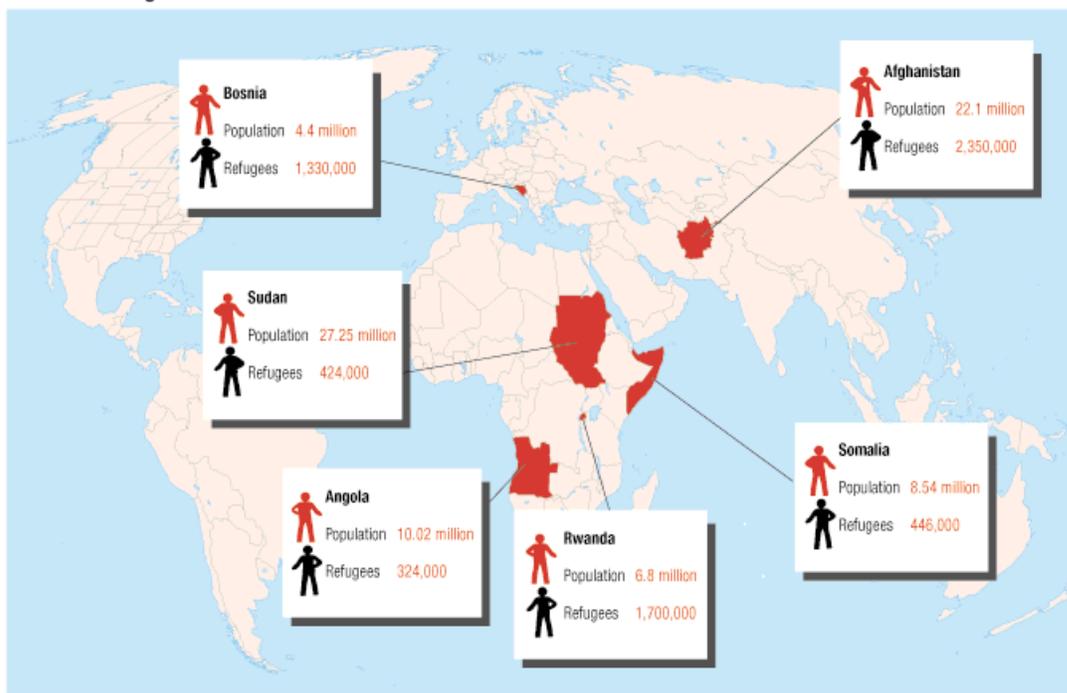
These favorable conditions and trends do not mean the United States should retire from its international responsibilities or further reduce defense outlays (down by 40 percent since the end of the Cold War). On the contrary, U.S. military strength and international engagement are essential in preserving and shaping conditions favorable to U.S. interests--and well worth the cost. The U.S. public accepts this fact and is therefore willing to support a defense budget of roughly \$250 billion, as well as continued commitments abroad. Warnings of a revival of U.S. isolationism underestimate the good sense of its citizens, most of whom appreciate that the Nation cannot be indifferent to an outside world on which its prosperity increasingly depends. While hesitant about intervening militarily where national interests are not clearly at stake, the American public has nonetheless been willing to support the use of U.S. forces in defense of important norms, provided other core states share in the risk.

The defense effort and international role of the United States are warranted not only to sustain today's conditions, but also to prepare for a potentially bright but quite possibly hazardous future. The United States can shape the international security environment but cannot control it and would be ill advised to try. In time, new adversaries could appear on the scene, possibly even large transition states "gone bad," perhaps in league with rogue states. The United States can slow but not reverse the spread of technologies that could make potential adversaries more dangerous, including the means to make and deliver weapons of mass destruction (WMD), cheap high-technology weapons, and the know-how to disrupt information networks. Predatory states could threaten their neighbors or escalate their struggles against the democratic core. Energy supplies on which the world economy depends could fall under hostile control or otherwise become inaccessible because of turmoil in the Middle East and former Soviet Union. Fanatical or criminal groups, operating transnationally, could proliferate, feasting on weak and failing states and striking practically anywhere, with only the signature they chose to leave. The U.S. society, territory, and infrastructure could be threatened directly by state and non-state actors with the reach, cause, and nerve to try.

For all the encouraging developments of recent years--victories over communism, apartheid, and despots--such perils must be recognized. So great is the uncertainty surrounding these dangers that it is impossible to say whether U.S. interests will be more or less secure in 10 years than today. Because of its strong position, the United States can affect its security environment, making it less likely to face a more dangerous future if it remains strong and engaged.

But the United States should also be motivated by an affirmative goal for the century to come. In essence, it seeks an expansive community of responsible democracies, bound together by the free flow of goods, resources, and knowledge, encompassing all the world's great powers, and safe from rogues with hostile ideas and dangerous technologies. Whether such a vision is realistic depends on the skillful use of U.S. influence.

Selected Failing States



SOURCE: United Nations and International Committee of the Red Cross, 1996

For all its strength, the United States seeks the respect of other countries, not hegemony over them. While it possesses a unique set of

capabilities, the United States is not determined to be superior to others. Power is not its purpose; defending its primacy is not its strategy. The United States has a major equity in the effectiveness of international institutions. It needs partnerships with others of means who share the same goals and are prepared to accept more responsibility.

U.S. Interests

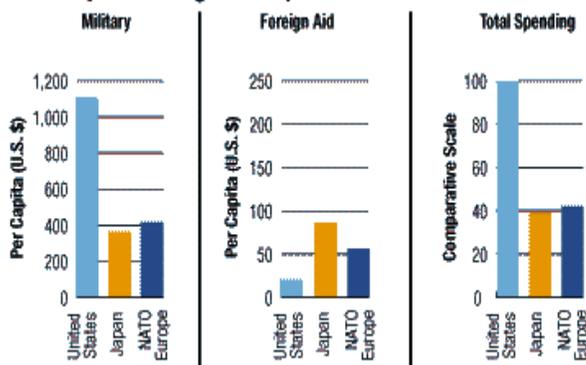
The security strategy of the United States in this new era ought to promote and protect its growing equity in a promising, changing world, aiming toward the prosperous and secure community of responsible democracies just described. This equity takes different forms, depending on the stage of progress of the other world actors:

- *The first group consists of *core partners*--successful democracies that can join the United States in shouldering the burdens of the core's security and expansion. This group has less than one-fifth of the world's population but four-fifths of its economic capacity.
- *The fate of the second group, *transition states*, will determine how much farther the core will grow and therefore whether the future will be fundamentally more or less secure. This group accounts for most of the world's population.
- *The third group, *rogues* (state and nonstate), rejects the ideals and, given the means and the chance, would attack the interests of the United States and its core partners. Rogue states are especially eager to acquire WMD and other dangerous technologies.
- *The fourth group, *failing states*, is typically ravaged by upheaval and war. While relatively few and small, these states could impose huge humanitarian demands on the United States and its partners.

Economic Security

U.S. security and prosperity have benefited greatly from the success of its Cold-War allies--free-enterprise democracies in Western Europe and Northeast Asia. The United States and these core partners have common concerns, including access to the one vital resource that lies mainly beyond their control, petroleum, and safety from WMD and other unconventional threats to their societies and economies. These concerns give the United States an interest in adapting the alliances it built with Europe and Japan originally to block Soviet expansion.

Core Military and Foreign Aid Expenditures



Source: U.S. Arms Control and Disarmament Agency, *World Military and Social Expenditures*, 1996

Within the framework of those alliances, the United States wants its partners to accept greater responsibility for the security of core interests. Divergent security policies, especially in the context of global commercial competition, could tear apart the community of leading economic powers upon which the global economy and the advancement of other U.S. interests depend. As well, a perception in the United States that wealthy allies are not bearing a fair share of the risks and costs of common security could undermine cohesion, as could a perception by U.S. allies that the United States wants followers, not partners. U.S. unilateralism and lack of fair allied burden sharing could become a vicious circle. The political health of the core is thus crucial to its economic health and its security.

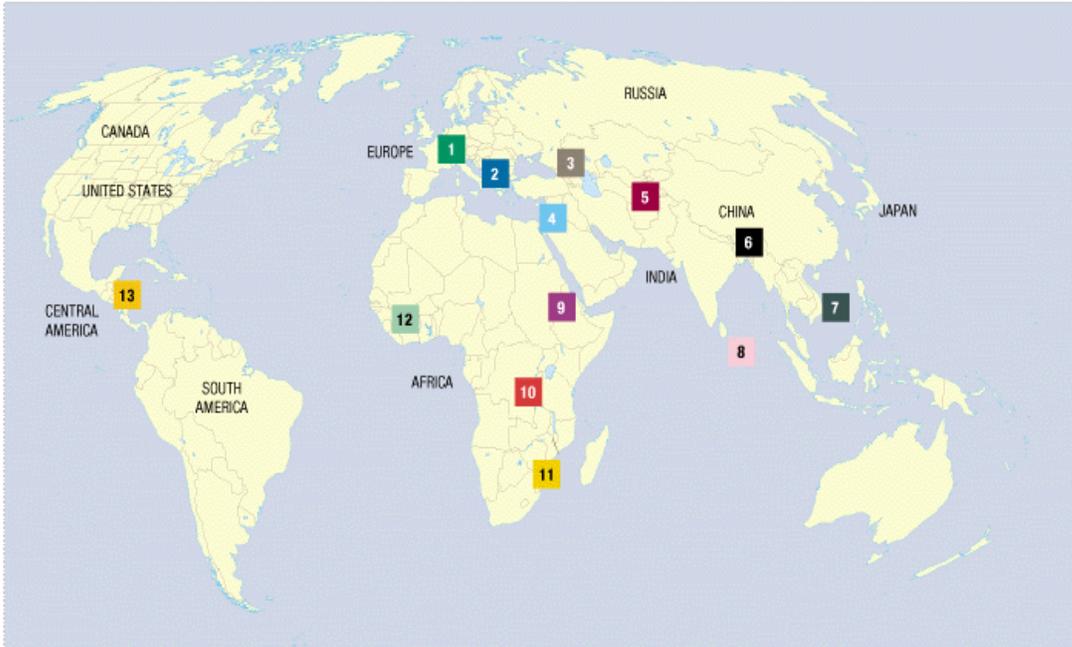
Core Enlargement

The core is now expanding, in part because of its economic and political attractiveness and in part because of the heavy flow of private investment into value-added industry in emerging nations. The globalization of both production and markets, enabled by information technology and fostering economic and political reform, is working its way (somewhat unevenly) through Eastern Europe, Latin America, and Southeast Asia. As it does, it is improving living standards, political legitimacy, stability, and security in regions previously among the world's most troubled. Most of the states of these three regions are poised to join the core. From Chile and Argentina to the Czech Republic, Hungary, and Poland, to Malaysia and Thailand, the roots of reform have grown sturdy, and acceptance of core norms has solidified. The United States has an interest in making these gains irreversible and, in time, getting these emerging nations also to accept greater international responsibilities--that is, to become new core partners.

Of course, the U.S. interest in enlarging the core is especially great with regard to the largest transition states, above all China, but India and Russia, too. The Chinese and Indian economies will rank third and fourth in the world by the year 2000. All three have nuclear weapons, which in Russia's case number in the thousands and are vulnerable to weakened state control. While they are vastly different--China is already a major trading power, India is a democracy, and Russia is the main remnant of a failed superpower--the United States welcomes the success and integration of all three.

At the same time, the United States cannot assume, much less assure, the transition of these three states, let alone of the rest of Eurasia and the Middle East. So it must be prepared to discourage any aggressive tendencies exhibited by states, even the largest, that reject reform and international norms. This broad interest includes ensuring that the use of China's growing power does not upset stability in East Asia, containing the spread of dangerous materials and technologies if disorder weakens Russia, and safeguarding oil supplies in a turbulent Middle East.

Survey of the Global Refugee Situation



- 1 Asylum in Europe:** About 5 million people have sought asylum in Europe since the early 1980s and more are making their way into countries in the central and eastern parts of the continent.
- 2 War in the former Yugoslavia:** More than 3.7 million people have been displaced or affected by the war and are receiving assistance from the United Nations.
- 3 Conflicts in the Caucasus:** Continuing political and communal conflicts have caused the displacement of more than 1.5 million people.
- 4 The Palestinian question:** The future of about 2.8 million people is one of the most complex issues in the Middle East.
- 5 Reconstruction in Afghanistan:** Lasting peace and additional reconstruction are needed to enable the return of about 2.5 million refugees in Pakistan and Iran.
- 6 Repatriation to Myanmar:** By the end of 1996, the remaining 50,000 of the 250,000 people who fled to Bangladesh in 1991 and 1992 were repatriated to Myanmar.
- 7 Vietnamese boat people:** About 40,000 refugees remain in camps throughout Southeast Asia.
- 8 Displaced Sri Lankans:** More than 75,000 Sri Lankan Tamil refugees remain in India, and at least 800,000 people in the north of the island have been displaced because of the war between government and rebel forces.
- 9 Relief and repatriation in the Horn of Africa:** The United Nations assists in the repatriation of about 1.6 million Eritrean refugees in the Horn of Africa who fled to the Sudan more than 30 years ago.
- 10 Rwanda and Burundi:** Political crisis in Rwanda and Burundi has created one of the largest concentrations of displaced people in the world, and efforts are being made to repatriate more than 2 million Rwandans.
- 11 Reintegration in Mozambique:** Between 1992 and 1996, 1.7 million refugees returned from other countries in southern Africa and are trying to support themselves and rebuild their own communities.
- 12 West African Refugees:** Nearly a million refugees have been created by the conflicts in Liberia and Sierra Leone, and thousands more are displaced within these countries.
- 13 Guatemalan repatriation:** About 20,000 Guatemalans returned to their homes between 1984 and 1996.

Source: United Nations High Commissioner for Refugees, 1997

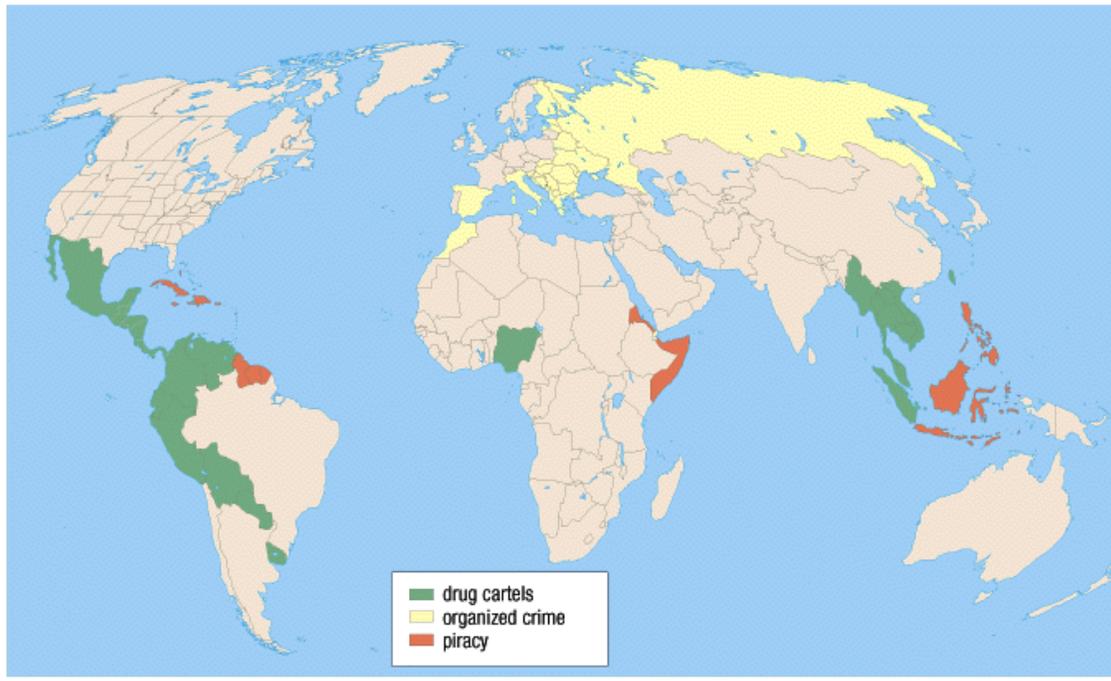
Protecting the Core

Rogue states are dwindling in number and are weakened by flawed economic policies, isolation, and illegitimacy. Globalization and the spread of information technology are gradually encircling them. As the core grows and prospers, rogue states will be forced to choose between reform (thus progress) and oppression as the way to deal with domestic discontent. They can be brutal, resilient, extremist, desperate--and dangerous. To maintain their grip on power, coerce their neighbors, and carry on their battle against the United States and its partners, these states might threaten to use any means of destruction they can acquire, including nuclear, biological, and chemical (NBC) weapons of mass destruction, cheap high-tech weapons, and information warfare (IW). If Iran, Iraq, North Korea, Libya, or Serbia, for example, displays menacing behavior, the United States will have to protect itself, its interests, and its friends.

Because rogue states can threaten the security of the core, the United States has an interest in rallying its partners and key transition states,

including China and Russia, to isolate these states and hasten their demise. This will not come easily. The recent past provides many instances of Russia, China, and even U.S. allies trafficking in dangerous technologies with the likes of Iran--a proven sponsor of terrorism that hardly conceals its aim of acquiring nuclear weapons. Rogues can be counted on to exploit any differences between the United States and its partners; thus, a united front, at least among the United States and its NATO allies, is imperative.

Nonstate Rogues: Selected Problem Areas



SOURCE: Department of Defense

At the same time, the United States cannot exclude the possibility that even the worst regimes can change, or be changed. Zaire's Mobutu fled at the first sign of serious internal opposition, abetted by the country's neighbors, his failing health, and the withdrawal of Western backing. From time to time, reform seems a possibility in Serbia; and some U.S. partners argue that the Iranian and Cuban regimes could be moderated if engaged. When there is concrete evidence that a rogue state is ending its hostile ways, the United States can afford to offer encouragement without lowering its guard. In the meantime, however, a rogue state's behavior must be policed and its grip on power loosened.

Rogue States and Weapons of Mass Destruction

| | 
Chemical Program | 
Biological Program | 
Nuclear Program |
|---|---|---|--|
| North Korea
 | X | X | X Limited |
| Iran
 | X | X | X |
| Iraq
 | X | X | X Limited |
| Syria
 | X | X | None |
| Libya
 | X | X | X Limited |

Source: Department of Defense, *Proliferation Threat and Response*, 1996

Rogues need not be states. Separatists, militant fundamentalists, drug cartels, and other criminal and paramilitary groups can obtain the means to attack society and governments--means that might include WMD, information warfare, and more conventional weapons targeted on innocent people. Compared to national governments, these shadowy actors are hard to track, punish, and deter, especially if they take the form of networks utilizing the latest communications technology. Moreover, the core's growing economic integration, connectivity, and reliance on a common infrastructure are creating vulnerabilities that are difficult to gauge, let alone prevent. Being elusive, fanatical, and cunning, rogue groups determined to strike directly at U.S. territory or citizens could become a serious national security problem. The United States has an interest in controlling and defeating such transnational threats, especially if they involve chemical or biological weapons. Sometimes, this will entail a role for U.S. military forces, and sometimes not. In any case, given the character of these threats, the United States needs the cooperation of its core partners and transition states alike.

The Failed State

Worldwide, millions of humans cannot count on their own states to govern and protect them, or in some cases even let them live in peace. The recent chaos in Central Africa gruesomely shows what can happen when states collapse or turn against their citizens. Birth rates are high and economic growth low or negative among these countries, with many people crowding into megacities that can provide for them no better than could the land they left. When order and infrastructure crumble, prolonged suffering is often punctuated by large-scale humanitarian crises. When, in addition, tribal violence erupts, massacres can ensue, either despite or at the hand of the failing regimes.

The consequences of these spiraling human crises are not always confined to the victims' agonies, as when refugees flood across borders, destabilizing entire regions. Terrorism, international crime, drug trade, ecological ruin, disease, and other transnational dangers can be caused and spewed by these conditions. The aggregate effect of such situations could entail major risks and costs for the core states. Of course, if state failure were to occur in one of the large transition states such as Russia, or in a heavily armed rogue state such as North Korea, the consequences could include the loss of control over WMD and rampaging rabble from disintegrating armies.

The interest of the United States and its partners in preventing these sorts of effects suggests a need to address the economic and political conditions that breed state failure-- a task mainly for U.S. foreign and aid policies. But the refusal of many regimes to reform and to seek productive employment for their people hinders the value of external help. Corporations in search of safe and profitable investments treat failing states with extreme caution, so there will be a number of states that find no niche in the world economy. The United States must expect more situations such as these in Somalia, Rwanda, Liberia, Sierra Leone, and Zaire.

Core States: Economic Output (regional comparisons of output and growth)

| | 1985 Output
Billions (U.S. \$) | 1995 Output
Billions (U.S. \$) | 10-Year Growth
Billions (U.S. \$) | Population
Millions |
|------------------------------|-----------------------------------|-----------------------------------|--------------------------------------|------------------------|
| Western Europe | 4,230 | 6,565 | 2,335 | 417 |
| North America | 4,791 | 7,473 | 2,682 | 290 |
| East Asia | 4,267 | 7,603 | 3,336 | 250 |
| Core total | 13,288 | 21,641 | 8,353 | 957 |
| World total | 17,951 | 28,202 | 10,251 | 5,757 |
| Core share
of world total | 74% | 77% | 81% | 17% |

Source: International Monetary Fund, *World Economic Outlook*, 1996

Because it can neither ignore nor handle this problem by itself, the United States has an interest in improving multilateral options to stop and relieve mass suffering and to contain other effects of state failure. This interest is sometimes argued on economic or security grounds, namely that the United States and its partners will one day face serious material consequences if they permit the deterioration of a significant part of the world, where population growth is outpacing productive potential and where states either fail or assault their people. In any case, the credibility of the great democracies suffers when genocide and other mass suffering go unchecked. Thus, the United States has an interest not only in the health, security, and expansion of the core but also in its ability to act out of moral integrity and political responsibility.

Norms

The interest of the United States and its partners in limiting the damage from failing states highlights the fact that the U.S. stake in the world cannot be reduced to purely physical interests. The core democracies observe and champion a set of norms that flow from their ideals and buttress their interests. Promotion of these norms does not mean the imposition of "Western" values on other nations and cultures, but rather a growing acceptance of basic standards of decent behavior by legitimate governments.

Broadly stated, the norms of the core include:

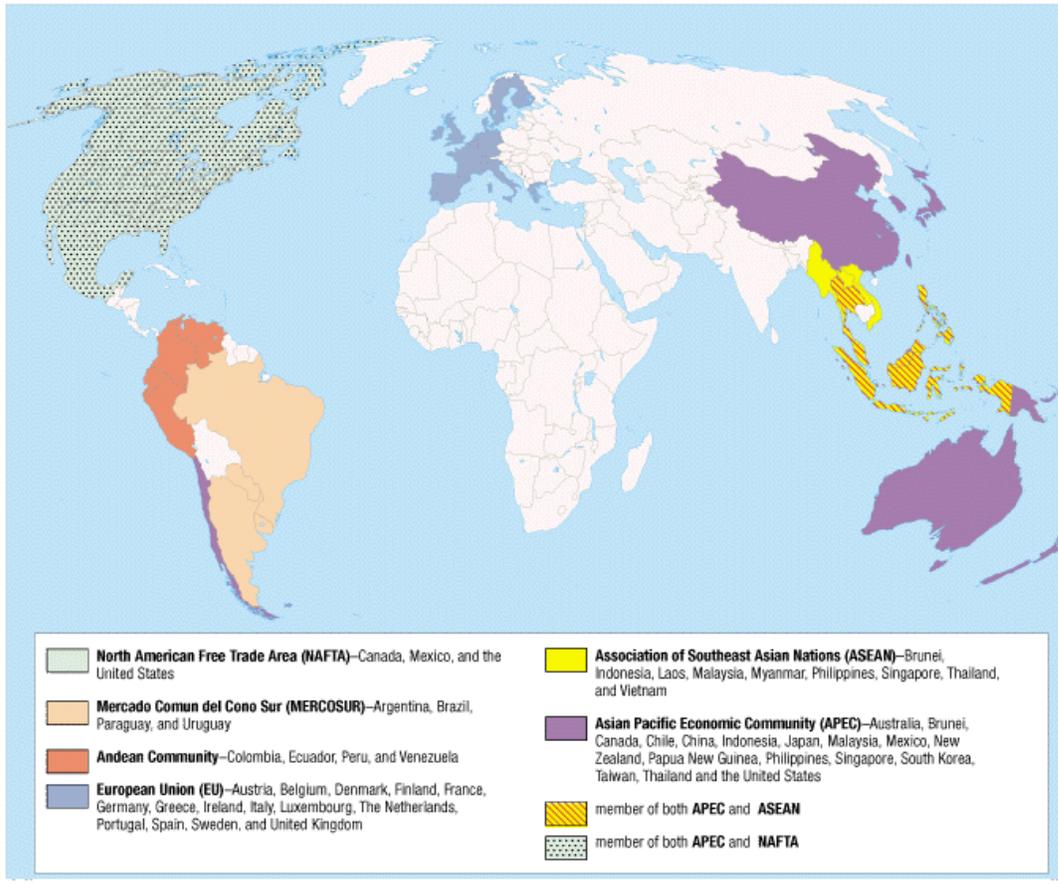
**Those that bolster international peace:* nonaggression, the right of collective self-defense, the laws of war, arms control, peaceful settlement of disputes, antiterrorism covenants, respect for the authority of the UN Security Council, and respect for other instruments and institutions that affect directly whether and how conflicts occur.

**Those that govern the functioning of the international economy:* freedom of commerce, law of the sea, access to resources, noninterference with the flow of information, environmental protection, the rules of open multilateral trading, and cooperation in addressing transnational problems.

**Those that bear on the treatment of people by states:* human rights, the rule of law, representative and accountable government, individual liberties, freedom of the press, and other tenets of civil societies and states.

All three classes of norms affect the international security environment. The first applies directly to state behavior in peace and war. The second can help ensure that economic activity is a force for peace and not war. The third addresses underlying conditions that can cause or reduce instability and conflict.

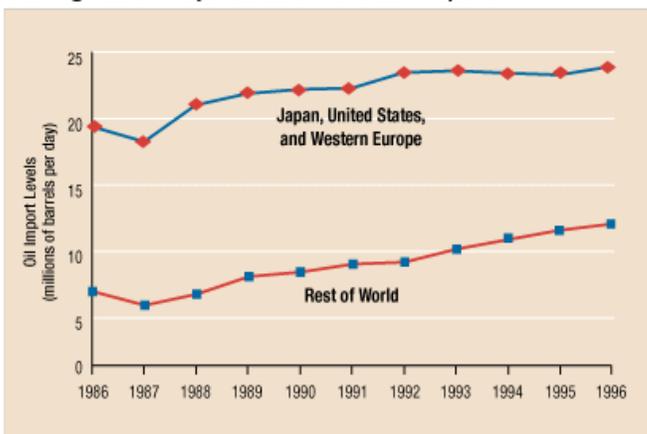
Major International Economic Organizations



While deviations remain all too frequent, and sometimes flagrant--Saddam Hussein has flouted all three categories--these norms are in fact increasingly honored and enforced. The collapse of communism, the expansion of the core, and the democratization of many developing nations open up the possibility of near-universal acceptance. At the same time, these norms are demanding more of states, constraining their freedom of action, and intruding into their sovereignty. While the rules governing international security are well established (if not always observed), those concerning the international economy are being developed as that economy becomes integrated. Those affecting internal politics and human rights are the most sensitive and difficult to guarantee.

Generally speaking, these norms support the ideals of the core democracies and reflect the progress of those societies no less than does their enrichment. The United States therefore has an interest in sharing with its partners the responsibilities and sacrifices not only of abiding by the norms but also of enforcing them against rogue states and of helping peoples whose states fail.

Growing Western Dependence on Petroleum Imports



Source: British Petroleum, *BP Statistical Review of World Energy*, 1997

States in transition are still ambivalent about these norms. In their ideological days, Russians and Chinese saw some of the norms as serving Western, and thus adversary, interests. The United States has a stake in gaining acceptance of the norms by transition states, as part of the wider process of reform and integration. This is, of course, especially critical for the large transition states--China, Russia, and India--which are less likely to challenge U.S. interests as they come to accept as their own the principles that currently guide the core nations.

Rogue states reject many of these norms, in deed if not in word. Iran's support of terrorism, North Korea's illicit quest for chemical and biological weapons, and Iraq's assaults on its Kurdish and Shiite minorities, for example, place these states outside not only the core but also the broader international community. If they are allowed to operate with impunity, the norms could be

generally eroded.

When states fail, norms are often trampled, as has happened repeatedly in sub-Saharan Africa. The United States, its partners, and others may choose to provide relief and protection of human beings in such circumstances. Such responsibility cannot be accepted lightly, since it can lead to the use of U.S. forces in circumstances, hostile or not, where vital U.S. interests are not at risk. At a minimum, the leading democracies must appreciate that any tolerance of genocide--which they have all sworn is intolerable--will affect the core's integrity and credibility, however difficult it may be to stop.

U.S. norms and U.S. interests are linked. Whether using its forces in war, in operations short of war, or in shaping the perceptions and behavior of others in peacetime, the United States is most effective when guided by a combination of interest and principle. The use of deadly force to uphold these norms is rarely required, though in peacekeeping and other operations short of war the United States might have to take up arms to reinforce the norms.

Where the United States perceives that it *must* use force because vital interests are at risk, it must preserve the option to do so unilaterally, if need be, and therefore should maintain the independent capacity to do so. But where the United States might *choose* to engage its forces--such as enforcing norms despite the absence of a direct threat to national interests--it will want, perhaps even need, to do so multilaterally and therefore should concentrate on building a coalition military capacity to do so.

Arms control has figured importantly in U.S. national security policy at least since the early days of the nuclear age and the Cold War. Although arms control has been used to promote international political understanding, its success has commonly flowed *from* rapprochement rather than produced it, as evidenced by the waning years of East-West confrontation. Still, arms control can help diminish military threats and build confidence, thus improving the security environment, as the recent START II and chemical weapons treaties are intended to do. But it is only prudent to admit that arms control has not stopped those determined to acquire WMD from doing so. While the United States remains a champion of the norms and pursuit of arms control, it remains to be seen whether major agreements like those that accompanied the end of the Cold War will play a role in the new security environment.

Conditions and Trends

Core States

For much of the 20th century, Western Europe and Northeast Asia were two of the world's most explosive regions. They are now among the most prosperous, stable, and secure. With important exceptions--Korea and Taiwan--the core is generally free from the threat of territorial aggression and from the enmity of a competing bloc. Moreover, nearly a decade after the disappearance of the Soviet threat, and despite the fierce economic competition of their firms for world markets, the United States and the other leading economic powers continue to be friends and to collaborate on shared interests. This unity is encouraged, though not guaranteed, by the merging of the economies of the leading democracies, resulting from growing trade and investment, the free flow of ideas, and the integration of financial markets. It is reinforced by a commonality of values and norms that has been unaffected by the end of the Cold War.

At the same time, there is an understandable tendency on the part of the leading partners of the United States to exercise increasing independence in world and regional affairs, owing to their economic success and the absence of a mortal threat that only the United States can counter. This tendency is accentuated in Europe by significant, if at times halting, progress toward EU-based security collaboration to accompany economic union. In Eastern Asia, Japan and its neighbors are approaching the matter of greater Japanese security responsibilities more cautiously. In general, the United States is searching for a balance between asserting its political leadership in its partners' regions and shifting more of the burden and, necessarily, more independence in their direction. Those partners, in turn, welcome greater independence while wanting the United States to stay in their regions and displaying ambivalence about accepting more responsibility. The U.S. force posture in Europe and Eastern Asia will both affect and be affected by its new relationships with old friends.



The experience of NATO in Bosnia points toward a general solution emerging in Europe: Europeans will take on more responsibility to respond to security dangers, albeit within their alliance with the United States and with significant U.S. involvement. In Eastern Asia, the keystone remains the U.S.-Japanese security relationship, which is being reoriented from protection of Japan to bolstering broader regional security.

The expansion of the core is as important as the recasting of ties among its charter members. As noted earlier, a group of nations--from Europe's new democracies to the democratizing states of Latin America and Eastern Asia--has progressed and integrated to the point it is essentially part of the core, politically and economically. In some cases (e.g., Poland, Hungary, and the Czech Republic), the nations are becoming formal allies; in other cases, South Korea (already an ally) and Taiwan, they play significant roles in the global economy.

The emergence of these new partners is fundamentally reshaping the security environment by enlarging the expanse of interests the United States might feel compelled to defend, and also by propagating outward from the core the conditions of prosperity, stability, and legitimate government undergirding peace. While external threats to the core are not on the order of the old Soviet threat to the West, a de facto security perimeter is pressing beyond the Cold War frontier--with potentially new demands on U.S. military capabilities. At the same time, an ever-growing circle of societies and states is living and acting in ways that engender international security. What remains to be seen is whether this circle is also willing to share in the responsibility for preserving international security commensurate with its success.

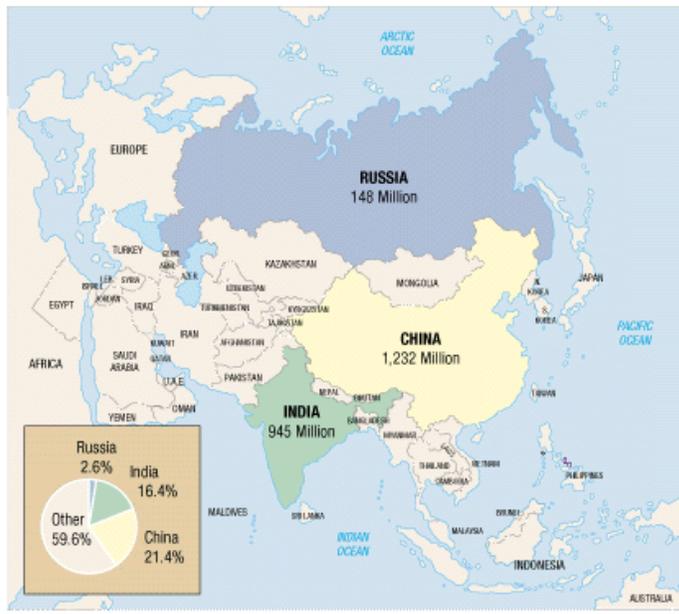
Transition States

Globalization of production, markets, capital, know-how, and reform might or might not reach all parts of the globe over the next 20 years or so. The forces behind these phenomena are mainly private and not managed, propelled, nor even fully understood by states--not even the U.S. Government. This process has considerable momentum in regions adjacent to the established core: Eastern Europe, Latin America, and Southeast Asia. But it would be an error simply to extrapolate this trend, at the same rapid pace, throughout all of Eurasia, including China, Russia, and India.

China is the most important transition state, by virtue of its size, aspirations, untapped human potential, prosperous expatriate community (some 150 million strong), and location in the world's most vibrant region. The overarching goals of the Chinese leadership are political stability and economic progress. These goals explain their commitment to aggressive economic reform, their drive to integrate China into the world economy as its largest source of labor-intensive production, and even their grudging acceptance of the need for (gradual) political reform--democracy "within 50 years," in the words of Jiang Zemin. But China's growing power and resolve to reunify Taiwan with the mainland will increase the likelihood of friction, or outright conflict, with the United States, especially if the Chinese become convinced that the aim of U.S. regional presence and global strategy is to block China's rise. Moreover, the gradual growth of Chinese power-projection capabilities will unsettle regional security and demand U.S. attention, even if no hostile Chinese intentions are evident.

India, already democratic, has recently begun to institute economic reforms and to invite foreign direct investment. Having been friendly with but not dependent on the Soviet Union, India has not suffered with the end of the Cold War. On the contrary, India's advantages over Pakistan are growing, and Indian hegemony in South Asia has become realistic if not a reality. Sino-Indian relations are currently quiescent, which serves China's interest in focusing its attention on national unification with Hong Kong and Taiwan. But the growing economic and strategic power of India and China--neighbors with old feuds, as well as nuclear weapons--could be a source of serious future instability that the United States will find hard to ignore but just as hard to influence.

Large Transition States (by state and percentage of world population)



Russia's transition has been as difficult as could be expected for a people who have never known economic or political freedom. Whether Russia can follow the path cut by Poland and other former Soviet satellites is clouded by the dangers of self-isolation, organized crime, corruption, and disintegration, as well as the seductiveness of authoritarianism. Russia is unlikely to emerge as a major threat to the core: the free-fall of industrial production, the lack of domestic investment, inhospitable conditions for value-added enterprise, and the country's deteriorating human capital point toward a continued contraction, not a rebound, of Russian power. Apart from the danger Russia could present to its weaker neighbors in the "near abroad"--themselves at best nations in transition--the greatest problem for the United States and its partners is that Russia could become a source of dangerous technologies for rogues. The trends are worrisome: arms and dangerous technologies are among the few Russian-made products that others will buy--especially rogues who often have nowhere else to shop.

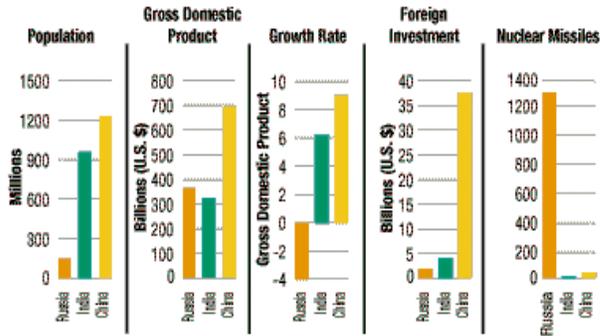
A number of other states are especially important because of their geographical proximity to the core: Ukraine, the Baltics, the Balkans, states of North Africa, and much of Latin America. The key to their future lies in their relationship with the advanced democracies--investment, trade, and technology transfer--and their own determination to get through the often-painful process of reform. While the outlook for this class of states is generally bright, the failure of even a few to complete the transition--Algeria and Turkey, for example--could cause such transnational problems as migration and drugs for the core.

Rogue States

The information revolution and the integration of the world economy could, in time, sweep over most rogue states. As their people learn what is happening outside and inside their countries, it is becoming difficult for all but the most brutal of these regimes to cling to power. North Korea's Stalinist regime may be near the end of the line, perhaps foreshadowing what is in store for others who resist the trend toward openness and integration. Iran, Iraq, and Cuba are suffering economically, though the regimes that rule them are clearly more resilient than the East European communists who were jettisoned by their subjects the moment Soviet protection was withdrawn.

Cuba illustrates the despot's dilemma: either reform, and risk losing economic and political control; or reject reform, and face a grim and potentially explosive future. Ideology is used to maintain power in Iran and could breed new radical rogues (hence the concern about Algeria). At the same time, the strongmen of Iraq, Syria, and Serbia have no genuine ideology and instead rely on ruthless politics, palace cliques, and the manipulation of information to remain in power. How long they can hang on is a crucial question. Even if economically weakened and politically isolated--or perhaps because they are weakened and isolated--they can be vicious, desperate, and reckless. While their ranks might shrink, a few very dangerous outlaw states could last indefinitely.

Key National Indicators



Source: Economist Intelligence Unit, 1996, and International Institute for Strategic Studies, *The Military Balance 1997-98*

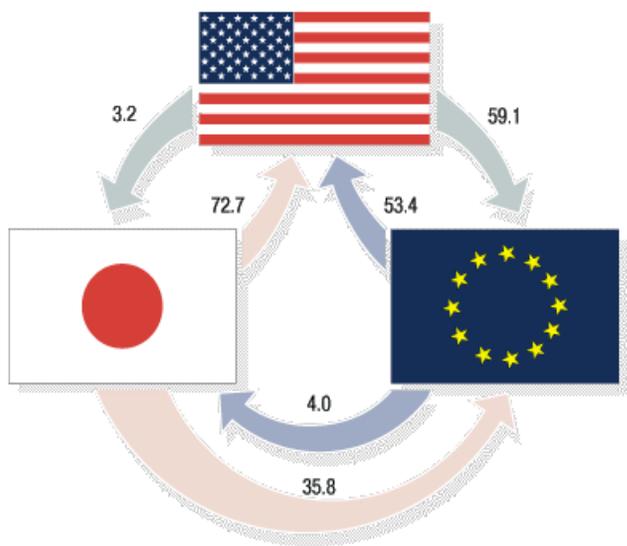
For this reason, the most disturbing trend in today's security environment is the growing access of embattled rogue states to technologies and weapons that could be used--perhaps in desperation--against their neighbors, the core, and possibly the United States. North Korean ballistic missiles and WMD pose an increased threat to South Korea, Japan, and American troops, even as many North Koreans near starvation. The danger posed by such states could be compounded as the core's economy and infrastructure become more integrated and interconnected, making them vulnerable to acts that shock markets, sever circuits, and disable nodes, whether physically or electronically.

The diffusion of technology is one of the defining trends in world economics, politics, and security at this turn of the century. For the most part, the spread of technology improves the global economy, enables less developed states to emerge, and benefits the United States and its partners. This is especially true of information technology, which has the added benefit of fostering the exchange of ideas and thus democracy. The risk is that rogues will acquire the tools and techniques that can disrupt the information networks of the U.S. and the global economy. In any case, as the core economy integrates and expands, it is hard and getting harder to restrict the diffusion of these technologies.

The most acute problem of technology diffusion is the growing availability of the knowledge and materials to make WMD, as well as delivery systems. Stemming the spread of nuclear weapons is both more crucial and more straightforward than limiting access to other WMD technology. Biological and chemical weapons are easier to assemble and might be considered less risky than nuclear weapons to possess and use. In general, nonproliferation conventions, while worth having, are porous, especially where determined rogue states are involved. The only prudent assumption is that rogues will acquire and threaten to use WMD as the surest perceived way of neutralizing and deterring superior U.S. might.

Flow of Investment: United States, European Union, and Japan (1990-93)

Billions (U.S. \$)



Source: Organization of Economic Cooperation and Development, *International Direct Investment Handbook*, 1996

Thus, the general trend is toward increased destructive power in the hands of fringe regimes that can strike asymmetrically at the powerful democracies they oppose. The pace set by the United States in inventing and applying new technology to strengthen international security will be fast. But the pace at which this technology spreads will also be fast, especially as the world economy integrates.

Not only rogue states but also rogue groups other than states can create havoc for international security by acquiring devices of mass destruction or terror and information "weapons." Nonstate terrorists and criminal organizations pose especially pernicious transnational threats because they cannot easily be held accountable to international norms. Unlike rogue states, they face no problem of domestic dissent--no pressure to reform. These threats could increase as information networks enable such groups to increase their reach and efficiency without becoming easier to find and extinguish. Thus, while rogue states are experiencing heightened challenges in the information age, abroad and at home, potentially destructive nonstate actors are on the rise.

Failing States

It is possible to imagine two widely divergent alternative futures concerning the number and impact of failed states--both consistent with present conditions. In the best case, only a handful of sub-Saharan states and none outside Africa will fail in the way that Somalia, Haiti, Bosnia, Cambodia, and others failed. This scenario requires the assumption that nearly all regimes and elites throughout Africa and elsewhere eschew corruption, adopt economic reforms, find a niche in the world economy, and, with the help of the core democracies, invest in their human capital and infrastructure. In the alternative scenario, most of Africa, along with some heavily populated nations elsewhere, could fail to take these steps and slip into the familiar pattern of crumbling infrastructure, declining living standards, anarchy, and tribal violence, which scares away potential investors and makes external aid futile.

Imagine the problems posed for the United States and its core partners if states the size of, say, Pakistan, Indonesia, and Nigeria, sank into chaos. Not only would the security and stability of their regions be threatened by chaos, but also severe transnational threats (e.g., drugs, criminal organizations, paramilitary forces, and migrations) could rise, persist, and menace the international system as a whole. The difference in the consequences of these two scenarios for U.S. and global security underscores the importance of inducing as many states as possible to embark on the reforms and integration that could save them from failure.

Well short of the worst-case scenario, the failure of states can have significant implications regarding the demands U.S. forces might be called upon to meet. An increase in large-scale humanitarian crises, especially involving genocide, would leave the United States and its partners--especially its European allies--little choice but to organize coalition capabilities to intervene on the side of humanity and order. Because such demands are most likely to appear beyond the pale of vital U.S. interests, public support cannot be assured, though it could be more easily marshaled if U.S. partners were prepared to take their share of the responsibility.

Core State Technology Expenditure versus Combined GNP of All African Nations

Billions (U.S. \$)

| | |
|--|-----|
| Core Research and Development Expenditure 1995 | 387 |
| Combined GNP of African Nations | 380 |

Source: Organization of Economic Cooperation and Development, 1996

Whether in defusing tribal war or battling 21st century pirates, U.S. forces could be involved in demanding and dangerous operations, even if not "war" in the classical sense. This prospect must be taken into account in designing, building, and managing those forces for the near and long term.

Potential Futures

The new security environment is far too fluid to believe that the future can be predicted by extrapolating trends or calculating point outcomes based on a Newtonian interaction of international forces. At best, an entire "space" of possible futures can be imagined in which to doublecheck whether U.S. capabilities and policies can cope with such conditions. With this in mind, it is illuminating to bracket the range of plausible futures.

In the best case, the core economy would continue its steady integration and growth. America's partners would accept increased international responsibilities. Enlargement would not slow but instead gain speed, extending from Southeast Asia into South Asia, from Eastern Europe into the former Soviet Union, and from Europe into the Middle East. China's growing economic and military power would be used responsibly and thus contribute to Asian stability and global security, as China comes to value its stake in the core and acts increasingly as a partner. Instead of failing, African states would embark on reform and economic growth, finding a place in the world economy. Technologies would continue to spread throughout that integrated economy, but the number of rogue and revisionist states that might misuse these technologies would decline sharply. The expansion of the core and wide sharing of responsibility for international security would present a near-global united front against transnational terrorists and criminals. Norms would prevail, so widely accepted that they rarely would need to be enforced, but with the strengthened core able to enforce them if need be.

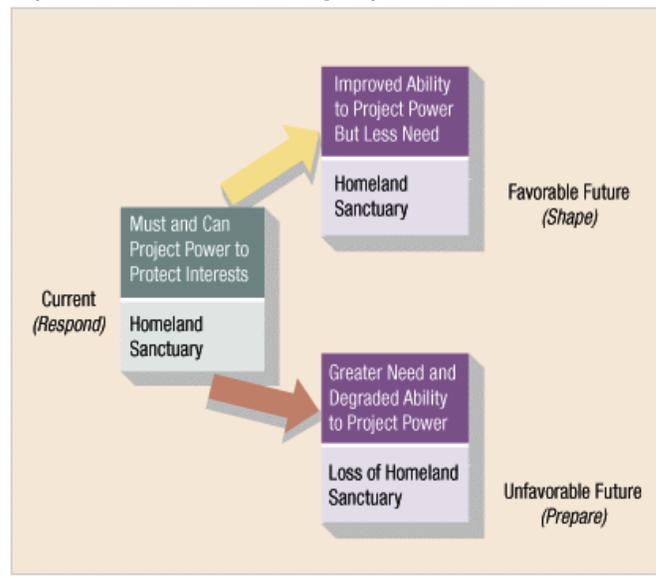
In the worst case--at least a very bad one--the expansion of the democratic core might stall. Rivalry and dissension among the United States, the European Union, and Japan could fracture their security alliances and sap their shared prosperity. Emerging nations and new democracies, including the large transition states, might lapse into stagnation, authoritarianism, and ethnic conflict. Lacking the support of its erstwhile partners, the United States would be less able to dissuade China from becoming a hostile, revisionist power, dominating or at least destabilizing Asia. China's enormous energy needs could lead to close ties with Iran and other rogue states, in turn giving them a new lease on life, access to dangerous technology, and greater ability to threaten U.S. interests.

A desperate Russia, its reform having stalled, might participate in this unfriendly constellation via the sale of its WMD technologies. Hope would be lost for the transition of scores of other states, and a growing number of failing states would produce human suffering on a biblical scale, with the democracies too preoccupied and too divided to respond. In the absence of international cooperation, predatory nonstate actors could proliferate, with access to weapons of mass destruction and information warfare and incentives to use these technologies to challenge U.S. interests and neutralize U.S. forces. All three classes of norms, described earlier, would be unenforceable and collapse.

In both cases, the United States possesses unmatched technological, military, and political power. But in the best case, the world's other powers are friends that share responsibilities, whereas in the worst case, the United States is nominally "superior" but beleaguered. In both cases the United States has and needs the ability to project power to protect its global interests. But in the best case its interests are secure and its ability to protect them is great, whereas in the worst case its interests are insecure and its ability to protect them is degraded. In the best case the U.S. homeland is essentially a sanctuary from international violence; in the worst case, it is a target.

This exercise in best and worst scenario spinning illustrates that the gap between polar but plausible outcomes is vast--and the implications for U.S. interests profound. It underscores the importance of an active, skillful engagement of U.S. power, including military forces, whether in influencing the security environment or in response to emergencies.

Implications for Basic U.S. Military Requirements



U.S. Military Power

The complex interplay of U.S. interests and norms on one hand, and international conditions and trends on the other, as presented in this chapter, will determine the choice, use, and role of U.S. forces. *Strategic Assessment 1998* examines how U.S. military power, as prescribed by the recent *Quadrennial Defense Review (QDR)*, can:

Shape an even more favorable international security environment

Respond to operational demands in today's world

Prepare for whatever the future holds.

In this volume, the timeframe for the *shape* and *respond* perspectives is 10 years (to 2008), and for the *prepare* perspective, 20 years (to 2018).

Shaping the international security environment means, quite simply, advancing and safeguarding U.S. interests without having to fight--the essence of successful national security strategy. While the strategy also includes crucial foreign and international economic policies, which are not elaborated, U.S. forces and other defense resources play a key role. In addition to being used in military contingencies, they

can help:

Deter potential aggressors and encourage all states to resolve their differences peacefully

Promote a climate of international confidence, trust, and cooperation

Improve coalitions by encouraging U.S. partners to accept greater responsibility for international security

Limit the threat from hostile and potentially hostile states

Promote political and military reform among transition states.

Chapters two through eight examine how U.S. forces and other defense resources can achieve such results across regions. They will spell out U.S. interests, regional trends bearing on those interests, and regional defense postures that can shape those trends. These chapters will confront the challenge of how to take advantage of U.S. military capacity to influence world politics in a positive direction without appearing hegemonic in goals or methods.

The ability to *respond to operational military contingencies* is the sine qua non of U.S. defense policy. Even successful shaping strategies will not eliminate the need to be prepared to use U.S. forces in large conflicts or, more likely, small-scale operations. In turn, shortcomings in operational capabilities not only pose risks to U.S. interests and forces, but also devalue those forces in shaping the attitudes and behavior of partners, transition states, and adversaries. The U.S. stake in the world in the new era imposes a wide range of possible operational demands, in contrast to the Cold War, when containing Soviet power was the overriding interest and defined a relatively straightforward (though by no means easy) test for determining the requirements for U.S. forces. The new era imposes not only a wide range of demands but also a broad band of uncertainty which surrounds each possible demand. Gone are the days when it was acceptable to plan on one or two war scenarios: U.S. forces must be adequate for many contingencies, and contingencies within contingencies.

As the interests described earlier suggest, U.S. forces might have to respond to wars in the conventional sense, to other contingencies, to adversaries using unconventional and asymmetric threats, and to unconventional adversaries. Chapters nine, ten, and eleven explore how the U.S. military would cope with such a welter of military demands. Chapter nine analyzes U.S. strategy for the use of deadly force in "major theater wars"; chapter ten examines the demands of peace operations and other "small-scale contingencies"; chapter eleven anticipates how adversaries might attempt to outflank U.S. military superiority and how, in turn, the United States should respond. Chapter twelve considers U.S. nuclear posture and policy in the new era, and chapter thirteen analyzes threats from non-state actors and how they can be countered.

Chapters fourteen, fifteen, and sixteen explore how trends or shifts in strategic conditions could affect the requirements for and nature of U.S. military power to the year 2018. *Preparing for the dangers and demands of the more distant future* is not something that can wait. The forces chosen today will be in use well into the 21st century, so they must be designed for the future insofar as its contours can be grasped. Since that grasp is unavoidably a weak one--the flux and uncertainty of today make precise forecasting of the future little more than a lottery--the forces built for today and planned for tomorrow should be adaptable by design, at least to reduce the cost and potentially dangerous delay in order to make them suitable for different conditions. Chapter seventeen summarizes the key ideas of the volume regarding the roles U.S. forces play in protecting America's stake in the world.

The recent reviews conducted by the Department of Defense and the National Defense Panel are meant to be the beginning, not the end, of a journey to transform U.S. military capabilities for the next century. In that context, *Strategic Assessment 1998* is intended to inform the debate and add to the knowledge that will guide us on that journey.

Refugees on the move

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CHAPTER TWO

Instruments for Shaping

Upheavals of the late 20th century--the information revolution and the related collapse of communism--have released forces of change that have benefited the United States. Now, capitalizing on its economic and technological resurgence, its open political system, and its military strength, the United States can influence further change in a direction fruitful for itself and for others that embrace political and economic freedom. When required to use military power, the United States must do so effectively and judiciously. The Armed Forces, when engaged abroad in peacetime, can exert a positive influence on other states and thus on the international security environment.

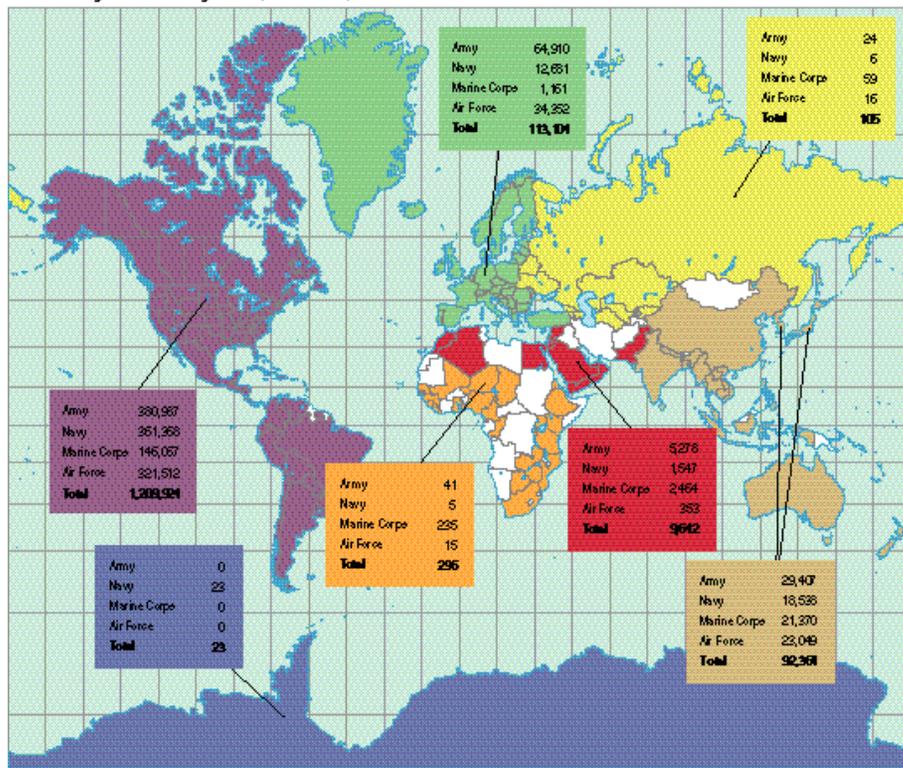
Flexible Power

While conditions and trends are currently favorable to the United States, uncertainties abound in the international environment. Will the allies of the United States become true partners or instead free riders? Will the large transition states complete their reforms and integration, or will China turn hostile and Russia begin to unravel? Will rogue states be swept away by forces of political and economic freedom, or will they become more dangerous because of their access to the technology spreading through the global economy? Will the number and severity of failing states diminish or grow, as states are either drawn into or left out of the global economy?

The answers are of course profoundly important for U.S. interests, including the goal of an expansive, secure, responsible commonwealth of free-enterprise democracies. If the answers turn out well, the goal is achievable. If they turn out badly, the international security environment will be significantly worse than today's. So the stakes are very high for the United States to use its strong position to shape the environment--not only the perception and behavior of rogues but of core partners and transition states as well.

The *shaping* and *responding* (e.g., operational) functions of forces must be in harmony. Peacetime deployments must support U.S. plans for reacting to contingencies. If as well the United States is purposeful in tailoring those deployments to improve the international security environment, it is less likely to be faced with the need to use force yet more likely to succeed if it must. For instance, had all U.S. forces been removed from Europe after the collapse of the Soviet Union, NATO's successful peacekeeping in Bosnia might have been precluded and war might today rage throughout southeastern Europe. To avert future Bosnias, the United States must continue to adapt its military engagement in Europe to the changing political landscape there and to NATO's changing purposes.

U.S. Military Personnel by Area (June 1997)



Note: Excludes the temporary deployment of U.S. military personnel in the Persian Gulf and other regions of the world.
Source: Department of Defense

During the Cold War, the functions of U.S. forces in *shaping* and *responding* were inseparable, though simpler concepts--deterrence and defense--sufficed in those simpler, static times. The forward defense posture that was then maintained to reassure allies, increase American influence, and give the Kremlin pause, was also right, if deterrence failed, to mount a defense against Soviet aggression. The United States placed large forces at contested points along the East-West frontier (the inter-German and inter-Korean borders, the Mediterranean, Southeast Asia, and the Indian Ocean) where the danger was greatest. Because the United States could not project enough power fast enough to thwart Soviet power wherever it was massed, deterrence came from the combination of forward presence and, if that were breached, the threat of nuclear weapons.

In contrast, the United States now has superior conventional military means over every foreseeable adversary. It can project sufficient power worldwide to protect its interests. In a fluid age, with the United States increasingly integrated into the global economy, such reach and flexibility are indispensable. The United States cannot predict who will be tomorrow's adversaries, which of its far-flung interests might need protection, and thus where it may need to dispatch its forces. It lacks the sharply drawn defense perimeter it had when East confronted West. Today's core already extends beyond the free world of Cold War years and is still expanding.

Southeast Asia is a good illustration of the demands of the new era. Whether that region was of vital interest during the Cold War became a source of bitter national debate. Today, despite their current financial woes, Singapore, Malaysia, Thailand, Indonesia, and the Philippines are considered important parts of the world economy; their surrounding waters increasingly are essential trade routes. Would the United States use force to defend these countries or waters? Perhaps. Does it need the capability to protect its interests if threatened in this emerging region? Yes. Yet neither regional politics nor the U.S. defense budget permits permanent basing in that region of the forces that might one day be called on to respond to contingencies there. Nor, thanks to the U.S. ability to project power, is it militarily critical to keep forces there. Of course, reliance on flexibility must be, and is, accompanied by U.S. intelligence capabilities that can detect potential crises, keep threats under surveillance, and discern subtle trends.

Generally speaking--there are important exceptions--the *military* logic of stationing fixed forward forces is less compelling in the late 1990s than in the past and could become even less so tomorrow. Today's uncertainty about the location of threats grows sharply as one peers into the future. In response, U.S. forces are built for rapid deployment. New technologies and joint warfare doctrine permit U.S. forces to pack, or call in, greater punch per unit. As these forces are made more lethal, they become leaner and still more mobile, reducing the purely military necessity for U.S. dependence on large-scale forward presence.

From Presence to Engagement

While global economics has replaced global confrontation as the justification for a robust international role for the United States, the need remains as great as ever. The engagement of U.S. forces abroad is part and parcel of that role. As the world watches for signs that the United States may drift toward isolationism, as it did between the two world wars, peacetime deployment of its military forces is read as a litmus test of its intentions. The involvement of U.S. forces in key regions--Europe, Eastern Asia, and the greater Middle East--is essential to preserving U.S. influence with its core partners, having a voice in regional institutions, and maintaining power balances. The end of U.S. military engagement could trigger competition for power in Eastern Asia, coercion of oil-producing states by regional bullies in the Middle East, and unraveling of European cohesion. Fortunately, the prevailing view in the United States is that international retreat would be imprudent and that any shifts in where and how U.S. forces are engaged should be incremental.

But the desire for continuity cannot obscure the need for change. The primary rationale for U.S. military engagement abroad is shifting--the defense of South Korea being the main exception--from protecting allies against invasion to building new partnerships within the core and encouraging transition countries to join it. This rationale justifies large permanent concentrations of U.S. forces in Western Europe and Northeast Asia, where the United States has its strongest friends (NATO and Japan) and can engage the biggest transition states (Russia and China), even though these regions are not the most threatened. In the greater Middle East, where the most severe threats exist, the United States can operate smaller forces, thanks to its ability to project power. Thus, there is by design a generally looser fit in U.S. plans for responding to military contingencies and the location of a permanent U.S. presence overseas.

Although U.S. troops no longer need to defend Western Europe, where more than 100,000 remain based, they can stage from there to defend any of Eastern Europe's new democracies, protect the vital oil supplies of the Persian Gulf, or restore peace in the southern Balkans, areas where no large U.S. forces are permanently based. Of course, if it had to do so, the United States could respond to most plausible military contingencies in and around Europe with forces dispatched from U.S. soil. But such forces could not foster cooperation with NATO allies, interact with transition states, and avert future Bosnias. Staging from Europe increases the likelihood that U.S. troops would have the forces of its European partners alongside, operating in a well-prepared coalition.

Similarly, although the direct threat to Japan has faded, U.S. forces stationed there play a wide role in regional security, both because they can stage from there and because they can work with their Japanese counterparts. The case for maintaining U.S. forces in Japan is therefore based on the need not only to anchor an enduring core relationship but also to respond to potential military contingencies in the region with the support of this key partner.

With the end of the Cold War, the purpose and function of U.S. forces abroad have moved *beyond deterrence* to *shaping a world in flux*, with deterrence but one aspect of a more dynamic strategy. Stationary presence, implying fixed forces facing a predictable threat along immutable lines, is no longer a sufficient concept. To *shape*, U.S. forces need to *engage*. A world too fluid for future military contingencies to be pinpointed is also fluid enough to offer the United States opportunities to affect international politics. With the core of free-market democracies expanding, once-threatened allies becoming capable partners, and over half the world, including China, India, and Russia, in transition, the engagement of U.S. forces includes permanent overseas stationing but increasingly depends on how those forces operate.

Shape and Respond

A key challenge of the late 1990s is to harmonize the crisis-response and environment-shaping functions of U.S. forces. Sizable forces should in any case be deployed internationally for operational reasons; no military logic would confine them to U.S. territory while they are welcome elsewhere. Even with advances in mobility and lethality, U.S. forces staging from Europe, East Asia, or elsewhere can intervene more quickly than U.S.-based forces in nearby contingencies, thus strengthening deterrence. Logistics and C⁴ISR infrastructures must also be widely distributed to enable U.S. combat forces to respond to crises worldwide. Consequently, the United States can maintain and even improve its ability to shape the international security environment in a manner consistent with its military operational requirements, without relying exclusively on fixed stationing



USS Nimitz, Persian Gulf

If stationary defense no longer represents the essence of U.S. military power, as it did during the Cold War, what does? The ability of the United States to project robust joint forces virtually anywhere and to maneuver and strike decisively, with the benefit of information dominance, is now the defining U.S. capability. It is backed up by an able national defense establishment, characterized by strong civilian authority, responsive military professionalism, efficient allocation of resources, and effective personnel policies. Combined, these essential operational and institutional capabilities can, if skillfully stressed, play a central role in U.S. strategy to shape the international security environment.

To understand how these U.S. capabilities can shape that environment, the place to begin is by analyzing the environment, globally and regionally and how U.S. military power can affect it. The forces of the United States currently stationed overseas reflect where its vital interests are clearest, its troops most welcome, and its most capable coalition partners located, but not necessarily where the most acute dangers are, apart from Korea. In contrast, U.S. forces are not stationed in two unstable and potentially dangerous regions--the former Soviet Union and Africa--where they would not be especially welcome and where the U.S. people would not be keen to have them based. Finally, in what is now the most insecure region of all, the greater Middle East, the United States maintains some forces but only a fraction of those it might use in a major crisis there. This is not to suggest that there ought to be some grand realignment of U.S. peacetime military presence and activities; the current overall pattern remains the right one. But it does suggest a need to refine U.S. environment-shaping strategies for key regions.



Russian bomber destruction

General Framework Goals

Overall, international change has favored and should continue to favor U.S. interests and ideals. Therefore, the United States should not assume the classic stance of a status-quo power. Nor should its goal be to defend "unipolarity," since doing so could cast the United States in the futile role of trying to stymie the rise of other powers, such as China. Indeed, if U.S. efforts to shape the world with its power are seen as heavy handed or hegemonic, the backlash would not only frustrate those efforts but also damage the standing of the United States despite its power.

Rather, the United States should use its opportunity and means to help build a prosperous, secure, and responsible commonwealth of nations, committed to political and economic freedom, encompassing most of the planet. As suggested in chapter one, the U.S. stake in the world can be described as four key interests:

- The vitality and security of the democratic, free-market *core*
- The integration of *transition* states into that core
- The defeat or marginalization of *rogue* states and groups that threaten the core's interests and values
- Limiting the damage from *failing* states.

The U.S. stake also includes norms of responsible state behavior that reinforce these interests and represent what this Nation stands for--norms that are shared by U.S. partners, offered to the transition states, rejected by rogue states, and the basis of multilateral action to help peoples whose states fail.

These global interests are evident in the objectives of U.S. environment-shaping strategies in the world's regions:

Dismantling Russian missile



*In Europe, the goal is to draw U.S. friends--some still in transition--into a new partnership, based on a recast Atlantic alliance, in order to consolidate security in Europe and project security elsewhere.

*In the greater Middle East (including Southwest Asia), it is to avert conflict in a region fraught with instability, rogues, terrorist networks, weapons of mass destruction (WMD), and dangers to the oil supplies on which the world economy depends.

*In East Asia, it is to defuse the remaining Cold War confrontation in Korea, build a new partnership with Japan, and encourage the transformation, integration, and responsible behavior of a more powerful China.

*In the former Soviet Union, it is to foster reform and integration of the new independent states, while protecting against the potentially dangerous consequences of a failure of transition in Russia.

*In the Western Hemisphere, it is to bring the region firmly into the core and, more broadly, to strengthen reform by engaging Latin American military establishments in a partnership of increasingly shared interests within and beyond the region. Reducing the threat from nonstate actors is a major concern for all the states in the hemisphere.

*In Africa, it is to work with core partners and responsible African states to prevent state failure, promote reform and transition where possible, and enhance multilateral means to come to the aid of human beings when such failures occur.

Ways

The United States can advance its interests and norms in many ways. For example, promoting free trade can improve the health of the core, avoid rivalry among the three great economic powers, draw in emerging nations, including China and India, and help ease the abject poverty that can cause states to fail. Similarly, peacetime international engagement of U.S. military forces, as part of a larger strategy, can affect attitudes,

conditions, and trends in many ways. Here are some examples:

*Iran, Iraq, Libya, and other rogues might find it easy to coerce their neighbors, especially moderate Arab states, were it not for the awareness that the United States will not stand for it. The demonstration of U.S. military power in the greater Middle East heightens that awareness, thereby encouraging would-be victims to resist coercion while causing rogues to contemplate the risks of their recklessness.

*The ability of the United States to chart new directions for its alliances in Europe and Northeast Asia depends on an active role for U.S. forces in planning, exercises, and operations side-by-side with its partners' forces. That involvement can help induce partners to accept greater international security duties in ways that complement U.S. responsibilities.

*Intraregional initiatives, like the European Union (EU), the Gulf Cooperation Council (GCC), and the ASEAN Regional Forum (ARF), will develop with both confidence and an interest in cooperating with the United States, if its force posture conveys that U.S. engagement in regional security is neither less nor more than what the countries of those regions want.

*Proliferation of nuclear, biological, and chemical (NBC) weapons would accelerate if every nation that perceived a threat from these weapons were to acquire them in order to fend for itself. By giving confidence to friends and allies, through the engagement of its conventional and, where relevant, nuclear forces, the United States can slow the spread of weapons of mass destruction.

*Reform of the military establishments of former Warsaw Pact countries, a crucial element of the larger process of political transformation, can be facilitated by their peacetime exposure to the operational and institutional qualities of U.S. forces and military personnel.

Such examples suggest that U.S. forces can shape the international environment in five basic ways:

- Deterring conflict
- Promoting international confidence and cooperation
- Improving coalitions with partners
- Limiting the strategies and capabilities of real and potential adversaries
- Promoting defense reform.

Deterring Conflict

During the Cold War, avoiding conflict essentially meant deterring the Soviet Union and its proxies from trying to expand communism's dominion. Today, it still includes that sort of deterrence--convincing would-be aggressors that the risks of threatening U.S. interests outweigh possible gains--but it does not end there. It also means using U.S. power to dampen instabilities, cool tempers, win acceptance of norms against aggression, and discourage the violent settlement of disputes.

The formula for deterrence is not complicated. U.S. forces engaged abroad remind rogue states that aggressive behavior can produce a punishing U.S. response. Iraq, Libya, and Serbia have experienced it, and others surely have taken note. Although basing large U.S. forces everywhere conflict could occur is no longer feasible or necessary, they can be deployed in a way that permits the prompt arrival of enough force to convince a rogue that aggression would precipitate war with the United States. Designing forces for rapid deployment--lean, highly mobile, and able to summon heavy remote firepower--is essential to the new security environment.

Avoiding conflict with the large transition states faces the United States with a delicate and more complex challenge--and, given their size, a profoundly important one. The United States is attempting to persuade and help these states to complete their transformation. It does not wish them to perceive U.S. power as aimed at them. In the cases of China and Russia, the United States is careful not to suggest that its forces in Eastern Asia and Europe, respectively, threaten their national security or are part of a strategy of containment. This sensitivity largely explains why the United States does not intend to station significant forces on the soil of new members of NATO, close to Russia, as well as U.S. caution regarding intervention in Russia's "near abroad." It also explains U.S. assurances to Beijing that the United States and Japan are not aligned against China.

But the U.S. force posture should also convey a message to transition states that threatening, rather than joining, the core could lead to confrontation with stronger forces. The need to send this dual message argues for having U.S. forces interact with their Chinese and Russian counterparts, as they are working with Russian forces in NATO's Bosnia operations. The U.S. intent is cooperation, yet its forces' qualities will not escape the notice of their counterparts. Engagement can strengthen deterrence without being provocative, which is particularly important vis-à-vis China.



Promoting Cooperation

Bolstering confidence was not complicated during the Cold War: America's allies knew that any attempt to coerce or attack them would immediately involve the United States. Although this still holds for a few cases today--South Korea, Kuwait, Saudi Arabia--most U.S. partners no longer have reason to feel threatened by direct aggression. The awareness of available U.S. forces can help convince Japan, Germany, France, the United Kingdom, and other key friends that the United States remains steadfast in its interest in their security and in the stability of their regions. Such confidence helps the United States persuade those partners that they need not pursue other security arrangements, such as a European alliance based on the EU outside NATO.

Does instilling confidence still require the fixed stationing of large combat forces on the soil of secure allies? The United States has no such presence in the United Kingdom, Israel, or Canada, yet in British, Israeli, or Canadian minds the durability of their special relationships is unquestioned. Why does this not apply to Germany and Japan, where the largest concentrations of U.S. forces abroad are? Are these two countries still different today because of the damage they did to world security half a century ago? In a sense, yes--not because either is a shaky democracy or cannot be trusted, but because both are now major economic-political powers that, owing to the continuing role of the United States in their security, have eschewed nuclear weapons. Although the United States wants Germany and Japan to be viewed and treated as ordinary countries, each accepting a greater, fairer share of the responsibilities of international security, it does not wish to disturb a formula that works.

Confidence within the core today has less to do with territorial security than with the safety and smooth functioning of international markets, transportation links, energy grids, information networks, and other systems that make up the anatomy of the global economy. Because these systems are transnational, they are inherently vulnerable to threats from rogue states, modern "pirates," and sinister non-state actors. The argument in some circles that the United States has no business using its forces unless vital interests are at stake ignores the fact that any unraveling of the world economy from lost confidence could be devastating. Military capabilities alone cannot guarantee economic security; but international engagement of U.S. forces, supported by intelligence systems to detect dangers, discourages attacks and bolsters confidence.

The formula for imparting confidence to friends has included deployment of nuclear weapons in Europe--thousands of them during the Cold War, a few hundred now. Although these weapons were once considered crucial to deter attack by massive Soviet forces a stone's throw from West Germany, the question is whether they still are needed today, in radically different and more secure circumstances. The presence of U.S. nuclear weapons in Germany, under dual-key controls, satisfies nearly all Germans that their state does not need its own nuclear weapons. Yet the formerly prominent role of U.S. nuclear weapons around the world is greatly diminished. Chapter twelve addresses the future of U.S. nuclear weapons in shaping the security environment, given the proliferation of nuclear and also biological and chemical weapons.

Improving Coalitions

The United States has declined to be the world's sheriff. Its friends need to bear international security responsibilities commensurate with their wealth and their equity in the core's health, security, and norms. If they assume that the United States will support both their burdens and its own, they may not rise to the task. Yet if they lose confidence in the resolve or capacity of the United States, the effect may be much the same. This situation requires that the United States engage its partners in creating a new core security coalition, retaining their confidence while disabusing them of complacency.

Thus, the main justification for maintaining large U.S. forces in Europe and Japan has shifted from protecting allies to fostering defense partnerships. Even when the United States has vital interests at stake, as when Saddam Hussein invaded Kuwait and menaced Saudi Arabia, U.S. citizens expect allies who share those interests to sacrifice as well. This demand will grow if the spread of weapons of mass destruction threatens higher casualties. At some point, U.S. willingness to use force could hinge on the willingness and ability of its core partners to do so also.

It is not enough for coalition forces to satisfy the politics of equitable burden-sharing, they must also be militarily effective. U.S. forces in Europe, under the NATO flag, are critical to preparing with allied forces for effective combined defense of common interests, within or outside Europe. European skeptics wonder whether the U.S. interest in building a new military coalition means that the United States wants to provide the leadership, command and control, strike power, and mobility while its European allies provide the ground troops--and thus the casualties. Such a division of labor would be neither militarily nor politically sensible. Instead, the allies should improve the mobility, technology, and joint doctrine of their own land, air, and naval forces, so that they and U.S. forces might operate seamlessly.

The prospects for increased allied contributions to global security are best in Europe, although U.S. forces in Japan and Korea also can encourage improved, complementary allied capabilities. Without raising worries about Japan's independent offensive capabilities or overstepping its legal and political self-restraints, Japanese forces could contribute more to both regional security and peace operations within the U.S.-Japan security agreement.

As chapter eleven explains, adversaries may try to outmaneuver the United States by exploiting its vulnerabilities or changing the mode of conflict to de-emphasize their own deficiencies. U.S. forces can constrain such asymmetric threats by convincing adversaries that attempting to gain an edge is fruitless and risky. To take a key example (addressed in chapter twelve), rogues seeking weapons of mass destruction must be made to believe that, in any event, the United States can still project power while protecting its forces (such as with theater missile defense). The peacetime engagement of U.S. forces also can help convince at least "rational" rogues that using such weapons will bring devastating (possibly nuclear) retaliation. If the use of these weapons comes to be seen as prohibitively risky, rogues may be less inclined to acquire them.

Tailoring the U.S. force posture so it does not provoke unnecessarily a threat greater than might otherwise exist requires walking a fine line, especially with the large transition states. China, for example, needs to know that an attempt to unite Taiwan with the mainland by force would risk war with the United States. Yet were the U.S. force posture in East Asia to appear threatening to China, irrespective of Chinese behavior, the People's Liberation Army (PLA) might escalate investment in its power-projection capabilities and in strategic nuclear forces that could be targeted on U.S. territory. The end result could be a diminished U.S. ability to help Taiwan defend itself.

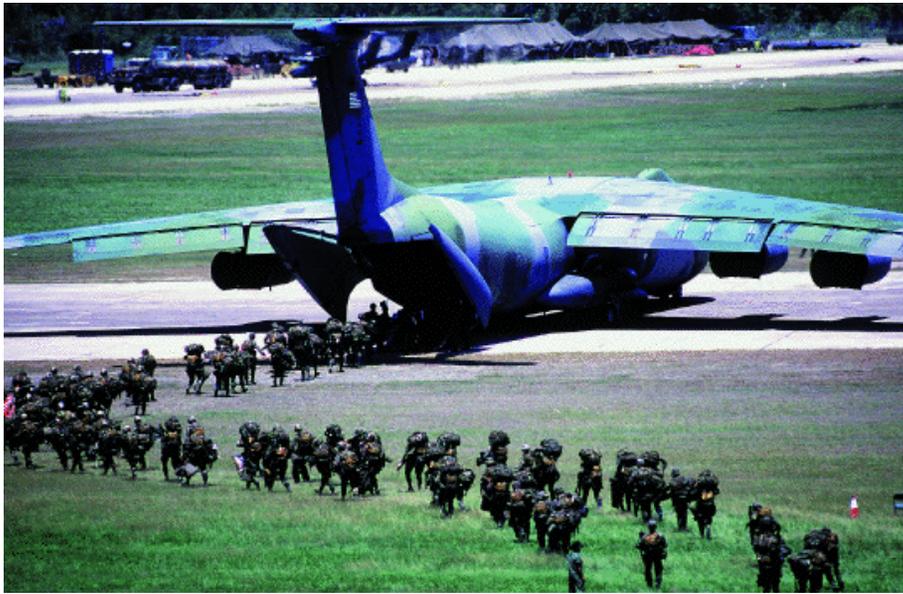
Similarly, although Russia now lacks the means to field conventional forces capable of threatening U.S. interests, were it to regard U.S. forces in Europe, Eastern Asia, and the greater Middle East as a threat to Russia, it might further increase its reliance on nuclear, and perhaps chemical and biological, weapons. The engagement of U.S. forces in peacetime inevitably sends a message to the large transition countries. Simply stated, the United States wants to make clear that its forces would be threatening only if these countries threaten U.S. interests, U.S. friends, or regional and global security.

Reforming Defense

Efforts to reform defense establishments have been a U.S. priority since the end of the Cold War, when the opportunity first appeared to help new democracies transform their economies and politics. Because in the old communist states the military establishments were entrenched, pampered, inbred, and bloated, reforming them, however crucial, has been frustratingly slow. While unreformed militaries can act as a brake on larger processes of transformation, reformed militaries are more likely to honor international norms and cooperate with counterparts in the core. The need for defense reform may be clearest among the former Warsaw Pact nations, yet reform is desirable among all formerly authoritarian states, whether in Latin America, East Asia, the Middle East, or Africa.

While reform has many facets, its *sine qua non* is civilian control of the military. Without that, democratization can be derailed by "old-guard" officers, to whom change is anathema. No other defense reforms can be implemented until civilian authorities have the confidence, clout, and information to set direction and ensure that it is followed. Once an officer corps is ready to answer to elected leaders, it can help implement other reforms: restructuring forces in line with legitimate national defense needs; improving quality by, if necessary, reducing the size of forces; instituting efficient and accountable management of resources; creating personnel systems that reward only merit; and staying out of politics altogether.

U.S. forces embody the professionalism, accountability, and efficiency other defense establishments can emulate to benefit their own countries, their neighbors, and the United States itself. The more deeply U.S. forces are engaged in helping stimulate and mold reform in the militaries of transition states, the more likely these states are to become capable coalition partners as their transition proceeds. Yet only a few transition states--mainly, the former Warsaw Pact members--admit to the need for reform. Others consider such "internal" matters to be off-limits to U.S. efforts. Paradoxically, the greater a nation's need to reform its military establishment and strengthen civilian control, the less forthcoming it may be in seeking help. In Latin America, for example, political leaders sometimes are not confident enough to demand reform, including U.S. help, if their militaries resist. The engagement of U.S. forces with their counterparts, sensitively and without condescension, can strengthen reform-minded military officers and political leaders, thus improving the climate for basic reform.



Means

With these as the purposes, how can U.S. forces--built and maintained to *respond* to both major theater wars (MTW) and smaller scale contingencies (SSC)--*shape* the international security environment? Where should they be deployed? How and with whom should they operate in peacetime? How can their capabilities be showcased both to impress and reassure, to appear threatening to some states but not to others? What mix of permanent basing, rotational deployment, maneuvers, and other training, coalition operations, distributed infrastructure, C⁴ISR networks, and personnel exchanges would serve U.S. purposes in shaping the environment, while also supporting its military strategy and plans for responding to actual contingencies?

To succeed over the long haul, strategies for shaping environment should emphasize key U.S. military strengths and reflect U.S. strategy for responding to operational demands. The goal is to remind others of essential U.S. qualities and that the United States can and will bring them to bear if need be. During the Cold War, the United States sought to demonstrate that Soviet aggression would automatically collide with U.S. power--conventional, and if necessary nuclear. Large, fixed forces posted along the East-West divide were central to this military and political strategy. In contrast, during the 19th century, Great Britain made certain that the rest of the world knew it had the means to control the seas, protect its empire, and intervene to ensure a balance of power on the European continent. British strategy depended on naval supremacy and crack expeditionary forces, not on a large-scale fixed presence in Europe or elsewhere. In both cases, success was achieved peacefully, because the capabilities to prevail if tested were known to exist. War-fighting and strategies for shaping the environment were integrated--as those of the United States in the post-Cold War era must be.

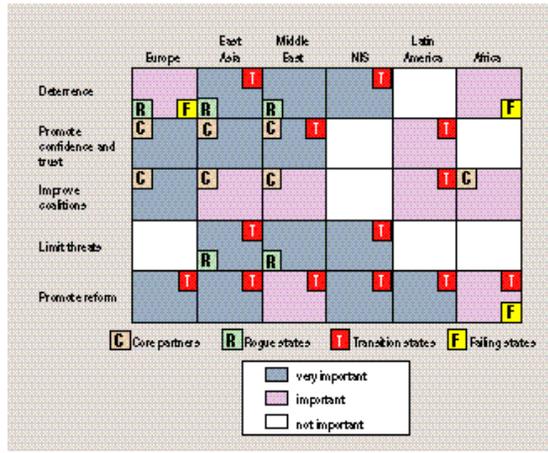
As mentioned earlier, the U.S. capability to *respond* to a full spectrum of operational military demands centers on several key features of combat power.

The ability of U.S. forces to maneuver into position and strike deep, with precision, often from platforms beyond enemy range, permits the projection of power into hostile battlefields. It multiplies the power of forces on the battlefield and enables U.S. units to overpower and destroy large units, leaving an enemy defenseless. Strike power depends on having an abundant arsenal of accurate weapons distributed among an array of delivery platforms and, of course, on having C⁴ISR to orchestrate their use.

Robust Forces

Although the United States does not maintain the world's largest military, its forces, when concentrated, are sufficiently imposing in size, quality, and readiness to achieve victory quickly. With technology added to this large force structure, U.S. strength is compounded. Given the complex demands on U.S. military personnel and the growing role of knowledge technologies, the quality of personnel, already a distinct edge, will be even more important in the future.

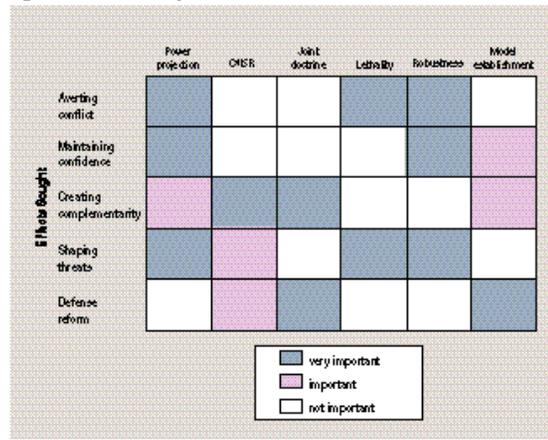
Figure 1: Different Shaping Effects for Different Regions



A Model Establishment

The reality as well as the image of U.S. military strength is bolstered by the effective management of the U.S. defense establishment. Other countries--core and transition--recognize the virtues of political accountability and of the transparency and efficiency with which the Department of Defense allocates resources and makes procurement decisions. They are impressed, too, by the professionalism of the U.S. military, its unquestionable subordination to civilian management, and its ability to recruit, motivate, and retain high-quality people. Because other states may wish to adopt such a model, these attributes of effective defense management, although not combat capabilities, have a role in U.S. strategy for shaping the international environment.

Figure 2: Different Aspects of U.S. Power



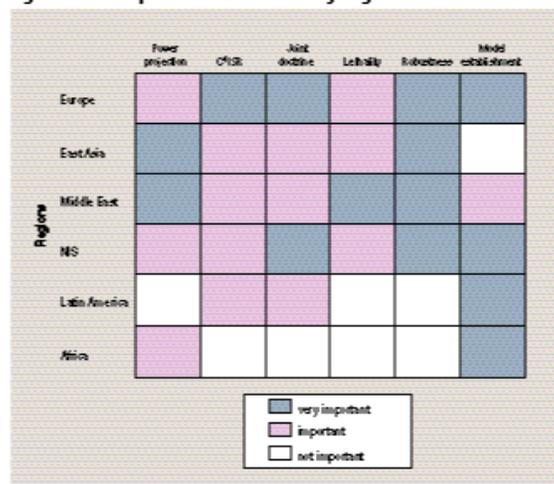
These defining aspects--five operational, one institutional--are relevant not only during wars and other military contingencies, but every day. When other states think about U.S. military power, these are the strengths the United States wants them to ponder. The current peacetime deployments of U.S. forces provide ample opportunities to engage and demonstrate these capabilities. Sizable forces are permanently stationed abroad, mainly in Europe and Northeast Asia. Other forces have been deployed to and may remain in crisis-prone regions, particularly the Persian Gulf and the Indian Ocean. Naval, air, and ground units routinely operate internationally to train, maintain readiness, and exercise with allied forces. The United States can share with other states and their armed forces the principles, methods, and systems that undergird sound defense management and military professionalism. Joint planning and military intelligence offer insights into how the United States sees the world and operates in it. Military-to-military contact, including exchanges and visits, can create personal rapport, understanding, and even lasting ties.

The next six chapters examine, region by region, U.S. interests, conditions, and trends bearing on those interests, and on the Nation's defense capabilities and activities that may advance and protect them without recourse to deadly force. Each regional strategy represents the nexus between U.S. foreign policy and military strategy. The goal is an overall strategy for shaping the international environment under American leadership that is as sound, coherent, and successful as that of Great Britain in the 19th century and of the United States in the second half of the 20th century.

Weaving the Strands

A strategy for shaping the security environment requires consideration of how several key aspects of U.S. power can be applied to produce desirable effects among *core*, *transition*, *rogue*, and *failing* states in each

Figure 3: U.S. Capabilities Accentuated by Region



region. Although the challenges involved are complex and cannot be reduced to simple display, the representations on this page and the following page illustrate how environment-shaping strategies can be constructed:

- Different effects are sought vis-à-vis different types of states (figure 1)
- Different aspects of U.S. power produce different effects (figure 2)
- Consequently, different aspects of U.S. power should be stressed in different regions (figure 3).

These notional strategies correspond well to the current patterns of U.S. overseas force deployments and related activities: the concentration of forces in Europe and East Asia; the need to stress robust power projection in the Middle East; and cooperative initiatives in the NIS, Latin America, and Africa. They indicate the importance of engaging U.S. forces and other defense resources in support of reform and transition which nations in every region have undertaken. Finally, they are careful not to flex U.S. military muscle where it is unnecessary and could be counterproductive, as in the NIS, Africa, and Latin America. Overall, these perspectives emphasize the importance of a dynamic approach in which the U.S. military interacts with core and transition states, thus providing the theme: *beyond presence, to engagement*.

The chapters that follow detail strategies by region and make the case for an interactive approach. The flux in post-Cold War international politics--especially the emergence of core partners and uncertainties surrounding the large transition states--suggests that this approach is imperative.

The Quadrennial Defense Review (QDR) on Shaping

"In addition to other instruments of national power, such as diplomacy and economic trade and investment, [U.S. forces] have an essential role to play in shaping the international security environment in ways that promote and protect U.S. interests. Our defense efforts help to promote regional stability, prevent or reduce conflicts and threats, and deter aggression and coercion on a day-to-day basis in many key regions of the world. To do so, the Defense Department employs a wide variety of means, including: forces permanently stationed abroad; forces rotationally deployed overseas; forces deployed temporarily for exercises, combined training; military-to-military interactions; and programs such as defense cooperation, security assistance, IMET [International Military Education and Training program], and international arms cooperation."

Credibility: Still Important, but a Different Calculus

The demonstrable ability to project superior forces must be accompanied by credibility. In the Cold War, the key to credibility was the physical presence of U.S. troops in the presumed paths of Soviet aggression. Now it depends more on when and how that military power is used than on where it is garrisoned--as the Gulf War, Bosnia peacekeeping mission, and Taiwan Strait crisis show. Cold War allies might have worried about whether the United States would be willing to risk a global nuclear war, unless U.S. forces were literally on the front line. Allies and adversaries today have less reason to doubt that the United States would send its forces against inferior enemies, provided its interests are important enough to warrant the expected casualties

Shaping Strategies for Space

The region of space has extensive economic, political, and military implications for U.S. national security. The principles that apply to the use of space include the following:

- Maintain the exploration and use of outer space by all country for peaceful purposes
- Reject any limits to the rights to acquire data from space
- Affirm that space systems are state property
- Assert that purposeful interference on the ability of any countries to access its space property is an infringement of sovereign rights
- Reject claims to space sovereignty by any state
- Affirm the unimpeded right of passage and operation in and through space.

Strategies for shaping the security environment in outer space include the following:

*Avert conflict. Global or virtual presence in space requires placing monitoring devices in space rather than on the ground, to provide a continuous, non-intrusive presence worldwide. This enhances the ability to easily and cost-efficiently monitor treaty compliance, troop and equipment movement, WMD development, testing, and deployment, while denying enemies the ability to achieve strategic surprise.

*Enhance confidence and cohesion within the core. The primary area of cooperation is the shared early warning of ballistic or theater missile launches. A secondary area includes the sharing of

imagery, weather data, and ensuring communications interoperability. By engaging with countries that have no space forces, the United States can cooperate and maintain a global presence despite the absence of terrestrial forces deployed. Agreements within the core of allies designed to permit the denial of space capabilities to future potential adversaries, coupled with the effective demonstration and application of space power, could go a long way in curbing international and regional adventurism.

*Create complementary military capabilities. Global partnership and cooperation are necessary for the future of space capability development through joint ventures between states and commercial entities. Promoting access to space among core partners ensures increased interoperability, further reducing demands on U.S. systems worldwide.

*Shape the strategies and capabilities of real and potential adversaries. The ability to monitor events in near real time provides a significant advantage over conventional means of monitoring. Promoting the expansion of commercial systems increases the economic dependence on space, limiting the ability of rogue states to deny the use of space to a single state by spreading responsibility for the security of everyone's space assets.

The region of space is integral to the core states' efforts to attain security and maintain military, civil, and economic interests. Protecting this asset is vital. While adversaries accelerate efforts to attain the capability to interrupt or destroy space systems, the United States can exert shaping forces on their strategies by ensuring that an increasing proportion of the world community is interdependent on space capabilities. This increases the safety and security of U.S. forces, thus enhancing national security interests.

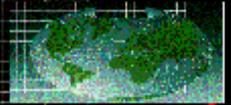
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER THREE

Asia



The health and security of the core of market democracies are inseparable from those of the Asia-Pacific region. Despite the present economic difficulties, early in the 21st century the center of global economic activity may shift to this region. Japan already is the world's second largest economy and a leading source of the investment capital and managerial expertise that sustain the global economy. Since the late 1980s, China's economy has grown at an average rate of 10 percent a year and may become the world's largest economy as well as its largest market. Strategically, the region's population, resources, and command of sealanes make close ties a vital core interest. The United States and Europe cannot sustain themselves without access to the Asia-Pacific region, just as the Asia-Pacific states cannot sustain themselves without access to the United States and Europe.

Most states in this region are undergoing transition. Although almost all accept the economic values of the core, some regional leaders continue to resist, in certain cases even reject, its democratic political values. Of all the transition states, China is the most significant, because it will eventually develop a degree of comprehensive national strength sufficient to challenge the values of the core, should it choose to do so. Present signs are encouraging, but there is no certainty that these transition states will embrace core values and norms.

As a leader in the Asia-Pacific region, the United States has a fundamental interest in shaping an environment in which the states of the region will be encouraged to complete their respective transitions and become firmly integrated into the core. If the United States and its partners fail to meet this challenge, or if the Asia-Pacific region becomes unstable, core interests will be damaged.



Marines in Okinawa

U.S. Interests

Japan as Equal Partner

The health of the core could be greatly enhanced if Japan were to play a political and security role more appropriate than at present to both its economic strength and regional and global interests. More important, Japan could take greater responsibility for the defense of the core by providing support and a staging area and by undertaking some defensive operations in the event of crisis or conflict in Northeast Asia.

Concerns raised by memories of Japan's imperial past can be offset if Japanese activities develop within the framework of a strong alliance with the United States and firm commitment to core norms and values. Tokyo's willingness to assume the responsibilities of an active partner, particularly greater responsibility for its own defense, would substantially increase support for the alliance within the United States, while also contributing to Japan's standing as a core state.

Relations among members of the core are much less developed in Asia than in Europe, where history and strategic necessity mandated and facilitated cooperation and integration. Core solidarity and cohesion would benefit were the cooperation, integration, and trust between Washington and Tokyo to move closer to the levels that exist between the United States and its European allies.

Korean Reunification

Because the interests of three core states--the United States, Japan, and the Republic of Korea (ROK)--and two key transition states--China and Russia--intersect on the Korean peninsula, developments there have a significant effect on efforts to expand and defend the core.

The Democratic People's Republic of Korea (DPRK) is a rogue state that may be failing. Although its nuclear weapons program now appears to be under control, the possibility of chemical and biological programs, a potential missile threat, and the constant threat of regime instability or collapse remain causes for concern. Another possibility is that not only an asymmetric military threat but also a major conventional conflict would disrupt the stability of the region and threaten the economic gains achieved by the other regional powers.

Continued deterrence is obviously essential, but in the longer term the core states also have an interest in establishing a way that the peninsula can be unified gradually and incrementally. The sudden collapse of North Korea would produce great economic and political disruption, with conflict as a possible byproduct. It is therefore in everyone's interest, including China and Russia, to minimize this likelihood. Cooperation, or at least coordination of policies and actions, would enhance core solidarity and simultaneously present an opportunity to cement relations among the core and provide the two transition states with the greatest capacity to affect core interests.

China as Full Member of the Core

Within the next 20 years or so, China has the greatest potential to challenge U.S. and core interests in the region by economic, political, and military means. Its potential for such a challenge already exceeds that of Russia. The ultimate direction of China's transition is therefore very important.

The task for the United States is to use its formidable array of economic, political, and military instruments to persuade Beijing that cooperative and friendly relations are more in its interest than overt competition and conflict. Washington and the other members of the core, especially Japan, are challenged to persuade China that its interests are best served by organizing its international activities to comport with core values and norms.

Enhanced Ties with ASEAN

The nine states of the Association of Southeast Asian Nations (ASEAN) are primarily transition states whose integration into the core is essential for continued regional stability. Taken together, ASEAN economies are among the most dynamic in the world. Annual trade by the organization's members with core states amounts to \$286 billion and continues to grow. In the future, the importance of such trade with the core can only increase.

These nine transition states are also of crucial geostrategic importance for three reasons. First, the ASEAN states adjoin or straddle sea lines of communication (SLOC) with Northeast Asia, the Indian Ocean, and the Persian Gulf. Trade and the need to respond to crises require that the SLOC be readily accessible to core states. The victory over Iraq in the Persian Gulf War was facilitated by the ability to stage through Southeast Asia.

Second, Southeast Asia has long had an ambiguous relationship with China. Traditionally, Chinese strategists have defined Southeast Asia as a strategic buffer zone in which China should be the dominant external influence. Political leaders in the subregion have been sensitive to this demand, often accommodating China when the absence of a countervailing power has enabled Beijing to press its preferences credibly. Core relations with ASEAN, therefore, bear directly on both its present health and security and its ability to expand and consolidate.

Finally, the states in ASEAN are rapidly building modern military establishments. Most have moved beyond the need to deal with internal threats and are building modern forces better suited to reinforcing their respective quests for the new international interests that attend economic prosperity. The health and security of the core would be enhanced were these new capabilities exercised within the framework of core values and norms.



Current Trends

Japan's Growing Role

The issue of Japan's role as a "normal state" has occupied its political leadership for more than a decade. Although the bursting of the "Bubble Economy" in the early 1990s took the edge off the willingness of various elites to grapple with new regional and global roles, this theme remains visible in present political discourse.

Major U.S. Forces in Japan (March 1997)

Yokota Air Base
 + COMUSJAPAN Headquarters
 + Logistics transport hub
 + 374th Airlift Wing

Yokosuka Naval Base
 + USS Independence battle group
 + 9 surface combatants (cruisers, destroyers, and frigates)
 + 7th Fleet flagship (USS *Blue Ridge*)
 + Major ship-repair facilities

Atsugi Naval Air Facility
 + Carrier Air Wing 5 (USS Independence air wing)
 + Light Helicopter Anti-Submarine Squadron 51

Camp Zama
 + U.S. Army, Japan Headquarters/9th Theater Army Area Command (TAMCOM)
 + 1 (U.S.) Corps (Forward) Liaison Detachment
 + 17th Area Support Group (ASG)
 + Army Medical Department Activity Japan (MEDDAC/JAPAN)

Sasebo Naval Base
 + Amphibious Ready Group (ARG) Bravo (4 ships)
 + 2 minesweepers

Misawa Air Base (northern Japan)
 + 25th Fighter Wing (26 F-16 aircraft)
 + Fleet Electronic Reconnaissance Detachment (2ES-3 aircraft)
 + Deployed maritime patrol squadron (Navy, 7 P-3C aircraft)

Iwakuni Marine Corps Air Station
 + Marine Air Group 12 (EA-6B aircraft and FM-18 aircraft)

Okinawa
 + III Marine Expeditionary Force (3rd Marine Division, less detachments)
 + Marine Aircraft Group 26 with CH-53 and CH-46 helicopters, and KC-130 aircraft

Kadena Air Base (Okinawa)
 + 18th Wing (54 F-15 aircraft, E-3 AWACS, KC-135 tankers)
 + 253rd Special Operations Group (SOG)

Toni Station (Okinawa)
 + 1st Battalion, 14th Special Forces Group
 + 10th Area Support Group (ASG)

Japanese Host Nation Support
 Direct support = \$3.2 billion
 Indirect support = \$1.3 billion

Sources: Department of Defense and Report on Allied Contributions to the National Defense, 1997

The April 1996 Joint Declaration on Security focused the U.S.-Japanese alliance away from the defense of Japan and toward cooperation in maintaining regional security. Subsequent revision of the Guidelines for U.S.-Japan Defense Cooperation, which established principles for cooperation in crisis situations, can be seen as a significant step toward a greater political and military role for Tokyo in regional affairs. Its regional role and influence will almost certainly continue to grow, but a combination of internal and external factors may cause change to come extremely slowly.

Of the two, internal factors are more important. Since the end of the Cold War, economic difficulties, official corruption, doubts (now largely compensated for) about U.S. constancy, and a perception of the potential challenge of rising Chinese power have combined to force a change in the content and structure of Japanese politics.

In 1996, the Socialist Party formed a coalition government under Prime Minister Murayama, their first accession to power since 1948. But the price of a majority vote was renunciation of the party's long-held opposition to the U.S.-Japan Security Treaty and acceptance of the legitimacy of the Japanese Defense Forces. In 1997, the Socialists were relegated to a secondary role in the coalition, and their influence seems likely to decline further in the future.

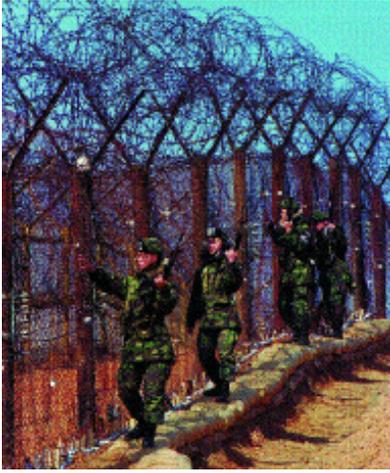
Over the next few years, this evolution toward a new political center in Japan will continue, and issues related to Japan's role in the U.S.-Japan alliance will be an essential issue. Indeed, issues of "role in the world" will probably emerge as a key element of the debate. If, as seems likely, present domestic political trends continue and if successive Japanese governments can demonstrate that the expanded alliance truly increases Japan's security, the strength of domestic political leaders who support an expanded role for Japan in regional political and security affairs will grow.

External constraints on Japan's role in core security, on the other hand, may diminish. At present, mindful as they are of Japan's imperial past as well as Tokyo's consistent refusal to deal with it, regional states (especially China and the ROK) remain wary of any increase in Japan's military or security roles.

This opposition, however, is by no means solid or united. Protestations notwithstanding, both Beijing and Seoul understand that even an expanded alliance serves their interests by enhancing stability and by keeping Japan firmly tied to core values and norms. The states of Southeast Asia are concerned less about a more active Japan than about the emergence of Chinese military power, and, accordingly, they see the alliance as a means of countering Beijing's regional influence. Despite the braking effect of historical memory, the trend points toward acceptance of a more active engagement by Japan in the security affairs of the region.

Instability on the Korean Peninsula

The DPRK is a rogue state that is evidently also failing. This combination means that conflict is a constant possibility and that the peninsula may be entering a period in which the risk of an unintended war exists due to a collapse in the North. If deterrence continues to work, however, the decline of the DPRK points to decreased likelihood of a Korean conflict. The challenge for the United States is to use deterrence as a shield under which other countervailing trends can develop.



Several external and internal factors support this assessment. The four major powers of the region share vital interests:

- Avoiding a new Korean War
- Maintaining stability on the peninsula
- Fostering continued economic growth
- Preventing the proliferation of weapons of mass destruction (WMD)
- Preventing the peninsula from being ruled by a hostile government.

The policies of those four powers appear to work, if only coincidentally, to limit the likelihood of conflict. For example, Russia has served notice that it will no longer aid Pyongyang in the event of conflict. China has used its influence to help control North Korea's nuclear weapons program and has encouraged the United States to approach Pyongyang diplomatically. China also provides to North Korea a reported one-third of its small foreign aid, thus helping to reduce the possibility of conflict produced by the "spasm reflex" of a dying regime. In December 1997, the Four Party Discussions--among the two Koreas, China, and the United States--were convened, with a second session planned for spring 1998. Insofar as external powers can consciously influence developments in Korea, that influence is being directed toward reducing the likelihood of conflict.

North Korean weakness also points to reduced possibility of conflict. In the mid-1970s, the balance of economic strength shifted permanently to the South. The 1996 increase in South Korean GDP--amounting to U.S. \$27 billion--exceeded the total of North Korea's economic output by some \$21 billion. Although North Korea remains able to wreak great havoc on its adversary to the south, the combination of South Korean strength and U.S. support means that Pyongyang cannot reunify the peninsula on its own terms militarily.

Similarly, North Korea's economy remains in a state of collapse. The *juche* regime in Pyongyang is incapable of providing even bare essentials for its population. The extent of North Korea's economic decline is striking. The loss of major power sponsors, along with the structural deficiencies of its command economy and a series of natural disasters, has led to economic retraction over the past seven years, with no end in sight. In nearly every area of competition, with the exception of the military, South Korea, with strong backing from America, has emerged as the clear winner in this rivalry.

While the United States and the ROK should continue to try to capitalize on the potential opportunities afforded by Pyongyang's willingness to engage diplomatically, they must never lose sight of the fundamental requirement to maintain forces sufficiently powerful to deter and, should deterrence fail, to fight and win. North Korea still poses a significant military threat, ranging from a last gasp attempt to reunify the peninsula via military conquest, through more limited aggression intended for political gain or diplomatic leverage, to a purely punitive assault launched with the sole purpose of inflicting maximum damage on the South as North Korea goes down fighting.

Security Implications of the Asian Economic Crisis

The Asian economic crisis will generate a number of potential problems for U.S. security relations with the nations of the region. For example,

demonstrations in Indonesia and Malaysia raise the specter of political instability. Also, unanticipated shortfalls in revenue may complicate or even prevent the efforts of regional allies and friends to fulfill prior commitments to purchase arms, participate in planned exercises, and, of greatest importance, continue to provide the full measure of expected support for U.S. military forces. Third, the crisis has already caused some diminution of U.S. status and prestige, because certain centers of political opinion with different regional nations view the United States as a major cause of the crisis. In any case, owing to its close identification with the International Monetary Fund, Washington is viewed as the force behind the often unpopular measures advocated by the IMF.

Thus far, because of its nonconvertible currency and the fortunate fact that most of its investment capital is derived from foreign direct investment rather than loans, China has avoided the major negative effects of the crisis. However, all the conditions that prompted events elsewhere in Asia--a large number of nonperforming loans, cronyism, and the practice of basing economic decisions on political expediency--exist in China. If the reforms announced at the March national People's Congress are not fully successful, China too could encounter slowed rates of economic development and resultant political instability.

A challenge for U.S. policy will be to resist any temptation to react negatively to regional complaints and provide the political and economic support that will enable regional governments to persevere through the present difficulties, implement necessary reforms, and ultimately consolidate their positions within a more stable regional and global economic order. In other words, the crisis provides opportunities for shaping the regional environment in ways consistent with the economic values of the core.

Fluctuation in Sino-American Relations

China is a key transition state. Beijing already plays a defining role in regional affairs, and its influence will only increase. In 1992, after more than a decade of preparation, the Chinese began in earnest to modernize the People's Liberation Army (PLA). Although equipment modernization is proceeding slowly, the PLA is clearly on the path to greater modernity. Within two decades or so, China will have reached sufficient comprehensive national strength to mount a regional challenge to core values, should it choose to do so. Relations with the United States are thus a matter of vital interest to both Beijing and Washington.

Economic development is China's main national priority, and Beijing has slowly come to accept many core economic values. In February 1992, Deng Xiaoping's "Southern Journey" signaled acceptance of market mechanisms. After the 15th National Congress of the Chinese Communist Party (CCP) in October 1997, President Jiang Zemin used his political strength to intensify efforts to complete reform by privatizing the 400 or so state-owned enterprises (SOEs). Although these comprise but 15 percent of the total, the need to subsidize inefficient SOEs had long imposed a major burden on China's fiscal resources. This recent emphasis on privatization suggests that the Chinese may be more willing to implement other reforms required for World Trade Organization (WTO) accession and then to observe the norms of the rule-based global trading system. The National People's Congress is likely to reinforce these trends in spring 1998. At the same time, if the Asian financial crisis weakens the Chinese economy, painful reforms (e.g., privatizing state-owned enterprises) could be slowed.

Despite Beijing's willingness to deal with core economic values, however, China's relations with the United States are not smooth. After the Tiananmen Square incident of June 1989 and the collapse of the Soviet Union in 1991, long-repressed stresses in U.S.-Chinese relations surfaced; since then bilateral ties have had ups and downs. These respond to disagreements on a wide range of issues, including Taiwan, a growing trade deficit, proliferation of WMD, and human rights. These strains will continue, and U.S. ties with China could become increasingly competitive.

Beijing is extremely suspicious of Washington's long-range strategic intentions. Chinese leaders see U.S. support for Taiwan, alleged resistance to China's WTO accession, pressures to change its arms sales policies, and the recent expansion of the U.S.-Japan Security Alliance as evidence of Washington's desire to contain China. This, in turn, slows Chinese economic development, prolongs its division, and prevents Beijing from exercising its proper regional role and influence.

At the same time, many influential political figures in the United States are similarly suspicious of Beijing's intentions. There is concern that as China's comprehensive national strength increases, Beijing will challenge U.S. regional and global leadership, a course that if adopted could directly threaten vital national and core interests.

As the October 1997 meeting of the two presidents indicates, however, neither side wishes to see relations deteriorate. Given the high priority China assigns to economic development, good economic and strategic relations with the United States and the other core states are a vital national interest and will continue to be so for decades to come. On one hand, Beijing must engage with the core to gain economic benefit, but on the other it remains concerned about the potential impact of core political values on its future stability. The United States and the other core states place a similarly high value on economic relations with China but retain varying degrees of concern about its political system and strategic intentions.

China's response to this impasse has been to keep its economic and political options open while protecting its core interests in Taiwan by all available means, including military options and, more significantly, shaping a regional security framework that will best meet China's future interests. Both efforts lead to direct competition with the United States and, under certain circumstances, might risk confrontation and armed conflict.

In March 1996, Beijing conducted military exercises in the Taiwan Strait. The PLA tested a number of M9 missiles by firing them near Taiwan's northern and southern port cities of Keelung and Kaohsiung. The Chinese were not attempting to compel Taiwan to accept immediate reunification but rather were signaling their determination to arrest the growth of sentiment favoring Taiwan's independence.

The Chinese clearly misjudged U.S. reaction and were surprised by the successive deployments of two aircraft carrier battle groups. Yet Beijing would almost certainly use military means again if it considered them necessary to prevent a Taiwanese declaration of independence. Many circles in China, particularly the PLA, continue to see the U.S. response as an indication of its support for Taiwan's independence. The issue of Taiwan will continue to vex U.S.-China relations and, were one side to miscalculate the other's intentions, could lead to armed conflict.

Beijing's effort to build a separate regional security framework also is developing. During March and April 1997, through bilateral strategic dialogues, the official English-language press, and discussions on confidence-building measures convened by the Conference on Security and Cooperation in the Asia-Pacific (CSCAP), the Chinese began to promulgate a new paradigm for regional security that emphasizes multilateral security structures and regimes. Beijing's approach appears to challenge directly the present architecture's reliance on bilateral security alliances and forward military deployments. "Security Cooperation Partnerships" similar to those between China and Russia now form part of the proposed Chinese vision.



The new approach is risky for Beijing because it flies in the face of overwhelming regional satisfaction with the present security structure. Nevertheless, Chinese strategists view this approach as an effective means of circumscribing the U.S.-Japan Security Alliance, fostering the development of multipolarity within the region, and undercutting Washington's primacy in regional security affairs. This challenge to the U.S. regional position will very probably emerge as a regular element of Beijing's overall position. This manner of low-intensity, low-risk competition with the United States is also highly likely to continue into the future and to contribute to the persistent pattern of pendulum swings in the relations between Washington and Beijing.

Recurrent Pan-Asianism

Although transition states, particularly those in Southeast Asia, clearly accept core economic values, their positions on such political norms as pluralism, the value of civil society, and legitimate government are ambiguous. As the 1996 and 1997 ministerial sessions of the ASEAN Regional Forum (ARF) showed, considerable disagreement exists between the United States and other ARF participants over issues such as the right of political expression, working conditions, and free elections.

The regional response to perceived U.S. pressure on human rights is defensive, which is often manifested as a reflexive assertion of "Asian Values." China and Singapore are the most vocal examples. Malaysia, Indonesia, and Thailand share this resentment. From time to time in the past, these stresses have proved damaging to U.S. security relations with such states.

U.S. International Military Education and Training (IMET) and arms sales to Indonesia, the largest and most powerful member of ASEAN, for instance, remain curtailed in response to Jakarta's military suppression of the East Timor separatists. Washington also imposed sanctions after Megawati Sukarnoputri was removed as head of the leading opposition party on the eve of the May 1997 parliamentary elections. Similarly, protests over the caning of an American boy in February 1994 brought bilateral relations with Singapore to a near standstill. They also slowed efforts to energize bilateral agreements to provide U.S. military forces with access to repair facilities in Singapore. Finally, disagreement on imposing sanctions on Myanmar in response to human rights abuses has become almost a permanent sore point between Washington and other ARF members. Should such stresses become the norm, problems would clearly intensify. Washington is challenged to adopt proactive policies for dealing with this potential problem.

Shaping the Strategic Environment

Averting Conflict

The Korean peninsula and the Taiwan Strait are the two most probable sites of conflict in the Asia-Pacific region. Unresolved territorial claims include:

- The South China Sea which involves China and Vietnam, Malaysia, the Philippines, and Brunei
- Jurisdictional and sovereignty disputes over islands in Northeast Asia, involving China, Japan, and the ROK.

The powers involved have consistently demonstrated a commitment to preventing situations from escalating into sustained conflict and, in all cases, have resorted to political means to contain tensions within nonconflictual bounds. This commitment will continue into the future.

The dynamics of the Korean peninsula and the Taiwan Strait are very different and therefore require different strategies to avert conflict. With respect to the Korean peninsula, the potential adversary is a rogue state that may be on the edge of failure. Averting conflict there requires, first and foremost, maintaining and strengthening deterrence. It must be made clear to Pyongyang that the use of military means for any purpose will inevitably result in total destruction of the *juche* regime.

Republic of Korea

The principal means of averting conflict on the Korean peninsula is to maintain an actively engaged U.S. military presence. This presence must be large and vigorous enough to serve several interrelated functions. First, for example, even though the military balance may in many respects have shifted in favor of the ROK, it is unrealistic to expect that the armed forces of the South could prosecute and win a major conflict against the North entirely on their own. By design, as reflected in the concept of the Combined Forces Command, South Korean and U.S. military forces complement, rather than duplicate, each other's capabilities. As a result, the intelligence, naval, air, and logistical assets of ROK military forces are insufficient to deal with a determined North Korean assault without complementary U.S. strength.

Second, presence is similarly the best means of dealing with a relatively new element in the peninsular military equation, the threat posed by possible North Korean WMD. Although the nuclear dimension of this threat appears to be under control, questions remain about the chemical and biological weapons capabilities of the North. Presence needs to include capabilities for dealing with this potential threat.

Finally, deterrence through presence is an effective means of supporting and encouraging new political and diplomatic developments of the inter-Korean situation. The United States needs to demonstrate that it is engaged for the long haul and is an enduring, consistent presence that remains relatively well-insulated from political currents.

While continuing to maintain an appropriate force presence, innovative approaches to defining and maintaining presence must be explored. Here, the experience of the U.S. military in the Middle East may be useful. As noted in chapter four, U.S. forces in the Middle East are required to be lethal and active but also to retain a relatively low profile in order to avoid sparking nationalist or religion-based opposition. Thus the United States relies heavily on prepositioning, demonstrating the ability to surge, and rotating forces and assets. Its forces in Korea will continue to have far more latitude than their counterparts in the Middle East. These forces may prove useful for developing proactive strategies to maintain deterrence while avoiding the frictions produced by social and political developments.

ASEAN Military Budgets (1995 constant U.S. \$)

| | Defense Expenditures | | | | | | Percent of GDP | | | Strength of Armed Forces | | Reservists (estimate) | Para-military |
|-------------|----------------------|-------|-------|----------------------|-------|-------|----------------|------|------|--------------------------|-------|-----------------------|---------------|
| | millions (U.S. \$) | | | per capita (U.S. \$) | | | 1985 | 1995 | 1996 | 1985 | 1996 | 1996 | 1996 |
| | 1985 | 1995 | 1996 | 1985 | 1995 | 1996 | 1985 | 1995 | 1996 | (000) | (000) | (000) | (000) |
| Brunei | 280 | 268 | 330 | 1,250 | 909 | 1,091 | 6.0 | 6.0 | 6.5 | 4.1 | 5.0 | 0.7 | 4.1 |
| Indonesia | 3,197 | 4,403 | 4,599 | 20 | 23 | 23 | 2.8 | 2.2 | 2.1 | 278.1 | 299.2 | 400.0 | 186.0 |
| Laos | 75 | 73 | 76 | 21 | 15 | 15 | 7.8 | 4.2 | 4.1 | 53.7 | 37.0 | n.a. | 100.0 |
| Malaysia | 2,409 | 3,514 | 3,542 | 155 | 153 | 148 | 5.6 | 4.5 | 4.2 | 110.0 | 114.5 | 35.8 | 25.8 |
| Myanmar | 1,200 | 1,880 | 1,929 | 32 | 40 | 40 | 5.1 | 7.5 | 7.6 | 186.0 | 321.0 | n.a. | 85.3 |
| Philippines | 647 | 1,361 | 1,457 | 12 | 20 | 21 | 1.4 | 2.0 | 2.0 | 114.8 | 107.5 | 131.0 | 42.5 |
| Singapore | 1,622 | 3,970 | 3,959 | 634 | 1,349 | 1,325 | 6.7 | 5.9 | 5.5 | 55.0 | 53.9 | 221.0 | 11.6 |
| Thailand | 2,559 | 4,006 | 4,212 | 49 | 66 | 69 | 5.0 | 2.4 | 2.5 | 235.3 | 254.0 | 200.0 | 139.5 |
| Vietnam | 3,277 | 910 | 930 | 53 | 12 | 12 | 19.4 | 4.3 | 4.0 | 1,027.0 | 572.0 | 3,000.0 | 50.0 |

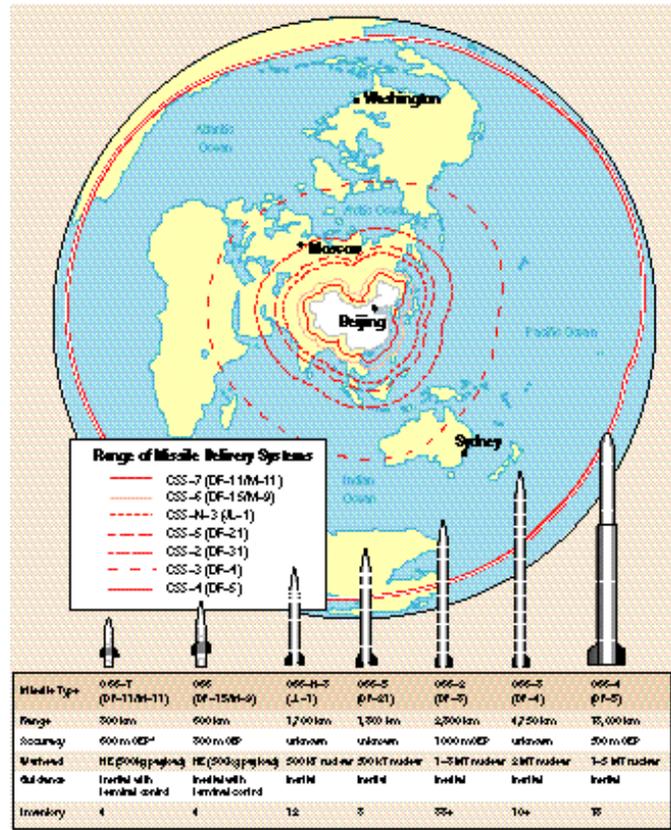
Source: International Institute for Strategic Studies, *The Military Balance 1997-98*

Taiwan

Averting conflict in the Taiwan Strait poses a different challenge. Conflict there is probable only if Taiwan declares independence. The cross-strait problem is political and best resolved by interaction between Beijing and Taipei. Yet the United States is involved: the Taiwan

Relations Act, which has the force of U.S. law, mandates that Washington provide Taiwan with the materiel required to defend the island. Moreover, any U.S. administration would come under significant pressure to defend Taiwan were conflict to occur, no matter the cause.

Estimated Chinese Missile Threats



NOTE: Boundary representations are not necessarily authoritative.
Source: International Institute for Strategic Studies, *The Military Balance 1997-98*; Jane's Information Group, *Jane's Strategic Weapons Systems 1997*; and *The Washington Times*, June 4, 1998

Visits to Taipei and Beijing by mid-level Taiwanese and Chinese officials in June and August 1997 suggested that the stage is being set for a resumption of the cross-strait dialogue suspended by Beijing after Taiwan President Lee Teng-hui's visit to the United States in June 1995. In the circumstances, the best means available to Washington to avert conflict is to continue to reassert its insistence on a peaceful settlement by encouraging and supporting resumption of that dialogue and by using arms sales to Taiwan to maintain the military balance across the strait. The United States might also use political channels to convey its concern to Taipei about any unilateral attempt to alter the status quo in the Taiwan Strait.

Other than regular transits of the strait to assert the right of innocent passage by U.S. naval vessels through international waters (freedom of navigation operations, or FONOPS), there is no requirement for routine presence by U.S. forces. Deployments are necessary only in times of crisis and would serve as a convincing demonstration of U.S. insistence on a peaceful resolution, helping to assure other states in the region of U.S. determination and constancy. Of course, deployments during a crisis must be wisely managed because, as the U.S. deployment of two carrier battle groups to the Taiwan Strait area in March 1996 showed, both Taipei and Beijing interpret such actions as supporting Taiwan and thus opposing Beijing. Other regional powers express concern that such deployments may provoke an accidental conflict.

Enhancing Confidence

Japan, South Korea, the members of ASEAN, and even China acknowledge that the balancing function of the U.S. military presence has been and remains crucial to maintaining the order and stability of the region. If the United States were to withdraw or to reduce its role significantly, the consequences for regional stability would be unpredictable. In every corner of the Asia-Pacific, the United States is challenged to enhance confidence in its intention and ability to remain a commanding economic, political, and military presence. Put

differently, Washington is challenged to enhance confidence in its ability to function *primus inter pares* as the effective source of regional leadership. The United States aims to enhance such confidence to keep the region peaceful, stable, and secure.

During the Cold War, enhancing confidence meant maintaining an overwhelming preponderance of military force in the region. Alliances with Japan, South Korea, Australia, the Philippines, and the remnant SEATO connection with Thailand, many strategically located permanent bases, and frequent periodic exercises such as RIMPAC (Northeast Asia), *Cobra Gold* (Southeast Asia), and *Team Spirit* (Korea), all served convincingly to demonstrate U.S. strength and resolve, despite a temporary decline after the Vietnam conflict. Regional confidence in the United States was demonstrated by the remarkable economic development that occurred. Even China acknowledged the considerable benefit of the U.S. military presence and role.

Since 1991 and the collapse of the Soviet Union, regional confidence in the United States has fluctuated. It hit a low point in late 1995 and early 1996 when the U.S. regional economic role was challenged by Japan, severely straining U.S. ties with both China and Japan. The reconstituted alliance with Japan indicates a renewed sense of common purpose, and the exchange of presidential visits suggests the possibility of improvement in U.S.-China relations.

These changes provided strong evidence that the effectiveness of U.S. leadership is now judged in the region according to criteria that include a new, larger measure of political and economic elements than during the Cold War. In present circumstances, enhancing confidence involves:

- Maintaining a superior military strength
- Redefining the U.S.-Japan Alliance
- Avoiding regional fears about new Japanese military roles
- Managing China's integration into the core
- Fostering a peaceful process of Korean reunification
- Preventing economic frictions with regional powers from escalating into trade wars
- Managing pressures to develop a new security architecture.

This is not to suggest that the role of the Department of Defense in enhancing confidence in the United States in this region is shrinking, but rather that it may face pressure for change. Military presence will continue to be the most important means of supporting confidence-enhancing goals and the one that provides a basis for efforts in the political and economic spheres. Japanese and Korean willingness to adjust their treaty relations with Washington according to new realities imposed by the end of the Cold War demonstrates that the region views military presence as the most potent symbol of U.S. commitment. The potential diminution of the North Korean threat and the willingness of ASEAN members to allow U.S. forces access to their facilities are further indications of this view. However, the forces, trends, and requirements of the confidence-enhancement agenda noted above suggest a need for greater activism in demonstrating the constancy of the U.S. commitment. Pressures exist to consider means of making credibly deliverable capabilities the measure of presence, rather than numbers of military personnel and permanently deployed weapons systems.

Engagement is a key to such a transition. The United States can share its superior capabilities with its allies and, as with Japan, can join with them to develop new capabilities. Washington might also develop an incremental program of exercises to enhance interoperability and joint and combined operations and to develop the revised defense cooperation guidelines with Japan. It would also be useful to begin exercises with the PLA in peacekeeping operations, if only as an initial effort. Then, too, professional military education channels are useful in developing an appreciation of joint doctrine. In sum, an active engagement with the militaries of the region by the Department of Defense would demonstrate not just the superiority of its military power but also its willingness to use it in support of core interests.

Creating Complementarity

If present trends, including a perception of a reduced threat from North Korea and recurring cycles of pan-Asianism, continue, the United States will face increasing pressure to reduce the size of its regional military deployments. This, in turn, may require considering measures to maintain presence while simultaneously reducing the number of forces, but it would not require reducing either the visibility of U.S. forces or the ability of the United States to bring its power to bear. A key factor is building greater complementarity with the military forces of the region.

A high level of complementarity already exists between the forces of the United States and those of its Australian, Japanese, and Korean allies. In the event of crisis on the Korean peninsula, the combination of U.S. and ROK forces will hold the line until U.S. power projection capability can be brought to bear with help from Japan and Australia. In Southeast Asia, the situation is different. Except for Thailand, considerably less complementarity exists between U.S. forces and those of the ASEAN transition states. The likelihood of

armed conflict within the subregion is small.

Thus the issue for Washington is to fine-tune complementarity with Canberra, Tokyo, and Seoul in order to deal with a regional threat. The United States must simultaneously build complementarity with the members of ASEAN, to the extent that political conditions permit, to safeguard the future. The process of revising the Defense Cooperation Guidelines with Japan shows that such efforts will be complicated by the need to avoid threatening China and provoking regionwide concern about new roles for Japan.

For this reason, the division of labor with allied and friendly military forces should not be changed. Superior American intelligence and power-projection capabilities, the lethality of U.S. forces, and the proven effectiveness of joint doctrine should continue to provide the basis for any potential activities by combined military forces.

The United States is extremely well positioned to build complementarity in the Asia-Pacific region for the following reasons:

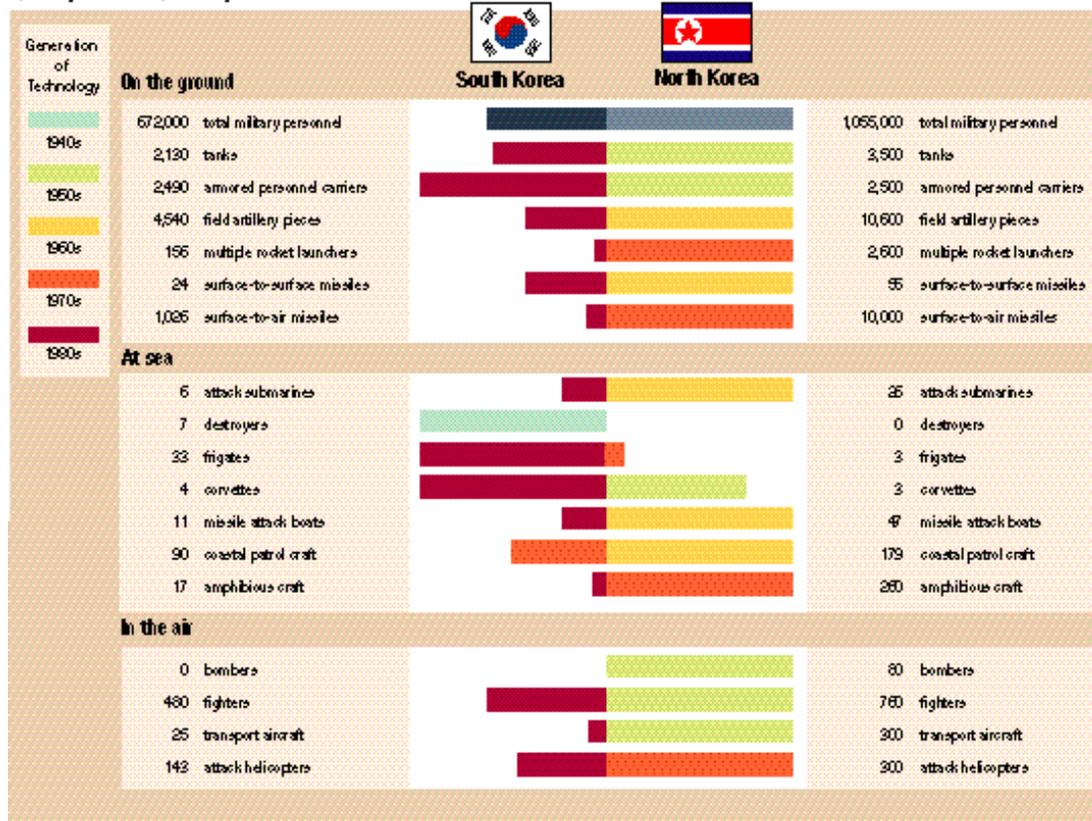
- Robust alliances already provide a framework for activity
- There is an appreciation of the U.S. military presence
- There is a desire in the region that the U.S. military presence remain
- The effectiveness of U.S. weapon systems is well known
- U.S. joint doctrine is acknowledged.

The key to progress, then, is to intensify active engagement between the United States and regional military establishments.

Arms sales are an obvious and central means to building complementarity. But translating weapons systems into credible military capabilities is also essential, as is an active pattern of engagement. The need to master identical systems requires education and training, which Washington provides through its IMET programs. The Pentagon might consider expanding these and drawing more foreign military officers into the IMET and professional military education networks. Washington might also consider:

- Expanding the frequency of military exercises
- Holding exercises to enhance peacekeeping operations capabilities
- Enhancing capabilities for military operations other than war
- Increasing military-to-military contacts.

Quality versus Quantity



Source: Defense Intelligence Agency, North Korea: The Foundations for Military Strength—Update 1995 (1996, unclassified) and International Institute for Strategic Studies, The Military Balance 1997-98

Hostile and Transition States

With respect to the Korean peninsula, the United States may already have achieved some success in shaping the strategy of the DPRK. The combination of deterrence and diplomacy led to the 1994 Agreed Framework. Although severely criticized at the time, the agreement seems to have blunted North Korea's attempt to neutralize U.S. power with the threat of nuclear weapons. Pyongyang's reprocessing plant has been closed, it is cooperating with IAEA inspectors, and initial work on the reactor for power generation has begun. Similarly, Pyongyang's participation in the Four Party Talks suggests a new willingness to use political and diplomatic means to achieve its goal of prolonging the existence of the regime. Thus far, and despite uncertainties about potential chemical and biological capabilities, nothing indicates that U.S. strategies are pushing North Korea to adopt additional asymmetric measures. The challenge for the United States now is to encourage this tendency and to translate it into concrete gains in further reducing the threat of conflict on the peninsula.

Certainly, the U.S. military presence there has been essential to gains achieved thus far and must be maintained into the future. If, however, the North Korean threat continues to recede, pressure will grow to reduce U.S. forces in Korea. This pressure will pose certain dilemmas. Continued presence will remain essential to supporting diplomatic efforts to maintain deterrence. It will be essential, too, to reassure Japan and the region of U.S. commitment and remind China of Washington's vital interests there. Finally, the United States may wish to consider redefining the alliance with Korea as it has done with Japan, to focus it away from defense and toward maintaining regional peace and stability. Korea would thus join Japan as a base from which U.S. forces could stage to deal with crises elsewhere.

Cobra Gold '97, Thailand



It is possible to retain an adequate level of military presence on the peninsula, to adjust it in response to changing conditions and requirements, and to use those adjustments to secure additional gains. For example, the United States might introduce the issue of reducing the threat of military conflict into the diplomatic processes now unfolding on the peninsula. North Korea might be persuaded that aid, establishing diplomatic contacts, and support for joining the Asian Development Bank are available, but only if it were willing to reduce military tensions. If its condition further weakens, North Korea could be required to reposition certain categories of forces away from the DMZ and to participate in several threat-reduction, confidence-building measures. Washington and Seoul might offer roughly equivalent actions, in addition to aid and assistance.

Defense against any aggression is the immediate purpose of U.S. engagement in the region. In the longer run, the chief purpose will be to shape the strategy of China, a transition state that holds the key to the future of the Asia-Pacific region. For Washington, shaping China's strategy means persuading Beijing that its best interests lie in adopting the values of the core and that it has little to gain by attempting to build military capabilities equal to those of the United States and using them to challenge the U.S. regional position.

The U.S. strategy toward China is to demonstrate its overall strategic capability through alliances and forward military deployments. This capability will deter Chinese military adventurism and simultaneously engage it in ways designed to enmesh Beijing in a web of relationships that serve mutual interests. Eventually, it is hoped, the combination of approaches will produce the desired result.

Yet a contradiction between the two approaches seriously challenges the ability of the United States to realize its aims. China's deep suspicion of U.S. strategic intentions makes relations between the two states fundamentally competitive. Thus actions designed to demonstrate U.S. power and resolve to maintain regional peace and stability are interpreted by Beijing as evidence of efforts by Washington to create hedges against China's future behavior or, more seriously, to prevent its rise to the status of a great power.

At the regional level, Beijing sees U.S. efforts to avert conflict in Taiwan, to enhance confidence in and cohesion with Japan, Korea, and Southeast Asian states, to build complementary capabilities, and, indeed, to shape strategies all as efforts aimed against China. Some Chinese believe they are a target of U.S. actions. Similarly, at the bilateral level, efforts by Washington to engage Beijing in such areas as proliferation, entry into the WTO, or human rights, or to secure a peaceful transition in the Taiwan Strait are viewed as intrusions into China's internal affairs or infringements on Chinese sovereignty.

Resolving this dilemma completely may not be possible. The United States can neither abrogate its responsibilities nor reject its interests. The most appropriate course may be to accept the contradictions and try to limit their negative effects. The United States might reaffirm engagement with a new focus on the major issues and also emphasize areas of agreement.

Within that context, the major contact points between the United States and China in the next 10 years will probably involve Taiwan, the Korean peninsula, proliferation, and multilateralism. Taiwan is the most significant friction point. If it were to cease being the defining issue in U.S.-China relations, the way would be clear for progress in other areas. If the United States is to shape Chinese strategies, it will need to interact with China on these issues and problems. Efforts by DoD will necessarily be supportive of those mounted in the political and economic relationship. Nonetheless, the U.S. military has an important role to play.

Beijing points to U.S. arms sales to Taiwan as evidence of negative U.S. intentions, while seeking reassurances that the United States does not support Taiwan independence. Washington can neither provide such assurances nor deny that Taipei's case for continued arms sales is strengthened by such Chinese behavior as the March 1996 military exercises and missile tests.

Two developments may provide some latitude. First, Taiwan is now acquiring 150 F-16 and 50 Mirage fighter aircraft. Its navy is acquiring six LaFayette-class and seven Perry Class frigates and is actively seeking submarine purchases. With the exception of air defense systems, the Taiwanese Armed Forces are at the end of a procurement cycle, and time is needed to assimilate the new systems. For the next three years or so, realistic pressure by Taiwan for new sales will diminish. Second, evidence suggests that cross-strait dialogue may resume sometime in 1998. The combination of these events might reduce the rationale for new sales and thereby provide Washington with grounds for a more agnostic approach to arms sales. At the same time, the U.S. military must also stand ready to reaffirm U.S. insistence on a peaceful settlement, should tensions flare up again.

On the Korean peninsula, China and the United States share an interest in helping to resolve any problems created by the failure of the North Korean state, such as refugee flows and disarming the North Korean military. The U.S. military might enter into discussions with Chinese counterparts on these subjects. A more sensitive topic would be the U.S. presence on the peninsula after reunification. China would probably insist on a major reconsideration of the U.S. presence after reunification or of a greatly reduced threat from North Korea, but would also assume the continued existence of some manner of security tie between the United States and a unified Korea. Discussions might help to clarify the thinking of both sides and to define proactive policies for the future.

Beijing demonstrates increasing willingness to participate in efforts to control the proliferation of WMD by subscribing to or signing the following:

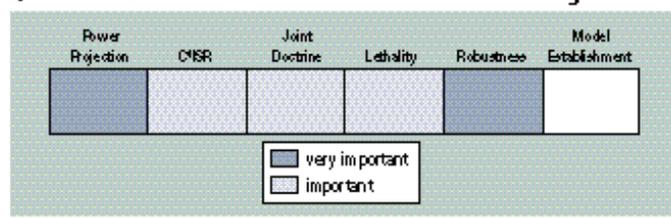
- The Nuclear Non-Proliferation Treaty
- The Comprehensive Test Ban Treaty
- The Chemical and Biological Weapons Conventions
- The Missile Technology Control Regime
- The organization of a Proliferation Group within the Ministry of Foreign Affairs.

In addition, China has placed the most objectionable portion of the peaceful nuclear technology agreement with Iran on hold. Only the relationship with Pakistan, of high geostrategic importance to Beijing, will continue uninterrupted. Despite this, Beijing has informally signaled willingness to join with the United States to consider ways and means to reduce the potential for conflict in South Asia. This, too, might prove a fertile field for exploration by Washington.

The United States must also deal with the challenge of China's call for a new regional security framework with a high component of multilateralism. Bilateral relations aside, the alliance management and relations with ASEAN require a firm response by Washington. At present, alliances with Australia, Japan, and Korea are stronger than at any time since the late 1980s. These three states would most probably not be willing to trade the certain benefits of alliances for uncertain potential benefits of a multilateral security regime. The DoD would be unlikely to lose by expanding engagement with regional military forces to include discussion of a range of multilateral confidence-building measures and participating in combined exercises.

In Southeast Asia, the strategies of the ASEAN states are evolving toward consonance with U.S. interests. ASEAN military forces routinely share intelligence on such matters as piracy and refugee movements, and annual exercises help to develop complementarity and interoperability. The task for the United States is to encourage these trends and to build and consolidate ties with the military establishments of the subregion.

Qualities of U.S. Power Accentuated in the Asia-Pacific Region



To accomplish this, Washington will have to move carefully. The ASEAN states are sensitive to the fact that U.S. military presence created an environment in which they could take the first tentative steps toward military cooperation. Yet they are equally sensitive to the prospect of future relations with China requiring that U.S. presence be neither too visible nor too active. Thus, the U.S. role in shaping ASEAN strategies lies in engagement once removed from the region itself and heavily infused with professional military education and strategic consultation.

Conclusion

Shaping the environment of the Asia-Pacific region presents the United States and its core partners with two major challenges. The first involves a contradiction; the second involves means.

The first challenge suggests it is absolutely essential to consolidate ties with Japan and the transition states of Southeast Asia. U.S. efforts to do so, however, have already generated tension in U.S.-China relations and will continue to do so into the next decade. Security ties between Washington, its alliance partners, and ASEAN are closer than ever before, at the cost of a strained relationship with Beijing. If such stresses continue, they might spill over, exerting a negative influence on relations. Managing the integration of China into the community of core states will increasingly occupy the attention of U.S. officials as they seek to shape the regional environment for the future. It will require the greatest coordination of military, political, and economic instruments.

The question of means is very significant. To shape the environment most effectively, the United States will continue demonstrating its ability to project power into the region, although present trends indicate that the changing regional political environment will make it increasingly difficult to accomplish this by means of permanent bases and forward deployments. For that reason, in the next decade, U.S. forces will be challenged to maintain necessary capabilities while simultaneously reducing their size in the region. A new emphasis is highly likely on sharing roles and missions with regional allies, developing interoperability, preparing for rapid reinforcement, and repositioning materiel for use in emergencies.

THE INDIAN OCEAN REGION

The modern states of India, Pakistan, Nepal, Bhutan, Bangladesh, and Sri Lanka comprise the area commonly referred to as South Asia or the Indian Ocean region. However, attention is usually turned toward the two principal states, India and Pakistan. These states have fought three wars against each other since independence from Great Britain in 1947 and are perhaps the most likely flashpoint for conflict involving nuclear weapons. Any confrontation between the two armies of over a million troops evokes world attention, and yet this is a region where U.S. influence is minimal.

Background

The history of India and Pakistan is a blood-hued mosaic of invasions through Central Asia. The most successful invaders were Muslims using Mameluke blades as persuasively to convert as to conquer. For Muslims and the indigenous Hindus, zealous believers both, their foods, places of worship, tolerances, even attitudes toward animals challenge each other: there is little middle ground and little room for compromise. In addition to historic animosities, the region echoes the general Asian challenges to the core's values, including issues such as human rights, economic practices, and terrorism. Also, India has an indigenous nuclear weapons capability, and Pakistan is suspected of receiving Chinese nuclear technology to assist in developing its own.

Indo-Pakistani Tension

Colonial India was fragmented among nearly 600 princely states and provinces, led by powerful Hindu or Muslim rulers. Perhaps 200 years' experience in India convinced the British of the need to separate Hindu from Muslim. On August 15, 1947, Great Britain granted independence to the Republics of India and Pakistan, and the Indo-Pakistani conflict was born. Pakistan was further divided into East and West Pakistan, separated by nearly 1,000 miles of northern India. The provinces could join either India or Pakistan, and their rulers were sent the draft Instrument of Accession upon which to affix their nation of choice. For the most part, states voted with their religious majority--Hindus to India and Muslims to Pakistan--but an estimated 12 million refugees fled across new borders, and nearly a million more are estimated to have died in associated hostilities. The artificial peace enforced by the British between Hindus and Muslims disintegrated with the demise of the Raj.

Kashmir, the largest of the princely states, was unique in that it was a cultural composite of Hindu and Muslims, contiguous to both India and Pakistan. The maharajah of Kashmir refused to sign the Instrument of Accession, though a full-scale attack by Pakistan within a month prompted a decision to join with India, as a precondition for military assistance. Pakistan did not accept the legality of the document and continued fighting. India referred the conflict to the newly formed United Nations in December 1947. In January 1949, India and Pakistan agreed to a cease-fire line along existing positions, a withdrawal of forces, and a Kashmiri plebiscite to make a final determination of its future. Fifty-one years, two more Indo-Pakistani conflicts (1965 and 1971), and thousands of casualties later, Kashmir is no nearer a solution than in 1947.

U.S. Interests

Encourage Regional States to Resolve Their Differences Peacefully

While the United States has no interest in mediating the Kashmir issue, India's desire to assume greater regional influence hinges upon an Indo-Pakistan political rapprochement. An impartial U.S. support for peaceful resolution will avoid alienating either state and may improve relations with both.

Contain WMD Proliferation

Both India and Pakistan are essentially members of the nuclear power club, but Pakistan is increasingly linked to the covert receipt (at least from China) of various components required to enhance its nuclear capability. While the United States recognizes the sovereign right of states to determine their defense needs, in the case of India and Pakistan there remains global concern that a future Kashmir conflict would involve tactical nuclear weapons, significantly lowering the threshold of nuclear use.

Promote a Climate of Regional Trust and Cooperation

Economic power and security have gained global importance as tools of policy in the post-Cold War environment, especially in the Indian Ocean region. Although India's United Front (UF) coalition government failed late in 1997, caretaker Prime Minister I.K. Gujral's "Gujral Doctrine" of peace and cooperation with India's neighbors--to include Pakistan--endured until early 1998, when new elections brought in a Bharatiya Janata

Party (BJP) government. Additionally, both India and Pakistan can make use of historical links and current economic ties to the Persian Gulf region to assist in enhancing stability within that key region.

Encourage Regional States to Embrace Core Values

The Indo-Pakistani dispute generates little interest within most of Asia but does detract from the regional image both countries wish to project. India has already realized tangible benefits from its Association of Southeast Asian Nations (ASEAN) and ASEAN Regional Forum (ARF) partnerships.

Trends

Peaceful Resolution of Differences Evolving Slowly

For India the Kashmir dispute remains a sufficiently threatening national security issue. It has eclipsed virtually all other defense-related concerns and has contributed to the growth of nationalistic political parties like India's Bharatiya Janata Party, and to rounds of fragile coalition building among political splinter groups. With the fading of the Nehru and Gandhi legacies, the dominating, unifying role played by the Congress (I) party has essentially disappeared. Nevertheless, India has moved proactively to ease tensions with Pakistan, to improve its relations with other regional neighbors, and to play a more active regional economic and strategic role.

WMD Proliferation Covertly Continuing

Weapons of mass destruction, particularly nuclear weapons, are making a comeback as traditional approaches to nonproliferation have an increasingly weaker effect on aspiring regional powers. While many factors influence a state's decision to pursue WMD capabilities, worst case assumptions concerning a rival state's activities or intentions all too often are the deciding factor. India's 1974 detonation of a nuclear device, for example, prompted Pakistan to develop a nuclear weapons program. Policymakers in both India and Pakistan have concluded that a nuclear weapons capability serves their national security and political interests. While India's nuclear development is indigenously supported, Pakistan's program has relied on foreign assistance, principally from China.

India Seeking Broader Role

India has turned its strategic interest from Pakistan to the South Asia region. It recently gained ARF membership and seeks to join in other regional security and economic fora. Owing to efforts by both New Delhi and Beijing, Indian relations with China are stable. India looks forward to closer economic ties and political parity, while maintaining subregional dominance.

Core Values Gradually Spreading

Over a third of the population of this region still lives in abject poverty. Over 40 percent (primarily women) cannot read or write. Famines and drought still ravage the population of the subcontinent. However, measurable advances are taking place, particularly in India, where the government is taking more responsibility for the human rights of its populace and taking steps to avert the major crises that affect the region. Furthermore, increased interest in expanding economic ties through membership in regional fora is an indicator that India and Pakistan are gradually accepting the globalization of markets and are at least willing to address economic and political reform to further integrate into the global economy.

Shaping Forces Available to the United States

Traditionally, the United States has considered South Asia a strategic backwater. Developing relations with the core poses a strategic dilemma for India: on the one hand, New Delhi is aware of the economic benefits of such ties, but it also recognizes the many strings attached, such as changes to nuclear weapons policy.

India is in the U.S. Pacific Command area of responsibility (AOR); Pakistan is in the U.S. Central Command AOR, which causes some problems of coordination of policy. Given the lack of strategic interests in the region, such shaping factors involving force projection, robustness, or lethality do not play a major role in relations with the Indian Ocean region. Diplomacy and increased military-to-military relations are the most likely venues for enhancing regional stability and encouraging local nations to join or improve relations with the core. These are long-range factors, depending on a gradual increase in confidence and simultaneous decrease in tensions. As defense strategies are developed over time without resorting to armed conflict, the heavy reliance on nuclear WMD as a policy will mature, preferably into a policy similar to that developed by the rest of the "nuclear club," most of which are in the core.

Model Establishment

The Indian armed forces have nearly a million troops and sufficient combat platforms to mount a credible defense of national interests. There have been combined exercises with the U.S. 7th Fleet over the past three years. Pakistan maintains a large land force of half a million troops,

with a primary mission to protect the long land border with India and the contested Siachen Glacier region. U.S. contacts with the Pakistani armed forces have dropped in recent years, with military sales nearly dried up after decades of heavy investment during the Afghanistan civil war.

Unlike Pakistan, India possesses the manpower, expertise, and raw materials to support a growing defense industry. To India's possible disadvantage, however, military leaders play no role in the formulation of defense policy, and for the most part, bureaucrats within India's Ministry of Defence know little about national security and defense issues. As a result, India has neither a national strategy planning process nor strategic defense doctrine. The United States provides a training environment for selected South Asia military students at senior professional military education institutions such as the National War College and the Industrial College of the Armed Forces. Additionally, India and Pakistan have asked U.S. military leaders to share knowledge gained through force structure and mission analyses such as the Quadrennial Defense Review to improve their own military planning strategies.

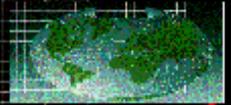
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER FOUR

Greater Middle East



The region from North Africa through the Levant to the Persian Gulf, including Afghanistan, Iran, and Turkey, has important similarities from the perspective of U.S. interests and the security challenges it faces.

From the perspective of U.S. global strategy, the basic characteristics of the Middle East are that it is an indispensable source of energy for the core states and that it has a concentration of rogue regimes, along with some failed states. The region is characterized by instability, including:

- Frequent major conventional wars, including three in the last 25 years--the October 1973 Arab-Israeli war, the Iran-Iraq war in 1980-88, and *Desert Shield/Desert Storm* in 1990-91
- Bitter civil wars in Afghanistan, southern Sudan, and the Kurdish regions of Iraq and Turkey
- Five of the world's seven terrorist-sponsoring states--Iran, Iraq, Libya, Sudan, and Syria
- Bloody nationalist and religious conflicts, as in Algeria and the Palestinian area

Armed conflicts will remain a danger in the Middle East for the foreseeable future. A heavy concentration of weapons--including weapons of mass destruction (WMD)--is located primarily in the Arab-Israeli theater and the Persian Gulf. While serious, Arab-Israeli tensions may be less likely to involve the United States than was the case during the Cold War, when the superpowers several times were toe-to-toe on behalf of their respective friends.

U.S. forces are heavily committed to the defense of energy-rich states from rogues. Energy shocks from the Middle East can shake the core states: twice in the last 25 years (in 1973 and 1979/80), wild oil price fluctuations cut annual Western economic output on the order of 2 percent (approximately \$400 billion). On the other hand, the stable oil prices of 1987-97 have contributed to taming inflation and reducing fears about resource shortages. Besides the obvious desire to avoid another oil price shock, the core states must be concerned about the uses to which a rogue regime might put windfall oil income, specifically, that it would be able to acquire advanced weaponry and a formidable WMD capability.

U.S. Interests

Securing Energy Needs

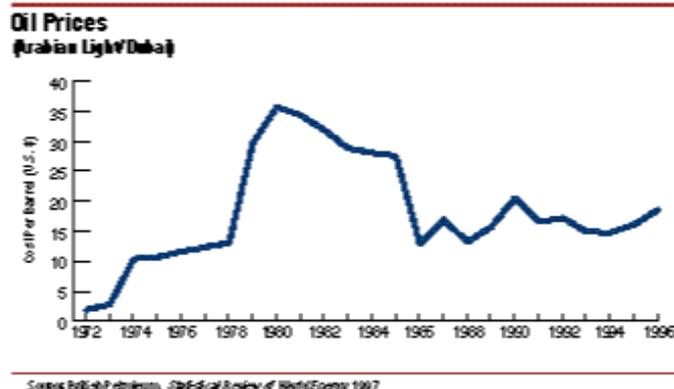
The core industrial democracies share a vital interest in ready access to ever-more energy supplies at stable and reasonable prices. The U.

S. goal for energy security is an environment in which energy is available from a variety of types and sources and in which market forces, rather than political factors, determine availability.

Such an environment offers the best prospect for market stability, because it minimizes the impact of disruption in any one supplier, both by providing alternative sources and allowing markets to quickly pass through price adjustments. An additional part of the U.S. energy security interest is ensuring that the other core states share the burdens of energy security.

Detering Iran and Iraq

Both Iran and Iraq remain committed to revising the status quo in their favor, and the core states have an interest in preventing that from happening. Iran is a revolutionary regime, with an ideology that justifies meddling in other countries' affairs and destabilizing moderate Arab states (as in Bahrain) and disrupting the Middle East peace process. Iraq's ruler, Saddam Hussein, has invaded two of his neighbors (Iran in 1980 and Kuwait in 1990) and shows every indication he will try again.



The Middle East faces a distinct threat of nuclear, biological, and chemical (NBC) weapons, as witnessed during the Iran-Iraq war. The United States has an interest in preventing their use, especially against allied or U.S. forces. While the U.S. goal is eventually to rid the region of WMD, the pace and modality may differ depending upon the weapon and the country. As far as country-specific targets go, there is a strong international consensus that Iraq's past aggression shows it cannot be trusted with WMD, and so a mandatory international inspection regime is required. On the other hand, nuclear weapons have proven a useful deterrent against states that would otherwise threaten Israel's right to exist.

Securing Arab-Israeli Peace

Besides Turkey, Israel is the only country in the region that can be considered to be fully part of the core, sharing values such as democracy as well as historic ties. The United States has a long-standing commitment to defending Israel's right to exist and has invested heavily in diplomacy to promote Middle East peace. The United States has, however, few interests in the shape of final Arab-Israeli accords except that they should be agreed to by all parties and should be sustainable.

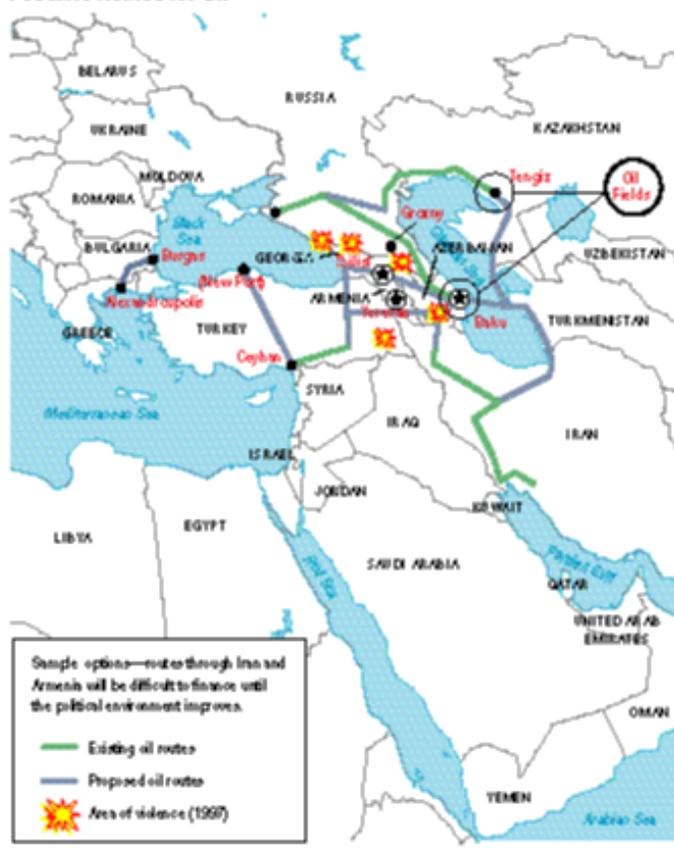
The United States has developed close relations with several Arab states, especially Egypt, Jordan, Saudi Arabia, and the smaller Gulf Cooperation Council (GCC) countries. It wants these transition states to be fully integrated over time into the core democratic world and, to that end, has an interest in the political reform of moderate Middle East regimes. That includes such goals as deepening and broadening civil liberties, reinforcing the rule of law, encouraging civil society, and making government more transparent and accountable. However, that may not translate into early full parliamentary rule in every Middle Eastern country. Monarchic rule has become consistent with partial parliamentary power in Morocco, Jordan, and Kuwait; it has been a better system of government than what replaced it in Iran and Iraq.

Preventing State Failure

Prevention of state failure, such as has recently occurred in Afghanistan, is a U.S. interest, not least because the failure of a state such as Algeria could spill over into Europe, either into the NATO allies or into the former Soviet Union.

The most vibrant challenge to domestic tranquility in the region comes from radical Islamists, who claim a religious basis for their violent opposition to core interests. The United States thus has an interest in demonstrating that it can work with devout Muslims, as it does with the Saudi Government. The problem with radical Islamists is their violent political agenda, not their religion; friendship toward the United

Possible Routes for Oil



States can be fully consistent with devout Islamic belief and practice. At the same time, Washington thinks that other governments should follow its example in not distinguishing among citizens on religious grounds and not promoting or discouraging any religion.

Current Trends

Oil Generally Plentiful

The world oil market continues to have an ample supply and therefore relatively low prices. While prospects are good for sustained increases in oil output, the price of oil will also depend upon demand.

If demand continues to rise quickly, then the Middle East share in world oil output could continue its recent rise, from the historic low of 27 percent in 1986 to 32 percent in 1991 and then 35 percent in 1996. On the other hand, if demand grows more slowly, the technological revolution in oil production and the more welcoming attitude toward foreign investment elsewhere could lead non-Middle East output to grow enough to stabilize or reduce the Middle East's share. In either case, the pattern of world oil trade will continue to shift, with more Persian Gulf oil going to Asia while Europe and North America import oil from Africa and South America.

While the role of market forces in the oil and gas industry is increasing, one area where geopolitics remains primary is the Caspian basin. Azerbaijan, Kazakhstan, and Turkmenistan could have 5 percent of the world's oil

reserves and by 2008 might produce 5 million barrels per day (mbd), primarily from Azeri offshore fields in the Caspian Sea and the Kazakh Tengiz field northeast of the Caspian. Those three countries plus Uzbekistan have 5 percent of the world's gas reserves, with Turkmenistan having the largest reserves. U.S. firms are committed to billions of dollars in investment, primarily in the Azeri offshore and Kazakh Tengiz fields. The problem is how to get the oil and gas to market from the landlocked Caspian countries. Some pipelines are already under construction or renovation, including a 1.2 mbd oil pipeline from Kazakhstan via Russia to the Black Sea, two 0.1 mbd pipelines from Azerbaijan to the Black Sea (one via Russia and one via Georgia), and short gas pipelines to hook the Iranian gas network on one end to Turkmenistan and on the other end to Iran. While the Kazakh pipeline will carry most of that country's projected oil capacity, additional major pipelines will be needed for Azeri oil and Turkmen gas. All the projected routes have problems, which will make the choices difficult:

*Existing pipelines go via Russia. Adding more capacity to those pipelines raises fears of excessive dependence on Russia.

*Transport via Iran faces U.S. opposition and Azerbaijani suspicions of Iranian irredentism.

*Turkey is lobbying vigorously for pipelines across its territory to the Mediterranean. But the political geography is complicated: a pipeline from any of the producing countries would have to cross at least one transit country before getting to Turkey, plus the best pipeline routes inside Turkey cross unstable Kurdish areas.

*Other transport routes are equally difficult politically (to India via Afghanistan and Pakistan) or challenging economically (to China).

The Oil Supply

The world oil market continues to have ample supply and therefore relatively low prices. Despite an upward blip in 1996, crude oil prices in the mid-1990s have been about the same as in the mid 1980s, while the average price level for other goods rose about 30 percent over that decade. The cost of producing oil has been dropping, thanks to the reduced cost of drilling and to technology that has made possible a 40 or even 50 percent recovery instead of 30 percent in the past. As costs drop, more output is coming from less attractive oil fields, for example, deep offshore fields in Norway and the U.S. Gulf of Mexico. After years of decline, U.S. oil production is increasing. At the same time, more countries are welcoming foreign investment in the oil industry, with fewer protectionist restrictions. For example, because of foreign investment, Venezuela is on track to increase its oil output capacity from 3.5 to 6 mbd by 2002.

Middle East countries are also increasing their oil production capacity. Saudi Arabia has underway a program to raise its capacity from the current 9 to 14 mbd within the decade. The other GCC states--Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman--are increasing their capacity from 7 to at least 9 mbd. Were Iraq to abandon the stubborn opposition to UN resolutions, it could increase from the current 3 to 6 mbd within five years. Iran's plans to expand its capacity face serious financial constraints, not least among them U.S. threats of secondary boycotts against firms investing in Iranian oil and gas.

Responding to Iraq and Iran

The U.S. policy of dual containment has had only modest success. The policy has not always been well received by U.S. allies, particularly in Europe.

*Iraq. Saddam Hussein's hold on power seems secure. His ruthless security services make coup or assassination attempts extraordinarily difficult. The exile Iraqi opposition is divided and largely ineffective, despite political and clandestine financial support from the United States for two of the larger groupings. Three northern governates are controlled by two Kurdish parties, the Kurdish Democratic Party (KDP) of Massoud Barzani and the Patriotic Union of Kurdistan (PUK) of Jalal Talabani, which have been fighting each other intermittently since 1994.

Saddam Hussein's intentions are not entirely clear. There is strong reason to believe he wants to control Kuwait if the opportunity presents itself. As witnessed by the 1998 inspection crisis, his most troubling behavior is the refusal to cooperate fully with the UN Special Commission on Iraq (UNSCOM), which is responsible for ensuring Iraq does not produce WMD or ballistic missiles with a range over 150 km.

The UN Security Council has unanimously supported UNSCOM, though it has of late become more reticent to act. Since late 1995, it has not declared Iraqi violations to be material breaches of the ceasefire; in the past, following such declarations, the U.S. use or threat of force has resulted in Iraqi cooperation. Regional support is dropping too: the Gulf States were unenthusiastic or critical of U.S. limited air strikes and an extension of the southern no-fly zone from the 32 degrees north latitude to 33 degrees against Hussein after his September 1996 move into Kurdistan. While they want an end to the Hussein problem, regional states other than Kuwait seem to have become relaxed about the threat from Iraq.

*Iran. The regime in Tehran faces popular discontent and the indifference of the senior clergy, who have little to do with the minority of the clerics active in politics. But the Islamic Republic is unlikely to fall, in part because it adapts to domestic pressure, expressed through hotly contested elections fought between candidates carefully screened to ensure their loyalty to the revolution. However, socio-economic discontent may grow, as the baby boom after the 1979 revolution reaches the

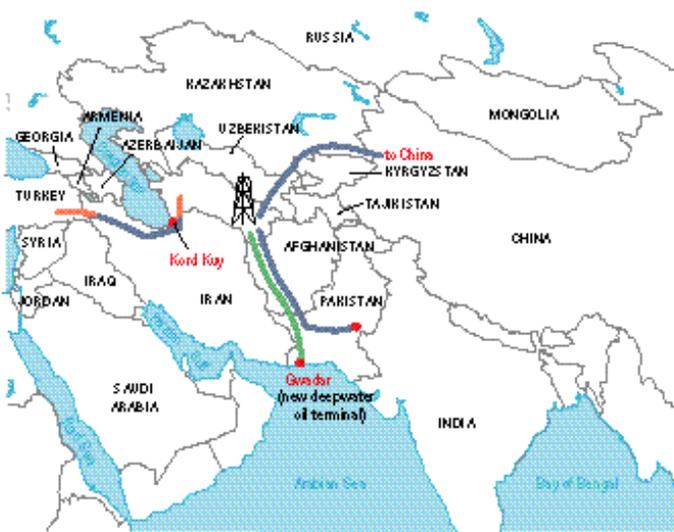
labor force at the same time as the country's oil exports fall. Iran is caught between growing domestic oil demand, fed by massive subsidies, and aging fields; its official forecast is that the country will cease exporting oil in 15 to 25 years. Foreign financing and technology could extend oil exports, but Iran has not offered particularly good terms to investors, and the United States has banned involvement of U.S. companies. Furthermore, under the 1996 Iran-Libya Sanctions Act, Washington has threatened secondary boycotts against foreign firms investing in Iranian oil and gas. While Iran has the world's second-largest gas reserves after Russia, the potential for finding markets in the next decade is rapidly shrinking.

There is a struggle underway for control of Iran's foreign policy, between the government of President Mohammad Khatemi and Ayatollah Ali Khamenei. On the one hand, Khamenei supports policies such as the *fatwa* calling for Salman Rushdie's murder and support for terrorism against Israel as crucial to the Islamic Republic's legitimacy as heir to Ayatollah Ruhollah Khomeini. Furthermore, Iran's claim to represent the world's radical Muslims can be seen as a powerful force-multiplier for Iran, providing it with access to places such as Bosnia in which it would otherwise never be a player, even though it has also tarnished Iran's image with

Turkmenistan: Pipeline Options

Turkmenistan-Iran: 140 km linking the Kordkuy gas deposit to the Iranian village of Kordkuy.

Proposed oil routes
Proposed gas routes
Under construction



moderates and made it a pariah in some circles. On the other hand, Khatemi has made overtures which can be interpreted as an effort at rapprochement with the United States. Iran's overall orientation, however, remains anti-American for the moment.

The United States has had limited success in generating support for its campaign against Iran's behavior. Russia is building a nuclear power plant and continues arms deliveries; President Yeltsin's agreement not to enter into new arms contracts has had little practical effect, since so much remains undelivered under a 1989 agreement, which Iran had to stretch out as its finances deteriorated. China seems to regard arms sales to Iran as a useful retaliation for U.S. arms sales to Taiwan. European Union (EU) members and Japan enforce their bans on sales to Iran of arms and dual-use technology, but they reject U.S. arguments and pressure for economic isolation of Iran. After the verdict in the 1997 Mykonos murder case in Berlin, the EU suspended its critical dialogue with Iran, but the EU remains committed to encouraging Iranian moderates rather than the U.S. policy of sanctions. GCC states regard Iran as their main long-term security threat but want to maintain dialogue with it. In other words, the United States is losing the propaganda war about Iran. Washington is seen as the barrier to dialogue, though in fact Ayatollah Khamenei and the other senior clerics categorically refuse to talk to the U.S. Government. U.S. sanctions are seen as ineffective, though in fact Iran has been unable to attract the foreign financing it needs to remain an oil exporter over the long run.

Iraq as a Potential Threat

Iraq remains a potent military threat. Although degraded by the Gulf War and sanctions, Iraq's land force is larger than and qualitatively superior to all the GCC states combined or Iran. With an active ground force of over 350,000 (and a reserve of 650,000), over 2,000 battle tanks, and 4,500 armored vehicles, Iraq dwarfs the GCC, although the Saudi Royal Air Force with over 300 modern combat aircraft is more than a match for Iraq's 316 aging aircraft, of which as few as 80 may be serviceable. Iraq retains sufficient ground forces near Basra to break out and overrun Kuwait quickly, unless there is adequate warning to reinforce the standing forces there. Furthermore, Iraq has demonstrated the ability to load and move forces quickly over substantial distances.

Iran as a Potential Threat

Iran appears to be pursuing unconventional weapons. Its nuclear weapons program is apparently advancing slower than had been believed in the early 1990s. However, after years of little progress, its missile program is finally moving ahead. Iran has a substantial inventory of missiles that can reach GCC states, including 400 SCUDs and SS-8s. It is on track to develop domestic production of missiles in the next decade, quite possibly including missiles with the 1,000-km range needed to reach Israel.

As for conventional forces, Iran has focused on upgrading its naval and missile capabilities in the Gulf. Its assets include:

- * 3 Russian KILO-class submarines
- * 10 fast-attack craft with 4 C802 missiles each and 10 patrol boats being fitted with C802s
- * Shore-based antiship missiles: Some C-802s (95-km range), 100 C-801s (40-km range), and 100 H-42s (20-km range)
- * 2,000 modern mines
- * 51 Swedish Boghammer boats capable of harassing shipping
- * 3 frigates and 3 light frigates
- * 6 landing ships of more than 2,000 tons each.

Iran has 297 combat aircraft, of which about 175 are operational. Iranian military leaders have described Iran's strategy in the event of a U.S. attack as being to block shipping through the Strait of Hormuz. While it might seem irrational for Iran to impede shipping through a strait vital to itself, that is in fact exactly what it tried to do in the "tanker war" of 1987-88, during the Iran-Iraq war. Although Iran could not close the Strait, it could pose considerable danger to shipping that could affect world oil markets and the willingness of civilian ships to bring in supplies vital to U.S. forces.

Stalled Peace Process

Both Israelis and Palestinians have become dissatisfied with the basic bargain underlying the 1993 Oslo Declaration of Principles, namely, Palestinian self-rule in return for Palestinian suppression of terrorism. Palestinians expected Oslo to be the beginning of a process leading to a Palestinian state in Gaza and nearly all the West Bank, but that is not the intention of the government of Benjamin Netanyahu, who

became prime minister in June 1996. Instead, both sides engaged in behavior that enraged the other: the Netanyahu government permitted construction of new Jewish housing in East Jerusalem and in settlements on the West Bank, while Palestinian Authority (PA) police initially stood by or joined in deadly riots aimed at Israeli forces in September 1996.

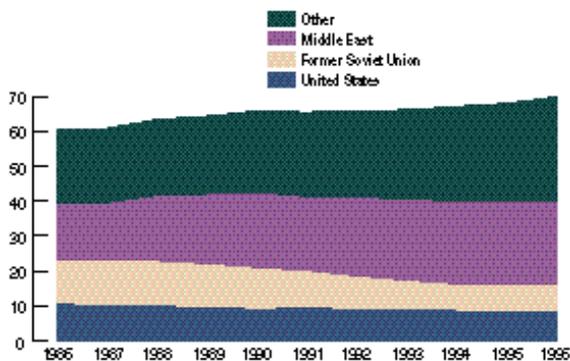
In 1997, Palestinian anger over the peace process spilled over into reaction against the U.S. role. Much of the Palestinian mainstream came to see the United States more as a supporter of Israeli positions in the negotiations than as a neutral broker. The spillover of anger at the Netanyahu government into dissatisfaction with the United States became common in the Arab world. Open criticism of U.S. peace process policy became common even from moderate governments generally friendly to the United States. As Arab governments and public opinion coalesced in anger at the state of the peace process, the positions of moderate Arab governments and hardliners such as Syria became closer not only on the peace process but on foreign policy in general.

On several issues besides the peace process, 1997 saw increased disquiet with the positions advocated by the United States. Several Arab governments friendly to the United States (Egypt, the United Arab Emirates, and Qatar) called for reconsidering the sanctions on Iraq. Popular opinion in many Arab states indicates unhappiness with the impact on the Iraqi people of the UN sanctions, as well as with UN sanctions against three Arab countries (Iraq, Libya, and Sudan). Furthermore, owing largely to the credibility of American power, Arab public opinion has become less concerned about the threat of external aggression in the Persian Gulf, paradoxically eroding support for U.S. presence. There is a desire for a more vigorous Arab role, for less reliance on the West, and for a more unified stance among Arab states--in short, a revival of Arab nationalism.

Radical Islam

The great majority of Muslims reject radical Islamism, which is doing poorly in most of the Middle East. Some governments have effectively responded to the threat of violent Islamism, using a mixture of repression and accommodation, typically cracking down hard on the organized violent opposition, while absorbing parts of the social agenda and allowing an opposition that works within the existing system. Jordan has been particularly successful, thanks to the development of moderate, nonviolent Islamism and to economic growth that tempered criticism of social injustice. Economic growth in Egypt has also drained the recruiting pool for radical Islamism, while effective (if at times strong-armed) police work broke the back of the violent groups, though they can still mount isolated attacks like that which killed 45 foreign tourists in Luxor in November 1997.

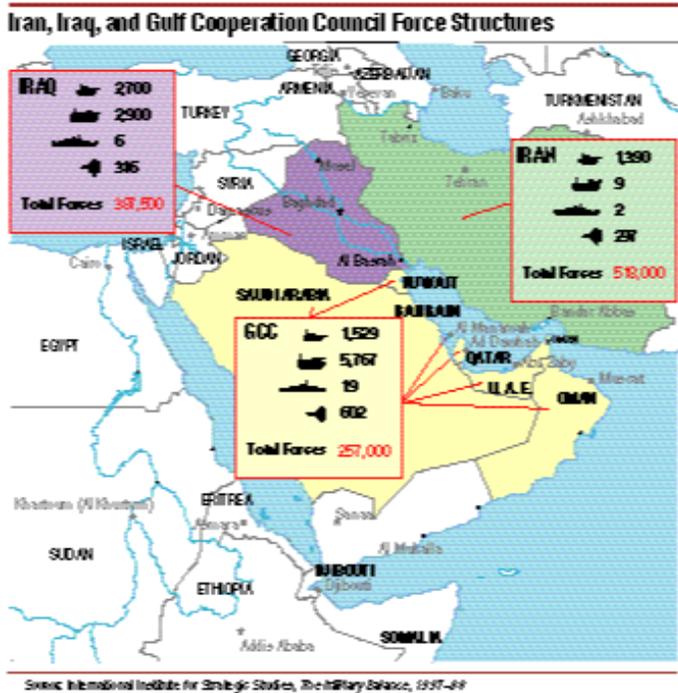
World Oil Production
(million barrels per day)



Source: British Petroleum, *Statistical Review of World Energy*, 1997

In Turkey, the Islamist Refah (Welfare) party became the lead governing party in June 1996. In order to hold together his coalition and to work with the military, Refah Prime Minister Necmettin Erbakan had to abandon an anti-Western stance, agreeing not only to remain in NATO but also to extend the allied monitoring of the northern Iraq no-fly zone, and even to deepen military cooperation with Israel. The Turkish military, which takes seriously its role as protector of the secular state founded by Ataturk in the 1920s, demanded that Erbakan stop or reverse policies seen as promoting Islam in government affairs. Faced with increasing military pressure and other political problems, enough members of the junior coalition partner defected to cause the Erbakan government to fall in June 1997. The overall effect of this experience was to show that Refah cannot change Turkish foreign policy and to harden non-Islamist opposition to Refah.

The revolutionary Iranian model has become increasingly less attractive to people throughout the Middle East. The May 1997 Iranian presidential election was won by the underdog candidate, Mohammad Khatemi, who soundly defeated the candidate widely seen as the official choice, with 20 million votes, accounting for 69 percent of those voting (33 percent of the population). Khatemi emphasized the need for the rule of law, implicitly criticizing revolutionary vigilantes, and for moderation in culture and lifestyle--such as allowing blue jeans for men and lipstick for women. It is not clear if the pressure for moderation extends to foreign policy as well.



In the Arabian Peninsula, religious fundamentalism is the main outlet for criticism of the rulers. The GCC monarchies face serious domestic problems of the sort that are certain to give rise to political discontent, including:

- Succession to a new generation of rulers (only Qatar has a young monarch)
- Providing suitable employment for the young adults raised in the era of the oil boom who expect high incomes without much work
- Trimming the generous welfare state to fit within the more limited revenues per capita as populations rise and oil incomes stagnate.

In some parts of the Middle East, violent Islamism remains an acute problem. In Algeria, 70,000 people were killed in 1992-97 in the confrontation between the government and the Islamist opposition. President Liamine Zeroual won a second term with 61 percent of the vote in the November 1995 presidential election, in which three-fourths of the electorate cast their ballots despite the Islamic Salvation Front (FIS) and Armed Islamic Group (GIA) call for a boycott. Violent attacks stepped up in early 1997 after the pro-government National Democratic Rally won 155 of 380 seats in the parliamentary elections.

The threat of violent Islamism remains high where there is a poor record of economic growth in the region. In the last decade, the Middle East (excluding Turkey and Pakistan) has had an economic track record almost as bad as that of sub-Saharan Africa. According to a 1995 World Bank study, the region is plagued by bad governance and inappropriate economic policies, which have led to \$350 billion in capital flight. Plus, it is overly dependent on oil: the Middle East's nonoil exports are smaller than Finland's. The most politically explosive problem is acute youth unemployment. While population growth rates are declining throughout the Middle East, past high fertility means that the working-age population will grow by 3 million a year, nearly doubling in the next 20 years. Those countries with the best economic performance--Jordan, Morocco, and Tunisia--are those that have the best governance and the most reliance on market forces. It is no accident that they are among the West's best friends in the area.

Shaping the Strategic Environment

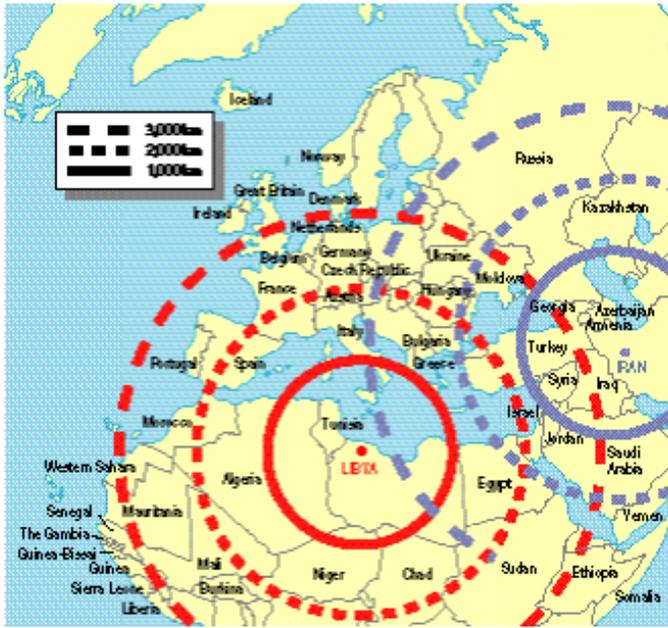
A basic U.S. goal for the next decade is to demonstrate that it has the means and the will to make rogues pay dearly for their aggression. The United States will certainly have sufficient forces globally eventually to reverse aggression by any potential Middle East rogue intent on monopolizing control over Gulf oil and gas. However, the most desirable environment would be one in which rogue states realize they could not prevail even in the initial confrontation, for otherwise they may falsely expect to get away with a *fait accompli*. The problem will be ensuring that the United States has sufficient presence and capability to surge forces into the area. The United States also wants to reach consensus with its core partners, especially those in Europe, on how to respond to the challenges from rogue regimes, such as in Iraq and Iran.

The main military-related environment-shaping goal relating to Arab-Israeli peace is to create confidence on all sides that borders can be

secure after a peace treaty. This may involve some minimal use of foreign military units, similar to the Sinai Multilateral Force and Observers (MFO). But the key military instrument is the U.S. commitment to Israel's technological superiority, accomplished through technology transfer and military aid.

Preserving stability in the Persian Gulf is central to U.S. global strategy. For the first two decades after the British withdrawal from the Gulf in 1971, the United States tried to preserve stability without a direct role. Washington first tried supporting Iran's bid to be regional superpower, and then promoted a balance of power among the three major Gulf powers, Iran, Iraq, and Saudi Arabia. These strategies were unsuccessful, leaving the United States no apparent option but to assume a direct security role in the Gulf.

Potential Missile Threat Ranges



Note: Illustration assumes that Libya or Iran acquires North Korea-style Oryon 1 (1,000 km), TD-1 (2,000 km), or TD-2 (3,000 km) missiles

Deter Aggressors

The U.S. military has to be concerned about two major theater war (MTW) scenarios in the Gulf: a land attack by Iraq or a naval attack by Iran. The Gulf could also see small-scale contingencies (SSCs), such as subversion conducted by a foreign power (e.g., what Iran tried in Bahrain), but the U.S. military is less likely to be directly involved in such a conflict.

The principal means to avert a clash is to demonstrate U.S. will and ability to respond to aggression in the Gulf. It is unrealistic to expect the Gulf monarchies to be able to defend themselves, or that a multilateral force--say, from Arab states--will fulfill that role. The United States is well positioned to provide the forces needed to defeat aggression in the Gulf because of the key features of U.S. forces analyzed in earlier chapters, particularly:

- Power projection--forces designed to deploy quickly, lift to get them there, and logistics to sustain them
- Strike power into even the most hostile battlefields, with an abundant arsenal of accurate weapons
- Robust forces, imposing in quality and size.

The U.S. interest is to deter potential aggressors through a combination of presence and demonstrated ability and will to reinforce with larger forces from beyond the region. A particularly thorny issue is the presence required. The United States may be able to defend its interests in the Gulf with power projection and strike power to the point that little onshore permanent presence is needed. But a small and transient presence might be falsely interpreted as a lack of ability and will to defend the Gulf. At the same time, too prominent a presence could inflame nationalist or religious sensibilities. The Middle East has a history of such reactions to Western military presence. For instance, the creation of the Baghdad Pact in 1955 was one reason for the overthrow of the Iraqi monarchy, and the status-of-forces agreement with the United States was an important factor in the bloody rioting that shook Iran in 1963. The most important example was the Iranian Revolution, aggravated by the presence of 50,000 U.S. military contractors and trainers, as well as the popular Iranian perception that the Shah had become an American puppet. U.S. interests would be ill served were the presence in the GCC states to lead to

a similar reaction.

The demonstration of power projection and strike power convincing enough to deter but without a permanent presence so large as to destabilize requires innovative techniques rather than the large, permanent bases used in Europe and East Asia. Thus, the United States relies heavily on pre-positioned equipment to demonstrate its ability to surge into the area.

U.S. power projection is also accomplished through extensive use of rotated units. In Kuwait, there has been a near-continuous presence of a battalion, with frequent presence of a brigade, often engaged in live-fire exercises. Air Expeditionary Forces (AEF), which are deployments for some months of a squadron or more along with all support equipment and personnel, have been sent to Bahrain, Qatar, and Jordan. Along similar lines, intensive use has been made of commercial ports, including about 200 calls a year at the Jebel Ali port in the United Arab Emirates. Several thousand airmen have been based in Saudi Arabia since *Desert Storm*, but the United States has not constructed any permanent facilities, so as to demonstrate that its presence is strictly a function of the continuing threat from Saddam Hussein.



Promote Confidence

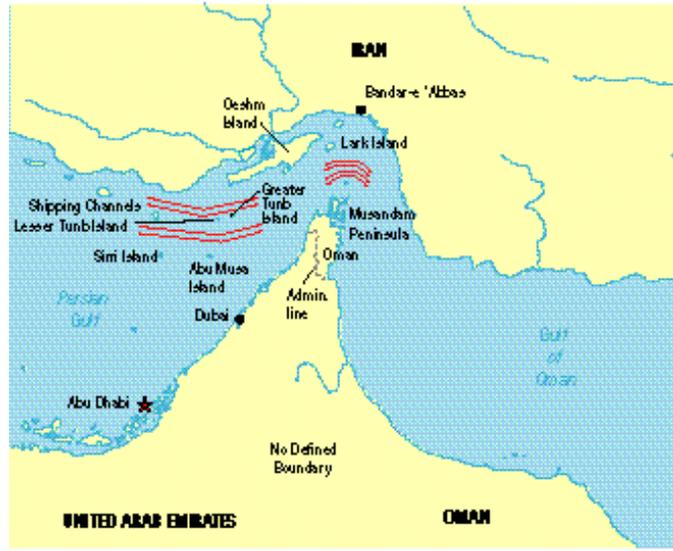
To reassure the core states about access to oil, the United States aims to sustain confidence in the free flow of oil through the Strait of Hormuz. It could be argued that this can be accomplished in a variety of environments. For instance, the United States has placed priority on preserving free use of the Strait of Hormuz. The Strait has taken on a symbolic importance for world oil markets that may exceed its actual economic role. Using the two pipelines across Saudi Arabia to the Red Sea (one built for Iraq) and chemicals that speed flow through pipelines, Gulf oil exports could quickly be at two-thirds their current level without use of the Strait. Nevertheless, the Strait of Hormuz remains important because of its role in commercial shipping of all kinds,

including the access to ports essential to surging men and materiel into the region during a crisis.

In the Persian Gulf, the United States faces the challenge of inspiring confidence simultaneously in two not entirely consistent aims: repelling aggression and treading lightly. GCC elites are worried about how lasting the U.S. commitment is, recalling that the British left in 1971 despite the fact that Gulf powers wanted them to stay. They are also concerned about the U.S. departure from Beirut in 1984 and Mogadishu in 1993 after taking casualties. At the same time, these same elites are worried that the United States may have too high a profile in the region. Cultural or religious conservatives, already concerned about what they see as the corrosive effect of American mass culture, worry about the impact of thousands of young Americans, including working women. Based on the historical experience of colonialism and special status for foreigners, local feeling is sensitive to perceived slights to local sovereignty, be it the need for overflight on short notice or for a status-of-forces agreement.

Strait of Hormuz

In the Levant, enhancing confidence means:



Note: Shipping lane boundaries are marked.

*Support for the peace process. In addition to the high-level diplomatic attention, support for the peace process includes aid. The \$2.1 billion a year in aid to Egypt since the late 1970s, including \$1.3 billion in military aid, has substantially increased acceptance of peace with Israel, by providing tangible evidence of a peace dividend. The \$3.0 billion a year in aid to Israel, including \$1.8 billion in military aid, is seen by the Israeli public as a barometer for American support for Israeli security.

*Maintaining Israel's qualitative edge over its Arab neighbors in military technologies. U.S. willingness to share technologies and to promote cooperation between Israeli and American defense industries has been more important than U. S. cash aid.

The more confident Israeli public opinion is about Israel's superiority over Arab militaries, the more likely Israelis are to take risks in the peace process, such as to withdraw from the Golan Heights or to reduce military presence in the Jordan Valley.

Improve Coalitions

For the Middle East, the main issue is inducing partners to complement U.S. forces. The friends whom the United States would call upon for defense of the Gulf can be arrayed in three tiers.

*The GCC states will not be able on their own to repel external aggression from either Iraq or Iran. However, if resources are used more effectively than now, their forces could make a distinct contribution to a joint effort with the United States. These forces could provide some of the first line of defense while U.S. forces arrive in number. If that first line does not hold, the U.S. forces in theater will be forced to trade space for time.

*Other regional states that could contribute include:

- Egypt, which could provide substantial forces as well as politically important support
- Syria, which has the forces and the proximity, but is not likely to agree to work closely with the United States; even during *Desert Storm* it maintained a distant relationship
- Turkey, which is geographically situated to make it useful as a bridge to the Gulf and potentially as a theater from which Iraq or Iran could be pressured in the event they engaged in aggression in the Gulf
- Israel, which possess the ability and will to help in a Gulf crisis, also faces political constraints that will strictly limit its role, probably to that of logistical support during a Gulf deployment. Israeli and U.S. forces have little operational experience together, which would limit their ability to function in a coalition.

*NATO states already make a small contribution to Gulf security, with French and British forces participating in Operation *Southern Watch* overflights of Iraq from Saudi bases. Given Europe's reliance on Gulf energy and its general ability to contribute to global security, many U.S. analysts are encouraging Europe to share more of the responsibility for Gulf

security, as well as to agree with the United States on a common approach to rogues. Common NATO procedures and training provide the basis for forming a coalition in a crisis. European militaries generally lack the power projection capability to deploy quickly to the Gulf, so they may be looking for U.S. assistance at precisely the moment when U.S.

Recent and Projected Oil Consumption (million barrels per day)

| | 1990 | 1995 | 2000 | 2005 | 2010 | 2015 |
|---------------------|------|------|------|------|------|-------|
| United States | 17.0 | 17.7 | 19.4 | 20.7 | 21.6 | 22.1 |
| Western Europe | 12.9 | 13.9 | 14.3 | 14.8 | 15.1 | 15.4 |
| Former Soviet Union | 8.4 | 4.4 | 4.9 | 5.8 | 6.7 | 7.7 |
| China | 2.3 | 3.3 | 4.4 | 5.5 | 6.9 | 8.6 |
| Industrialized Asia | 6.2 | 7.0 | 7.7 | 8.3 | 8.9 | 9.4 |
| All Other Countries | 19.2 | 23.1 | 27.1 | 32.1 | 36.4 | 41.4 |
| World Total | 66.0 | 69.4 | 77.8 | 87.2 | 95.6 | 104.6 |

Source: Energy Information Administration, *International Energy Outlook 1997*

transport assets are stressed. At the very least, the United States would want ready use of European facilities, such as airports and ports, during a crisis.

Limit Potential Threats

The quandary for the United States is that by demonstrating its overwhelming ability and will to prevail in any conventional confrontation, it inadvertently pushes rogues to adopt asymmetric strategies. It is no coincidence that this region has most of the states of proliferation concern and most of the world's state sponsors of

terrorism. The problem for the United States is to find ways to make WMD and terrorism less attractive to rogues.

At the same time, the United States wants to encourage currently hostile states to change their basic security orientation. The principal defense instruments to this end are sanctions and the prospect of threat reduction measures.

*WMD dissuasion. The most important U.S. goal for shaping Iran and Iraq is to make acquisition of WMD and their delivery systems less possible, more risky, and less attractive. Regarding Iraqi WMD, the principal environment-shaping instrument is UNSCOM, which has established a monitoring program combining periodic inspections and on-site monitoring devices. The U.S. military supports UNSCOM with intelligence, and in 1992-95, America threatened or carried out military strikes against Iraq to force compliance with UNSCOM demands.

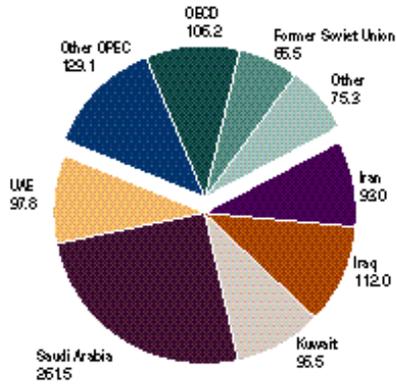
To slow down the development of Iranian WMD, the United States relies primarily on technology transfer limits. Iran has been uninterested in quid-pro-quo deals to alleviate Western concerns about its WMD. Iran has never seen its proliferation-troubling nuclear power plant at Bushehr as a bargaining chip for negotiations with the West. The United States has stated that regimes would suffer for use of WMD, though Washington has been ambiguous about how it would retaliate.

*Antiterrorism. To shape the environment and reduce the value of terrorism, the United States has implemented a wide array of initiatives to protect military forces in the Gulf. That, however, has left the problem of the vulnerability of American civilians, especially the 20,000 U.S. citizens in the Eastern Province of Saudi Arabia (the province in which the Khobar Towers bombing occurred). There is also a potential for terrorist attacks inside the United States, as was done at the World Trade Center in 1992.

It is unclear who has been behind recent terrorist episodes, such as the November 1995 bombing of the U.S. assistance team to the Saudi National Guard in Riyadh and the June 1996 bombing of the Khobar Towers housing facility used by the U.S. Air Force in Dhahran. The United States has particular problems responding to ambiguous sponsorship of terrorism. Washington wants broad international support for any retaliation, in order to accomplish the goal of isolating the perpetrator and persuading it that terrorism does not pay, but such support is likely only if the evidence is overwhelming. The United States has found it useful to approach terrorism as a criminal matter in order to gain cooperation from other governments that might not otherwise be available. But treating terrorism as a crime committed by individuals makes it difficult to take action against a sponsoring government, since the latter can always claim the terrorists acted without authorization.

*Sanctions. Sanctions have limited success in persuading regimes to change policy but have been more successful at

Distribution of Oil Reserves (1996) (billion barrels)



Source: British Petroleum, *Statistical Review of World Energy*, 1997

weakening the ability of targeted governments to carry out aggressive measures, such as reducing the resources Iran has available to purchase modern weapons. Despite the limited power of sanctions, they continue to be used against Middle East recalcitrants primarily because there are no obvious better nonmilitary measures and because there is strong domestic political support for such efforts.

*Case-specific sanctions. Syria is on the State Department list of terrorism-sponsoring nations, which by law means that the United States cannot provide aid and opposes loans from international organizations. As a result of government complicity with airplane hijackers in the 1980s, Lebanon and Afghanistan airlines are not permitted to fly to the United States. Because of the risk of kidnapping by terrorists, Lebanon

was subject to a U.S. travel ban from 1985 until July 1997.

The U.S. military will continue to enforce sanctions in the Middle East. The United States has been the main participant in the Multinational Interdiction Force (MIF) that monitors ship traffic in and out of Iraq. The U.S. Navy provides on average 10 ships dedicated full time to this mission.

In addition to sanctions, the United States has used aid to induce countries into cooperation. After Egyptian President Anwar Sadat agreed to a peace treaty with Israel in 1979, Egypt began receiving \$2.1 billion in aid annually. Similarly, after the Palestinian Liberation Organization and Israel reached agreement in 1993 on their Declaration of Principles, the United States sponsored a donors' conference at which \$2.5 billion in aid over five years was pledged for the Palestinian Authority. The political climate in the United States is less receptive to aid now, but there is more interest in potential economic cooperation measures, such as access to Western markets on preferential terms and policies to encourage private sector loans and investment. There is a prospect Syria could get some such economic rewards were it to make peace with Israel.

*Threat reduction. Considerable threat reduction has been achieved in the Arab-Israeli theater:

- As part of the Camp David treaty, Israel and Egypt agreed to a mutual withdrawal of forces, which is monitored by U.S.-supplied observers and by the Multinational Force in the Sinai, to which the United States contributes two brigades.
- After decades of effort, Syria abandoned the pursuit of strategic parity with Israel and decided to join the peace process when it realized that it could not terminate the existence of Israel.
- Since 1991, the United States has sponsored Arms Control and Regional Stability (ACRS) talks as part of the multilateral talks accompanying the Arab-Israeli peace process, but they have been stalled since 1994.

Arms Deliveries by Supplier (1993–96)

millions (U.S. \$)

| Recipient Country | United States | Western Europe | Other |
|-------------------|---------------|----------------|-------|
| Algeria | 0 | 0 | 500 |
| Bahrain | 200 | 0 | – |
| Egypt | 5,600 | 100 | 600 |
| Iran | 0 | 0 | 2,200 |
| Iraq | 0 | 0 | – |
| Israel | 1,900 | 300 | 200 |
| Jordan | 100 | 0 | 100 |
| Kuwait | 3,000 | 600 | 800 |
| Lebanon | 100 | 0 | – |
| Libya | 0 | 0 | – |
| Morocco | 100 | 100 | – |
| Oman | 0 | 900 | 200 |
| Qatar | 0 | 0 | – |
| Saudi Arabia | 12,200 | 16,600 | 1,000 |
| Syria | 0 | 0 | 500 |
| Tunisia | 100 | 0 | 100 |
| U.A.E | 700 | 900 | 700 |
| Yemen | 0 | 0 | 500 |

NOTE: 0 = data less than \$50 million or nil. All figures are rounded to nearest \$100 million. Western Europe includes France, United Kingdom, Germany, and Italy as an aggregate.

Source: Congressional Research Service, *Conventional Arms Transfers to Developing Nations, 1989–96*

In the Gulf, the principal threat reduction means so far has been to deprive rogue regimes of money and technology, in the case of Iraq combined with no-fly and no-drive zones plus a rigorous WMD inspection regime. In the future, especially if Iran or a post-Saddam Iraq becomes less hostile to the West, other means, such as arms control, might be considered. Conceivably, the United States might gain an advantage from applying, in the Persian Gulf, arms-control techniques similar to those in the Conventional Forces in Europe (CFE) agreement (e.g., limits on the numbers of major military items, establishing limits on armaments in zones near borders, prior notification about military exercises, and observation of large exercises). The United States holds an important means to induce Iran and Iraq to agree to such CFE-like measures, namely, the offer to remove economic restrictions. For instance, the United States could support larger Iraqi oil sales in return for a permanent and monitored reduction in Iraqi forces in the zone near the Kuwaiti border.

Sanctions

The United States uses economic sanctions more often in the Middle East than anywhere else:

* Iraq. The sanctions imposed by the United Nations on Iraq in 1990 were among the most comprehensive ever put on a country both in the rigor with which they have been monitored and the breadth of items covered—everything except food and medicines. Concerned about the impact of the sanctions on ordinary Iraqis, the UN Security Council ever since August 1991 offered Iraq limited oil sales to finance humanitarian imports. In 1996, Iraq finally accepted the latest offer, made in Resolution 986, and humanitarian imports began in early 1997 at the rate of about \$2.6 billion a year, including several hundred million earmarked for the Kurdish-controlled north.

* Libya. For its refusal to hand over the suspects in the bombing of U.S. and French civilian airliners, Libya was made subject in 1992 to certain sanctions by the United Nations, including reductions in number of Libyan diplomats, a ban on airplane flights, and a ban on imports of specified equipment for petroleum production. The United States took a tougher stance than the United Nations by imposing a ban on trade in 1984. The United States has urged more extensive UN action, and in 1996 Congress authorized secondary boycotts of firms breaking the UN import restrictions or investing in Libyan oil and gas.

* Sudan. Because the Sudanese government harbors fugitives from a 1993 assassination attempt against Egyptian President Hosni Mubarak while visiting Ethiopia, the UN Security Council imposed restrictions on Sudanese diplomats.

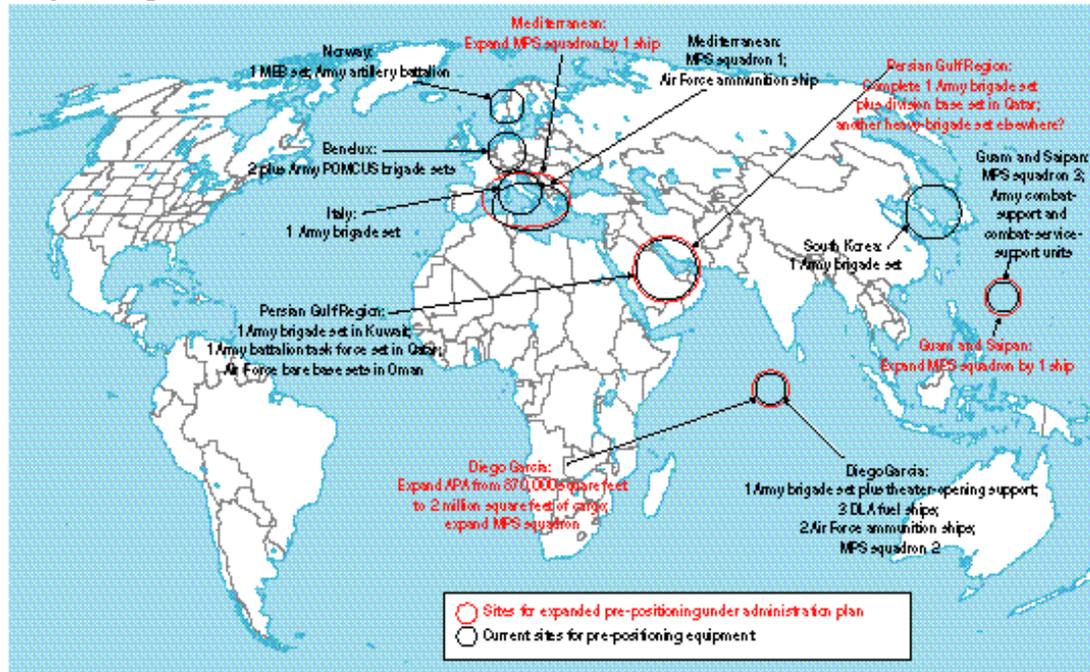
* Iran. The United States imposed a unilateral ban on trade with Iran in 1995. In 1996, the Iran-Libya Sanctions Act authorized a secondary boycott of foreign firms investing in Iran's oil and gas.

Promote Political-Military Reform

GCC states could make more efficient use of the resources they devote to their militaries. Much of the problem is attracting skilled, motivated manpower, which is not easy in countries with generous social welfare programs, acute shortages of technically trained workers, and a poor work ethic. The manpower problem is not made easier by the perception that, in the end, the defense of the GCC depends on U.S. forces. The United States encourages vigorous training programs and cooperates closely in exercises and military education, but it would be unrealistic to anticipate that the manpower problem is going to improve sharply soon.

Arms deliveries to GCC countries are running at about \$10 billion a year, much of which is not spent as well as it could be. The United States has limited leverage to influence the size and composition of arms purchases because GCC leaders are quite ready to buy elsewhere

Pre-positioning Site Plan (1997)



Note: Benelux=Belgium, the Netherlands, and Luxembourg; P-OCEANS=Pre-positioning of Overseas Material Configured to U.S. Sets; MEB=Marine Expeditionary Brigade; MPS=Maritime Pre-positioning Sipes; APA=Army Pre-positioned Afloat Program Sipes; DLA=Defense Logistics Agency
 Source: Congressional Budget Office, *Intervening U.S. Forces: Options for Strategic Mobility* 1997

if the United States does not sell. The United States does not always use the influence it has and is frequently in the position of urging a GCC government to buy American. GCC public opinion suspects that arms sales are designed primarily to reward friends like the United States and to provide a vehicle for corruption, rather than to make GCC militaries more effective.

The prospects are mixed that U.S. allies throughout the Middle East could work together:

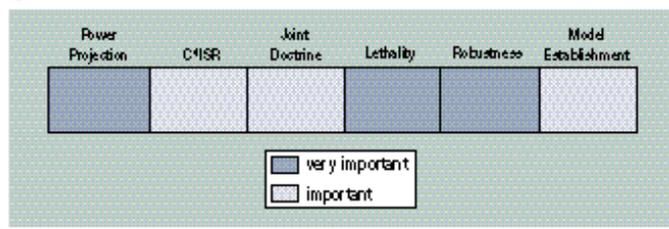
- The GCC states are of mixed minds about cooperation, reflecting traditional rivalries and the smaller states' concerns about Saudi domination. Various plans for combined forces remain in limbo.
- Cooperation between Israel and Egypt has been difficult to achieve. Even military-to-military contact remains low.

Jordan and Israel, by contrast, have established professional contacts.

- In the context of the multilateral peace process talks, the United States has promoted some agreements and de facto cooperation (e.g., search and rescue at sea).
- The Israeli-Turkish military-to-military cooperation includes joint training and defense industrial joint ventures. Growing cooperation since the Israeli-Turkish defense agreement of November 1996 has unsettled Iran, Iraq, and Syria, suggesting to the first two that they could face Israeli forces and to the third that failure to make peace with its two neighbors could find Syria caught in a vise between them.

In countries where the military is responding to domestic disturbances, the United States can encourage militaries to respect human rights:

Qualities of U.S. Power Accentuated in the Greater Middle East



*The most important such situation for the United States is in Turkey, where the southeastern quarter of the country is under direct military rule in face of the Kurdish insurgency led by the PKK terrorist group.

*In other parts of the Middle East, the United States has less influence. For instance, it has few means to influence how the Algerian military responds to terrorism.

Conclusion

To accomplish the environment shaping strategies, the principal U.S. military activity in the Middle East will be to demonstrate the ability to project power into the region by bringing to bear robust forces and lethal strike power. The aim will be to deter aggression while, in line with the region's cultural and nationalist sensitivities, maintaining a presence with as small and unobtrusive a footprint as possible. The principal instruments will be a strong naval presence in the Gulf and nearby waters, extensive use of pre-positioning, and temporary deployment of units, sometimes on a continuing rotational basis. The level of presence will be continuously adjusted to meet the threat, always bearing in mind that the goal is to deter, not just respond to, a crisis. It is quite possible that the presence will at times be below the mid-1990s average of 25,000 personnel, either because the threat from Iran and Iraq is reduced or because those rogue states can be deterred with a smaller presence.

The U.S. military will also be involved in large-scale arms sales to the Middle East. Most of the sales will be to GCC states, which are determined to acquire weaponry they can afford. The U.S. aim will be to steer GCC acquisition to equipment that best meets their defense needs. Besides the sales to GCC states, the United States will also sell arms to Israel and Egypt, as continuation of the aid begun after the Camp David peace treaty and in light of the U.S. commitment to maintaining Israel's qualitative edge over Arab militaries.

Smaller scale activities by the U.S. military will include:

- Combined operation exercises with individual GCC states, with core states contributing to the defense of the Gulf, and with Levant states, as well as occasional multilateral exercises, e.g., United States-Israel-Turkey
- Traditional peacekeeping, principally the two brigades committed to the separation of forces in the Sinai
- Sanctions enforcement, such as the Multinational Interdiction Force operation underway against Iraq since 1990
- Possibly some small-scale contingency in the event of state failure or humanitarian disaster.

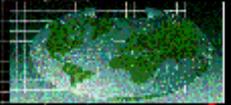
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER FIVE

Europe

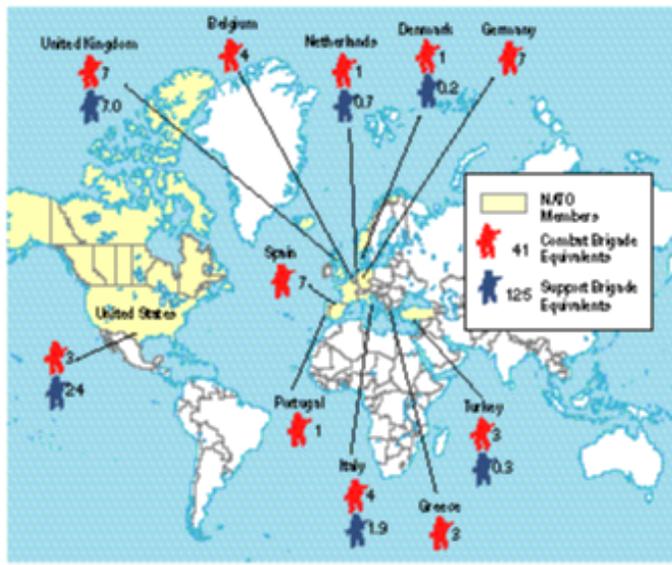


Two world wars and more than 40 years of the Cold War indicate that Europe was a dangerous place for most of this century. Today this region is the greatest success of U.S. security policy. With no major threat to its security, the continent enjoys a situation unprecedented since the Roman Empire. Except for the Southern Balkans--an important exception--peace and cooperation prevail. The North Atlantic Treaty Organization (NATO) is the foundation of this European peace, as well as of the integration of Europe under way since the mid-1950s. In July 1997, the Alliance opened itself to new members, inviting Poland, the Czech Republic, and Hungary to begin negotiations. This policy of NATO enlargement has allowed historical animosities in Central and Eastern Europe to be set aside. Political, economic, and military reforms have proceeded in the sometimes fragile transition to a post-Communist world with general success. A framework has begun to emerge under which Europeans will take increased responsibility for regional security and that could complement U.S. forces in military operations outside the continent.

U.S. Interests

The end of the Cold War increased sentiment at home favoring disengagement from overseas commitments. But the United States has a fundamental interest in consolidating security in Europe and in capitalizing on it to create security elsewhere, alongside European core partners. Europe in the 20th century tended toward competition and conflict, but with a U.S. force presence of just over 100,000 troops and the resultant credibility the United States has brought to European security, Washington has a tremendous opportunity to shape the environment in Europe as the next century opens. Through NATO and key relationships with other transatlantic and European institutions, the United States seeks to consolidate and expand a core of democratic and free-market states that can share the burdens of safeguarding common interests in Europe and beyond.

National Contributions to NATO Ground Forces (1996)



This core has already expanded beyond the traditional territorial boundaries of NATO and the European Union (EU, which includes formerly neutral countries); some emerging democracies of Central and Eastern Europe have fully entered the core--in particular, Poland, Hungary, and the Czech Republic. A number of states in transition are close to entering the core, including Slovenia, Romania, and the Baltic countries of Lithuania, Latvia, and Estonia.

Other states in Europe, such as Serbia and to a lesser extent Belarus, are potentially hostile to U.S. interests. No country there, however, has the will or capabilities to challenge the existing security order in the next decade. Instead, the challenge to stability there in the immediate future comes from the potential of failed states, such as Bosnia-Herzegovina and Albania, to require intervention, which could stretch the resources and political will of the United States and its allies and produce transatlantic fissures within NATO.

Developments in the two largest transition states, Ukraine and Russia, also will affect the overall security climate in Europe. Although implausible in the near term, a regime might emerge in Russia that could raise tensions in surrounding states and affect Central Europe; yet the prospect of renewed Russian hegemony over the region is nearly nonexistent. More likely, challenges to European security and stability will come from rogue states outside the region that could threaten U.S. and European interests, particularly in the Persian Gulf and the Mediterranean region.

Reshaping the Alliance

The primary U.S. interest in Europe is reshaping the transatlantic core of countries that share strategic interests and values into a strategic partnership capable of assuming wider international security responsibilities. Key NATO allies, and the capabilities and cooperative arrangements formed in the Alliance, provide the foundation of this partnership. The United States has an interest in ensuring that its core partners remain committed to the Alliance and that greater cooperation in European defense, including a European Security and Defense Identity (ESDI), remains under the NATO umbrella. In military terms, NATO's most obvious success has been the promotion of transparent national defense planning, integrated through the multilateral sharing of information. This cooperative effort, which has reduced the need of states to invest in costly national defense programs, is a key function of NATO and its Partnership for Peace Program.



Consolidating Reform

The core is not limited to members of NATO. Some Eastern European states have indicated their Western identity in terms of future membership in NATO. The United States shares interests with many different countries emerging into a post-communist national identity as well as with neutral states that have not sought membership in NATO. Defense reform to the east can continue to include countries shaping their policies in order to join the core, particularly Ukraine and the three Baltic democracies. Although none of these countries is likely to join NATO soon, ongoing bilateral and multilateral efforts will keep open institutions that enhance and stabilize reform. The Partnership for Peace and the effort to open NATO activities (especially NATO Charter Article 4) to partners are keys to larger U.S. goals.

Comparative Cost Estimates of NATO Enlargement billions (U.S. \$)

| Reinforcement Option ¹ | 1 Year | | | 12 Years |
|-----------------------------------|-----------|------------|-------------|--------------------|
| | U.S. | Other NATO | New Members | Total Cost |
| Clinton Administration (1997) | 150-200 | 950-1,300 | 1,250-1,420 | 27,000-25,000 |
| RAND Corporation | 420-1,400 | 520-1,500 | 867-1,423 | 20,000-82,000 |
| Congressional Budget Office | 1,028 | 3,500 | 3,992 | 110,900 |
| NATO Headquarters | - | - | - | 1,500 ² |

¹ Reinforcement Option: New members modernized their forces enough to defend themselves until reinforced by other NATO members.

² NATO estimates that common investment and infrastructure costs through 2010 will be 1.5 billion dollars, a figure which is supported by the Clinton administration.

Stabilizing Failed States

An important security challenge in Europe will be to stabilize states that face disintegration or civil conflict. Ensuring long-term stability in the Balkans will prevent the possible spillover of conflict into areas of vital interest to the United States, while maintaining international confidence in the institutions charged with preserving security in Europe and helping European partners take on more (but not all) the responsibility. In Europe, the problem of failed states, although limited, directly affects the interests of the core states.

Deterring Rogue States

Rogue states--those that do not conform to minimal international norms and standards of behavior--may pose a threat to U.S. and European interests, both on the continent and outside Europe. Iran, Iraq, Libya, and Syria may be considered rogue states. Inside Europe, Serbia, and to a lesser extent Belarus neither share nor aspire toward core values. At the end of 1997, the threat of intra-European conflict

appears highly unlikely, but maintaining a minimal insurance policy for collective defense of shared interests remains important. Creating the means to deter present and future rogues is a key premise of maintaining forward-deployed U.S. forces in Europe. Any rogue that threatens core interests outside Europe will face the prospect of an Atlantic coalition and therefore find it difficult, if not impossible, to play off Europe against the United States.

Current Trends

Intra-Alliance Relationships

In 1997, tensions developed in the transatlantic relationship that may have made it difficult for the United States to influence future actions of its allies. Failure to reach agreement on European command of Allied Forces South (AFSOUTH) caused France to freeze reintegration into the NATO military command structure.

Disputes between Spain and the United Kingdom over Gibraltar and between Spain and Portugal over surveillance of the waters near the Canary Islands, although minor, nevertheless complicated Spain's return to the NATO military command structure.

Some European allies resented the process by which the United States built consensus for the invitations to Poland, Hungary, and the Czech Republic to begin negotiations on NATO membership. To many European political leaders, the U.S. diplomacy appeared heavy handed. Specifically, some key allies preferred to strengthen the strategic foundation of NATO by including Romania and Slovenia in the first round. Fissures grew within the Alliance over costs associated with enlargement. Influential members of the U.S. Congress insisted that Europeans pay most of the costs, while European allies stated emphatically that they were in no position to fund the development of the power-projection capabilities required for successful defense of new members. French President Chirac said so publicly, and other European allies expressed similar sentiments.

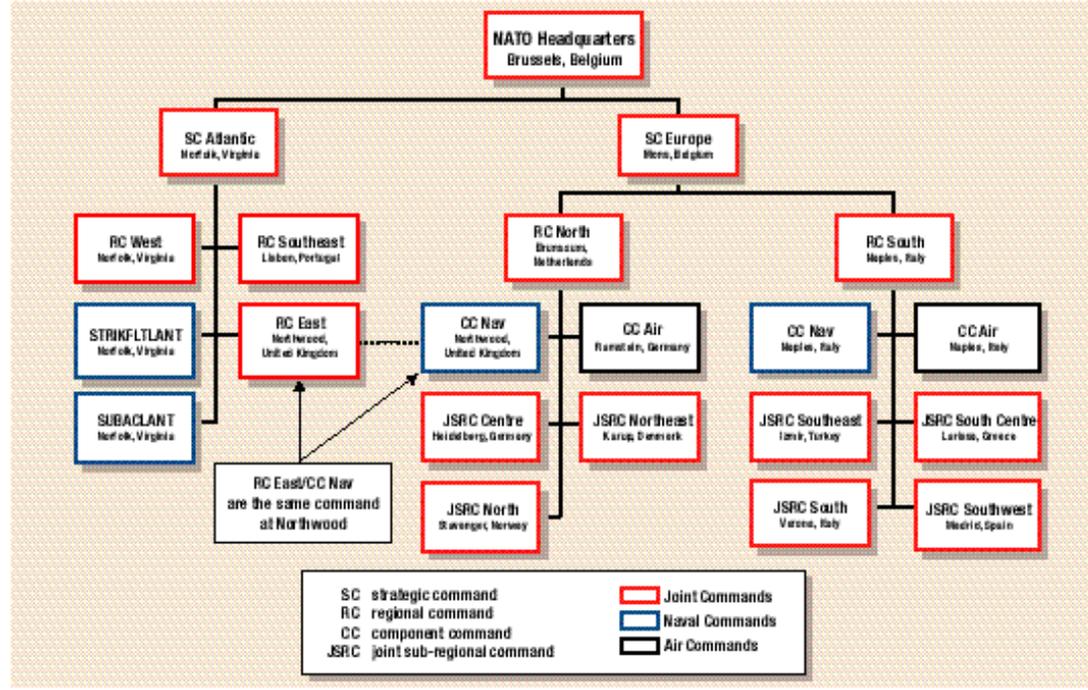
Equally important, European military capabilities have declined, creating a military imbalance within the Alliance that threatens to exacerbate transatlantic tensions. European defense spending has been directed toward maintaining a traditional force structure designed to defend the former NATO borders. European forces have taken significant measures in developing a "Euro-Force" but have not made much progress in developing an out-of-sector force projection capability. The trend is toward Europe's growing dependence on the United States for support in any intervention outside Europe.

Declining defense budgets in Europe, together with a continuing emphasis on territorial defense, yields a vicious circle. Unless these governments are able to formulate a contemporary purpose (e.g., power projection), there is insufficient public motivation in support of any defense spending. Reprogramming toward power projection is more difficult when budgets decline.

Without modernization of the military or investment in their defense industries, European allies will find it increasingly difficult to act in conjunction with the United States. With its rapidly evolving, high-technology modernization, particularly in command, control, and communication (C³), America has moved ahead, and as a result, its allies may not be able to communicate effectively with one another. The failure of Europe to keep pace with the U.S. progress in research and development may turn current and future allies into second-class citizens of NATO.

This gap in modernization can be adjusted by complementing the efforts of European nations. For example, the United States and Germany are creating an integrated air defense unit for mission deployments and to protect NATO's air space. To be known as the German-American Air Defense Unit, it will be equipped with Patriot, Hawk, and Roland missiles from both countries. Germany will provide up to 300 soldiers, and the United States will complement that number with two Patriot missile battalions and troops of a number yet to be specified. Command will be shared by officers from both countries and will rotate every three years, beginning in 1998, with the goal of being operational by the turn of the century.

New NATO Command Structure (December 1997)



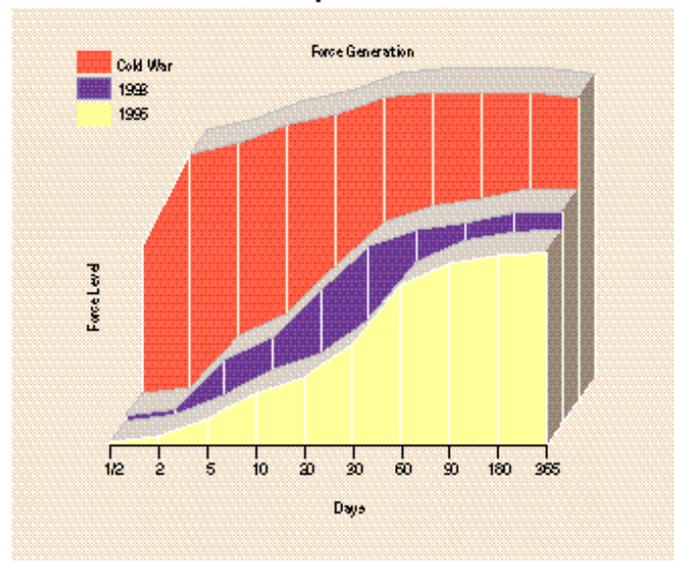
Another example of complementarity was the NATO exercise IVITEX '97, which included more than 25 ships from the United States, Greece, the Netherlands, Germany, Italy, France, and the United Kingdom. Its goal was to test communications links and establish common ground for communications of the naval forces. But the exercise, rather than providing solutions, demonstrated problems. For instance, commanders were forced to use the lowest common denominator in communications technology to ensure uninterrupted communication among the different navies.

The gap in modernization and overall force reductions impair NATO readiness. The Alliance can currently mobilize only a small percentage of its overall combat potential on short notice--a substantial decline since the end of the Cold War. The United States and its allies at this point are marching to different drummers: global power projection is animating U.S. but not European efforts, causing considerable divergence, which a common strategy with key partners, and with derived force goals, might help reduce.

This trend is liable to exacerbate transatlantic tensions within the core in the coming decade, as European economies struggle to meet their commitments to the European Monetary Union. Fiscal austerity will further strain defense budgets. European allies play a greater role in operations in Europe than the United States. Europeans provided two-thirds of the forces to IFOR and SFOR. The United States furnishes three combat brigade equivalents to NATO's Reaction Forces (Ground), while other allies contribute 38.

Current trends reinforce congressional concern that key allies are not prepared to share the burden of developing a power projection capability. Germany, with current defense spending in the area of 1.7 percent GDP, plans to cut defense spending by \$5 billion over four years. In the United Kingdom, the Labour government is conducting a defense review, looking at long-term strategy through the year 2015 to challenge assumptions about defense policy, and will probably address such unconventional threats as drug trafficking. Although British transatlantic policy probably will remain unchanged fundamentally, it may assume both a more European orientation and increasing reliance on U.S. power-projection capabilities. The 1997-2002 French defense plan will reduce procurement spending by 20 percent, and its equipment budget will suffer the greatest ongoing cuts in 1998, to meet EMU criteria.

Force Level and Readiness Comparison



Generally, Europe is falling behind the United States in technological capabilities. Despite early talk of an independent ESDI, the trend, as said above, is toward increased dependence on the force capabilities of the United States, particularly in the areas of strategic lift, logistical sustainability, and the gathering, processing, and dissemination of intelligence. The trend stems largely from the reluctance of European allies to invest in defense programs for power projection or from an inability to agree on the source of the necessary equipment. Similarly, the gap in technology reflects the divergence in R&D strategies of the United States and European defense establishments. If this gap continues, the United States may find itself so advanced in critical warfighting skills--for example, in command, control, communication, computers, and intelligence (C⁴I) operations--that it will not be able to function with core partners.

Although the United States has emphasized an increased role for Europeans in and out of Europe through the Combined Joint Task Forces (CJTF) concept, Europeans remain reluctant to act without U.S. leadership, as was illustrated by European insistence on either continuing U.S. engagement in Bosnia or withdrawal if the United States withdraws. In the other major crisis affecting stability in Europe--Albania--neither NATO nor the WEU was prepared to engage the belligerent parties directly and thereby forced a coalition of the willing to emerge without institutional support of either NATO or the WEU.

Transition, Reform, and Integration

The U.S. strategy of supporting NATO enlargement while building special partnerships with Russia and the Ukraine has contributed to consolidating reform in Central and Eastern Europe. Countries such as Romania, Bulgaria, and the former Yugoslav Republic of Macedonia have made substantial progress toward democracy and free-market reforms. The long-term picture in Russia remains



uncertain, but Moscow has held Russia's first democratic presidential election, and reform-oriented politicians now head the Yeltsin government. Indeed, although critics had warned that NATO enlargement could hinder reform in Moscow, reformers still hold all key positions in the Russian government.

In an effort to balance Russian concerns, keep Europe undivided, and encourage positive trends, in January 1994 NATO initiated the Partnership for Peace (PfP) program, developing specific principles for NATO enlargement. NATO leaders determined that new members would have to conform to basic principles of democracy, individual liberty, and the rule of law; demonstrate a commitment

to economic liberty and social justice; and adhere to the norms and principles of the Organization on Security and Cooperation in Europe (OSCE). Conditions for candidacy include effective democratic control of the military and some degree of military capability and interoperability. In addition to active participation in Partnership for Peace (PfP), new members would have to assume the financial obligations of joining and of developing necessary interoperability, including defense management reforms in transparent defense planning, resource allocation and budgeting, appropriate legislation, parliamentary and public accountability, and minimal standards in collective defense planning to pave the way for more detailed operational planning with the Alliance. Finally, new members should not

"close the door" to future candidate members. By creating such quantifiable standards, the United States and its allies sought to enhance stability in Central and Eastern Europe. Most of the countries that want to join NATO have made considerable progress toward meeting these goals.

Heads of state of member countries agreed at the Madrid Summit that Poland, Hungary, and the Czech Republic most closely met these goals. They also noted the positive developments towards democracy and the rule of law in a number of southeastern European countries, especially Romania and Slovenia, and agreed to review the enlargement process at the April 1999 summit in Washington. Special mention was given to the three Baltic countries for their important contributions to security in that region.



NATO enlargement continues a trend of adapting the Alliance to meet post-Cold War challenges. Where this trend may lead in the long term is unclear, though NATO may be moving away from its traditional mission of collective defense and toward a hybrid of cooperative security and more active involvement in regions outside its traditional area of operations.

NATO may evolve into a standing institution that facilitates military operations after a consensus has been reached among coalitions of the willing. Because it makes international cooperation easier to attain, the Alliance does not require an immediate threat to survive. Yet NATO is only one part of a broad, complementary institutional framework for European security.

One important element of the trend toward cooperative security is the Alliance's effort to expand contacts with Russia. During the negotiations with Russia following the decision to enlarge NATO, the United States and NATO agreed to establish a NATO-Russia Permanent Joint Council. Participants will consult and coordinate regularly and, where possible and appropriate, act jointly--as in the Bosnia-Herzegovina operations. In negotiating the Founding Act, NATO stated that for now and in the foreseeable security environment, the Alliance will carry out collective defense and other missions through interoperability, integration, and a capability for reinforcement, rather than increasing the existing permanent stationing of substantial combat forces on the territory of new members. Russia was granted a "voice but not a veto" in NATO decisionmaking processes. Significantly, the Alliance has no clear mechanism to determine when crises with Russia might prove sufficient to force an end to the relationship.

The immediate trend is toward enhancing a cooperative security environment that favors coalition building. For example, the IFOR and SFOR experiences in Bosnia have become models of multilateral security cooperation based on an inclusive strategy of using the military resources of the Western core and integrating transition countries into the Western system of multilateral military operations. The NATO model of cooperative security will probably continue to be important to the future of Europe and beyond, particularly if Russia plays a positive role. Other cooperative efforts include the newly created Euro-Atlantic Partnership Council (EAPC), which replaced the North

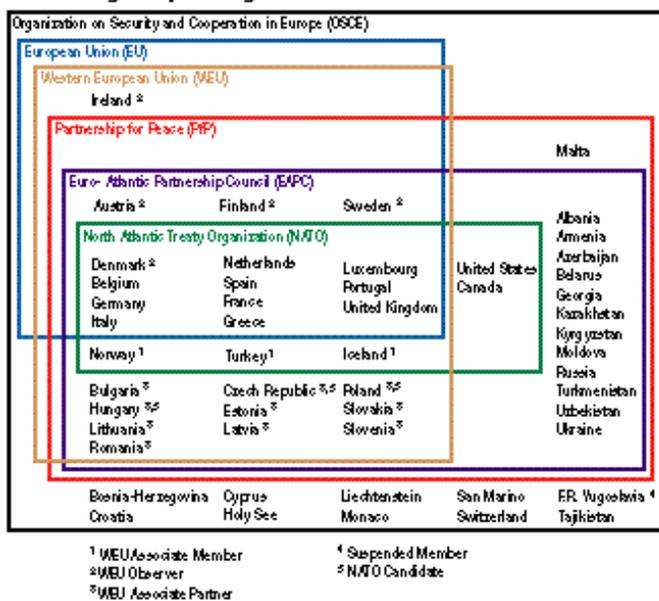
Atlantic Cooperation Council, and continued strengthening of the OSCE. Such initiatives contribute to a functioning arrangement of mutually reinforcing institutions, among which the United States plays a key role.

Stabilizing Failed States, Avoiding New Failures

Efforts to stabilize failed states have been mixed. In the Balkans, the trend has been toward stability without security. Peace in Bosnia-Herzegovina after the 1995 Dayton Accords is a peace without security, one that forced increased involvement of NATO states through the arrest of the primary indicted war criminals, beginning in mid-summer 1997. Whether a single Bosnia can exist remains an unsettled question. Peaceful reconciliation and renewed integration appear possible, but partition or a return to full-scale war cannot be ruled out.

In Albania, the other failed state, the outlook seems to hold greater promise, although further international attention is required. Operation *Alba* restored a basic sense of security there, following the collapse of political and economic structures in early 1997. After the operations ended, the United States and allies, complemented by the NATO PfP program, began to search for ways to rebuild the Albanian military along democratic lines, which may take years.

Interlocking European Organizations



Deterring Rogues

Rogue states on Europe's periphery pose potential threats to European interests as much as or more than to U.S. interests. Rogue states have been known to sponsor terrorism capable of striking Europe. They also seek access to weapons of mass destruction (WMD) and long-range delivery systems that ultimately could threaten Europe. If rogues gain control of the Persian Gulf or major oil fields in the region, they would have the means to blackmail if not directly threaten NATO allies. Within Europe, Serbia has become an outcast in the European system and might well harbor ambitions of obtaining chemical weapons, if not other WMD. Belarus, another outcast in the European system, openly espouses antidemocratic and anti-market principles and is capable of selling weapons and key materials for the manufacture of WMD to rogue states. Deterrence of rogue states is an important purpose of the U.S. presence in Europe.

Shaping the Strategic Environment

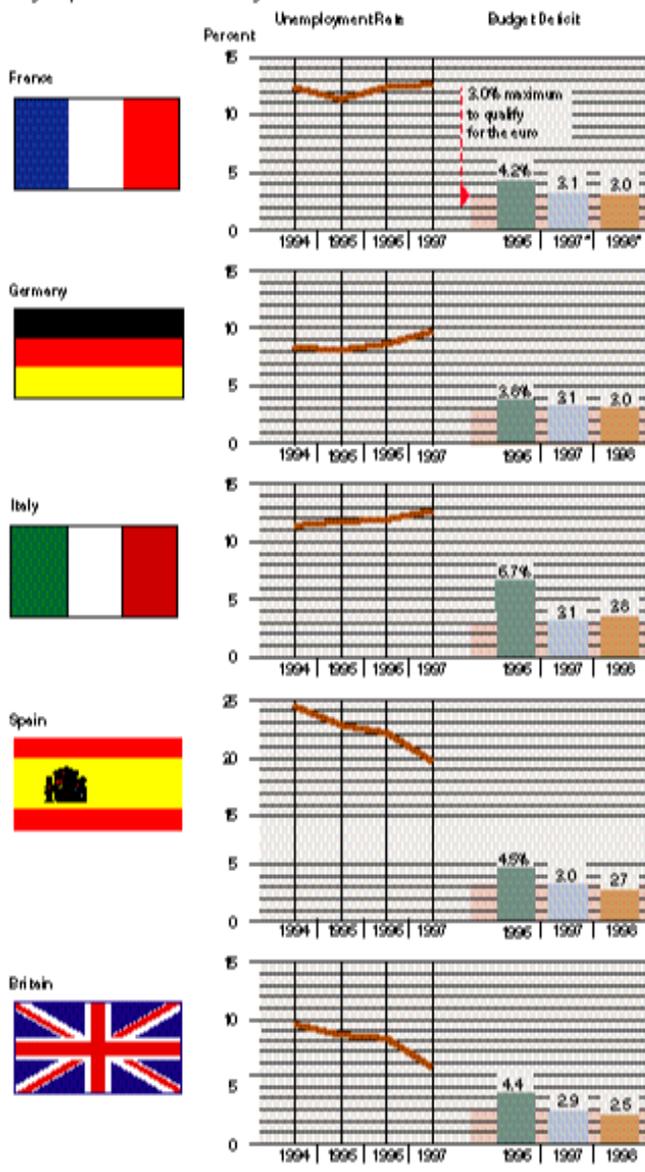
In Europe, the United States has an opportunity to shape the strategic environment to ensure stability well into the 21st century.

Avert Conflict

Enlarging NATO to include Poland, Hungary, and the Czech Republic is a fundamental element of a long-term preventative strategy to avert conflict in 21st century Europe. In the 20th century, two major wars were fought over security competition between Germany and Russia and the security vacuum that lay between them. A cautious and deliberate enlargement of NATO will virtually eliminate the

Toward European Monetary Union Criteria

Stubbornly high unemployment in many Western European countries has made it politically difficult for some governments to cut their budget deficits enough to meet the criteria for monetary union. Here is how the five leading European Union members are faring:



* Figures for 1997 and 1998 are forecasts

Source: Organization of European Cooperation and Development and Bloomberg Financial Markets

possibility of nationalization of armed forces in Europe and inhibit the interest of any country in seeking regional power. An enlarged NATO would help ensure that the United States need not again shed blood and expend resources in Europe and would inhibit the ambition of any state to pursue its aims through force.

Another goal of the United States in Europe is to manage and contain crises such as in the former Yugoslavia. Working closely with its allies, the United States helped implement the Dayton Peace Accords and served as a deterrent against the spread of fighting. Extension of the NATO mandate in Bosnia demonstrated American willingness to sustain the peace. In the longer run, the United States may continue to help shape the environment, however, by maintaining some involvement in the region through "over-the-horizon" forces which exercise on the territory of Bosnia-Herzegovina. As a result, it would complement efforts by its allies to deter conflict on the ground independent of a long-term commitment of U.S. forces. Attaining such a compromise between the United States and its allies would be of strategic significance, because the U.S. Senate may find it difficult to support conflict aversion strategies in Europe if America's allies are not seen as committed partners willing to exercise responsibility for security on the continent.

The United States will seek to use its force presence and diplomatic influence to avert conflict between two historic enemies, Greece and Turkey. In 1997, it took substantial steps complementary to those of NATO Secretary General Javier Solana to promote confidence and security-building mechanisms between these countries. The appointment of Special Envoy Richard Holbrooke sent a strong signal that the United States will use its resources to shape a lasting stability between them. Small steps, including U.S. provision of a secure communications systems at NATO Headquarters to link Ankara and Athens with the NATO Secretary General's office, provide enhanced confidence there that small misunderstandings will not lead to a major conflict.



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self-defense (Article 5) issues are increasingly not the day-to-day activity of NATO, because there is no threat to any current or future member. Nonetheless, the credibility of the collective defense principle underpins the security of its current and future members. Thus, as NATO enlarges and its internal collective defense apparatus transforms, maintaining credible deterrence forces will be essential to make its commitment valid. The United States successfully convinced its NATO allies that, while new member states will not need large-scale infrastructure investment, it would be important not to negotiate away their infrastructure rights and obligations. These rights remain important in the unlikely event that a threat may require a rapid defense facilitated by such basic infrastructure needs as command and control, intelligence, and logistics for rapid deployment of forces in these new member states. Such infrastructure issues are central to credibility in the process of NATO's enlargement.

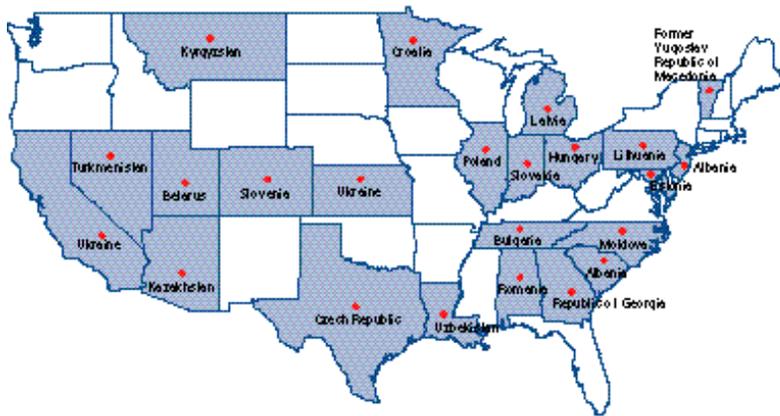
Although NATO cannot commit in advance to confront threats to members' common interests outside Europe (e.g., in North Africa or the Persian Gulf), the habits of cooperation, command and control, and joint exercises increase the likelihood that coalitions that include the United States and its European allies will be formed to meet such threats.

Enhance Confidence

NATO has a proven record in promoting reconciliation between adversaries. Institutionalization of transparent defense budgeting and force planning has contributed to confidence and security among European allies. Small members of NATO, such as the Netherlands, Belgium, Luxembourg, Denmark, and Norway, today feel secure in the shadow of their large German neighbor because of the defense-planning practices institutionalized in NATO. The U.S. nuclear umbrella in Europe also prevents European states--particularly Germany--from needing to develop independent nuclear capabilities.

NATO's greatest achievement since the end of the Second World War is the confidence, security, and stability that have developed in Western Europe. A major challenge at the opening of the 21st century is to expand the institutionalized zone of confidence, security, and stability to Europe's eastern half and to facilitate the region's return to Europe. NATO cannot do this alone. The European Union (EU), too, has facilitated common political and economic practices among its members, and it will continue to complement NATO in this endeavor. A further challenge to both will be to encourage key European partners to contribute more broadly to common security.

State-to-State Partnerships



Source: NATO Review 45, no. 3 (May-June 1997)

significantly in adapting and shaping the strategic environment in Europe. Together, the allies presented an ambitious proposal in February 1998, including the following key components:

*Equipment reductions: A call by the 16 current members for lower equipment entitlements in the CFE area and a specific commitment to total ground-equipment entitlements under an adapted treaty that will be "significantly less" than members of the Alliance are allowed under the 1996 treaty. Such reductions in standing forces, accompanied by restructuring NATO forces to make them more mobile, deployable, and operationally capable, are consistent with CFE commitments.

*New treaty structure: NATO's proposal established a system of national equipment ceilings to replace the CFE's structure of bloc limits. It also replaced the treaty's regime of zonal limits with nationally based territorial ceilings, which constrain the amount of ground equipment on the territory of any one CFE state. The new structure would preserve the existing regime of constraints covering the treaty's "flank" region.

*Prevention of destabilizing concentrations of forces: The proposal included a measure to ensure that under an adapted treaty--even in the context of NATO's enlargement--no increase in ground equipment would be permitted on the territory of states at the geographic center of Europe (Belarus, the Czech Republic, Hungary, Poland, Slovakia, Ukraine outside the flank, and the Kaliningrad Oblast of the Russian Federation).

CFE Treaty

| | Tanks | Artillery | Armored Combat Vehicles |
|---------------------|-------|-----------|-------------------------|
| Original Fank Limit | 1,900 | 2,400 | 3,700 |
| Permitted to 1999 | 1,937 | 2,422 | 4,397 |
| New Fank Limit | 1,280 | 1,680 | 1,380 |

Note: Changes in the treaty limits of items in fank zones.

*Responsiveness to new security challenges: CFE states retain flexibility to conduct cooperative military exercises, participate in peacekeeping operations, and deploy forces temporarily in emergency situations. These activities would be subject to consultation with other CFE states.

The result of the CFE adaptation negotiations should be to transfer limits on the number of heavy weapons that countries could hold in Europe from "groups of states parties"--meaning NATO (and the former Warsaw Pact)--to individual states. In this way the security of all treaty parties will be protected, and in response, NATO flexibility or defense planning will not be undermined. The CFE Treaty thus continues to be central to security within Europe.

Since the inception of Partnership for Peace in January 1994, NATO has reoriented its outreach programs and developed new institutions to manage the program. Despite initial reservations of many Central and East European states, which had hoped for an early decision on enlargement, PfP has become a very popular and successful program. Open to all members of OSCE, in just four years PfP has been adopted by 27 widely diverse countries, including the former Soviet Union and Yugoslavia, non-Soviet Warsaw Pact states, and neutrals.

The political principles reflected in PfP are drawn from the Washington Treaty of April 4, 1949. NATO began to apply these principles through the PfP program. Former Secretary of Defense William Perry's "five principles" emphasized democracy, free market economies, good relations with neighbors, democratic control of the military, and the establishment of a military compatible with the standing forces of NATO as a prerequisite for joining the program.

To enhance confidence, these principles have been building blocks for developing security in Central Europe. As in the Franco-German reconciliation, historic reconciliations are occurring between Germany and both Poland and the Czech Republic and between Slovenia and Italy, all of them established by treaties that recognize borders as well as by combined military activities and cooperation. Similarly, Poland has expanded the zone of confidence building and cooperation to Lithuania and Ukraine.

A few other examples nurtured by PfP and NATO enlargement include the basic treaties between Hungary and Slovakia and among Romania, Hungary, and Ukraine. Such treaties not only recognize existing borders, but also establish standards for the governance of ethnic minorities. All these agreements enhance confidence within the region.

Promote Defense Reform

Building on enhanced confidence, NATO has encouraged military cooperation and reform not only at the Partnership Coordination Cell (PCC) at SHAPE headquarters in Mons, Belgium, but through the Planning and Review Process (PARP) at NATO headquarters in Brussels. In January 1994, the PCC initially coordinated military planning and activities for partners in order to develop both NATO-compatible procedures and interoperability for combined peacekeeping, search and rescue, and humanitarian assistance operations. To prepare partners to deploy the Implementation Force in Bosnia, in December 1995 NATO expanded the terms of reference to include "peace enforcement measures." Again in 1997, military cooperation was broadened to include general defense planning.

PARP is an effort to provide transparency in defense planning, much as the Defense Planning Questionnaire does among NATO members. Since 1994, it has formed the institutional basis for developing real confidence in Europe's eastern half.



In addition, the United States, through outreach to Central and Eastern Europe, has undertaken substantial assistance programs to ensure that NATO's objectives are successful. In 1997, the Foreign Military Financing program was increased for the first time in 13 years, to include:

- A \$60 million grant for PfP countries, \$30 million of which will go to Poland, Hungary, and the Czech Republic
- \$242.5 million for the Central European Defense Loans (CEDL), to be repaid at U.S. Treasury loan rates
- \$120 million for the Warsaw Initiative Program
- \$12 million for International Military Education and Training (IMET).

Complement Friends

The United States continues to complement its allies' infrastructure and interoperability within the NATO command structure. The most important element of this effort is the strong U.S. support for the evolution of a European Security and Defense Identity (ESDI) within NATO. At first, the United States was reluctant to endorse proposals for an ESDI based on the EU, but declining resources and force commitment in Europe (reduced to just over 100,000 U.S. troops) have given the United States cause to reassess, particularly since NATO has replaced the EU as the cornerstone for the initiative. The Berlin Accords of 1996 paved the way for the development of an ESDI within the NATO context, and they embodied the concept of a separable but not separate ESDI from the Alliance.

As the ESDI develops, it will have increasing impact on NATO-wide standards that incorporate the most effective and efficient technological advances in order to deter and meet various levels of challenges to security within and outside Europe. Enhancements to interoperability and infrastructure--areas currently neglected--will be essential to the complementarity of military equipment within

Western Defense Equipment Spending (1994-96)

Figures are constant 1996 in millions (\$ S. \$)

| Year | United States | Germany* | Italy | United Kingdom | France | NATO Europe |
|------|---------------|----------|-------|----------------|--------|-------------|
| 1994 | 81,727 | 5,161 | 2,204 | 14,132 | 14,897 | 40,944 |
| 1995 | 82,941 | 5,825 | 2,204 | 14,526 | 17,558 | 46,946 |
| 1996 | 80,189 | 5,944 | 2,594 | 12,818 | 14,507 | 42,591 |

Source: International Institute for Strategic Studies, *The Military Balance, 1996-97*

NATO for present and new members alike. To date, however, the existing situation has not translated into either a political willingness or a military capability to put theory into action to solve contemporary crises. A primary lesson learned from Bosnia is that although NATO adapted considerably as an alliance, it functioned in a crisis only when led by the United States. European capacity to handle low- to mid-level crises (with significant assistance from the United States) will be essential to a politically sustainable transatlantic relationship into the 21st century.

Western Arms Trade (1987-95)

Figures are constant 1996 in millions (U.S. \$)

| Year | United States | | Germany* | | United Kingdom | | France | |
|------|---------------------|------------------------|--------------|------------------------|----------------|------------------------|--------------|------------------------|
| | Arms Exports | Share of Global Market | Arms Exports | Share of Global Market | Arms Exports | Share of Global Market | Arms Exports | Share of Global Market |
| 1987 | 20,800 | 26% | 1,891 | 2% | 6,438 | 8% | 3,655 | 5% |
| 1988 | 16,510 | 22% | 2,185 | 3% | 5,825 | 8% | 2,427 | 3% |
| 1989 | 18,810 | 30% | 1,510 | 2% | 5,805 | 9% | 2,671 | 4% |
| 1990 | 18,140 | 34% | 1,892 | 3% | 5,119 | 9% | 5,585 | 10% |
| 1991 | 15,110 | 41% | 2,465 | 7% | 5,232 | 14% | 1,929 | 5% |
| 1992 | 15,093 | 49% | 1,355 | 4% | 4,737 | 16% | 1,564 | 5% |
| 1993 | 17,506 | 52% | 1,735 | 5% | 4,491 | 12% | 2,612 | 8% |
| 1994 | 15,275 | 52% | 1,313 | 4% | 4,250 | 14% | 3,037 | 10% |
| 1995 | 13,200 ^b | 44% | 1,410 | 5% | 4,300 | 16% | 3,800 | 12% |

* Prior to 1991, figures are for West Germany only

^b This figure is preliminary and excludes commercial deliveries of up to \$3 billion.

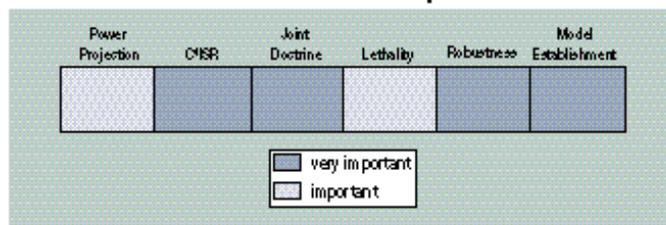
Source: International Institute for Strategic Studies, *The Military Balance, 1996-97*

Shape Potentially Hostile Actors

Because current and future threats to Europe come from outside rather than from within the continent, credible efforts are needed to signal potentially hostile states that the United States cannot be separated from its core allies--even when immediate policies may appear to diverge. The primary deterrence mechanism will be to establish a clearly defined transatlantic bargain in which the United States and its allies signal shared responsibility for responding to global challenges. During the Cold War, Soviet strategy sought to divide the United States and its allies in the European theater as a political means of weakening the NATO alliance. Such a strategy may appeal to states that cannot threaten Europe hegemonically but might nonetheless have an interest in dividing the West as a means of attaining national interregional objectives. For example, Iran might seek to play allies off one another as a way to limit any international response to its growing regional influence in the Middle East. A potentially hostile China might pursue similar strategies.

Military steps can be taken to send a message to hostile countries that asymmetric challenges to the core carry risks and, if pushed too far, could backfire. Successful internal transformation of NATO is key to transparent defense planning and preparation for potential asymmetric challenges such as hostage taking or proliferation of weapons. Using allied military planning to shape the strategic environment beyond Europe, however, will mean a new strategic doctrine within the Alliance to provide clear political guidelines for military planning to meet asymmetric threats to the Alliance. Identification of a number of potential threats, along with combined training to respond to them in a transparent manner within the Alliance, will send any potentially hostile country a strong message of deterrence. At the same time, these efforts will give NATO a clear military sense of purpose in the absence of an immediate standing military threat, such as existed in the Cold War.

Qualities of U.S. Power Accentuated in Europe



Conclusion

Since the end of the Cold War, the U.S. military presence in Europe has been dramatically reduced. The overall number of U.S. troops stationed there has fallen from 320,000 to about 100,000 and will stay at that level for the foreseeable future. In addition, 90 percent of the nuclear weapons under NATO control have been withdrawn from the theater. The level of U.S. forces in Europe during 1997 was 109,000 (excluding naval and marine forces stationed in nearby seas), the lowest level that the Department of Defense has determined is sufficient both to respond to a plausible crisis and to provide tangible evidence of U.S. commitment to preserving regional stability. This level permits active participation in multinational training events while minimizing the likelihood of *needing to deploy* additional forces from the United States in early stages of an emerging regional crisis.

Maintaining a sufficient level of U.S. forces in Europe is essential to responding to contingencies on and around the continent, as well as in Africa and the Middle East, and to securing U.S. influence in Europe. Command familiarity, training, and interoperability between NATO forces and the U.S. European Command enhance the effectiveness and plausibility of future multinational coalitions. Without a full spectrum of U.S. forces operating in Europe, Washington would have to discard the goal of more effectively shared contributions from key partners.

Despite the overall reduction of ground forces in Europe, remaining units are very active. European-based formations provided the bulk of U.S. ground forces for the NATO peacekeeping mission in Bosnia and Herzegovina and for operations in Africa and the Middle East. The U.S. European Command is forging links with partner-country militaries through the PfP and other bilateral programs.

As the United States continues to adapt its force structure to address multiple challenges, the key question is no longer how many troops are needed in Europe but, rather, what are they doing? For example, if the primary security challenges are viewed as coming from the south, the disproportionate number of U.S. forces stationed in Germany may be called into question. Alternatively, the role of German armed forces may expand to include further deployments outside German territory. In that environment, Americans working alongside and supporting German forces w>

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y come with such activity. In the future, the role of U.S. forces in regional operations in Europe may be both larger and more complementary to allied forces.

Former Secretary of Defense William Perry's Five Principles for Prospective NATO Members:

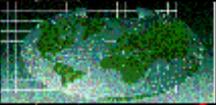
- *Commitment to democratic government and rule of law
- *Commitment to a free-market economy
- *Establishment of effective civil control of the military
- *Development of good regional relations
- *Establishment of minimal standards of interoperability with NATO forces

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1998 Strategic Assessment

Engaging Power for Peace



CHAPTER SIX

The New Independent States



The overarching U.S. goal in the New Independent States (NIS) is to assure the successful transition of these states toward open-market democracies. Although U.S. interests in this region are less vital than they were 10 years ago, Russia, Ukraine, and the other Soviet successor states remain of great strategic importance. If their transition occurs as the United States hopes, a vast region of great economic and geopolitical potential will join the community of core states in promoting shared goals, values, and objectives. If, however, it does not, the resultant instability could give rise to new threats that will distract the core states and impinge on their health and security. Since the demise of the Soviet Union, the United States and its allies have therefore

made major diplomatic efforts and expended significant resources in the region.

U.S. Interests

The U.S. long-term interest in the NIS is in their development from transition to core states, rather than a decline to rogue or failed states. By 2008, Russia is not likely to have emerged as a peer competitor to the United States. If transition falters during this time, however, one or more of the NIS may concentrate its limited resources and energies on rogue activities. If transition fails, one or more of these states may become sufficiently unstable to cause multiple unpredictable security problems.

In considering U.S. interests, and therefore strategy toward the NIS, Russia and Ukraine clearly represent the most important challenges. They share many attributes: they have come furthest on the path toward reform, each has a complex history in relation to the other, and both present important security concerns for the United States. Much of this chapter therefore focuses on issues especially relevant to Russia and Ukraine.

The second group consists of the Caucasus and the energy-rich Central Asian states, which also have many common characteristics, complicated and intertwined histories, and shared security issues. Although core states' interests in this group are not now vital, the importance of these interests will grow as these states develop their energy resources. Countries as diverse as China, Iran, Turkey, Russia, and the United States have invested in the region, becoming involved in complex relationships, based on both competition and cooperation, whose key dimensions and dynamics will become apparent in the next decade.

Belarus also could pose a security challenge. Political and economic trends there have been a tremendous disappointment. Belarus verges on failing and has the ability to export instability beyond its borders to the Baltic States, Poland, Ukraine, and Russia. There is little reason to believe that Belarus has achieved a sustainable equilibrium and many reasons to believe that in the next decade it will face serious political and economic stresses affecting both its stability and the interests of the core.

Control and Reduce Weapons

Since the collapse of the Soviet Union, the primary security threat has been and remains the control and reduction of weapons of mass destruction (WMD). Progress toward resolution of this problem has been significant, although there is still much to be done. Remaining

issues include the following:

- Ratification of Strategic Arms Reduction Treaty (START II) by Russia
- Shifting to START III
- Compliance and transparency of the Chemical Weapons Convention (CWC)
- Compliance and transparency of the Biological Weapons Convention (BWC).

Develop Stability

Internal stability in the New Independent States has direct ramifications for the security interests of the core states. It would imply a successful transition to open-market democracies, that is, the expansion of core states. Instability in the new independent states would raise the possibility of numerous security problems, from proliferation to armed conflict. In the worst case, strategic nuclear weapons may again become tools of diplomacy.

Given its size and arsenal of WMD, Russia's stability is obviously important. The stability of Ukraine is also critical, but for reasons less straightforward. Ukraine's geographic, cultural, and economic proximity to Central Europe makes it the "keystone" of the arch between Europe and Eurasia as well as an important link between the core states in Europe and the Soviet successor states. Further, Ukraine may prove an important center of political and economic gravity independent of Russia and, with a successful transition, may influence events and export stability and reform to smaller states in the region.

Finally, regional stability implies respect for sovereignty and boundaries, with no state pursuing its perceived interests by threatening another.

Promote Integration

Integration into the political, economic, and security systems espoused by the core states serves two broad purposes. Domestically, integration with the West promotes stability by supporting the development of efficient markets and reliable social and political institutions. Internationally, it encourages transparency on a variety of bilateral and multilateral issues, including security. In the long term, integration with the West helps redefine existing interests and reveals new ones shared with the core states. Among these are proliferation, human rights, and the sovereignty of neighboring states. In essence, integration encourages the development of transition states into core states.

Create New Markets

Given the potential size of the economic space the NIS represent, their existing energy and raw materials reserves, and their potential manufacturing and financial power, those new markets will be increasingly important to core states. Secure and dependable access to energy resources in the region will further promote stability and foster cooperation with the core states in the long run.

Secretary William Cohen in Kiev, Ukraine



Current Trends

The situation in and among the New Independent States is complex and dynamic. Change is the only constant. Discerning the medium-term outlook is difficult, but several trends are already identifiable.

Reduction of WMD

Although there are forces impeding arms control efforts in Russia, they are outweighed by the momentum generated by recent arms control achievements. Since the collapse of the Soviet Union, Russia and the United States have collaborated to make Kazakhstan, Ukraine, and Belarus free of nuclear weapons. The START I treaty has entered into force, and its implementation is ahead of schedule. Russian and U.S. strategic weapons have been detargeted. The Nuclear Non-Proliferation Treaty (NPT) was extended indefinitely in May 1995, and the Comprehensive Test Ban Treaty was signed by both countries in September 1996. In September 1997, Vice President Al Gore negotiated an agreement with Russia to convert its last three plutonium-producing plants to facilities that generate uranium for civilian uses.

The most important next step in arms control is START II. If implemented, START II will define the basic parameters of arms control efforts for the next 10 years. In January 1996, the U.S. Senate ratified the treaty, but ratification in the Russian Duma has been stalled owing to concerns about the military and economic ramifications of implementation. To address these concerns, in September 1997, the United States and Russia reached important agreements on refining the ABM Treaty, theater missile defense, and issues concerning implementation of START II. They also outlined ways to begin negotiations on START III. Russian President Boris Yeltsin committed his government to working with the Duma to achieve ratification, but the outcome remains far from certain. How the United States would respond to either further Russian delay in ratification or a failure to ratify could be an important issue in the near term.

Russian opponents to START II focus on the following arguments. First, START II hits at Russia's only remaining strength, its land-based ICBMs. It bans all land-based ICBMs with multiple, independently targeted reentry vehicles (MIRVs), the backbone of Russia's strategic arsenal. The United States, in contrast, has many more submarine-based missiles, which are not banned by the treaty. Fully implemented, START II would leave Russia with approximately 3,000 warheads deployed. The United States would have approximately 3,500. More important to the Russians is the fact that because of technical considerations and the terms of the treaty, the United States might be able to upload and breakout of the treaty limits much faster than Russia. Finally, many in the Duma feel that the Russian government has not done enough to factor the impact of START II reductions into its overall defense and force structure planning. The Duma will need strong evidence from the government that it has adequately dealt with these issues.

A second important Russian argument is based on a disagreement about the economics of the treaty. Many Duma members focus on the short-run costs of implementing the treaty rather than the longer term advantage that START II saves both sides money. One of the agreements reached between Presidents Clinton and Yeltsin in September 1997 was to extend the implementation period of the treaty from 2003 to 2007 to lower the average annual cost of implementation, although the total cost, of course, increases.

Although far from certain, a two-phase approach to these problems is likely to evolve over the next 10 years. First, eventual Duma ratification of START II is likely, though it may be delayed. The political pressure on the Duma from the Russian government and from the core states will be tremendous. The economic pressure will also become increasingly clear as more and more Russians come to understand that implementing START II makes economic sense. Moreover, from a strategic perspective, the reasons for ratification are also compelling. Many of Russia's SS-18 and SS-24 missiles are nearing retirement age and replacing them would be expensive and controversial. It is almost a given that the overall levels of Russia's warheads and missiles will drop to below START II targets on their own, unless the Russians field an expensive new system. In sum, logic suggests that it is better for Russia to ratify START II and thereby commit the United States to the cuts as well.

START III represents the second major phase in arms control efforts for the next decade. The major contours of the Treaty were agreed to by Presidents Clinton and Yeltsin at the Helsinki summit in March 1997. The initial parameters of START III are to reduce warhead levels to 2,000-2,500.

Russian progress in other areas of arms control has not been so impressive and is less likely in the near future. In particular, the government's ability to adequately control WMD and related technologies and personnel has raised questions. The precarious economic situation of the Russian defense establishment is widely known. Production and storage enterprises for nuclear, chemical, and biological weapons continue to engage in activities that contradict various nonproliferation regimes, including both the chemical and biological weapons conventions. Until and unless the Russian government can reimpose order and accountability on its defense industries, such problems and questions will persist.

Arms control issues in the other NIS are of less concern, even though specific problems do exist. In particular in Kazakhstan and Belarus,

lingering biological research and development activities may not be in compliance with the BWC. The challenge will be to engage these and other countries in the region in efforts to correct and prevent future proliferation transgressions. Yet control of the flow of technologies, expertise, and personnel relevant to WMD will continue to be a problem, especially for Ukraine, Belarus, and Kazakhstan because of the breakdown of control systems and ongoing restructuring of the economies.

Uneven and Uncertain Transition

Russia, Ukraine, and most of the other New Independent States have made progress in their transition from the Soviet socialist system, but where these countries are headed remains unclear. This question is of enormous importance to the core states. Should their transition falter, the emergence of new failed or rogue states would affect U.S. interests and present new security challenges.

Of all the NIS, Russia has gone furthest toward reform. It has stabilized its currency, privatized approximately 70 percent of its economy, and created a fledgling and promising capital market. It has held several rounds of democratic elections, and the fate of reform no longer appears to depend on any one person. There is no credible way for Russia to fall back on the Soviet model: the question now is what kind of capitalism Russia will create.

Ukraine has been slower to reform than Russia but has achieved some of the same successes. Like Russia, it has tamed inflation and, in the process, successfully introduced its own currency. Although its privatization programs have been less successful than those of Russia, slightly more than half of its economy now is in private hands. Ukraine has made noticeable progress in developing key democratic institutions.

Despite these successes, the transition of Russia and Ukraine to core states is still far from certain. Three fundamental dynamics conspire to imperil this process to core states in the next decade:

*The first is the battle for political and economic primacy among advocates of reform. In the late 1980s and early 1990s, the debate in the former Soviet Union was about *whether*, rather than *how*, to reform. Now that the reformers have become established as the leading political force, they are divided into small groups that compete to set the agenda. The competition can be ruthless; unlike political competition in the core states, there are few rules in the competition for political primacy in the New Independent States. Contract murder seems to have sometimes become an option. The resulting policies are designed by and in the interests of a narrow group of extremely powerful actors.

*The relationship between center and periphery presents a second worrying dynamic. One example of center-periphery tensions is the war in Chechnya. It has had a chilling effect on other Russian regions, as well as on neighboring countries, and shook the core states' confidence in the Russian government. Tens of thousands died in the Chechen conflict. Although the problem is far more severe in Russia, with its multiethnic republics and oblasts spread over 10 time zones, than for Ukraine, Kiev's relations with its regions are also problematic. In Ukraine, Crimea continues to stand out as a regional problem, in part because it has an important influence on Ukraine's relationship with Russia.

*The third dynamic threatening to the transition in Russia and Ukraine is the fluid relationship among actors in business, government, and organized crime. Crime and corruption undermine confidence in the state and ultimately weaken legitimate leaders' ability to govern. Organized crime from Russia, Ukraine, and the NIS generally has broadened to take on global proportions. Drug smuggling, money laundering, and arms trafficking by Russian organized crime groups are growing problems with wide impact and have received increased attention at senior government levels in Russia, the United States, and other core states. The strength and influence of these groups will undoubtedly grow as they amass wealth, employ new technologies, and expand their networks.

Russia and Ukraine suffer from wide and growing wealth gaps that are creating a resentful underclass. Entrepreneurs uncertain of the long run seek short-term rents rather than investing in long-range projects. Center-periphery relationships are tense and unsustainable. Crime and corruption undermine reform and reformers, as well as the legitimacy of the state.

MI-35 HIND attack helicopter

the next decade one or both countries might join these world bodies.

The region has gained valuable experience from working with security organizations and institutions such as the Organization on Security and Cooperation in Europe (OSCE), International Atomic Energy Agency (IAEA), and Partnership for Peace (PfP). Bilateral and multilateral military exercises with core states have contributed to the understanding by the transition countries of core state military principles, strategies, and objectives as well as improving transparency on both sides.

The most important security institution linking the NIS to the core states is NATO. In July 1997 in Madrid, the leaders of NATO's member states took a historic step by agreeing to extend invitations to three Central European countries to join NATO--Poland, the Czech Republic, and Hungary. NATO signed important documents with Russia and with Ukraine that expanded and formalized relations between these countries and the organization. The NATO-Russia Permanent Joint Council and the NATO-Ukraine Commission provide for the further development and integration of these countries with the European security system.

Ukraine in particular has taken advantage of these opportunities, stating unequivocally that it wishes further integration into the Atlantic security system up to and including membership in NATO. Ukraine has been a key participant in and benefactor of the PfP program. Although Russia remains opposed to enlargement of NATO for states of the former Soviet Union, it will have to understand that its interests, too, will best be served by working with, rather than against, the core states.

On a bilateral basis, the United States has engaged the NIS in important security-related initiatives. One prominent example is support for the Central Asian Combined Peacekeeping Battalion, or CENTRASBAT. This initiative on the part of Kazakhstan, Uzbekistan, and Kyrgyzstan to cooperate and develop their peacekeeping capabilities to UN standards is an important step in the political-military development of Central Asia. The United States has supported this effort and encouraged Russia to play a responsible role. In September 1997, CENTRASBAT concluded its first peacekeeping exercises with U.S. and Russian military officials in attendance. Initiatives of this type are likely to promote further cooperation and integration and could well develop their own momentum in the coming decade.

Limited New Markets

The NIS are unlikely to achieve their full potential as trading partners with the core states in the next decade. Russia has begun to show signs of recovery: its 1997 GDP may have grown by as much as 1.5 percent. Services, mostly financial, are becoming a larger factor in the overall economy, and industries such as telecommunications are performing strongly. Ukraine has been slower to reform and is very likely to face a number of financial crises in 1998. It should move now to make progress on its transition. Russia and perhaps Ukraine are likely to continue to develop their markets and to open them to global competition, but even so, the challenges of economic restructuring are large enough to require two to three decades.

Uzbeki troops

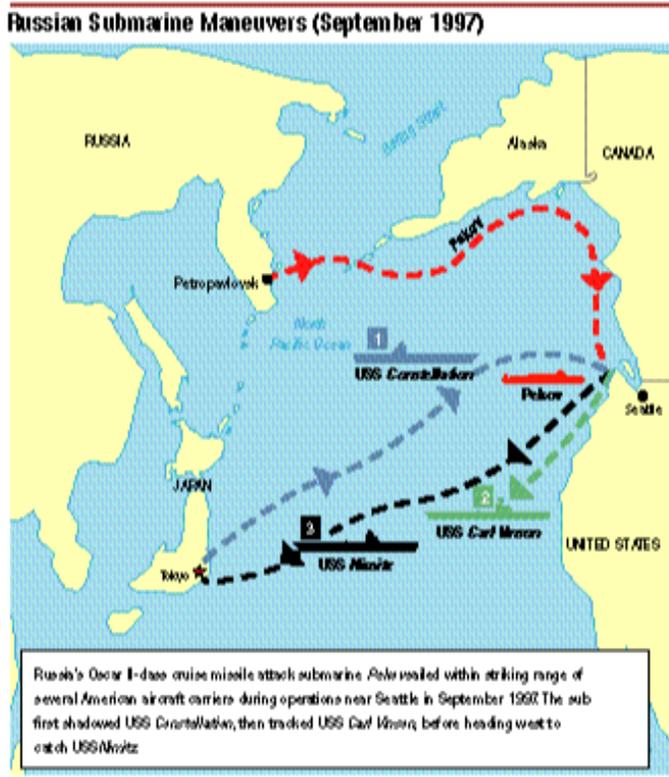
Serious reform efforts will need to be made on a number of fronts where Russia and Ukraine are only beginning to address them, and most of the other NIS have yet to grapple with them. The first front is property rights, especially those for foreign direct investors. Without clear and secure property rights, the NIS will not attract foreign direct investment in the quantity needed for economic recovery. A second front is integration into the EU and WTO. Russia and Ukraine are still far from accession to either body, mostly because their economies and policies do not meet accession criteria.



Most other NIS are quite further behind Russia and even Ukraine. There are pockets of economic stability and even recovery from time to time in places such as Georgia and Uzbekistan, but often these are false signals and are not associated with the types of fundamental economic reform that will sustain growth and stability in the longer term. Even in many of these countries, however, the benefits from marketization and privatization are becoming apparent, and some of the governments are beginning to turn their focus to real reform. In

sum, the prospects are good for slow progress in the development of new markets in the NIS. Progress will be uneven, however, and success is far from certain.

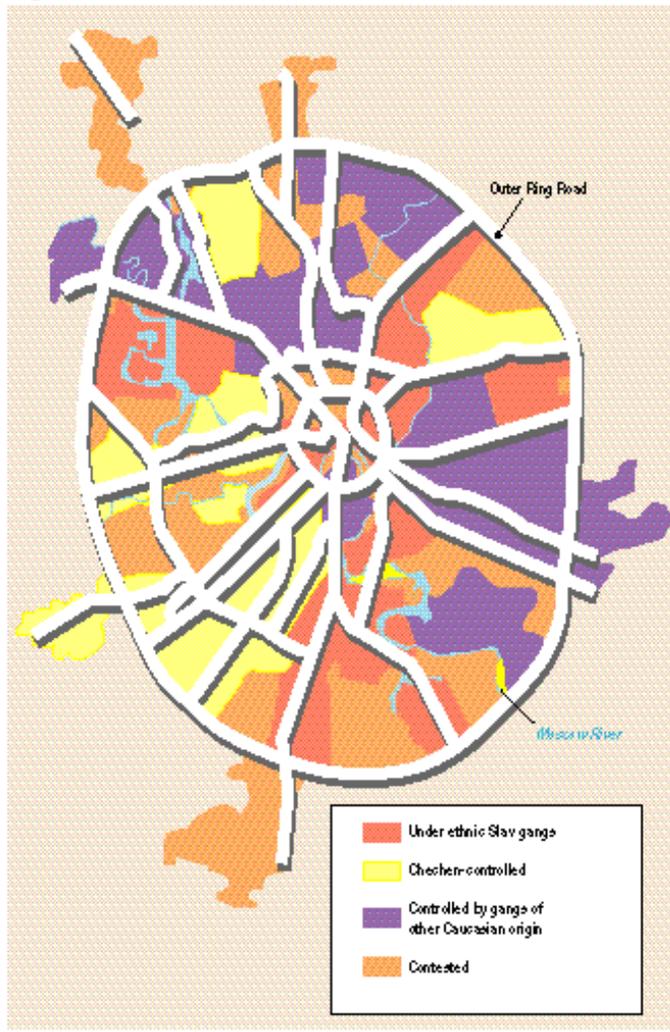
Shaping the Strategic Environment



The primary objective of U.S. military diplomacy in the near term will be to reduce the threat posed by the proliferation of WMD and related technologies and information. A second objective will be to shape Russian strategies to promote security cooperation and integration with the core states. Last, the core states can contribute to the stability in and around the NIS by working with their military establishments on military reform and civil-military relations in a sustained, coherent way.

Although engaging all the NIS is an important goal, the main focus of U.S. shaping factors in the former Soviet Union will be Russia and Ukraine. U.S. objectives and strategies toward these countries will overlap considerably, but in two areas Russia may pose the more difficult or complex problem. The first concerns questions about Russia's ability to control WMD and related technologies. Ukraine has far fewer such technologies and therefore presents a lesser, and less complicated, problem. The second area concerns alignment: Ukraine has stated its desire to become a full member of Europe, even to join NATO, whereas Russia views NATO's enlargement as a major political flashpoint.

Organized Crime in Moscow



Source: Jane's Intelligence Review, *Intelligence: Organized Crime in Russia* (Special Report No. 10), June 1996

After the collapse of the Soviet Union, only the four "nuclear" states--Russia, Kazakhstan, Belarus, and Ukraine--were the focus of U.S. proliferation programs. Following successes there and progress on the part of other NIS, in March 1997, seven states in the Caucasus and Central Asia became eligible for support under the Nunn-Lugar program. Although these countries, along with Kazakhstan, Belarus, and Ukraine, present important proliferation challenges, the main challenge remains Russia (although much of the discussion regarding Russia also applies in other cases).

In shaping Russia's proliferation agenda, the core states will need to work in concert to:

- Improve Russian understanding of proliferation and its threat to Russia's interests
- Reduce the quantity of WMD and related technologies
- Take a more forward leaning stance on specific proliferation transgressions.

The United States has already initiated a broad agenda to engage Russia on proliferation issues and has achieved notable successes. In large measure, the future agenda will build on what is happening now.

Improving Russia's understanding of the threat of weapons proliferation will be the responsibility of all core states working together, even though the United States will inevitably play the leading role. Many in the West assume that the logic of arguments for nonproliferation will be as compelling in Russia as elsewhere. This is not a safe assumption. The gap between the United States and Russia on the issue of the Iranian nuclear reactor is only the most obvious example.

NIS proliferation has two dimensions. The first is that "official" proliferation results from legitimate activities and policies of a government, of which Russian support for the Iranian reactor is one example. The second is that "unofficial" proliferation occurs illegally

and is not the result of official policy. Both dimensions will challenge core states' interests over the next 10 years, and any comprehensive plan will need to address them.

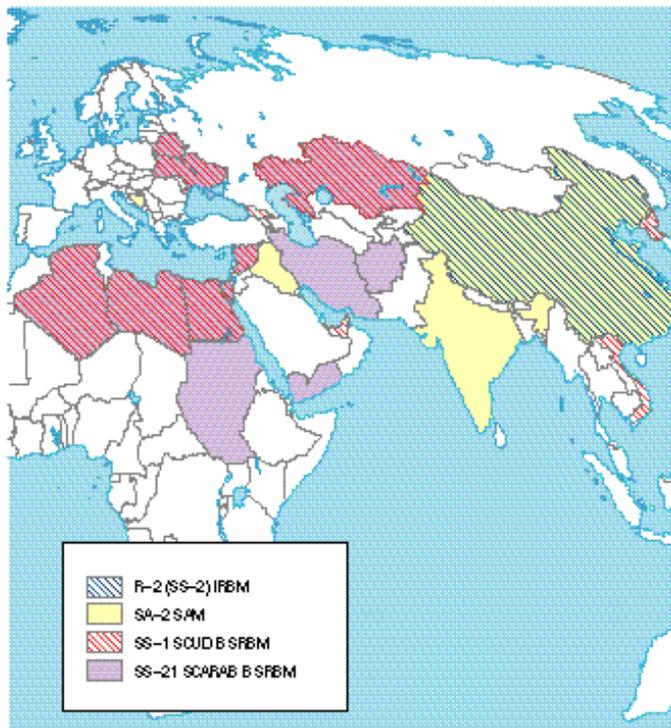
BTR in Sakotici, Bosnia-Herzegovina



Several aspects of the proliferation agenda concerning Russia are worth consideration for the medium-term future. Two focus on "unofficial" proliferation. The decentralization of political and economic decisionmaking in Russia permits and argues for a broad discussion of the problem of proliferation. In Russia and to a lesser extent Ukraine, two interrelated groups deserve special attention. One consists of responsible officials at the defense plants, labs, design bureaus, and facilities that produce or store weapons and produce related technologies and information. They and their organizations often operate on the edge of bankruptcy and face constant financial and economic stress in trying to maintain production of military hardware and restructure to meet the demands of the new market environment. Economic stress prompted some of them to take advantage of the market for weapons and related technologies through sales outside formal channels for arms trade.

Increasing efforts to address this source of the problem more resolutely thus makes good sense.

Russian Missile Transfers



Source: Center for Defense and International Security Studies, 1997

The other key group consists of the new "business-political elite" who have profited from Russia's reforms and its ties to outside markets, have a vested interest in the stability and prosperity of the NIS, and understand the importance of integration with the core states to these objectives. They also hold increasing power and influence over politics and policy in the NIS and should prove useful interlocutors on issues of proliferation. Because they know very little about the economic, political, and security consequences of proliferation, this group represents an important target for engagement and education on these issues.

Another aspect of furthering the nonproliferation agenda is cooperation with Russia, Ukraine, and other NIS countries in relevant intelligence activities, though this tactic admittedly carries some risks. Serious questions concerning the knowledge of key NIS officials about proliferation problems persist. Sharing information and intelligence will reduce these questions and lead these officials to deal with issues head on.

Reducing threats of proliferation is a strong focus of current U.S. policy. The United States should continue efforts such as the Nunn-Lugar program and highlight the positive sum outcome it produces. A major initiative to expand efforts in this area would be to encourage other core states to increase their contributions and activities.

82nd Airborne, CENTRAZBAT '97



Encouraging Cooperation

A significant number of bilateral and multilateral military initiatives are under way to encourage security cooperation and increase transparency with the NIS. These efforts have so far met with varying degrees of success, but the general trend has been very positive. In the coming years, it will be imperative to maintain and further these contacts because doing so will give the United States tremendous opportunities to lessen potential challenges. Depending on the level of NIS engagement in cooperative activities, these initiatives will afford the United States influence in the development of the structure, composition, and disposition of the militaries of the NIS.

Another important benefit of these initiatives is to demonstrate U.S. and core state interest in the region and to display our military capabilities constructively. Any regional actor that questions the core's interests or abilities will have few doubts after witnessing our sustained involvement at serious levels of engagement and the superiority of personnel, equipment, and organization. Although staged exercises are important, real security operations, including NIS militaries (IFOR and SFOR are excellent examples), are best for these purposes, because they demonstrate real U.S. interests and capabilities in the region.

U.S. military efforts have generally been planned, prepared, and conducted under the aegis of NATO's PfP program, though the United States has impressive bilateral military-to-military programs as well. Since its inception at the January 1994 NATO Summit, PfP exercises, conferences, and other events have worked to increase stability, diminish threats to peace, and build strengthened relationships by promoting the spirit of practical cooperation.

The PfP program provides a strong foundation on which the United States can build relations with NIS countries in the medium and long terms. NATO's objectives for this program include increasing transparency in national defense planning and budgeting processes, ensuring democratic control of the military, maintaining the capability and readiness to contribute to operations under UN or OSCE auspices, and developing interoperability with NATO members over the long term. The PfP program is also an excellent way to encourage the core states to work on such problems together. Progress will be gradual but noticeable, and success in the PfP program will link the NIS militaries to those of core states in important ways.

CENTRAZBAT '97

Beyond the PfP, the United States and other core states will find it advantageous to themselves to continue bilateral programs of assistance with the NIS in order to further encourage the shaping of the NIS militaries. The United States, for example, sponsors exercises and activities "in the spirit of PfP," such as support for the BALTBAT and CENTRASBAT peacekeeping activities. Other core states should ideally participate bilaterally with the NIS militaries to make it clear that they have their own independent interests in the region and are more than passive participants in NATO's agenda.



Currently, the Caucasus and Central Asian regions are stressed by recurrent instability and conflict. For this reason especially it is important that U.S. programs designed to engage the militaries of the region do so not only bilaterally but also multilaterally. By bringing the militaries of the region together in a constructive way the United States will be promoting better regional understanding and more stable relations. CENTRASBAT is a major example of such a program. Washington has not taken this approach in the Caucasus but should find ways to engage the countries multilaterally there as well.

Finally, the core states should be aware of opportunities to use other transition states as collaborators or even surrogates in shaping exercises. By sharing their experience, for example, with the Central European militaries, the NIS militaries may gain important insights into NIS needs and paths toward reform.

Russian BTR-70 amphibious assault vehicle



Civil-Military Relations

A fundamental component of a stable, successful democracy is solid civil-military relations generally and effective civilian control of the military in particular. The core states have done much to achieve these objectives in Central and Eastern Europe, with positive results. A similar agenda can be applied in the NIS, although progress there may be slower because of a greater resistance to change.

The militaries of the core states should take every opportunity to engage all three branches of power--executive, legislative, and judicial--on issues of civil-military relations. These include, for example, budgeting and military reform, of special interest to the Duma, which has extremely limited information or experience in such issues. Establishing a civilian-controlled ministry of defense is primarily the responsibility of the executive branch. Media relations and public affairs are also issues of great value to the military. NIS militaries have little expertise on these areas but a great need to develop it. Core states have much to offer, at least by way of example.

Since the end of the Cold War, the United States and other core states have undertaken serious reviews of their own defense and security doctrines, operations, and organizations. In the United States such reviews include:

- The Bottom-Up Review
- Army after Next
- Commission on Roles and Missions
- The Quadrennial Defense Review
- The National Defense Panel.

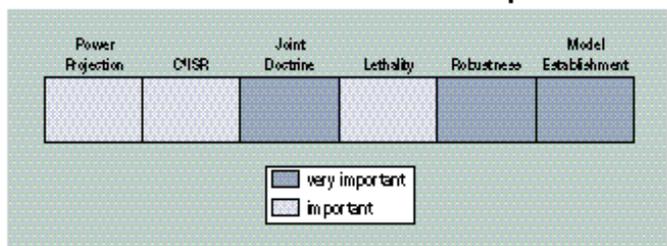
Versions of these and similar exercises might be successfully transplanted to the NIS, where defense planning and strategy in the post-Cold War environment have been slow to develop.

In sum, civil-military relations in the NIS need reform. Whether the issue is chain of command, parliamentary oversight, budgetary transparency, or the development of competent civilian defense managers, work is needed. The militaries of the core states have a great deal of relevant experience, expertise, and interest in seeing that progress is made on these fronts. More quickly reforming militaries in Central Europe also have a great deal of relevant experience to share with the NIS, and integrating them into core efforts would be both an excellent way to help them to meet their responsibilities as emerging core states and an efficient way to address the needs of the NIS militaries.

Conclusion

The next decade will present important opportunities and challenges for the NIS and their relations with the core states. In Russia the economic depression appears to have bottomed out, and at least some sectors of the economy are beginning to grow. Moscow is taking important steps to open its economy through reforms designed to meet the accession criteria of the WTO and is doing more to work with the EU on issues that will facilitate trade and investment. Despite these successes, Russia's relations with the core states, especially in the security arena, will require sustained engagement and attention in the next 10 years. Much of the thinking in Moscow on Russia's place and role in the world still focuses on Russia as a counterbalance to the West. Within this framework it is difficult for Russia and the United States to reach agreement on complex issues such as Iran's nuclear program, Iraq's threats to security in the Gulf, or the future of European security.

Qualities of U.S. Power Accentuated in the New Independent States



The core states' best strategy for Russia in the next 10 years is sustained cooperative engagement. The most important vehicle through which to pursue these types of initiatives is the new NATO-Russia Permanent Joint Council (PJC). This body must not become a forum for argument and discord. To the contrary, its primary purpose should be to foster cooperation and understanding on issues where Russia and the core states have shared interests. Although many of these interests will be international in scope (regional security, proliferation, etc.), the PJC should also serve as a body that advocates and supports Russia's badly needed military reforms. One of the most important things the United States and other NATO members can

do is to encourage and support Russia to initiate ideas and projects within the PJC framework. If Russia takes the lead more frequently, it will feel more a subject of European security and less of an object, more of a contributor to the process and less of a consumer of core states' initiatives.

Ukraine will also continue to be a focus of core state attention in the coming decade. Its transition to an open-market democracy is not as developed as Russia's, but it has made important progress. There is reason to believe that in the very short term the economic crisis and international engagement will motivate leaders in Kiev to intensify and accelerate their reforms. If successful, these reforms will enhance Ukraine's international position and strengthen its relations with the core states. An additional challenge for Ukraine is the modernization of its armed forces. In its current financial situation, these reforms will prove exceptionally challenging. But in many respects the largest challenges to military reform in Ukraine are not financial. Instead, Ukrainian leaders must exert the political will necessary to follow through on the early progress they have already made. Through bilateral programs with the U.S. Department of Defense and through the PfP program, the Ukrainian armed forces have been exposed to modern military practices, management, policies, and capabilities. Particularly among some of the junior and midlevel officers, there are signs that the examples have taken hold. Like Russia, Ukraine should focus its efforts on using its new partnership with NATO to initiate ideas for cooperative programs, especially those that will encourage and undergird Ukraine's military reforms. Finally, it is important for the core states to work with Ukraine to develop serious bilateral relationships outside of the Commonwealth of Independent States. Although Russia and the other successor states will continue to be important political, economic, and security partners for Ukraine, these relationships need to be supplemented by strengthened relationships with countries like Poland, the Czech Republic, Estonia, and Romania. Initiatives designed to support the developments of these relationships will not only help anchor Ukraine in East-Central Europe, but they will give these other transition countries opportunities to play important roles within the broader European security system.

In the Caucasus and Central Asia, the security challenges to the core states are less immediate, but important opportunities to support healthy interstate relations within the region and to avoid the development of new security risks exist and should be exploited. For the next 10 years the economics, politics, and security of energy resources and transportation routes will define the region's development and,

largely, its relations with Russia and the core states. By 2010, it is possible that the Caspian region may emerge as the fourth- or fifth-largest energy producing region in the world. It is in the interest of core states that countries within the region are stable internally and that their relations are built on politically and commercially sound footings. Moreover, it is necessary that the countries in the region are well integrated into the global economic and energy markets.

In the short term, the chief consumers of Caspian energy will be in Europe and the Mediterranean. Ukraine and other NIS countries will also be important markets, depending on how well their reforms go. The core states should move jointly to encourage the cooperative development of the energy resources of the region. This means strong support of market and democratic reforms, including a focus on conflict avoidance and resolution. A second priority should be fostering constructive relations with key countries such as China, Pakistan, and India, who are likely to be important consumers of Caspian energy in the longer term. Turkey will have an important role to play in terms of Caspian energy consumption and transport, as well as regional security, and should therefore factor significantly into policies toward the region.

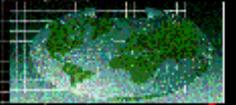
The processes of transition to core states in the NIS are complex and often unpredictable. The United States and its allies must not shrink from the challenges but seize every opportunity to engage the NIS and support their development into long-term partners with many shared political, economic, and security interests. Serious investments in the security and stability of these new countries will pay important dividends over the next decade. The task is tremendous, however, and no one country can shoulder the burden alone. The task will require sustained cooperation among all the core states, a process that has the added benefit of strengthening relations among them as well.

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1998 Strategic Assessment

Engaging Power for Peace



CHAPTER SEVEN

The Americas



The Americas present the United States with many opportunities and challenges, ranging from a trend toward increasing democratization, international stability, economic growth, and integration, to chronic corruption, insurgencies, human rights violations, deeply rooted organized crime, and, partly in consequence, economic migration. To northern ears, the image traditionally suggested by the moniker Latin America is one of more internal commonality and cohesion than should be assumed. To this mix can be added a history of inconsistent relations with the region, from "benign neglect" to unilateral military intervention. From the Latin American perspective, the intentions of Washington (especially the Department of Defense) in the hemisphere are often unclear and sometimes suspect. In keeping with the general theme of *Strategic Assessment 1998*, this chapter will review the primary U.S. interests in the Western Hemisphere, trends related to those interests, and shaping factors available to DoD to affect those trends. The resulting tone of the chapter is not optimistic, in part because national policy in the region has followed ideas and concepts acceptable to a northern European culture, which do not always translate well to this predominantly Hispanic culture. Nevertheless, long-term trends in the region point to a more optimistic (though not guaranteed) outcome.

Primary U.S. interests include enhancing hemispheric cooperation through increased economic integration, expanding core values through efforts to increase political and defense transparency, reducing the serious threat from non state actors, and perpetuating interstate security and stability through increased military contact and interaction with U.S. forces.

Brazilian carrier *Minas Gerais* in Rio de Janeiro



Means available to the DoD for shaping the security environment in this region include the use of force to contain state failure, deterrence to avoid conflict with nonstate actors, the enhancement of coalitions through increased military contact (intra-region and with the United States), and advocacy for defense reform both by example and through training opportunities. The most important factor in relations with Latin America, however, is policy. In the past, DoD has relied on efforts to provide regional policy writ large, rather than on recognizing the differences among states

on the basis of size, political maturity, culture, and geography. Although regional fora--such as the Organization of American States (OAS) and the Inter-American Defense Board (IADB)--are available to settle differences and provide educational opportunities, bilateral relations often are more successful because of easier agreement on the definition of specific policies, whether economic, security, or political.

U.S. Interests

There are four categories of U.S. interests in the region: economy, core values, security, and defense reform. Although these apply generally to all states of the region, geography plays an important role. Economic interests vary from trade integration (Brazil, Argentina, Chile, Mexico), reform (Mexico, Brazil), and economic expansion (Central America, Caribbean), to salvage (Haiti, Cuba, and occasionally Mexico). The expansion of core values also applies unevenly. The English-speaking Caribbean, for example, has a long tradition of values compatible with the core, and most of this region accepts these values intellectually, if not always in actuality; Cuba rejects most civil liberties; Haiti has failed to implement even basic values. Security interests also vary dramatically. The most glaring difference is an inability to agree on what constitutes security. Different subregions have different concerns, which vary from state to state, including border security (Cuba, Venezuela, Peru, Ecuador, Chile), domestic stability (Argentina, Central America), counterinsurgency (Colombia, Peru, Mexico), economic stability (Central America, Mexico), trade policy (the Caribbean), and ecosystem security (Brazil, Colombia, Costa Rica, Haiti, Panama). Defense reform is applicable to all, largely because of the tradition throughout the region of viewing the armed forces as the "savior of the state," responsible for ensuring stability and defending sovereignty from all threats (foreign and domestic). The U.S. agenda calls for reform in the following areas:

- Professionalization
- Human rights policy
- Civil-military relations
- Confidence building through increased budgetary transparency
- Resource management
- Materiel modernization
- Defense organization.

Developing Trade and Integration

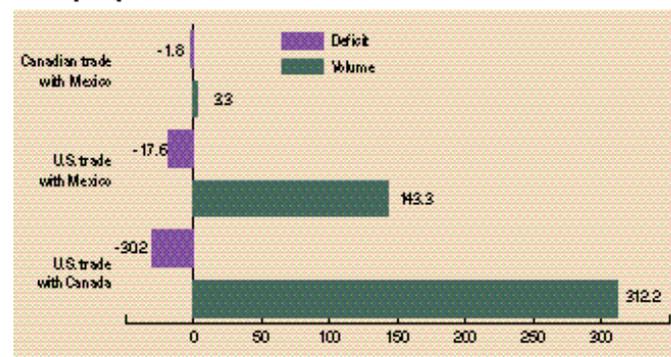
The expansion of trade has had a significant impact on U.S. foreign policy considerations in the hemisphere. Examples of policy reacting to economic pressure include:

- The North American Free Trade Agreement (NAFTA) with Canada and Mexico
- Warming of relations with Chile, including negotiations for NAFTA accession
- The 1994 Miami Summit and its emphasis on a hemispheric free-trade association
- The negative impact of an increase in the illegal drug trade and money laundering
- Grossly unequal income distribution, which brings increased attention to human rights issues.

Trade and investment are now viewed in the context of a global framework. The level of trade within the Western Hemisphere has grown consistently over the past decade, and the move to greater regional economic integration has accelerated that trend. The single largest U.S. trading partner is still Canada, and the largest regional trade bloc remains Latin America. Upward of 40 percent of Latin America's trade flows north, and 40 percent of U.S. (non-NAFTA) exports stay in the hemisphere. The U.S. merchandise trade surplus with the region surpassed \$3.5 billion in 1996. A hemispheric free-trade zone was declared the centerpiece of U.S. policy in 1994, though as yet little tangible commitment is evident. The White House continues to seek fast-track negotiating authority from Congress, though there are serious domestic objections to overcome. Competition from Europe and Asia is increasing as Central and South American markets seek to expand into a region abandoned by the United States. This trend may not continue if fast-track negotiating authority is not achieved anytime soon.

NAFTA Trade Balance (1996-97)*

Millions \$ U.S.



* Last two quarters of 1996 and first two quarters of 1997 only
 Source: International Monetary Fund, *Direction of Trade Statistics*, 1998

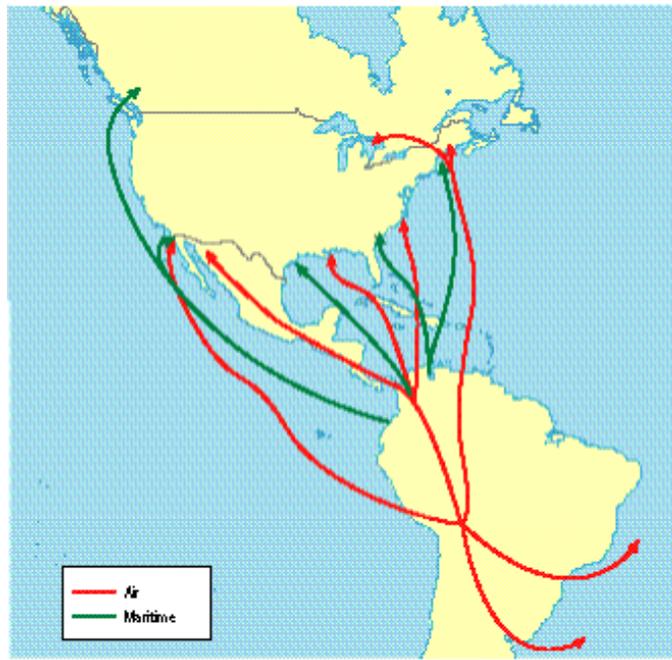
The interest in regional markets will not change in the long run, except what will result from political links of trade to other issues, such as performance on human rights or counterdrug policies. There will be minor variations in trade patterns and these will be temporary, but fast-track negotiating authority is much more important than such conditionality.

Expanding the Core

Democracy

The hemisphere is for the most part in the process of democratization, though commitment is not yet complete. The U.S. objective of encouraging democratic governance has advanced rapidly, although over a rocky path. Recent overviews point out dramatic differences between current popularly elected governments and those of only 15 years ago, when the majority were authoritarian or military dictatorships. Although the region does boast of democratically elected governments in all but one state, civil-military relations remain uneven, and civil unrest is now more prevalent than in recent decades. Latin America's tradition of personality-based governance is strong: Fidel Castro has been in power in Cuba since 1959; Presidents Carlos Menem in Argentina, Alberto Fujimori in Peru, and Fernando Henrique Cardoso in Brazil all have changed their national constitutions to perpetuate their tenure in office; the presidents of Chile and Nicaragua cannot remove the head of the armed forces; the presidents of Ecuador, Colombia, Peru, Venezuela, and Guatemala rely heavily on the military for support; President Hugo Banzer Suarez of Bolivia is a former dictator; and in 1998, Paraguay may elect as president a former Army general who attempted a coup against the current president. That these examples persist despite the increase in democratization is evidence of the strong tradition of personality-based power politics. Some analysts argue that the current wave of democratization is cyclical and will fall to a new wave of personality-based authoritarian regimes.

Air and Maritime Drug Trafficking



Source: Central Intelligence Agency

A decrease in defense budgets or reduction in military forces has accompanied the move toward democratically elected governments in Latin America. In many countries, the armed forces and police are a major component of the government presence outside the major cities, and reductions have resulted in increased common street crime. A second impact has been a change in economic policy toward a market-based system, accompanied by a decrease in the living standard, especially among the better educated middle classes, as well as high unemployment rates. The general impression is that civilian-led governments mean economic ruin and less personal security. Many agree that civil liberties are a good goal but that the economic costs may outweigh the benefits, at least in the short run.

Cuba, the region's fading rogue state, continues to be opposed to the democratic values and free-market practices that now characterize the Southern Hemisphere. Washington continues to isolate Cuba economically and diplomatically, forcing the issue and encouraging change through such measures as the 1996 Helms-Burton Act. This controversial approach has forced other states (particularly in Europe) to become themselves more active in promoting political and economic change on the island. A change of regime in Cuba does not appear imminent. Although expectations were raised by Pope John Paul II's visit in January 1998, significant political change is not likely to occur before Castro leaves power.

Human rights

A major factor guiding U.S. foreign policy toward Latin America has been an emphasis on human rights. The U.S. experience with counterinsurgency operations and its past support for, recognition of, and relations with military dictators and rumors of complicity in human rights violations have given rise to many nongovernmental organizations (NGOs) intent on monitoring such behavior. Particular attention is now paid to the connection between the U.S. military and its counterparts in the region and on demanding accountability from either the White House or Congress. It is in Washington's interest to highlight this factor as part of its effort to expand core values to transition states. Cuba is the primary recipient of human rights attention at the policy level; Colombia and Mexico are on the list as well because of the on-going insurgencies--the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) in the former, the Zapatista National Liberation Army (EZLN) in the latter--while the populations of Argentina and Chile deserve support for clearing up past abuses. And yet the United States must write policy with the understanding that these situations (especially in Argentina and Chile) have not been fully resolved. Judicial reform is required to increase the rule of law and order and to strengthen the concept of justice and equality in governance.

Sailors from USS *Callaghan* with seized cocaine



While there are indications that much work is yet to be done in this important area, democratic governments have all shown a commitment to improving their performance. It is important, however, to note that many of the cases of human rights abuse have not been perpetrated by agents of the government, but rather by such nonstate actors as terrorists, insurgents, paramilitary organizations, and organized crime groups.

Reducing the Threat of Nonstate Actors

Drugs

One major strategic interest for the United States is to reduce the flow of illegal drugs throughout the hemisphere and across its own borders. Drug-trafficking and money-laundering operations are conducted with such sophistication and involve such large sums of money that they penetrate (or at least threaten) every law enforcement institution, judicial system, and bank and financial institution in all the Americas. Although the degree of access, impunity, and corruption may vary, states of immediate concern include Mexico, Canada, Colombia, Peru, and Bolivia. The growing consensus is that cooperation, both bilateral and multilateral, is a large component of the fight against this transnational threat. But, as in all things, style can be as important as substance in cooperation: respect for sovereignty is the starting point for effective cooperation.

Apart from the deleterious effects on society, the underground culture created by the illegal trade fosters a mentality and creates forces that work against civil governance. Though this section overlaps with the discussion of nonstate threats in chapter 13, the effect of drugs on security in the hemisphere is worth emphasizing. Illegal drugs are a serious component of instability in the Andean region (where plants used to make drugs are grown), the Caribbean and Central America (transit zones), and North America (consumption and transit). One element common to all these regions is the violence associated with the drug trade, which threatens the stability and sovereignty of several states, including Colombia, Mexico, and several Caribbean island states, and also threatens domestic safety and governance both in transit states such as Brazil, Argentina, Chile, and Canada, and consumption states such as the United States, Japan, and most of Europe.

Migration

Within the Western Hemisphere migration is generally caused by the impact of economic policy, rather than by issues of security and safety as was the case a decade ago throughout Central America. The states primarily affected (apart from the United States) include Mexico, Haiti, Cuba, the Dominican Republic, and those of Central America; rampant poverty and inadequate property laws are generally cited as reasons to emigrate to the United States. A major complicating factor is the volume of remittances from migrants (legal and illegal); Mexico and El Salvador estimate that over \$2 and \$3 billion a year, respectively, are provided by their "economic refugees" in the United States. The volume may be lower in the Caribbean, but the percentage of GDP is much higher, given the Caribbean's lower overall volume of economic activity. Every year about 275,000 illegal migrants manage to elude Immigration and Naturalization Service (INS) efforts to stop them and join the 5.4 million illegal aliens already in the country. States affected most are (in order) California, Texas, New York, Florida, Illinois, New Jersey, and Arizona. About 80 per cent of the immigrants come from within the hemisphere.

Yearly Patterns of Migration



Source: United Nations

U.S. policy is linked closely to migration. People fleeing poverty or violence at home are motivated by "push" factors, while the U.S. policy on migration acts either as a "pull" or "stop" factor, inviting migrants to leave or preventing them from leaving home in hope of finding a better way of life. Without the pull factor, many would prefer to wait out push factors in hope of improving their lot at home. For instance, U.S. policy toward Haitian refugees during General Cedras' dictatorship was one of acceptance, so the number of Haitians taking to boats was high. When the administration changed its policy to one of either returning migrants to Haiti or sending them to holding camps in Guantanamo or Guyana, the number of refugees plummeted.

U.S. Coast Guard intercepting Haitian refugees



Maintaining a Secure Environment

During the Cold War, U.S. defense policy toward Latin America was oriented toward keeping the region a neutral security environment that required little attention from DoD. Containment of communism was a major mission, but U.S. policy recognized that national militaries within the region would dictate their own versions of just what constituted containment. With the end of Cold War, the goal of maintaining a security-neutral region is still difficult to achieve. Border conflicts (Peru and Ecuador), insurgent instability (Colombia, Peru, Mexico), and illegal drug production operations (Colombia, Venezuela, Brazil, Peru, Ecuador, Bolivia) are difficult to contain. What

remains is the effort to maintain stability, a difficult enough prospect in a region struggling to define the proper balance of relations between civilian governance and armed forces. The traditional U.S. geostrategic view emphasizes a special relationship with the Caribbean Basin because of the traditional sea lines of communication (SLOC) between, for instance, New Orleans and Europe, or transiting the Panama Canal. Any threat to those SLOC directly affects U.S. trade with the world, increasing the threat to U.S. sovereignty. That nonstate actors use these same SLOC cannot be lost on Washington, given the tremendous cost and effort involved in locating the thousands of islands and shipping routes and protecting them from criminal activity.

Current Trends

Economic Integration

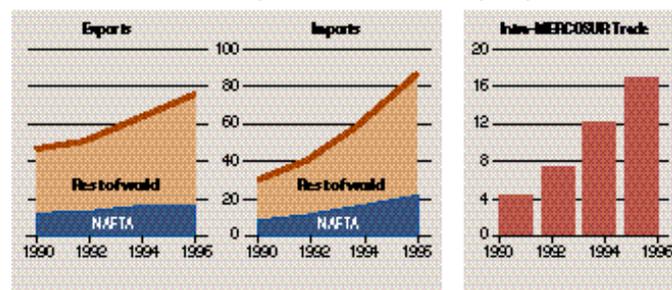
The economic trend of the region is toward increasing trade integration, though not necessarily regional integration. The Mercado Comun del Coro Sur (MERCOSUR) will remain the premier South American grouping, to which Chile may someday become a full member if accession to NAFTA is not forthcoming. But MERCOSUR has been showing signs of unrest: its principal members (Argentina and Brazil) recently negotiated an increase in tariffs without consulting the smaller or associate members. Disintegration is not on the horizon, however, if only for fear of losing out in the global arena of trading blocs.

Groupings other than MERCOSUR and NAFTA will arise. There have always been plans to combine the Central American markets. Mexico recently began negotiating to open its markets to Nicaragua initially, and to the other Central American markets shortly thereafter. The Andean Group may attain viability, following the pattern of MERCOSUR; CARICOM and other Caribbean groupings will intensify efforts to expand and succeed. The main thrust of this trend is the 1994 Miami Summit declaration of intent to form a hemispheric free-trade bloc by the year 2005. Such subregional groupings are attempts to integrate and form stronger negotiating positions prior to joining NAFTA or any new regional arrangement with North America.

Regional Trade Agreements



MERCOSUR Trade: Fast Abroad, Faster at Home in billions (U.S.\$)



Source: World Trade Organization

But not all is as idealistic as was expected after the Miami Summit. MERCOSUR, perhaps taking a cue from the U.S. Congress, now spends more in Europe than in the United States. Asian markets, despite the recent downtrend, have made significant inroads into South America as, for instance, Chile, Peru, and Colombia seek to increase relations across the Pacific. The failure of the Clinton administration to secure fast-track authority for Chilean admission to NAFTA was a major blow to the region's confidence that the United States was

finally beginning to pay significant, consistent economic attention to its immediate neighborhood. Should fast-track authority fail again in 1998, the objective of the Miami Summit of a regionwide free-trade zone by 2005 will crumble and South American markets will seek to join agreements elsewhere. In other words, though the trend appears favorable to U.S. interests, economic interests have not reached their fullest potential.

On the other hand, the region's economies performed in 1997 at their best level in 25 years. The combined average growth rate was 5.3 percent, with an inflation of less than 11 percent. Foreign investment totaled \$73 billion, though the trade gap with the United States grew to \$60 billion. Such growth spurred more export industries, especially in intraregional trade, which increases economic interdependence and trade integration.

Exceptions: Cuba and Haiti

Cuba and Haiti will be the exceptions. Fidel Castro still sees no reason to change his statist economic policy and will continue to limp along, blaming the United States for his lack of success while relying on remittances from Miami and the black market to feed and clothe the Cuban population. Haiti, the region's failed state, also will continue to rely on remittances, drug money, and foreign assistance to remain marginally viable as a state. Barring a drastic change in the philosophy of governance in both states, there is no hope for integration with regional associations, let alone global trading arrangements.

Corruption

The problem of corruption, in which formal political organizations are steadily undermined in their capacity to operate efficiently, cannot be overstated. Briefly, corruption may be defined as the misuse of public office for private interests. Political corruption is widespread in numerous states in the hemisphere and is accompanied by violence that weakens the state's capacity to operate effectively. For example, bribery of officials has long been a successful method of operating in the political life of most of the region. It has been used to pay for immunity from criminal prosecution by the members of organized crime as well as to distort the workings of a variety of public offices. This situation is compounded by society's tolerance of illegality: respect for the law tends to deteriorate when exposed to blatant disregard. Colombian economist Dr. Francisco Thoumi describes corruption as an illegality and dishonesty trap: in a society in which dishonesty and corruption are rampant, behaving honestly becomes costly.

Where organized crime has made a significant inroad, as in Mexico, Colombia, Jamaica, Haiti, and Bolivia, corruption has so undermined legitimacy that these states have at times been unable to guarantee even the most basic order for their citizens. Coupled with the use of extreme violence, this has not only led to a crisis of legitimacy in the criminal justice systems but also has allowed criminal groups to operate with relative impunity for a long time.

One of the most prevalent forms of corruption in the region is *clientelismo*, or patron-client relationships, in which people are placed in positions of authority on a basis other than merit. Rather than being agents of government, in a region where an effective civil service does not exist such individuals *are* the government. Private individuals use public offices for personal aggrandizement or favorable advantage to themselves and their friends and associates. Many government offices tend therefore to be overstaffed with persons whose particularistic loyalties lie in roles and relations, rather than in rules and regulations. Nepotism, connections, petty bribery, and other means of acquiring private influence and advantage glut the public realm and do little to advance policies needed by the state. Official transactions abound with red tape, requiring seals and signatures to conform to detailed, archaic legal formalities. This practice slows the process of systems such as justice to the advantage of individuals who expedite matters for a fee.

In Colombia and Mexico (and formerly in Peru), there is the added threat of *plomo ó plata* (bullets or money), in which officials are forced at gunpoint to use their position to help criminals--making a bribe the more acceptable option.

Democracy in Transition

Numerous Latin American states have been characterized as democratic or as riding the "third wave" of democratization, but the use of the word democracy has led to confusion about the actual situation in these countries. Elections are regularly held, and opposition parties exist in most Latin American states. Nonetheless, politics are often largely elitist and based on clientelism and skewed patterns of income and wealth. Perhaps the gravest obstacle to true democracy is the lack of a comprehensive, coherent system of justice (including courts, police, and corrections) to deal with escalating problems of organized crime, violence, and corruption.

Some easily definable obstacles to the formulation of effective systems of justice are the problems they confront. Much of the success of a justice system depends on the methods the society employs to achieve social control and on whether these methods are compatible with one another. In Latin America, the traditional strategies of deterrence and retribution in law and order often conflict, rather than work in coordination: the demand for deterrence steadily increases, while the demand for retribution remains relatively weak. Retribution involves actively seeking out and punishing those who break the laws of the society, but many who deserve punishment are so efficient at intimidating and suborning members of the justice systems that the fear of violence as well as the prevalence of corrupt personnel disrupt the system.

Such a setting is a magnet for private power brokers. Presumably, operating illegal businesses and bypassing a system are easier where order is lacking and public institutions are rife with patronage and graft. The problem for law and order is that whenever some brave and honest government officials do attempt to halt the spread of illegal activity, broken links in the chain of command make extortion and bribery effective in countering such efforts.

When the instruments of coercion land in the hands of groups other than the government, communities are subject to still more arbitrary and personally motivated interests. An informal sector parallel to government institutions exists at lower levels throughout society in Latin America. Entire towns or portions of large cities do not exist on official government maps or tax rolls, having sprung up from squatters' rights movements on unused government or private land, e.g., Brazil's *favelas* or Colombia's *tuburios*. These informal governments have all the trappings of a formal sector, such as police, justice, services, medical institutions, transportation. In some parts of Colombia, Mexico, and Peru, insurgents and drug mafias have replaced the state as the governing authority. Drug barons have penetrated these countries' political and legal institutions to the point where they virtually form a "state within a state," fostering relations with the local government or providing the populace with housing and social services. However magnanimous the acts of these groups are, these self-appointed leaders were not democratically chosen by the people. Rather, they have insinuated themselves, using large quantities of money, operating with relative impunity, and using the "law of the jungle" to dispense their largesse and justice.

One unfortunate result of these systemic and insidious problems is that governments attempting to democratize are foundering. Their chronic inability to stop the escalation of violence and corruption has led to their legitimacy being increasingly brought into question. Not only must a government be constrained in its ability to carry out its policies by a constitution and the rule of law, and thereby held accountable for its actions; it must also fulfil the first duty of government--to maintain order. Equality and liberty, the essentials of a liberal democracy, can be exercised only in the presence of a peaceful social order.

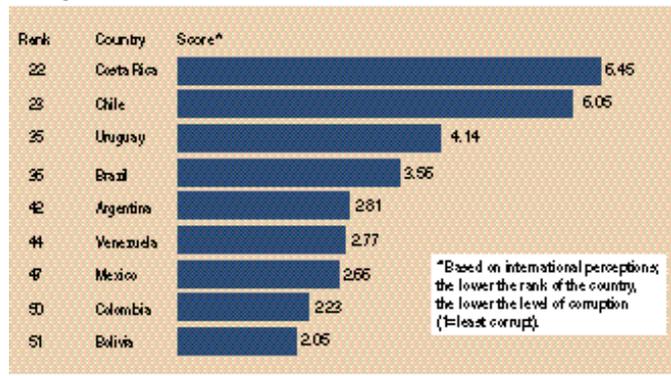
When the state loses legitimacy, the government begins to fracture along personal or familial lines where persons or parties jockey for position and control over diminishing resources. Such loyalties, in turn, take precedence over the commitment to public policies, even the constitution, diverting the energy and attention of those working in the public realm to a free-for-all.

Foremost consideration must be given to building on and preserving existing law and legal institutions. Antiterrorist policies in liberal democracies should not involve reprisals against segments of the population thought to be sympathetic to outlaws. Governments that respond to violence by using indiscriminate force will not only be resorting to the same practice as the terrorists but also strengthening whatever support the outlaw groups may enjoy. Security forces and police or military units given the task of combating violence should be closely monitored to ensure that they operate within the law to whose defense they are committed. Civilian control must be retained over their activities through executive policy, legislative oversight, and judicial constraints. All these are necessary: no one or two will suffice.

But all is not gloom and doom. NGOs have sprung up throughout the hemisphere, demonstrating the strength of democracy through grass-roots movements to demand proper governance. The call for opening or liberalizing party systems is strong, raising the hope and expectation that democracy is not merely a periodic fad. Optimism is moderated by a healthy dose of realism. Democratic rule is bucking 500 years of authoritarianism, a tradition that will take more than a decade to overcome.

Corruption Index (1997)

Civil-Military Relations

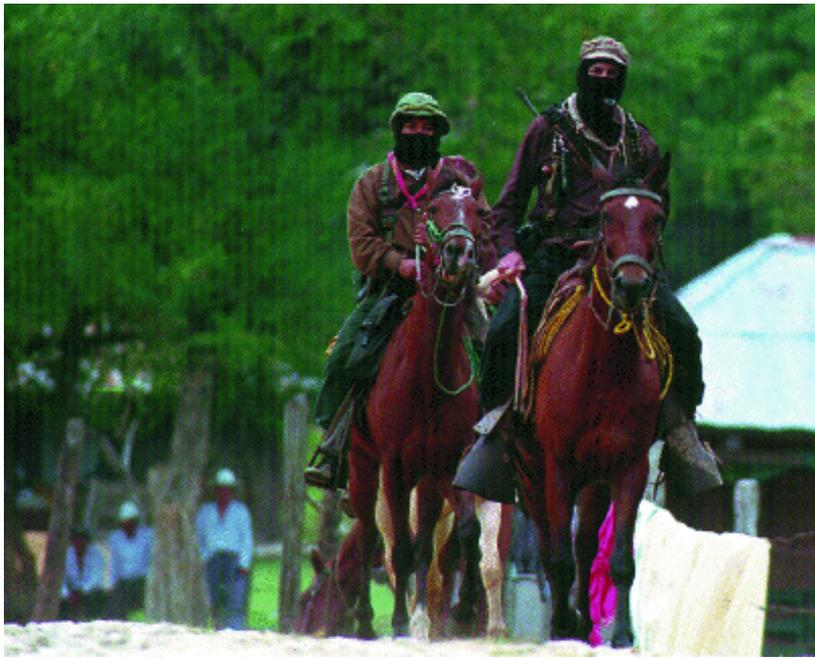


Source: Transparency International

Implicit in the suggestion of increased oversight of the region's armed forces is the concept of civilian control over those forces. Latin America does not have a tradition of balanced civil-military relations, as understood by the core. The regional tradition of vesting the armed forces with the role of "savior of the state" and "guarantor of the constitution and the people's rights" flies in the face of the core definition of civil-military relations based on civilian supremacy and guidance, two factors marginally present in or completely absent from most of the hemisphere. Most of the region's armed forces are charged by national charter to be the final arbiter of state sovereignty, with a mission of preserving order from all threats, foreign and domestic, at the expense, if necessary, of the civilian government. U.S. guidance to increase professionalization--that is, to emphasize technical expertise, organization, and training in the arts of war--has been interpreted as increasing emphasis of traditional missions, including the military operating politically in a praetorian manner, taking power as an unaccountable political broker maintained through the use or threat of force. The standard answer of the Latin American militaries has been that they are indeed professional and always have been.

The trend in civil-military relations has been slowly changing as the militaries grow more comfortable with the concept of not retaining responsibility for guiding civilian governments, but the absence of civilian expertise on security issues remains a major problem. U.S. pressure to subordinate authority to the civilian government may succeed in form but not function, unless civilian expertise and guidance increase markedly. Thus far, not one defense policy in the region has been issued from a civilian ministry of defense or the presidency. The case of Argentina is illustrative: after five years of consecutive reductions in the defense budget, the Menem administration has yet to provide a defense policy on which the ministry of defense can base a credible reorganization to match what amounts to an 80 percent budget cut. Colombia's situation is worse; it is fighting a war on at least three fronts with no stated defense policy from either the ministry of defense or the civilian government. In a sense, past experience is at fault. Authoritarian regimes in Chile, Argentina, Paraguay, and Uruguay wrote defense policies later used to justify "dirty wars" and other depredations on the civilian population. This experience provides a disincentive for either civilian governments or military institutions: civilians fear a repeat of the misuse of such policy, and the military fears a repeat of the justice imposed after the fact for doing what it considered the ruling elites' dirty work.

EZLN insurgents in Mexico



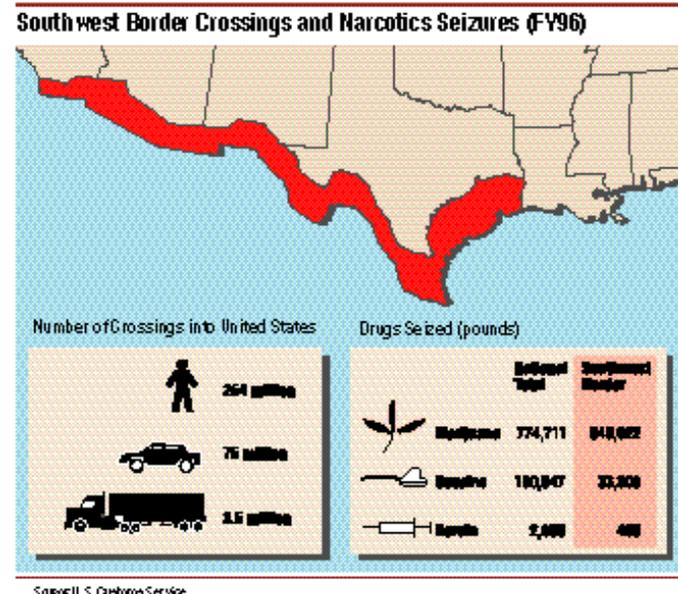
There is no strong trend in the hemisphere toward improving civil-military relations, other than the inertia of getting used to dealing with each other in an environment of liberal democratic governance. Civilian demands to reform the military to curb human rights abuses negate the inability of the civil sector to reform the capacity of judicial systems for oversight or justice. Military complaints of civilian ignorance of defense issues is negated by the habit of ignoring civilian oversight or guidance. An optimistic scenario is for inertia to continue uninterrupted so that time can heal past wounds. In this area DoD can exert diplomacy, playing a key role as a model establishment, guiding by example, as well as providing training and education to both military and civilian personnel working on security issues. Brazil and Chile have produced "white papers" on security issues, an unprecedented step for the region. These papers' existence, together with an increase in the volume and quality of academic fora debating security issues, provides evidence of progress in improving civil-military relations, and more should be encouraged.

Drug Mafias

The illegal drug market long ago achieved stability and, in some cases, saturation, and that situation is unlikely to change any time soon. Without a major change in counterdrug policy and methodology, the only measurable change in the market will be in methods of smuggling or in market taste. There are indications that cocaine is no longer the drug of choice; heroin and synthetics have been making headway against "king coca." But the basic market forces are the same and the risk factors and smuggling methods remain almost static, while the profitability of synthetics provides the only dynamic change, as different suppliers and smugglers rise and fall with their success or failure in capturing market share.

Thus far, the switch to synthetics has assisted the Mexican mafias' rise in importance, based on proximity to the United States and ease of production. Colombian mafias have increased their market share of the heroin market, while U.S. producers have retained or gained some of the marijuana market. Extra-hemispheric groups are making inroads into the business almost in direct proportion to the loss of control by the Colombian groups. Nigerian, Russian, and Asian groups have begun to compete strongly for large shares in the smuggling and distribution networks. This dispersion of the market makes it all the more difficult for U.S. counterdrug forces (including DoD) to mount sustained successful interdiction.

The making of drug policy in the Americas, north and south, has to date been characterized by reactive and incremental initiatives. Decisions made during crises (including political crises or elections) are often not the best solution for resolving problems. States where illicit drugs are produced and transited in many cases make drug policies based on domestic pressure (e.g., labor unions, indigenous rights groups) and on retaliatory violence perpetrated by organized criminals. The result has been "quick fixes" (e.g., the certification process or nationalistic reaction to U.S. policy, transit vs. source interdiction operations, eradication) rather than long-term planning.



The primary security threat within the Hemisphere is international crime (e.g., arms and drug trafficking). DoD is not well suited to

resolving these threats, which are best dealt with through issue-specific multilateral or bilateral frameworks where the military has a supportive role. These frameworks should be judicial in nature, with strong law enforcement cooperation. Continued assistance to Latin America in developing professional judicial systems and law enforcement throughout the region is paramount.

Canada as a Transit Zone

The increasing problem of drug trafficking largely by Southeast Asian, Eastern European, and Middle Eastern criminal groups through Canada has been largely ignored. Criminals have managed to gain Canadian passports under the Immigrant Investor Category requiring them only to invest in Canada and employ Canadians, guaranteeing them a Canadian passport or Landed Immigrant Status. The Royal Canadian Mounted Police (RCMP) maintains a post in Hong Kong to check the credentials of all migrants, although severe budgetary cutbacks hamper its efficiency.

Organized crime groups in Hong Kong and Taiwan have traditionally trafficked in heroin from the Opium Triangle (Laos, Cambodia, and Viet- nam) and are increasingly using the unprotected border the United States has enjoyed with Canada for the past century. Vancouver has become a focal point for these Asian Triads for the redistribution of heroin destined for other parts of Canada and the larger, more lucrative U.S. market. The Canadian Government, in its cost-saving measures, disbanded the Vancouver Port Police, leaving the task of patrolling Canada's most important Pacific coast port of entry to private security agencies and the already overworked and under-funded Vancouver Police. These private security firms have been involved in illicit contraband scandals; future use of the port as an entry point for illegal narcotics is only likely to increase.

Many criminals find that access to the United States is as easy as declaring the intention of going "shopping" for the day. Law enforcement officials have worked hard to coordinate efforts with the different police agencies in Canada, but diminishing resources on both sides hamper these efforts (e.g., the closing of the Drug Enforcement Agency office in Vancouver).

Toronto and Montreal also have become important transit points for drugs from Eastern Europe and the Middle East. Again, while the RCMP has been attempting to stop the flow of narcotics by cooperating with agencies in Europe and Interpol, its budget is well below those of well-funded, organized criminals.

Diplomatic pressure must stress the point that more cooperation among law enforcement agencies will go far in upholding Canadian sovereignty in the long run. The current trend of using Canada as a transit point for illicit drugs pushes that country into the drug war more than it wishes, even to the point of harming the important trade between it and the United States, and perhaps permanently damaging the good relations the two countries currently enjoy.

Hemispheric Security

The trend in the United States is to think of hemispheric security as an over-arching framework (e.g., continuing or expanding the Defense Ministerial, improving the Inter-American Defense Board, or developing a new organization), but at the same time there is a trend also toward avoiding such comprehensive efforts, increasing subregional integration, and creating ad hoc groupings to deal with specific, time-limited issues.

From the Latin American viewpoint, the asymmetrical balance of power in favor of the United States has obstructed and will continue to hinder the formation of any multilateral military organization, for fear that the United States will dominate it. In a collective security framework such as the Rio Treaty or a cooperative framework such as the IADB, member states cede to that organization a measure of autonomy in military decisionmaking. States in the region have long viewed the military as a nation-building force and the final arbiter of national sovereignty, and they closely link national autonomy to national sovereignty. This link creates an almost insurmountable obstacle to the creation of coalition forces and implementation of the concept of shared command. An overarching multilateral framework in Latin America would be seriously undermined by the need of U.S. military strategy, because of its global responsibilities, always to reserve the right to act unilaterally. Military leaders throughout the hemisphere demand a similar right, thus reducing the credibility and effectiveness of any multilateral security organization. But the *idea* of a multilateral organization such as the OAS is attractive to Latin America, to reinforce international law and provide the possibility of a unified front against overwhelming U.S. influence.

Perhaps the most that can be accomplished is to strengthen subregional groupings. Latin America strongly adheres to the principle of nonintervention and respect for national sovereignty and has approached conflict resolution through limited military action, most involving only observers. During the Dominican Republic crisis of 1965, Latin American states viewed the OAS Inter-American Peace

Force as a multilateral disguise for U.S. unilateral intervention. Since then, the only missions to include a substantial number of Latin American forces have been UN peacekeeping and enforcement operations, such as the UN observer missions in El Salvador and Central America. OAS participation was most successful during the 1969 Soccer War but reverted to minimal activity during the coups in Haiti (1991), Peru (1992), and Guatemala (1994). Even after the strong solidarity demonstrated by the Declaration of Santiago (1991), the OAS resorted to generally ineffective political or economic action, eventually ceding authority to the United Nations.

Differing strategic and threat perceptions undermine U.S. efforts to form a collective security framework. Although U.S. military strategy involves reorienting traditional Latin American defense strategy away from a Cold War focus and toward cooperative security missions such as peacekeeping and counterdrug efforts, Latin American senior officers view these missions as secondary to protection of national borders and sovereignty. The political will might exist among the civilian leadership, but in nations where the military has gained a high level of autonomy and self-sufficiency, the military's prerogative to defend the nation's sovereignty cannot easily be changed. Military officers throughout the hemisphere (including the United States) have publicly expressed the feeling that multilateral operations within the region or outside (e.g., Croatia, Crete, Sinai) potentially weaken the military's ability to respond to primary security roles.

Naval Coalition Exercises

The navies of Latin America have led the way in establishing military-to-military contact, because they can do so without raising nationalistic issues such as sovereignty and constitutional bans on foreign military forces within state boundaries. The most successful coalition operation has been UNITAS, now in its 38th year. A U.S. Navy task force circumnavigates the continent, conducting bilateral or multilateral operations, practicing navigation, underway replenishment, gunnery, search and rescue, and occasionally missile-firing exercises. Similar naval operations include DRAGAO (Brazil, Argentina, Uruguay, and South Africa), ARAEX (Brazil and Argentina naval air), IBEREX (Brazil, Argentina, and Spain), Fuerzas Unidas (United States, Mexico, Guatemala, Honduras, and El Salvador), GREY GHOST (United States and Argentina), and FLEETEX exercises between the United States and Chile.

A major factor in the success of UNITAS is the absence of sovereignty issues, given that exercises take place in international waters. Were a method for adapting the UNITAS concept to army or air force exercises available, it could enhance military-to-military relations dramatically. But armies and air forces need land, which raises the sovereignty issue that so far has precluded anything more than occasional, temporary bilateral exercises.

Argentina, Brazil, and Chile have employed bilateral negotiations and confidence-building measures to diffuse any possible conflict. They have engaged, or have planned to engage, in bilateral military exercises: Brazil and Argentina have conducted joint naval exercises since 1976 and recently began joint peacekeeping and air force exercises; Chile and Argentina will conduct their first joint military exercises in 1998.

Shaping the Strategic Environment

Promoting Confidence

The best way to enhance regional confidence is to provide coherent, stable policy guidance and remain continually engaged in Latin America. At the same time the global role of the United States means that its strategic and security interests lie elsewhere. The concept of Latin America as a geopolitically secure area is still valid: as long as there is no overarching threat or lots of conflict, there is little reason to direct much DoD attention there.

Chilean submarine *Thompson*



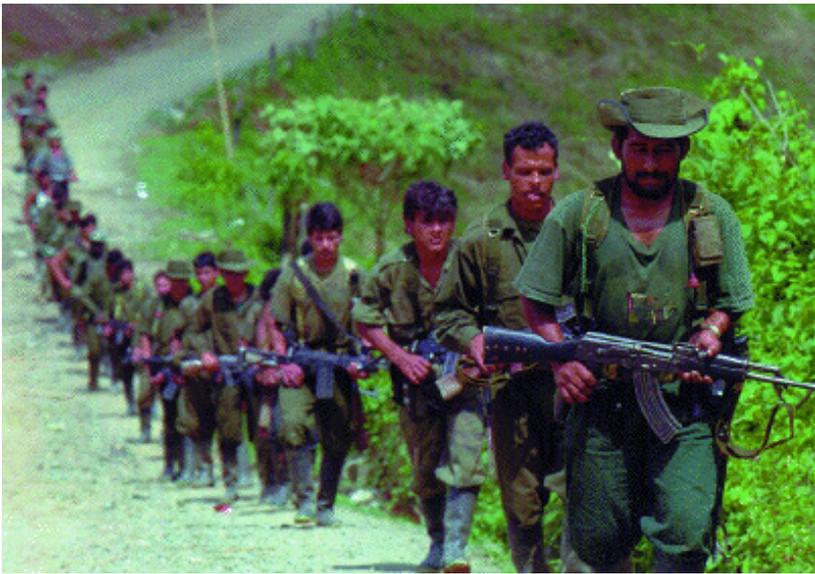
The region's history has demonstrated that states will ultimately resort to resolving problems through ad hoc groups involving only the affected states. Such groups can be disbanded when their objectives have been met, leaving behind no framework that the United States (or anyone else) could use to push a unilateral agenda. Current security threats are localized and therefore viewed differently throughout the region. Localization can render attempts to create a formal multilateral organization ineffective owing to traditional concerns for sovereignty. Consensus will be

reached only on the lowest common denominator and thus will produce an insufficient response to security problems. Without a common definition of what constitutes a security problem, frequent defections occur, further eroding consensus.

The solution is to concentrate on improving bilateral relations throughout the region while encouraging ad hoc groupings based on shared or common interests. Specific issues, which will probably be decided by events, are likely to include counter-drug operations (one group for source countries such as Colombia, Peru, Bolivia, and Mexico, and three groups for transit areas, including the Caribbean, Central America, and South America) and counterinsurgency (Colombia and its immediate neighbors). Other missions include containment of state failure (Colombia and its immediate neighbors and Haiti, Cuba, and their Caribbean neighbors), and border conflicts (Military Observer Mission, Ecuador-Peru, or MOMEPE). The principal difference between what currently exists and what is proposed here is that ad hoc groupings, unlike overarching multilateral or bilateral arrangements, dissolve after the primary mission or objective has been met.

Although the United States has been reluctant to use current defense structures to address security issues in the hemisphere adequately, it has leeway for guiding the debate on security and influencing policy outside of these structures. Defense diplomacy need not be hemispheric in nature: it is possible to secure the U.S. objective of cooperation and stability through bilateral relations alone. But neither option is necessary, as experience has shown a hemispheric preference for subregional groupings with a mutual-interest agenda and short duration. U.S. policy, with a history of sporadic, short-attention-span incursions in the region, would need little to adapt to this style. For instance, defense diplomacy could focus on the Southern Cone to stress hemispheric cooperation in a global context (e.g., the free-trade area of the Americas by 2005). No comprehensive hemispheric policy need be written for counterdrug issues when only the Andean region is involved. The Caribbean is not cohesive either, and as a region for policy could be divided into at least three groupings: Cuba, English-speaking, and drug transit zone. Central America, too, lends itself to division because of states' different experiences and security requirements. Under this type of defense diplomacy, a need to work toward gradual coordination of defense interests, policies, and cooperation would be unnecessary. Such coordination would be required only among states (or militaries) with similar conditions and interests.

Revolutionary Armed Forces of Colombia (FARC) insurgents



That does not mean there is no use for forums such as defense ministerials, in which all parties coordinate general guidelines and debate broad-brush issues of general mutual concern. Moving relationships within the hemisphere to a more mature level will require the *patrón* to give up his absentee status and actually lead, where necessary, in a role the United States is naturally capable of filling. But security policy does not need to be conducted at the hemispheric level.

Diplomacy can be used to encourage bilateral agreements and promote confidence-building measures to foster understanding and to prevent regional conflicts. Joint exercises, like UNITAS, those taking place among Argentina, Brazil, and Chile, and those planned in Central America under the aegis of the Conferencia de Fuerzas Armadas de Centro America, should be encouraged. They will increase policy transparency and prepare neighbors for joint action, should the need ever arise.

Creating Complementary Capabilities

For ad hoc groupings of mutual interest to work, the armed forces of participant states must work well together, if not combine forces outright. In this respect, Latin America is closer to the Asian model of cooperation than to the European model. Interoperability is always a desirable objective to pursue in the hemisphere, though hard to justify in the absence of a unifying threat.

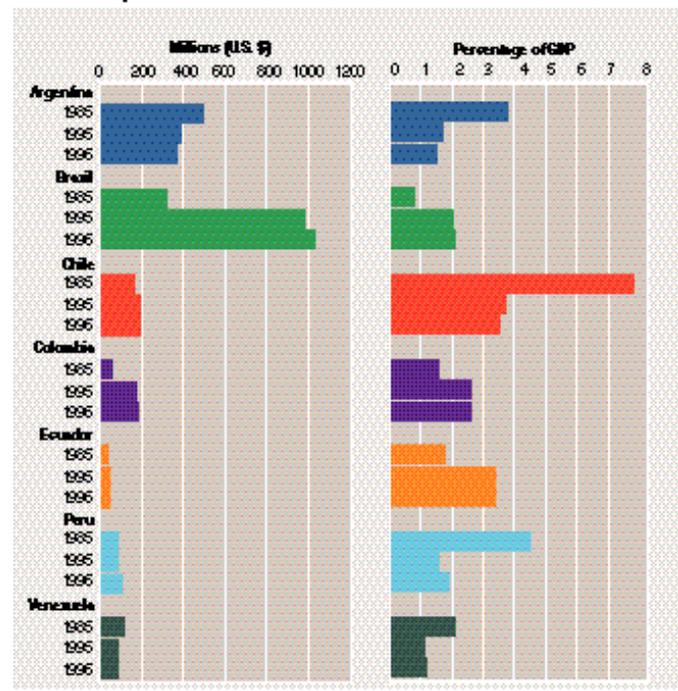
The principal reason for interoperability is to be able to combine complementary forces during operations conducted for mutual benefit, which include counterdrug actions, peacekeeping operations, containment of state failure, or border wars. Reduced defense budgets make shared responsibility for security an attractive option, although the current orders of battle in most cases require scrapping existing forces and buying new ones. As attractive as that is to weapons manufacturers, the initial driving force (budget reductions) precludes interoperability through replacement. Thus a longer term approach is needed.

The new U.S. policy on high-tech arms sales in Latin America will initially benefit U.S.-Chile relations (through the possible sale of F-16s) but in the long run will benefit the United States and its friends in South America by increasing interoperability through the simple expedient of selling them U.S. systems. Critics argue that such sales undermine security by providing expensive systems that answer no specific external threat and yet increase the strength and economic power of the military. But as the armed forces modernize through new acquisitions (based on domestic requirements), the United States will assist in creating complementary capabilities and enhancing ad hoc coalitions. Mutual trust will increase, because high-tech sales indicate a willingness to trust the armed forces of the region to use such materiel in a manner consistent with core values.

Promoting Defense Reform

The critical defense reform in Latin American countries is in civil-military relations. Governments need assistance reconciling a strongly held corporate tradition in defense and military affairs with an unfamiliar, liberal tradition more supportive of democratic norms. A key factor in supporting a transition is the competence of civilian officials with defense responsibilities in the executive and legislative branches of government and in the private sector. Aside from demonstrating the subordination of militaries to civil authorities whenever possible, U.S. defense capabilities need to become associated with regional engagement. Examples include the education of military officers and defense civilians at the Inter-American Defense College and the Center for Hemispheric Defense Studies, technical assistance establishing tailored defense management structures (use of contractors), and DoD-sponsored events (staff talks, conferences, seminars) in the region to facilitate civil-military dialogue.

Defense Expenditures



Source: International Institute for Strategic Studies, *The Military Balance 1987-88*

A major deficiency is Cuba, where currently DoD is precluded from direct engagement. An indirect approach is needed, possibly using defense diplomacy by encouraging or financially supporting core partners to interact with Cuban officers, such as attending their professional schools and increasing U.S. participation in expanded multilateral operations or projects.

Fora for debating security commonalities at all levels, such as the Inter-American Naval Conferences, the Defense Ministerial, Conference of American Armies, and Conference of American Air Forces, should also continue to be encouraged. The IADB should continue its role as an important organization for cooperation, consultation, research, and advice to the OAS on security issues. All these fora will help create a sense of trust among neighboring military establishments, which will foster a friendly environment in the hemisphere for U.S. forces, if ever required.

Using Force

Because of the history of forceful intervention in the region, the projection of force in the hemisphere is a tough topic to tackle. There are, nonetheless, specific situations in which the use of U.S. forces could be brought to bear.

Contain expansion of instability

This scenario involves two situations: a loss of sovereignty and the war on drugs. Should Colombia's future involve the loss of state sovereignty to insurgents or transnational organized crime, it is feasible that U.S. assistance would be sought to resolve the situation. But the call may not come directly from Colombia: instability along the borders could spill over to neighboring states, to the point where a coalition could be formed to either contain the fighting or assist government forces in regaining control from the FARC, ELN, or drug mafias.

Policy to combat the traffic in illicit drugs requires a comprehensive multifaceted plan to predict possible outcomes and alternatives. Relying on reactive policy to combat the problem (e.g., measuring success in terms of price and seizures) will not produce a solution. For example, counter-drug agreements take years of laborious diplomacy and negotiation, but a fluid criminal trafficking group can alter its transportation and routes in mere days. More attention is needed to international cooperation, mutual legal assistance in criminal matters, extradition to a third country, and harmonizing legal systems. The posturing of sovereign governments contributes to a mentality of "form over function" and should be avoided.

This could be accomplished by training crime-fighting units to use common operating procedures, to recognize that the enemies of one are the enemies of all, and to harmonize command structures. NATO was an efficient vehicle for combating Cold War enemies; a similar

structure would not be difficult to achieve to fight the common enemy in the war on drugs. Nationalism and diplomacy must be set aside in order to acknowledge that the new threat is transnational criminal groups and that only concerted, planned policy initiatives will bring about their demise.

Patrolling the Border

DoD is increasingly under pressure about its policy of patrolling the 2,000-mile border with Mexico. Along the border the military has assisted by providing a force 170 personnel, conducting over 3,000 operations since 1990. The military's role to date includes operating listening posts to assist the INS Border Patrol in tracking drugs and migrants, building fences and barriers, repairing roads, and assisting law enforcement agencies in counterdrug operations.

Congress has proposed legislation authorizing the deployment of up to 10,000 troops to the border, but following a shooting incident in May 1997, when a marine shot and killed a young boy, DoD cut operations. It is a difficult mission for DoD, because the basic problem is one of law enforcement, not military operations. Yet law enforcement routinely finds itself confronting smugglers who have better weapons and greater manpower, which leads to requests for military support.

As the drug war continues to increase in complexity, so, too, will DoD support for law enforcement. The Navy is involved in Caribbean and Pacific operations but could be called on also to assist the Coast Guard in patrolling all the coastlines in search of sea and air infiltrators. This would involve writing rules of engagement for confrontations, possibly involving lethal force (e.g., shooting down aircraft that do not respond to requests for identification). Ground forces could be called on to support increased border patrol operations not only along the Mexican border but also the Canadian border, as smuggling routes change to meet the challenges presented by increased patrolling elsewhere.

Control damage in Cuba

The principal scenario for force projection in Cuba involves a loss of state control caused by a sudden change in regime structure. In other words, Fidel Castro loses control or dies, causing a violent war of succession. The United States could be sucked into the power vacuum, most likely in a peacekeeping role, to separate warring parties and provide stability throughout a period of adjustment.

Contain damage of state failure

This scenario is a repeat of the 1994 involvement, restoring order from the chaos to which Haitian politics are wont to descend. As in the case of Cuba, the DoD role would be to separate the warring parties and provide stability so that other forces may work on restoring governance. This scenario would involve a heavy humanitarian component, providing food and clothing to the populace while the economic sector regained enough control to re-establish market forces.

Dramatically increase presence

The role of DoD in protecting the U.S. border by means of what is essentially a policing function remains highly debatable, but it is one that policymakers must at some point consider seriously if the effectiveness of the war on drugs is to be sustained in the future. The current emphasis on source and transit stage interdiction is not a complete plan, and stopping drugs at the border has not been effective. The drug smugglers are too sophisticated, fluid, and well armed for the existing border interdiction programs: DoD is an attractive option to policymakers to task with confronting this threat. This scenario involves using DoD assets to patrol all the U.S. borders (Canada, Mexico, the east and west coastlines, Puerto Rico, the Virgin Islands).

Conclusion

The Americas continue to be a region of tremendous potential for cooperation and coordination of mutual interests, ranging from economic (integration, expansion of trade), to governance (democracy, civil-military relations, human rights, migration), to security (border conflicts, insurgency), to nonstate threats (drug mafias, arms trafficking). Most trends associated with these interests are on a positive path in relation to U.S. strategic goals. Economic integration and expansion are on the rise; democratic governance is at record highs; strategic security interests do not threaten sovereignty anywhere in the region. Only the nonstate threats have produced cause for worry. Nevertheless, these trends are relatively weak. U.S. and Latin American policies related to issues of mutual interests do not always coincide; policy responds primarily to domestic pressure, resulting in self-serving or introspective rather than realistic solutions to problems or threats.

Corruption and different definitions of governance also work against mutual interests; although the rhetoric matches, practical application of policy often runs counter to the intention of laws and governance.

Thus, policy and reality are often in contradiction. Although in the past the United States has chosen to ignore the contradictions between law and practice inherent in the corruption in the region, the increasing regional integration makes it difficult to continue turning a blind eye.

Security policy has changed dramatically in recent years. Gone are the days requiring a coordinated, hemispheric policy. Gone, too, are the days of requiring a global mission from the regional military. Today's security policies concentrate on national priorities, to a great extent ignoring global or nonstate threats in favor of an increased emphasis on border disputes and domestic threats, not issues of interest to or involvement for DoD. These changes require a change in thinking, because they involve increased communications and coordination throughout the region, in the form of defense ministerials, conferences, and issue-specific liaison.

These changes also mean a new type of engagement in the region, one that emphasizes ad hoc, subregional groupings, instead of an overarching security framework. Dealing with the four principal threats requires engaging DoD assets or resources and must be approached with a new paradigm involving new actors or groupings:

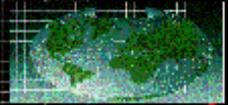
- Resolving the problem of state failure in Haiti will mean working with Haiti's neighbors (Venezuela, Dominican Republic, and Cuba), rather than invoking an OAS or UN force
- Dealing with increased regional instability in Colombia will involve Venezuela, Ecuador, Brazil, Peru, and Panama
- Dealing with the increased crisis of governance in Mexico will primarily be a bilateral issue, although Canada may be engaged through the NAFTA mechanism
- Confronting the nonstate challenge posed by illegal drug mafias will require two groupings, one involving source countries (Colombia, Mexico, Peru, Bolivia, and the United States), the other involving transit states and subregions (Venezuela, the Caribbean, Canada, Mexico, and Central America).

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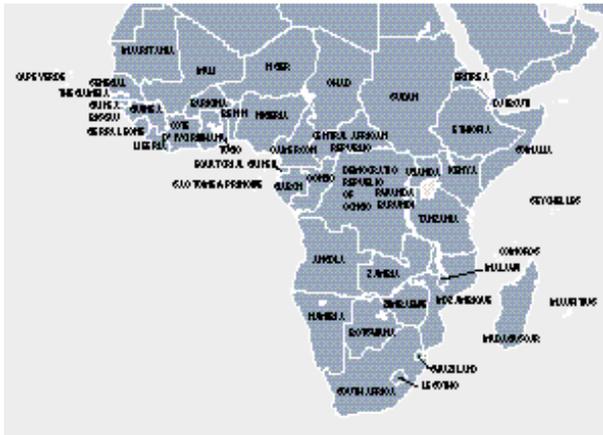
1998 Strategic Assessment

Engaging Power for Peace



CHAPTER EIGHT

Sub-Saharan Africa



The United States views Africa today as a marginal security problem. No state or combination of states in Africa poses current or foreseeable threats to its key interests. Nor, with the end of the Cold War, is there a need to build coalitions against unfriendly external actors. Africa is of limited strategic importance to the United States. However the region's turbulence and recurrent crises, which have produced horrific violence and abuse of the local populace, demand frequent, costly external intervention. A sustained strategy for helping Africa cope with problems of conflict and underdevelopment is sorely needed to enable the continent to pull itself out of the misery and poverty besetting many of its countries. Action is needed there to continue to curb international terrorism and the growth of international trafficking in narcotics, but whether the international community has the political will, or willingness, to commit resources and mount serious efforts to attain such objectives in Africa is not clear.

U.S. Interests

During the Cold War, U.S. strategic interests in Africa were linked to pressures outside the continent, from the Soviet Union and the Middle East. The collapse of the Soviet Union eliminated concern over Soviet incursions (especially in central and southern Africa) and reduced the need for active measures to protect sea lines of communication in the Atlantic and Indian oceans; the shift to satellite communications has eliminated the need for communications posts in north and east Africa; and since the Gulf War, new agreements with Saudi Arabia and other states have moved the forward positions protecting Middle Eastern oil fields from east Africa into the Middle East itself. The absence today of major strategic threats or requirements offers an opportunity to focus on the true issues in Africa: basic survival, food security, peace, quality of life, and economic growth. The absence of vital interests does not in any way reduce the importance of historical, economic, social, and humanitarian interests in the African subcontinent.

Cementing Core Values

The main U.S. interest is to help Africa build stable, prosperous democracies that generally follow Western political and economic models and that will be open to and be major participants in international trade and investment. Attaining this general objective would enable the United States--and core partners--to meet their own national and commercial goals of expanded trade and investment, which include access to Africa's tremendous natural resources, in particular, minerals and oil. To focus on helping Africa accelerate its development, the United States would first need to address problems of security and stability, starting with the destabilizing activities of rogue states in Africa.

Containing Rogue States

Africa has had more than its share of rogue states, but the troublemakers have generally not posed serious, direct threats to U.S. security. Libya has been an exception, with its combination of support for terrorism, chemical weapons program, and military interference in neighboring states, but as those activities have diminished in recent years, the threat has dissipated. At present, continuing support of terrorist organizations and activities by the Sudan regime and the spread of international trafficking in narcotics through the ineptitude or

connivance of the Nigerian regime constitute the only threats to U.S. security. More generally, the fundamental and enduring interest of the United States lies in containing rogues so they will not frustrate the progress of neighboring states attempting to pursue policies more in line with those of the core.

Keeping Transition States on the Right Path

Military Personnel: Sub-Saharan Africa (1975-96)



Source: United Nations and International Institute for Strategic Studies, *The Military Balance, 1997-98*

Transition states need support to make sure they get on (or stay on) the right path. They need firm, detailed, and consistent attention by the international community working in concert to minimize unhelpful deviation and to prevent the emergence of new failed states, which would only destabilize their regional neighbors.

Removing the Causes of Failure

Immediate, mid-, and long-term efforts to promote stability and security on the African continent are needed to end the endemic violence that frustrates development, creates conditions ripe for humanitarian disaster, and sometimes leads to new failed states. Conflict, planned and spontaneous, is the main enemy of political, social, and economic progress and remains widespread in Africa. Africans acknowledge this and want to put an end to it, yet there is no end in sight. Indeed, for many African states, achieving security and stability remains the top policy concern, taking precedence over all other objectives. The region desperately needs international assistance in this effort.

It is in the U.S. interest to address the root causes of failed states and humanitarian crises in Africa for several reasons. The American public is concerned that the people of Africa are poorly served, which increases public pressure on DoD to intervene. Such intervention after a crisis is more expensive--in terms of dollars, political capital, and human life--than averting one in the first place.



Evacuees from Liberia in Sierra Leone

Current Trends

No Decisive Socio-Economic or Political Trends

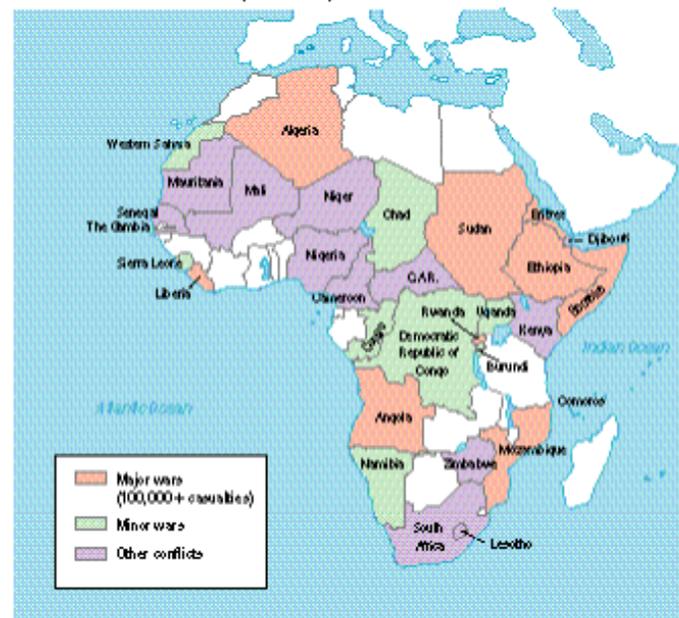
Africa today is in a state of high ferment. Strategic, political, economic, and humanitarian trends across the continent vary; more crises, more explosions and implosions, and yet new opportunities will undoubtedly occur as events cascade in unpredictable and sometimes breathtaking ways. For now, although there are promising signs, it is too early to claim that Africa is firmly and finally embracing Western core values and institutions. In some countries, the promotion of democratic practices and economic reform leading to new growth are apparent; in others, democracy and economic reform lag. As yet, there are no decisive political and economic trends across the continent.

Tottering Rogue States

One of the major regional rogues in Africa, Mobutu's Zaire, was overthrown during 1997, and there is hope that the new regime can turn the new Democratic Republic of Congo onto a proper path as a transition state. Nigeria, with its antidemocratic practices, human rights abuses, and economy in collapse from corruption and mismanagement, is still a potential rogue, but the presidential election and return to civilian government planned to occur in 1998 may put it on the path to democracy and economic recovery. Sudan is the third major regional problem, and it arguably already has fallen into the category of rogue, owing to internal abuses, continuing support for terrorist groups, links to other rogues, and interference in the affairs of most of its neighbors. Containment of Sudan and encouragement of eventual installation of a responsible regime that would correct the abuses remain high priorities for the United States. Sudan's economic difficulties and recent military reversals in the south at the hands of the Sudanese People's Liberation Army indicate the possibility of a change in regime for the better in the near future.

Most Transition States on the Right Path

Sub-Saharan Conflicts (1980-96)



Source: Adapted from Barry and W. Cooper, *Africa's Wars and Prospects for Peace*

South Africa is both a state in transition and the pivotal state in southern Africa. The generally peaceful transition to a post-apartheid era has been encouraging, and a relatively smooth transition to a post-Mandela era is expected, in spite of concerns about possible rifts in the civil service and security services. The economy remains in the doldrums, with lagging foreign investment, making it difficult for the government to deliver on promises to expand social services to the disadvantaged sectors of society. The issue of the economy could prove explosive in the next national elections. Crime, particularly domestic and international narcotics trafficking, has grown to threatening levels. In general, however, South Africa remains a major success story. If it can raise its growth rate a bit, it could play its anticipated role as economic anchor for the entire subregion.

Other important transition states in Africa are Angola, the Democratic Republic of Congo, Mozambique, Liberia, and Rwanda. With the possible exception of the Democratic Republic of Congo, all these states appear to be moving away from war and economic collapse toward peace and development, although only Mozambique's transition is far enough along to seem relatively secure. Kenya may soon be added to the list, if its regime fully accepts the need to liberalize and democratize rather than pushing the country further into civil disorder, even conflict. Thus, on balance, most of Africa's states and societies in transition warrant a cautious optimism.

External Influence Declining

Some failed states in Africa--Somalia, Sudan, and possibly Sierra Leone if the current Nigerian-led intervention to oust the junta and restore democratic leadership falters--are still in decline and threaten to persist as regional rogues. Suffering in these cases has been great, from such basic humanitarian disasters as starvation and genocide to civil disasters such as harsh political repression and the imposition of martial law by failing regimes. Elsewhere in Africa, even though many nations wracked by violence seem to be emerging from crisis and getting onto the right track (e.g., Liberia and Rwanda), the long-term requirements for continuing international technical and financial assistance are substantial. The international community, however, exhausted by long and expensive efforts to deal with these regional crises, seems to have developed a severe case of compassion and donor fatigue that threatens to undermine essential efforts to support reconciliation and reconstruction in Africa.

In the face of continuing turmoil there, a tendency has developed for external actors--the United States included--to disengage from Africa's crises and yield the initiative to African actors. The United Nations has been reluctant to launch new UN operations, as is the United States to offer troops for African interventions. Even France has announced a new policy to reduce its security forces in Africa and to stop intervening to resolve political and security crises of its client states. Since the 1980s, funds for military assistance have nearly dried up, and funding for developmental assistance has fallen very sharply. Increasingly, external actors are encouraging African states to create enabling political-economic environments to attract private investment, emphasizing that private capital will need to replace the substantial official aid flows of the past.



C-141B taking off from Brazzaville, Congo

Africans Addressing Their Own Problems

The hesitation of the international community to deepen its engagement in Africa defies the reality of turmoil and humanitarian disasters expected to persist in various forms across the continent. In some cases the disasters are natural, such as subregional drought. In most cases, however, the cause is human violence, and no downward turn in the scale of that violence is in sight. Throughout the 1990s, Africa has been plagued with 20 or more violent conflicts per year, many with the potential to drag down political institutions of states affected and sink their economies. As mentioned, the most serious problems are those of the subregional giants, Nigeria, Sudan, and the Democratic Republic of Congo, whose fortunes--for good or ill--will profoundly affect developments throughout those subregions.

Lessening tangible international support and growing disagreement on many policy issues have led more and more African states--including those giants, Nigeria, Sudan, and the Democratic Republic of Congo--to ignore Western advice and suggestions for dealing with their political and security crises, whether advice is advanced through official channels or humanitarian and NGO channels. Focused violence has newly emerged as a tool to end abuse, anarchy, and tyranny. A new coalition of hard-eyed proto-democrats, having brought

substantial stability by force of arms to Uganda, Ethiopia, Eritrea, Rwanda, and Angola, are eyeing tyrannical, chaotic, or meddlesome neighbors for possible corrective action. This aggressive tendency by new regional power brokers--already manifested in bringing the Congo (Brazzaville) civil war to an abrupt end--has left the West divided and in confusion regarding policy.



Night operations, Somalia

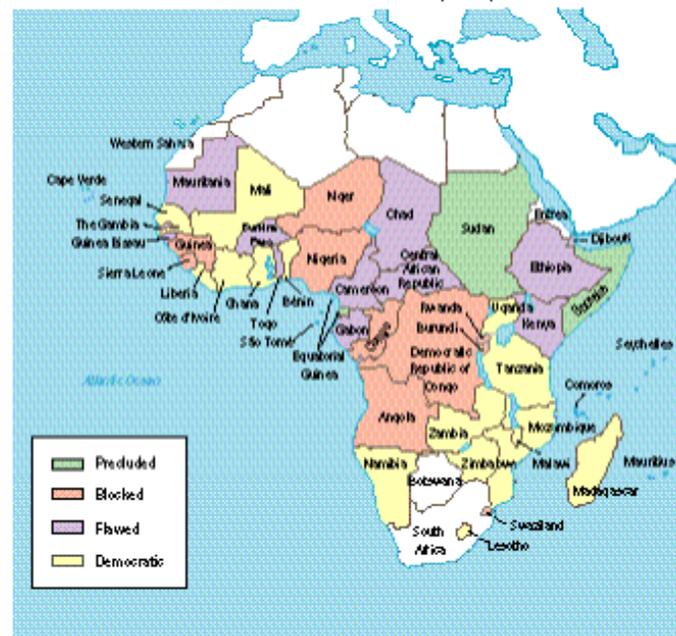
Emerging Mechanisms to Deal with Disasters

The international community--sometimes taking the lead, sometimes supporting African efforts--has begun to develop coping mechanisms to identify, head off, or minimize the effects of recurrent crises and disasters. Considerable progress has been made in developing effective early-warning systems to predict and help prepare for natural disasters, particularly famine from drought. Most notable has been the U.S. Agency for International Development (USAID) Famine Early Warning System (FEWS), which collects data from 16 African countries considered susceptible to famine as well as from the UN's Food and Agriculture Organization and the National Oceanographic and Atmospheric Administration's Meteosat satellite, which orbits over Africa. Combining the collected meteorological, agricultural, and market data, FEWS publishes a monthly report updating the food security situation in vulnerable populations; that information is then used to devise appropriate responses for heading off or dealing with crises.

A number of African states are beginning to build an indigenous capacity to deal with humanitarian and other crises, to avoid the need to rely on external forces. In 1991, a summit of Heads of State and Government of the Organization of African Unity (OAU) acknowledged in its final communique that "there is a link between security, stability, development and cooperation in Africa." Leaders at the summit recognized that the problems of security and stability in many African countries had impaired their capacity to achieve the necessary cooperation to support regional integration and long-term socioeconomic development. Shortly after, OAU launched a program to encourage the prevention and resolution of conflicts. The program has dispatched monitors and observers to Burundi, Somalia, Liberia, Comoros, and has set up a Conflict Resolution Center within OAU headquarters in Addis Ababa.

Several African subregional organizations have taken on the task of planning and coordinating security matters. The Southern Africa Development Community (SADC) is by far the most advanced in capabilities, and in 1996 it established the SADC Political, Defense, and Security Organ to consult about and monitor crisis situations. In summer 1997, forces from SADC countries conducted a major training exercise--*Blue Hungwe*--in Zimbabwe, with technical assistance from a team of British military advisors. The lead has been taken, however, by the Economic Community of West African States (ECOWAS), which in 1990 authorized the creation and dispatch of a sizable all-African force, ECOMOG, to Liberia, where it has stayed. Although dominated by Nigeria, and limited in mission mainly to keeping the warlords out of Monrovia and some other coastal cities, it contributed to the stabilization of the situation and the conduct of the recent elections, won by Charles Taylor. In east Africa, the Inter-Governmental Authority on Development (IGAD) is seeking to mediate a peace agreement in Sudan, an on-again, off-again process. In each instance, the security function of this subregional organization was grafted onto an organization and charter that originally had a narrower politico-economic focus--a tendency that may be considered both a conceptual and political breakthrough for Africa.

Transition Outcomes in Sub-Saharan Africa (1997)



Shaping the Strategic Environment

The Goals

The main U.S. goals in Africa include ending violence (wars, genocide, human rights abuses), promoting stability and security (robust democracy, trade partnership), and averting the need for costly humanitarian interventions. A serious attempt to shape the environment in Africa to these ends would require the kind of total and massive U.S. Government initiative which has not been seen since the 1960s. Public and legislative support for such a comprehensive, multi-agency program probably is not attainable, but a more modest effort, imaginatively and actively pursued, may be possible. Specific goals include:

- Averting or minimizing conflict
- Fighting international terrorism, with special attention to Sudan
- Stemming narcotics traffic, with special attention to Nigeria and South Africa
- Supporting African capabilities to maintain peace and security
- Promoting defense reform.

Resources

Available forces

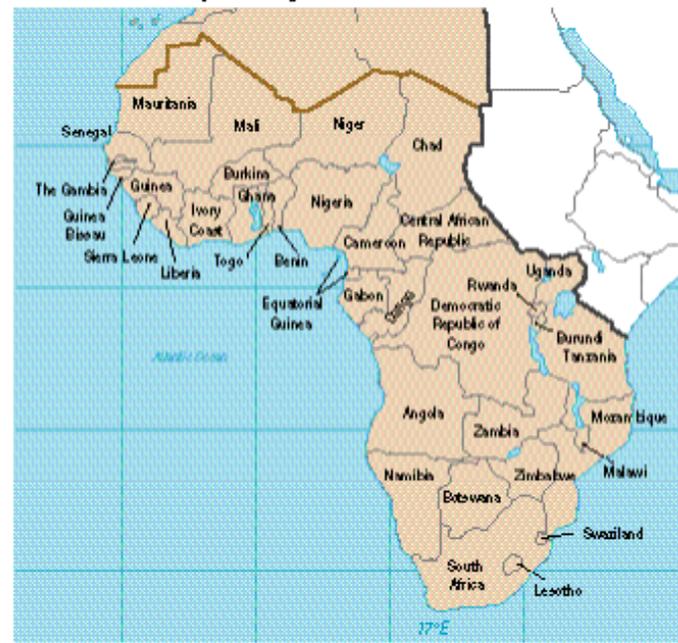
The United States has no forces--troops, ships, or aircraft--stationed in Africa. Its only ground presence there consists of about 200 Marine guards at U.S. embassies, and fewer than 100 defense attaché, security assistance, and other technical personnel. Only two small aircraft are stationed in sub-Saharan Africa to support DoD activities. Yet the United States has repeatedly shown it can deploy forces to Africa quickly when needed, usually to conduct a noncombatant evacuation operation (NEO) but also for humanitarian or peacekeeping tasks. Except for Somalia, such deployments have generally been small and brief.

Africans are well aware of--perhaps even exaggerate--the strength and reach of Washington's military forces. Although the main components of U.S. military power (power projection, lethal firepower, robust forces) have marginal day-to-day relevance, the reality of U.S. power offers a check on the behavior of rogues or would-be rogues. Recently, Washington's obvious and growing reluctance to make peace in Liberia, Somalia, and Rwanda has seriously eroded the credibility and thus the effectiveness of such a check. For actual and potential friends and allies, the important question is, why is the United States unwilling to use its assets to be more helpful on the continent? African militaries are well disposed to benefit from professional collaboration with the United States and can appreciate advanced information technology and joint doctrine. As a model defense establishment, the United States is highly valued, and, when

offered, its advice, training, and assistance are usually well received. But Africans are puzzled and, in some cases, resentful that when an African crisis looms, the United States is increasingly a source of diplomatic advice but only rarely a source of military assistance.

Two components of force structure are of particular importance and assure that Africa remains of interest while also providing a considerable cadre of well-informed Africa specialists: U.S. European Command (EUCOM) and 3^d Special Forces Group at Fort Bragg. EUCOM has become an invaluable intellectual locus for the development and conduct of the DoD program of military activities in Africa. The special forces make available a standing, quick-reaction force with training and advisory as well as extensive operational experience on the ground in Africa. When operational deployments are required, however, the usual response force is made up of U.S. Marines from the Mediterranean or the Persian Gulf, depending on the location of the crisis. Special operations personnel also are frequently involved, although not necessarily from 3^d Group. For humanitarian missions, different forces or specialized units are required, which usually deploy from the United States, with necessarily much longer timelines.

EUCOM Area of Responsibility: Sub-Saharan Africa



The U.S. force structure to pursue national objectives in Africa is generally adequate for peacetime activities and more than adequate for any war or combat operations--although a serious lack of defense attaché presence on the ground must be noted as a persistent and troubling gap in recent years. As in other troubled parts of the world, operational tempo at times makes mustering the technical personnel and units (psychological operations, civil affairs, engineers, military police) difficult, not because of a shortage--quantitative or qualitative--of forces, but because of the political will needed to commit them and the financial support needed to cover the costs of such international operations.

Programmatic resources

The United States has diverse but often austere resources to work with in Africa. Most peacetime activities needed to address the root causes of Africa's insecurity are civil, primarily foreign aid and international financial assistance. But the level of grants and loans for traditional foreign aid is declining, and many overseas USAID offices have been closed or merged into regional offices. The bulk of remaining aid resources tends to be drained off into emergency and humanitarian assistance, with only small amounts available for developmental projects. Some funding is available for special activities in counter-terrorism and counternarcotics, but it has been used sparingly. Policymakers and aid specialists seem to hope that the private sector will pick up the slack, and major efforts have been made to convince both Africans and corporate interests that the role of trade and investment should be greatly expanded in Africa, even as official development resources disappear. Skepticism about the limits of this approach has often been voiced.

DoD, for its part, has units, programs, and activities that pursue its goals in Africa. These might be characterized as high quality and low capacity, because of either an absolute limit in capability or in the amount that can be directed toward African affairs. For policymakers and planners, assets of note include:

- Concerned CINCs. EUCOM has the major role; other force providers include CENTCOM, ACOM, and PACOM
- Special Forces. The key contributor is 3^d Group at Fort Bragg; other personnel are engaged in exercise or operational modes; SOCOM follows Africa closely
- The West African Training Cruise is conducted annually by the U.S. Navy
- The DoD Humanitarian Assistance Program contributes or transports excess humanitarian supplies to needy African nations on an "as available" basis
- The Foreign Military Financing (FMF) and Foreign Military Sales (FMS) programs, administered by the Defense Security Assistance Agency (DSAA), provide cash sales and grant transfers of defense equipment and services, although the scale is tiny

- The International Military Education and Training (IMET) program, also administered by DSAA, provides professional military training for hundreds of African personnel annually, usually in the United States
- Expanded-IMET (E-IMET) emphasizes the professionalization of foreign militaries and their responsiveness to civil control in the context of responsible, democratic government. E-IMET courses, both in CONUS and on the ground, include specialized training by personnel from the U.S. Naval Justice School, the Naval Post-Graduate School, and the Defense Equal Opportunity Management Institute
- Occasional security assistance funding for peacekeeping and conflict-resolution efforts includes the African Crisis Response Initiative to build a peacekeeping capacity in selected African battalions and, since 1994, assistance to the OAU Crisis Resolution Center in Addis Ababa
- Under consideration is the establishment of an "African Center for Security Studies," modeled somewhat on the Marshall Center in Germany. Its focus would be similar to that of the E-IMET program, but with courses for key military and civil leaders with responsibilities for defense matters.



Operation Restore Hope, Somalia

Strategic Approaches

International community

To succeed in Africa, a challenge for the United States is to work closely with its core allies (mainly European) and with the United Nations. Close coordination with the ex-colonial powers--with which many African states have important and intimate ties--is particularly essential. For DoD, there is a specific need to draw on the doctrine and efforts of the United Kingdom, France, Scandinavia, and others in the common task of helping African states build their capacities to engage in humanitarian and peacekeeping interventions. Without such international cooperation and coordination, developing either a coherent approach or sufficient resources--monetary or political--for Africa is unlikely. The development and continuation of broad political and public support for Third-World initiatives are both heavily influenced by the perception that responsibilities are in fact shared within the international community. Such close coordination would also require focusing U.S. efforts, possibly through an interagency oversight mechanism. This would reduce redundancy, increase efficiency, and provide policy cohesion on which international policy coordination could be based.

Long-term multiorganizational approach

Africa's problems require complex, long-term approaches. Many essential activities will remain strictly in the civilian domain, including active preventive diplomacy, the development of civil society, and advice and assistance (as well as pressure, if necessary) to achieve political and economic reforms. A key aspect of this strategy would be to provide strong links with the United States and other members of the international community to Africa's political, military, economic, and civil society. Such activities would require a substantial, long-term commitment of both resources and leadership. Given the complex, multiorganizational (including public and private sectors) nature of the effort, new forms of coordination, information exchange, and orchestration would be needed.

Focus on major powers

Regional Issues in Managing Conflict

| Level of conflict | Major policy preoccupations* | Specific regional concerns |
|---------------------------|--|--|
| Normal conflict level | Using regional economic cooperation and integration to attain the long-term goals of conflict management | Reducing conflicts inherent in: <ul style="list-style-type: none"> ■ Choice of strategies and organizational frameworks for regional cooperation ■ Economic polarization ■ Unustainable crossborder labor movements ■ Production of regional goods ■ Sharing of natural resources |
| Escalating conflict level | Offering parties to a conflict endeavor to have regional economic allies | <ul style="list-style-type: none"> ■ Factional arming and provisioning of parties to conflicts ■ Supporting conciliatory efforts aimed at forestalling escalation into violent confrontation |
| Violent conflict level | Ensuring the availability of adequate economic resources for purposes of the confrontation, including: <ul style="list-style-type: none"> ■ Repair, replacement, or expanded supply of arms ■ Provisioning of food, medications, and other essential materials | <ul style="list-style-type: none"> ■ Coping with problems of refugees ■ Reducing the supply of materials that fuel conflict ■ Supporting peacekeeping and peace-observing activities ■ Supporting peace-brokering activities |
| Reconstruction phase | <ul style="list-style-type: none"> ■ Ability to show material benefit, actual or prospective, to the demand-bearing constituency ■ Maintaining the potential to revert to violent conflict | <ul style="list-style-type: none"> ■ Supporting post-chaos activities, notably refugees, resettlement of displaced persons, military demobilization, and infrastructural rehabilitation ■ Military conversion ■ Supporting sustained peacekeeping and peace-observing activities |

*Viewed from the standpoint of the state and other domestic demand-bearing groups.

The United States cannot pursue a coherent policy that will give equal practical weight to the fortunes of each of the 48 sub-Saharan African states; instead, it will need to focus on key states and regional powers. These are not identical, and unfortunately, most of the major continental powers are not in a position to serve as subregional leaders. Although there are many examples of encouraging progress in the smaller countries, only one of the major regional powers--South Africa--is on the right track. Several others--especially Nigeria, Sudan, and the Democratic Republic of Congo (Africa's most populous, largest, and most mineral-rich countries, respectively)--are more correctly categorized as rogues than leaders, and all are spectacular failures. Further, instead of being able to work with these subregional powers, the United States has either opted for confrontation (Nigeria, Sudan) or initially chosen to remain aloof (the Democratic Republic of Congo). Consequently, it has had to look for other possible regional leaders and of necessity seems to favor Ethiopia for east Africa and perhaps Ghana or Côte d'Ivoire in west Africa. No suitable substitute for the Democratic Republic of Congo exists in Central Africa, although Uganda may prove a candidate because of its current political stability and strong economic growth; however, Uganda remains on the fringe of the area, focused more on relations with eastern rather than central Africa.

In dealing with Africa's successful regional leaders, the fundamental interests for the United States are to solidify gains and prevent backsliding. These nations have achieved relative political and economic stability, providing models for other African countries, and have the potential to become both catalysts for regional growth and helpful allies of the United States on the continent. Washington's announced desire to develop Africa as a major market for U.S. goods will tend to be implemented first in the larger or stronger and more stable states.

Loading supplies at Accra Airport, Ghana



In the 1990s, U.S. political involvement with South Africa has been substantial, and special initiatives taken will expand the role of the American private sector. Although military engagement has been slow to develop, recent important developments have tended to draw the two armed forces closer, including the July 1997 establishment of a Defense Committee to the Binational Commission chaired by Vice President Gore and South Africa's Deputy President Mbeki. Washington has made it clear that it has a substantial interest and will invest heavily in promoting South Africa's long-term development. For the other major powers that may become positive regional leaders, U.S. interests are more immediate and starker. Specifically, these include creating "soft landings" for Sudan and Nigeria as they

struggle to promote democratic and representative government, and supporting a successful transition in the troubled Democratic Republic of Congo. For the moment, however, the U.S. approach is necessarily focused more on trying to shape the behavior of rogues and potential adversaries.

Curb potential adversaries and rogues

Setting aside the special, continuing problem of Libya, Africa's rogues are all sub-Saharan: Sudan, Nigeria, and the just-ousted junta of Sierra Leone. Although several other states are in or near collapse or even failure (Somalia, the Democratic Republic of Congo, Congo-Brazzaville, Burundi), only these three rogues have been in open defiance of the international community as they continue their various depredations on their own citizenry. In Sudan, the problem takes on immediacy for the United States because of the regime's continuing support for international terrorism. Nigeria is an urgent case because of its extraordinary involvement in international narcotics trafficking, both directly and through intermediaries (including South Africa), which may thus become more deeply and dangerously involved.

So far, the international policy approach--consisting mainly of diplomatic dialogue and the threat or actuality of limited sanctions (limitations on issuance of visas, restricted military relations, air travel restrictions, some financial restrictions)--has not proved successful in changing either the thinking or behavior of any of the rogue regimes. Sudan is now faced with an increase in U.S. security assistance to several of its neighbors, which are involved in border conflicts and providing support to the Sudanese People's Liberation Army fighting against the Sudanese regime. At the time of this writing, the rogue regime of Sierra Leone has just been ousted and the elected President reinstalled by a dramatic military intervention led by Nigeria--a fresh reminder that occasionally military force will be required when diplomacy and sanctions fall short. Whether the positive effects of this intervention will persist despite continuing resistance by junta forces, and whether the Nigerian action will improve its standing with the broader international community, remain to be seen. In any case, actions against Nigeria have been mild, such as suspension from the Commonwealth. Given Nigeria's power and influence, the international community is not likely to increase pressure for substantial change.

The international community thus faces a crisis of self-confidence and credibility in attempting to deal with Africa's relatively few but dangerous rogues. Tough talk and weak sanctions have not succeeded and perhaps have only heightened defiance. Political support for either harsh sanctions (such as an oil embargo and a total freeze on investment and commerce) or military interventions is unlikely--even against a regime as weak as Sierra Leone. With official aid resources in decline, there is little prospect of substantial positive incentives to offer. This leaves diplomacy with neither carrot nor stick, a formula for continuing frustration and possibly failure. Clearly, new thinking is needed, as well as approaches carefully designed for each unique situation. Also clear is that U.S. military muscle has no immediate relevance to these problems, although the possibility that a provoked United States might take some limited military action puts some bounds on state behavior; this is probably most important in the case of Sudan.

U.S. and Belgian medics, Brazzaville, Congo

Avert crises and conflicts



Crisis and conflict will probably remain pervasive in Africa for years to come. Immediate, short-term efforts to try to avert, minimize, or terminate these disruptive affairs are needed. Some helpful mechanisms are emerging, addressing natural disasters (particularly famine) and providing early warning in order to plan emergency humanitarian relief efforts. Other mechanisms (especially at the OAU) address manmade crises, including early warning and plans for action.

The main problem in Africa is the huge discrepancy between required and actual African capabilities to confront crises. For necessary humanitarian activities, the international community can still be counted on generally to provide the essential response (food, medicine, transport, technicians). But when mass violence is present, recent events raise doubts about the willingness of this community either to intervene early and decisively or to stay the course when violence strikes at peacekeepers and humanitarian operations. A partial answer would be to help build and improve African competence and capacity for dealing with such violence. This is particularly necessary for conflict resolution and peacekeeping: although basic technical capacity needs to be built at the state level, organizational and political capacity for crisis management needs to be established at the levels of the United Nations, the OAU, and the subregion. The tendency is growing within the international community to view and treat African disasters as African problems that should be left to Africans for solution, despite occasional expressions of moral outrage at, for example, genocide in Rwanda. Africans therefore need to be assured that measures aimed at capacity building are not inspired mainly by a desire for international disengagement.

The African Crisis Response Initiative

In 1996, the United States proposed this initiative, to build capacity, through military training at the battalion level, for peacekeeping operations under Chapter VI of the UN Charter. Six countries (Ghana, Mali, Malawi, Ethiopia, Senegal, and Uganda) have so far agreed to participate, and training by 3^d Special Forces Group has been completed in Senegal, Uganda, and Malawi. Accompanying the training, limited amounts of equipment are donated, primarily communications gear, so that future deployed forces will be able to communicate horizontally and vertically across the force. In due course, preparations may be made to identify the components of a force brigade headquarters with all its specialized supporting units and staff

sections. Or, owing to bureaucratic and political sensitivities, this task may be left to other organizations or initiatives, or to the Africans to do for themselves. The hard questions will come still later: when, for what purpose, with what mission, for how long, and by whose authority (and funding) would the force, with its component battalions, actually be deployed?

DoD Contributions

Threatened and occasional use of force

Coping with Africa's disorder and stagnation will usually be attempted through active diplomacy and assistance for long-term development, but from time to time, sanctions and at least the credible threat of force will be required. In that sense, DoD must always be alert to events in Africa, for it is here that U.S. forces are most often deployed operationally, albeit generally on a small scale. The likely missions include NEOs, supporting or leading humanitarian or peacekeeping missions, and shows of force against a (temporarily) hostile African power.

Such activities are unusual. The use of force is quite common in Africa and is likely to remain so over the next decade. Certainly, most of the rogues and trouble-makers of Africa have shown little tendency to submit to anything except the use, or credible and immediate threat, of force. The source of that force has changed in the 1990s, and for the near future it is likely to be Africans themselves using force, rather than accepting the settlement of disputes through the intervention of French, American, mixed, or even UN forces. In any case, whether the force is African or external, the U.S. military will sometimes have a key role on behalf of the Nation.

Beyond careful observation and analysis and planning and directing occasional operational deployments, sometimes eventuating in the use of force, DoD can affect the military environment in Africa mainly by focusing on building capacity and shaping regional security forces and institutions.

U.S. trainer in Uganda



Building local capabilities

The elements needed by Africans to build and support their capabilities range from supporting specific peacekeeping and peacemaking operations at all levels to building conflict-resolution capabilities. These capabilities can be found primarily at the level of the OAU and several subregional organizations and include initiatives to build technical and managerial skills and unit and staff capacity. Two specific U.S. initiatives, listed below, are of interest for what they have already accomplished or targeted and for the models they offer for future initiatives:

- \$11,650,000 in financial support for the development of the OAU Conflict Resolution Center (1993-97)

- The African Crisis Response Initiative (ACRI) to build capacity, at the battalion level, for peacekeeping operations.

Such initiatives must be strongly encouraged. Funded only modestly up to now, they could well serve as the basis for expanded programs in the future. Helping Africans to prepare to help themselves, then helping them fund and execute specific missions, should be a central component of a new U.S. approach to Africa in the late 1990s and beyond. The African Crisis Response Initiative would not be merely a matter of building military capacity but, more important, of enhancing confidence on the part of the Africans that they have both the tools and techniques to handle most of their problems. This point, it should be emphasized, does not represent a desire in the West to disengage and leave the Africans to their own devices. Rather, emphasis would fall on the mutuality of responsibility and the cohesiveness that a common approach, with common doctrine, will lend to future combined operations.

U.S. forces in Somalia



Shaping institutions and promoting reform

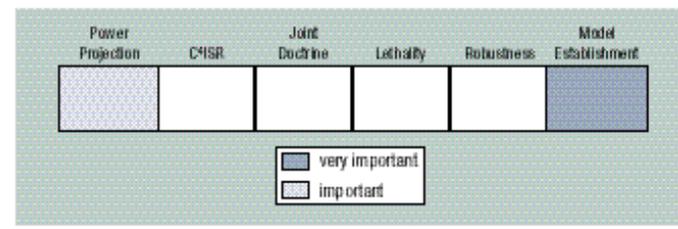
A broader but perhaps more critical objective, for which DoD has the lead, is to encourage and shape African security institutions to embrace Western concepts of military professionalism and the role of the military in a democratic society. To a large extent, the effectiveness of shaping African military institutions is not possible to measure. In contrast, one of the most effective techniques may be one-on-one, military-to-military contact, in which Africans can observe and experience the commitment of U.S. military personnel of all ranks to professionalization, democratic practices, and respect for human rights. This kind of contact involves participation in combined exercises or operations (including peacekeeping), observing U.S. forces in operations or exercises, and exchange programs (including these between military educational institutions).

Training, whether under IMET, E-IMET, or as part of exercises with Special Forces teams deployed to Africa, is another powerful tool, but one with a cumulative impact that needs time to mature. Because it emphasizes professionalization and values, E-IMET should be particularly effective over time, especially for reaching senior ranks, and should promote such aspects as civilian control of the military, the military as guarantor of the constitution, respect for democratic processes and for the rule of law, preservation of human rights, and removal of the military from a country's economic life.

These programs are intended to encourage defense reform measures, to improve the behavior of the military toward the populace, and to curb irregular and corrupt financial practices endemic to both civil and military sectors. If the proposed African Center for Security Studies comes to fruition, it will underscore all these efforts, because it will be dedicated to and focused on professionalization and on principles governing military conduct in a modern democracy, and it will be available to serve the most senior levels of Africa's military institutions.

Given the low cost and long-term potential impact of these programs, all deserve to be supported energetically and imaginatively for the foreseeable future. Realistically, however, great changes should not be expected in the near term, because changes in attitude and behavior, which often may go against ingrained earlier training and experience, may therefore be profoundly countercultural. The difficulties inherited and now experienced by the new government of the Democratic Republic of Congo offer a poignant case in point.

Qualities of U.S. Power Accentuated in Africa



Conclusion

Africa provides a difficult but not at all hopeless case. Positive as well as troublesome forces are at work. The need now is for the international community to face Africa's problems squarely and, working in concert with emerging regional leaders, to develop and pursue sound, long-term approaches. Washington's main interests in Africa are not great, but attaining them would have substantial political and economic benefits, be consistent with humanitarian values, and eliminate the need for frequent wasteful and often bloody interventions.

Given a sustained commitment, and using programmatic and force structure elements already in place, DoD could play a leading role in a national effort to help Africa achieve stability and security and, given such stability and security, to implement sustained development. The U.S. military could also play an important role in encouraging Africa's critical security institutions to assist and support the emergence and preservation of an environment in which democracy and human rights are broadly and sincerely observed.

With such achievements, within another generation Africa could be a far more peaceful and productive continent. Absent that level of stability, the typical DoD mission in Africa would in all probability be the evacuation of noncombatants during a crisis.

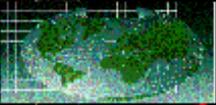
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER NINE

Major Theater War

The ability to respond to operational military contingencies is the keystone of American defense policy. This chapter assesses the capability of U.S. forces to fulfill the Quadrennial Defense Review's (QDR) requirement of a posture to excel at combat operations and thereby prevail in contingencies liable to be encountered, especially major theater wars (MTWs) against rogue states.

Although risks undeniably exist, U.S. forces today offer confidence in their capacity to fight and win wars. Because of adequate size and high quality, they are superbly effective at operating on the modern battlefield. Current threats may be less severe than in the Cold War, but now is no time for complacency. Existing contingencies could pose serious challenges, and tomorrow's threats may be more dangerous than today's. U.S. forces must remain ready for near-term wars while constantly improving so they can win future conflicts. As argued elsewhere in this volume, the capacity to win MTWs is not the only consideration in U.S. defense strategy but it would require the United States to use force in order to achieve decisive victory.

Current U.S. Forces

In the event of war, American military strategy calls for decisive operations aimed at quickly defeating the enemy, attaining key political-military objectives, and minimizing casualties to U.S. and allied forces. The QDR calls for sufficient forces to handle two MTWs in distant theaters in overlapping time frames, in addition to many kinds of operations other than the event of two MTWs. For example, large forces are needed to carry out normal peacetime operations--including peace support missions and limited crisis interventions--in the three theaters of Europe, the Persian Gulf, and Asia. Similarly, sizable forces would be needed to wage a single MTW while also meeting normal requirements in the other two theaters. U.S. defense strategy is more complex than only being prepared for two MTWs, and U.S. force requirements are judged accordingly.

Principal Combat Forces

The QDR retained a force posture similar to that adopted by the 1992 Bottom-Up Review (BUR). This posture is about two-thirds the size of the Cold War posture and costs less than the big defense budgets of the late 1980s. The QDR cut overall DoD manpower by about 8 percent: active military personnel is to be 1.36 million by 2003; one Air Force wing will be shifted to reserve status; 35 Navy surface combatants and submarines will be retired; and up to 12 Army National Guard brigades will be eliminated, while other brigades will be transferred to logistic functions.

These combat forces are supplemented by important support assets. Army divisions are backed by large combat support (CS) and combat service support (CSS) units--at corps and higher echelons--which provide such essential services as artillery, helicopters, supply of ammunition and petroleum, oil and lubricants (POL), maintenance, and engineers. Air Force fighter wings are similarly supported by aircraft that perform several missions (e.g., command and control, reconnaissance, electronic warfare, and defense suppression). Navy carrier battle groups are accompanied by an underway replenishment group of logistics ships. These support assets play an unseen but critical role in making U.S. forces strong.

Why U.S. Forces Excel

Some observers may question whether the QDR has chosen the right force posture, but practically no one quarrels with the notion that U.

S. forces excel at carrying out combat operations and waging war. Why is this the case? What accounts for their military excellence? Clearly, the pillars are good people and effective technology, but even excellent personnel must be organized and used effectively. Excellence is relative. Today's forces may suffer shortfalls and deficiencies, yet they are better at modern combat operations than their potential enemies. The future challenge is to preserve and enhance excellence.

Principal Reasons for High Quality of U.S. Military

- Ability to project power globally
- Superior intelligence, planning, and information dominance
- Capacity for joint and combined doctrine
- Ability to wage decisive battlefield campaigns using modern operational concepts
- Robust forces with balanced assets and component strength

Attributes of High Quality

U.S. forces are large enough to meet warfighting requirements postulated by the QDR but not far larger than everybody else's. The United States has a large military posture and defense budget to meet global responsibilities, but in numerical terms its forces do not dominate the military balance in the three key theaters. Other countries have large forces; indeed, recent enemies have made a specialty of assembling quite large forces. In peacetime, the principal effect of U.S. forces is to shift regional balances at the margin in ways that have a high-leverage, stabilizing effect. In wartime, U.S. forces can concentrate, but even so they ordinarily aspire to defeat the enemy not by swamping it with large numbers but by outfighting it. Their excellence thus is not based on quantity but on quality. The following attributes account for this quality:

Global power projection

U.S. defense strategy is focused on protecting overseas interests and requires *the capacity* to project military power to key theaters. The United States has a good power-projection capability because of major improvements since the 1970s. Four reasons account for this capability. First, large U.S. forces are deployed in three theaters on a peacetime basis: 109,000 personnel in Europe; nearly 100,000 in Asia; and 25,000 in the Persian Gulf. U.S. overseas combat forces total eight Army and Marine ground brigades, six and a half fighter wings, three carrier battle groups, and three Navy Amphibious Readiness Groups (ARG) or Marine Expeditionary Units (MEU). This presence provides not only deployed combat forces available on short notice in key locations, but also well-developed military infrastructure and reception facilities. Initial defense operations can begin almost immediately, and reinforcements from the continental United States (CONUS) can begin to contribute on arrival in these theaters. The effect is to reduce vulnerability to surprise attacks while enabling the United States to amass large forces for decisive operations within a few weeks or months, not years.

The second reason is that most U.S. forces in CONUS are designed for overseas expeditionary missions. They are equipped with strong combat forces and large logistics assets that allow them to deploy overseas on short notice, operate for lengthy periods in austere environments, engage in intense combat, and conduct a full spectrum of defensive and offensive missions. No other nation has configured such a large portion of its military for this purpose. Indeed, most focus on their immediate regions and, consequently, can deploy only small forces (e.g., a single brigade or division, one to two air wings, and a few ships) far beyond their borders. The United States surpasses all of them in expeditionary capabilities.

The third reason for U.S. power-projection capability is that it has strategic mobility forces. These are important because of the vast tonnages that must be moved in deploying large forces: e.g., a three-division corps has thousands of vehicles and can weigh nearly a million tons. Without good mobility, moving large forces overseas would be very time consuming. Although current U.S. mobility assets may still suffer from shortfalls in some areas, even so they can deploy forces overseas far more rapidly than 10 or 20 years ago.

Mobility assets come in the form of pre-positioned equipment, intertheater airlift forces, and sealift forces, each important in the mobility equation. The United States has sizable pre-positioned assets in the three theaters: 10 ground brigade sets ashore and afloat, plus fuel and ammo stocks for ground and air forces. Its airlift forces include 314 heavy military transports backed up by civilian transports. Sealift forces include about 100 DoD-owned cargo ships plus access to commercial ships. Provided these assets are available, the United States could deploy a force of two to three divisions, four to five air wings, and one to two carriers to a distant overseas location within one to two months. Within several months, it could move virtually the entire available U.S. force posture of 13 divisions, 24 fighter wings, and 8 to 10 carriers. Further, it could distribute these forces among several theaters or concentrate them all in one.

The fourth reason is that the United States enjoys control of the air and sea lines of communication to the three key theaters--control

provided in part by U.S. forces and in part by allied forces. In Europe, for example, NATO allies provide military bases and escort forces as support for transit through the Mediterranean toward the Persian Gulf. In the Persian Gulf and Northeast Asia, allies provide local air defense and sealane defense for arriving forces. In consequence, enemy forces would be hard pressed to interrupt the flow of U.S. forces to key theaters threatened by war.

This capacity for global power projection is the foundation of defense strategy and all other capabilities are built on it. The United States is a Western Hemisphere nation faced with the task of protecting interests in three widely separated theaters in the Eastern Hemisphere. It is also a maritime nation that must be able to conduct demanding continental campaigns in each theater. Power projection allows the United States to be an effective superpower in Europe, the Persian Gulf, and Asia at the same time.

Intelligence, planning, and information dominance

U.S. Strategic Forces

| | |
|------------------|-----|
| Land-Based ICBMs | 550 |
| Heavy Bombers | 110 |
| SLEMs | 422 |

Note: U.S. posture combine strategic forces that, while smaller than during the Cold War, are important to the deterrence equation.

Large operations require intelligence, planning, and information dominance--areas in which U.S. forces excel.

Within the Pentagon, civilian and military staffs develop coordinated plans, programs, and budgets for each service component and theater. Regional commanders in chief develop operational plans (OPLANS) and associated time-phased force deployment data (TPFDD) for coordinating the flow of forces overseas. They also develop detailed campaign plans for employing forces in a variety of operations. The effect is to enhance the speed with which forces are deployed overseas and increase their effectiveness upon arrival. In addition, the U.S. intelligence community provides better information on each region than is available to any other nation, thereby giving U.S. forces an important advantage as they deploy and begin operations.

B-1 bomber



As has been the case since the late 1960s, U.S. forces enjoy information dominance because of superior C⁴ISR assets. No other nation comes close to matching the United States in these assets, in strategic terms or on the battlefield. New intelligence assets and digitized communications systems are accelerating information processing and increasing the speed with which far-reaching decisions can be made and complex military operations launched. Such data systems permit commanders to blend the operations of several divisions, wings, and CVBGs into a coordinated, swiftly moving campaign. They permit delegation of authority and initiative to lower echelons, enhancing force effectiveness. And they provide commanders with knowledge of enemy

forces and operations. The effect is to create major advantages in concentrating U.S. forces and using maneuver and firepower, increasing the likelihood that U.S. forces can win critical engagements decisively.

Joint and combined doctrine

Successful warfighting requires bringing the service components under the control of a single theater commander. The capacity to perform joint operations is key to combat effectiveness, because it means that separate service components can work together on behalf of a

common plan. Nations lacking this capability inevitably have weaker forces. Nearly all military establishments encounter trouble in trying to blend the operations of their land, sea, and air forces. The United States, although not immune to this problem, has by a wide margin made the greatest strides toward fostering joint doctrine, enhancing the capacity of its force components to work together. This progress started in the 1970s, when efforts were begun to better coordinate U.S. air and ground operations. In particular, air assets and operations were tailored not only to win the air battle but also to assist the ground battle. This emphasis on jointness has been expanded in the form of reorienting naval forces toward littoral operations. The Navy and Marine Corps now are increasingly capable of working with both the Army and Air Force in continental campaigns. For example, naval forces now perform air defense and deep-strike missions, and Marine units can operate alongside Army units in defensive and offensive operations.

Soldiers boarding C-130



The benefits of jointness were demonstrated in *Desert Storm*, when all three service components worked closely together to carry out a truly joint campaign. Critics point to the difficulties and deficiencies encountered, but, overall, the effort was a major success. U.S. forces decisively defeated a large, well-armed opponent with few losses to themselves. A victory this large would not have been possible in the past and was significantly influenced by joint operations. In particular, the early air campaign so eroded Iraqi forces that it set the stage for a sweeping ground campaign, which was conducted by the Army and Marine Corps working together and supported by the Navy and Air Force that speeded the advance.

The services currently have overlapping capabilities that foster joint operations. Critics charge that the effect is unnecessarily to inflate force requirements and have urged greater specialization of roles and missions as a way to trim budgets and forces. A common allegation, for example, is that the United States has four air forces, three air defense systems, and two armies when presumably only one of each is needed. If total assets match total needs, however, overlapping capabilities do not translate into unnecessary redundancy. Too much specialization may result in loss of jointness in ways that might sacrifice the synergy of all components working closely together. In earlier decades, the services specialized to the point of largely ignoring one another, to the detriment of their overall capability to wage war. The lesson of the recent past is that properly planned joint operations reduce, rather than inflate, force requirements, because they enhance force effectiveness. For this reason, emerging U.S. military doctrine emphasizes jointness.

The capability to conduct combined operations with allies and coalition partners is also quite important. It may determine the capacity of a multinational force to carry out a single, integrated campaign. U.S. forces are often viewed as operating by themselves, whereas in reality they work closely with foreign military forces in all three theaters. This is true not only in peace but also in crisis and war. In Europe, U.S. forces are embedded within the NATO integrated command and multinational formations in order to conduct a full-spectrum of missions. The Implementation Force/Stabilization Forces (IFOR/SFOR) mission in Bosnia is a classic example of a NATO operation in which the United States provided only about half of the forces or less. In the Persian Gulf, *Desert Storm* was a combined operation in which Arab and European coalition partners provided up to one-third of the total forces. Another Persian Gulf War might witness a similar pattern. In Asia, a new Korean War might find the United States providing only one-fourth of U.S.-ROK ground forces, albeit the bulk of air and naval forces. Recent developments suggest that Japan will have an increasing role in providing forces and bases to support the deployment of U.S. forces, thus increasing the emphasis on combined planning in Asia.

The trend toward combined operations is likely to grow in all three theaters, especially if global requirements increase while U.S. force levels are held constant or decline somewhat. Critics point to the problems and barriers that hamper progress. The capability for these operations has greatly improved in all three, but more needs to be done. In the future, one problem will be to encourage allies and partners to improve at power projection and to encourage the more willing to participate in missions in distant areas, so that the burdens will be fairly shared. Another problem will be how, as U.S. forces improve through the ongoing revolution in military affairs (RMA), they can remain interoperable and compatible with foreign forces. These are important challenges, but they are not reasons to scale back the combined planning compelled by military and strategic realities.

U.S. Combat Forces for MTWs (Illustrative)

| | Persian Gulf | Korea |
|-----------------------------------|--------------|-------|
| Army Divisions* | 5 | 5 |
| Navy Carrier Battle Groups (CVBG) | 4-5 | 4-5 |
| Marine Expeditionary Forces (MEF) | 1.5 | 1.5 |
| Air Force Fighter Wings | 10 | 10 |

*Ground deployments could be supplemented by 8 to 9 Reserve component, high-readiness brigades and other specialized assets.

Decisive battlefield campaigns

Success in combat requires mastery of the "operational art"--the ability to wage a decisive battlefield campaign that takes advantage of U.S. strengths and capitalizes on the enemy's weaknesses. This especially is the case when American and allied forces are fighting outnumbered yet must win quickly with minimal losses. This trend seems destined to accelerate as warfare becomes increasingly driven by agile forces, high technology, and swift operations. Most likely, victory will go to the side that can best concentrate forces through fast-paced maneuver and apply lethal firepower. U.S. forces are developing the new doctrines, weapons, and other assets that will allow them to increase excellence in this arena, yet enemy forces, too, have learned from *Desert Storm* and also will be improving.

A successful campaign requires the orchestration of many missions with many different forces, coordinated to have a strong combined effect in unraveling and defeating the enemy. Air forces must perform the missions of gaining control of the battlefield airspace, close air support destroying the enemy's air force and logistic support structure, and disrupting its efforts to reinforce front-line troops. U.S. ground forces must block the advance of enemy forces, destroy them through direct and indirect fire, and launch counterattacks to eject them from key terrain. Naval forces must seize control of key ports and waters, launch amphibious flanking attacks, and contribute air defense and strike forces to the battle. This combination of missions, conducted in synchrony at high tempo, is the basis of a successful wartime campaign.

Desert Storm demonstrated the professional skill that the Armed Forces have acquired. Improvement began in the late 1970s, when the emphasis in U.S. doctrine started to switch from linear defense and stationary firepower to nonlinear concepts, maneuver, and long-range fires. New weapons such as the Abrams tank, the Bradley infantry-fighting vehicle, combat aircraft with better avionics and munitions, and cruise missiles greatly aided this transition. In recent years, U.S. forces have begun to acquire new assets such as Joint Surveillance and Target Attack Radar System and Army Tactical Missiles (ATACMS) that allow them to fire deeply and effectively into enemy rear areas. The consequence is a steadily improving capability to blend nonlinear operations and deep strikes.

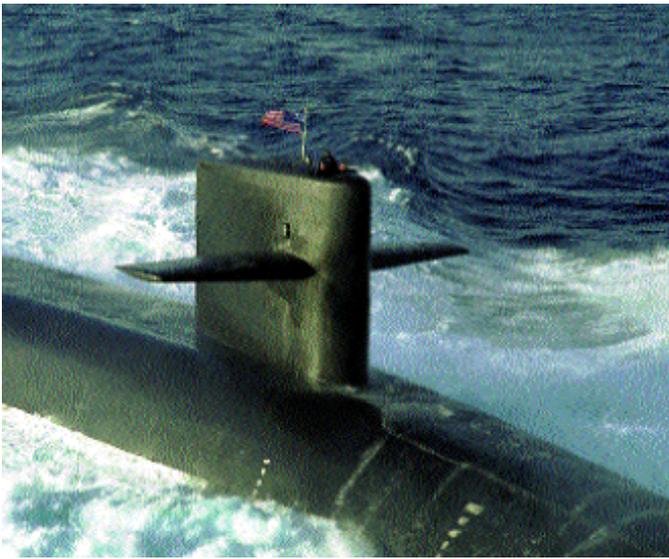
The QDR process and *Joint Vision 2010* called for using technological innovations and information superiority to help carry out four key operational concepts: dominant maneuver, precision engagement, focused logistics, and full dimensional protection. These concepts make effective use of existing weapons and prepare the way for new weapons and systems in coming years. The goal is to make U.S. forces even more effective at carrying out decisive battlefield campaigns against potential enemies who themselves will be improving.

Robust forces

Demanding battlefield campaigns and their missions can be successfully mounted only by robust forces. The more ambitious the campaign, the more robust must be the forces. Four pillars of strength are required: scale (i.e., sufficient numbers), readiness, modernization, and sustainment. Developing all four is difficult: most military establishments are strong in only one or two. U.S. forces today excel at all four.

Sufficient personnel is partly a product of mass: the presence of enough combat and support units to carry out the required missions in adequate strength. But it is also a product of balanced and diverse assets. For example, air campaigns require a mix of combat aircraft that can fly air superiority, deep strike, interdiction, and close-air support sorties. Ground campaigns require a mix of armored, mechanized, infantry, airborne, air assault, artillery, and attack helicopter formations. Naval campaigns require not only carriers but also other surface combatants (such as cruisers, destroyers, and frigates), submarines, and amphibious assault ships. The exact combination of required triservice assets will vary from one campaign to the next. *Desert Storm* was a classic armored battle, but a Korean War would include major infantry operations. An entirely different campaign might require fewer ground and air forces but more naval and marine forces. The U.S. force posture is marked by its diversity; it possesses enough forces to conduct almost any mission, or combination of missions, with considerable strength. It can carry out many different types of campaigns, a critical requirement for a nation with global responsibilities and many operating environments.

USS *Maine*



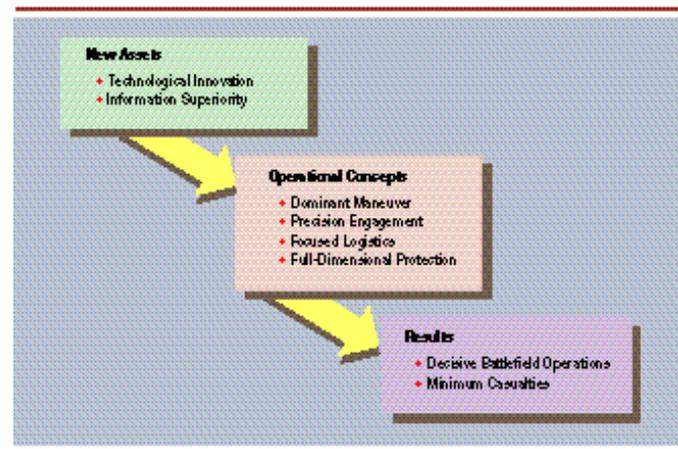
Readiness is a product of many factors: e.g., high-quality officers and enlisted personnel, full staffing by active troops, extensive training and exercises, well-maintained weapons, efficient procedures, and the capacity to operate at a fast tempo. Because U.S. forces emphasize all these factors, they have higher overall readiness than any other forces in the world. The consequences on the battlefield are immense. For example, Air Force and Navy pilots conduct training missions at an average of 220 hours per year. The NATO average is 170 hours. Air forces of potential enemies often train only about 50 hours per year. U.S. pilots are far better at flying the full spectrum of air missions and thus

better prepared to win the air battle decisively. Another example is ground operations. A U.S. Army heavy division can fire over 1,000 tons of ammunition per day, and its battalions can perform complex combined-arms operations at a high tempo. A typical enemy division might be able to fire and operate at only half this rate. These differences translate into U.S. dominance in ways numbers alone cannot suggest.

Modernization requires high-tech U.S. weapons and munitions that match or exceed those of an enemy in certain key features:

- Tanks will need high levels of firepower, mobility, and survivability
- Combat aircraft will need excellent range, payload, avionics, and maneuverability
- Ships will need to survive in a high-threat environment and to deliver lethal payloads at long ranges.

Since the early 1980s, when the defense buildup gathered full steam, U.S. forces have benefited from a sweeping modernization program that has given them the world's best weapons across the board. Critics debate the extent to which U.S. weapons are better than those of others--West European weapons are often of comparable quality--but *Desert Storm* suggested that U.S. models are superior to Russian-made weapons, more than had been realized. In recent years, the United States has not been acquiring new weapons in large numbers but has been developing better munitions, C⁴ISR assets, and other technologies. The effect has been to preserve a clear margin of superiority in overall modernization.



Sustainment is often overlooked as a determinant of power, but it ordinarily determines which side wins a prolonged slugfest and can be surprisingly important even in short wars of a few weeks. An air force that can fly each aircraft at a rate of one to two sorties per day for an extended period will have a large advantage over an enemy that can sustain fewer than one sortie per day. Similarly, an army's effectiveness is heavily influenced by whether it can supply its combat forces with fuel and ammo, repair damaged vehicles, keep roads open, and replace casualties with fresh troops. An army with capable assets in these areas will have the advantage over one less endowed. At the risk of simplifying a complex subject, U.S. forces are well known for their impressive sustainment. Some support assets may be too large, others too small, but specifics aside, the overall conclusion is that U.S. forces have better sustainment than almost any other military establishment.

Not One Factor, But Several

The reputation of U.S. forces for superb quality is due, therefore, not to any single standout factor but to several that work together cumulatively. U.S. forces excel today, but 25 years ago their readiness, modernization, and sustainment were by comparison low, and their strategic mobility assets were not nearly as capable. The huge transformation that took place in the intervening years is a product of adequate funding, careful planning and programming, innovative thinking, procurement of new technologies, development of new doctrine, and a great deal of hard work carrying out sweeping changes. These factors are the underlying reasons for the excellence of today's U.S. forces and they will determine whether they remain excellent tomorrow.

This qualitative superiority is not necessarily permanent. The effect of even minor changes in technology, doctrine, and training can be profound. For example, the ground battle could be transformed if enemies were to acquire new kinetic energy and high explosive, antitank (HEAT) munitions which could penetrate U.S. tank armor. The air battle could be transformed if enemies were to acquire air defense radars that could resist U.S. jamming and suppression and surface-to-air missiles (SAM) that could reliably shoot down U.S. aircraft. Enemy progress in developing better doctrine, higher readiness, and more effective structures also could narrow the U.S. margin of superiority. In the past, armies that triumphed in a war often found themselves defeated only years later--by the same enemy, who had learned from past mistakes. Vigilance is the best guarantee that U.S. forces will retain, and improve on, their excellence.

Dealing with Rogues

These U.S. military capabilities provide basic assets for fighting wars, but the exact manner in which they are used will depend on the specific situation. Excellence in combat operations does not in itself guarantee victory in war. Mounting decisive interventions to defend U.S. interests requires deploying to the scene with the right forces at the right time, and then employing them effectively. An MTW could occur in several places. The QDR called for a U.S. posture that can respond to expected events while preparing for the unexpected.

Tomahawk missile



Persian Gulf and Korea

The litmus test is the capability to win regional wars in the Persian Gulf and the Korean peninsula, where the possibility of conflicts exists today. How would U.S. and allied forces probably respond to these contingencies, and what would be the prospects for success?

Any attempt to examine these contingencies should take into account several factors that might affect the outcome: force commitments on each side, warning time, mobilization and deployment rates, strategy and doctrine, operational effectiveness, lethality of the weapons, and morale. Neither contingency can be viewed as predetermining a single, irreversible outcome. In each instance, many options are possible--for good or ill--but some are more probable than others.

In both theaters, the threats posed by possible adversaries are less severe (though potentially nastier) than a few years ago. Even so, were these contingencies to take the form of short-warning attacks, both could pose serious challenges to U.S. and allied forces. The principal requirement would be to mount an initial defense while rapidly deploying large U.S. reinforcements from CONUS. The principal risk

would be that some territory might be lost in the initial stages that might be hard to regain. Although U.S. and allied forces would probably win both wars, it might be after a costly struggle. Continued improvement to U.S. and allied forces, to reduce vulnerabilities in the initial defense, will reduce the risks remaining today.

F/A-18 firing Sidewinder missile



U.S. Commitments

This defense strategy is predicated on handling both these MTWs nearly at the same time. In all likelihood, only one war would erupt in any single moment, but, even then, the United States would be compelled to withhold sufficient forces to deter a second war, and to win should it occur. The United States would probably deploy only about half its available combat posture to each theater.

For both wars, separate or simultaneous, the outcome would hinge on the ability of U.S. reinforcements to deploy in a timely fashion. In event of a single conflict with no worry of a second one, U.S. mobility forces could be concentrated on that theater, thereby easing the task of responding. In event of concurrent conflicts, the task would of course be harder. But even then, U.S. air forces, light ground forces, and local naval forces could converge on the scene quickly. Larger forces would follow later, strengthening U.S. or allied defenses, or both. The principal challenge would be to defend successfully while such building is in progress.

Phases of Combat

In both contingencies, U.S. forces would join allied forces to mount a campaign likely to consist of three phases. Phase 1 would aim to halt the enemy invasion in forward areas and protect key assets and terrain features. Once the attack was halted, Phase 2 would be characterized by operations aimed at destroying enemy forces and pursuing related battlefield objectives while building large U.S. forces through reinforcement. Phase 3 would be a decisive counterattack aimed at destroying enemy forces, restoring borders, and achieving key political goals. In the aftermath, U.S. forces would withdraw in a manner reflecting postwar requirements.

During all three phases, U.S. forces would attempt to gain information dominance of the full breadth and depth of the battlefield. They would then employ the doctrinal principles of dominant maneuver, precision engagement, focused logistics, and full dimensional protection. Forces from all components would work together to carry out a coordinated, fast-tempo campaign of deep strikes and close engagements that take advantage of superior U.S. weapons and munitions. Using a combination of firepower and maneuver, their overall goal would be to fracture the enemy's cohesion and then defeat it.

A campaign depends on the war being fought. The Persian Gulf and Korean contingencies are similar in that both potential adversaries are medium powers that could pose short-warning attacks by large, well-equipped forces. But they differ in important ways. In the Persian Gulf, the terrain is flat and open; in Korea, it is rugged and closed. In the Gulf, an unyielding forward defense is a flexible goal; in Korea, it is imperative. In the Gulf, airpower and deep strikes would dominate the initial defense; in Korea, ground power and the close battle would dominate. In the Persian Gulf, U.S. forces would provide about two-thirds of the total ground and air assets; in Korea, they would provide only about one-third.

Data show that both Iraq and North Korea have enough forces to contemplate aggression with a multipronged attack. Their equipment may be less modern than that of U.S. forces, but it is serviceable, and both countries would enjoy numerical advantages over local U.S. and allied forces in the initial stages. Overall, the Persian Gulf contingency seems the more menacing, because so few U.S. and allied forces are deployed there in peacetime. But owing to Seoul's proximity to North Korea, war would pose serious dangers. Each conflict thus mandates an effective U.S. military response.

Although Iraq today has fewer forces than in 1990, its posture of 23 divisions and 316 combat aircraft provides enough strength for a well-

focused attack, assuming readiness is adequate. This posture permits a swift-moving, comprehensive offensive with limited but effective forces. In 1990, Iraq attacked with larger but ponderous forces, which paused at the Kuwait-Saudi border, giving the United States the time to respond. Since *Desert Storm*, Iraq may have developed better mastery of the operational art.

A Persian Gulf contingency might begin with a surprise attack by local Iraqi forces, but a full Iraqi mobilization would take days, allowing some warning. An Iraqi attack might aim not only to sweep through Kuwait but also to advance far southward in order to seize Gulf oilfields and major parts of Saudi Arabia. Such an attack would be conducted across flat desert. The initial battlefield would probably be up to 300 kilometers wide and 250 kilometers deep, but many Iraqi forces might be strung out in column formations on key roads. Iraq presumably would seek to rush southward, to defeat outnumbered U.S. and allied forces before U.S. reinforcements could arrive in strength, and thereby attempt to set the stage for a political settlement favorable to itself.

U.S. and allied defensive operations would be influenced by the open terrain, which invites mobile ground warfare and aggressive use of airpower. Because so few U.S. forces are ordinarily deployed in the Persian Gulf in peacetime, prompt deployment of large U.S. tactical air forces from CONUS would be key to Phase 1. These forces would try to defeat Iraq's outclassed air forces and then to inflict major destruction on enemy tank columns. Deep-strike operations, including near real-time targeting of armored forces, would thus be the centerpiece of Phase 1. Ground forces would establish blocking positions on key axes of advance while conducting a mobile defense in depth. Steady deployment of U.S. ground forces would strengthen the defense, broaden options during Phase 2, and permit a decisive counterattack in Phase 3, which could aim at destroying enemy forces and occupying enemy territory.

In Korea, the Democratic People's Republic of Korea (DPRK) possesses larger forces than Iraq, and they are already deployed along South Korea's border. A war could explode after a warning of only a few hours or days, not weeks. Unlike in the Persian Gulf, this attack would be prosecuted along a narrow peninsula on mountainous terrain. It would probably be accompanied by massed artillery fire, commando raids, and chemical weapons. Initially, the primary battlefield would be only about 125 kilometers wide and 100 kilometers deep. The DPRK attack would be conducted against well-prepared ROK forces in fortified positions and against larger U.S. forces than in the Persian Gulf. Most probably, the DPRK attack would aim at seizing nearby Seoul by advancing down the Kaesong-Munsan, Kumwa, and Chorwon corridors. If successful, North Korean forces might also try to conquer the entire peninsula before large U.S. reinforcements arrive.

The U.S.-ROK defense plan would be shaped not only by the threat but also by the mountainous terrain. Korea is commonly regarded as rugged infantry terrain that invites neither mobile ground warfare nor heavy air bombardment, but North Korea has assembled large armored forces that are critical to exploiting breakthroughs, and these forces would pass down narrow corridors that are potential killing zones for U.S. airpower. A new Korean War would bear little resemblance to the conflict of 1950-53.

During Phase 1, U.S.-ROK forces would conduct a vigorous forward defense aimed at protecting Seoul. Their campaign would be dominated by combined-arms ground battles waged with infantry, artillery, and armor. U.S. air and naval forces would conduct close air support, interdiction, and deep strike missions. After Phase 1, U.S.-ROK operations in Phase 2 would probably focus on seizing key terrain, inflicting additional casualties on enemy forces, and rebuffing further attacks. Phase 3, to start when the U.S. ground buildup was complete and ROK forces were replenished, would be a powerful counteroffensive aimed at restoring the ROK's borders and destroying the DPRK's military power.

Prospects for Success

U.S. and Russian Nuclear Warheads by Delivery System¹

| U.S. Strategic Forces | September 1999 | July 1997 |
|-----------------------------------|-----------------------------|------------------------|
| ICBMs | 2,460 | 2,400 |
| SLBMs | 6,780 | 3,778 |
| Bombers | 2,353 | 1,781 |
| Total Warheads | 14,593 | 7,959 |
| European-Russian Strategic Forces | September 1999 ² | July 1997 ³ |
| ICBMs | 6,012 | 3,700 |
| SLBMs | 2,804 | 2,488 |
| Bombers | 356 | 370 |
| Total Warheads | 10,271 | 8,558 |

¹ Warhead attributions are based on START I counting rules. This results in bombers having fewer warheads attributed to them than they actually carry. On the other hand, even though all nuclear warheads from Ukraine have been removed to Russia, they remain START-accountable until the delivery systems have been destroyed.

² Includes weapons in Belarus, Kazakhstan, Russia, and Ukraine.

³ Weapons in Russia only.

Source: START I Memorandum of Understanding, July 1997.

Either war could pose serious challenges that would stress U.S. responsiveness. In both, the length of the conflict and its ultimate cost would be influenced by fighting in the early stages. If initial enemy attacks were halted without serious losses, success might be attained quickly. If not, both wars might prove prolonged and difficult.

Prospects are good that U.S. and allied forces would win both wars. A principal reason is the ability of the United States to rush large reinforcements to these theaters and to mount decisive operations with its superior forces, which possess major qualitative advantages over an enemy. Both wars, nonetheless, could be costly, bloody affairs, although U.S. operations would aim to minimize casualties.

Both wars pose risks that are inevitably part of combat, almost irrespective of the quality of defensive preparations. One risk is that both conflicts could erupt at the same moment, not a few weeks apart. This development could strain the U.S. airlift and sealift capacity in the initial stages and could result in early shortages of specialized capabilities (such as combat service support). The effect might slow the U.S. buildup in one or both theaters, thereby weakening the early defense effort. The buildup could be further delayed if some U.S. forces were already committed to operations outside the two MTWs when a conflict erupts.

Another risk is political and more prevalent in the Persian Gulf than in Asia. It is that Iraq might recruit allies to its side and that Saudi Arabia and other Gulf countries might not respond adequately. This development could prevent the United States from deploying forces as quickly and efficiently as envisioned in current plans. In Asia, a lukewarm stance by Japan or opposition by China and Russia might have a similar effect.



M-1 Abrams tank, Bosnia

A third risk is military and comes in several guises. Iraq or North Korea or both might use weapons of mass destruction (WMD), if not nuclear weapons, then chemical and biological weapons (see chapter eleven). Even in purely conventional war, both enemies might show unexpected skill in employing asymmetric strategies that exploit vulnerabilities in the U.S. reinforcement plan (e.g., by destroying key airfields and mining ports). Another military risk is that allied forces, which are key in both theaters, might not fight so well as expected. Beyond these risks, war is inherently dynamic and unpredictable. The offense has the advantage of seizing the initiative, and sometimes the breaks go against the defender. Even a well-planned defense can be rocked back on its heels.

Although the United States will base its plans on expected events, it will need flexibility to respond effectively to different events, including the unexpected and unwelcome. Provided it retains such flexibility, the United States will be justified in having confidence in its capacity to prevail against today's rogues. It does not, to be sure, enjoy certainty, especially of quick and easy victories. But given the risks cited above, the principal danger is not that U.S. forces might be defeated but that early reversals might occur (e.g., Kuwait or Seoul might be temporarily lost). Phases 2 and 3 could then prove prolonged and high casualties could be incurred. Barring a calamity, the United States and its allies would eventually win--although at a higher cost than otherwise, because the arrival of large U.S. reinforcements would tip the warfighting balance decisively.

The prospect of eventual success does not diminish the importance of continuing to work hard at reducing the serious risks that still exist

in both theaters. The dangerous situation in the Persian Gulf particularly requires ongoing efforts to reduce vulnerability to short-warning attacks, to ensure entry of U.S. forces against opposition, and to upgrade U.S. and allied capabilities for the initial halt-phase of operations. Continuing improvements to U.S.-ROK defenses on the Korean peninsula also are needed. Both situations are volatile, and there is a difference between a confident defense and a perfect one. "Confident" defenses have done poorly or even lost on more than a few occasions when the unexpected occurred. Events may turn out better than expected or worse. Moreover, past "better than expectations" (i.e., the 1991 Gulf War) are not the best basis for gauging future wars. The case for improvement in the Gulf and Northeast Asia lies in the ability to help safeguard against the improbable while further enhancing the capacity of U.S. and allied forces to win the most probable wars.

AH-64 Apache



Conversely, today's rogues are not justified in having confidence at all. Their prospects of gaining early victories are low, and they face the near certainty of eventual defeat. By a wide margin, their best strategy would be to avoid war with the United States. For this reason, even though the Persian Gulf and Korea may remain dangerous places, wars in these locales seem unlikely to occur. The likelihood that deterrence will remain intact is based on the premise that U.S. forces will remain adequate to win both conflicts, singly or in combination. A weakened U.S. defense posture could produce less deterrence. Because the Persian Gulf and Korea are not the only places where major wars could erupt, the requirement for a powerful U.S. warfighting

capability probably will not disappear, even if in the coming year one or both of these contingencies were to erode significantly.

Operation Desert Storm



Other MTW Conflicts

Although wars in the Persian Gulf and Korea are the principal focus of current U.S. defense planning, unexpected conflicts plausibly could occur in other places. Europe is one possibility, as are other regions. Although these areas seem peaceful today, the rapid pace of global change makes them candidates for conflict not only for the long term but also, to some degree, in the next five years. After all, few people in early 1990 could foresee war breaking out in the Persian Gulf any time soon. But the unique features of these conflicts must be recognized in preparing U.S. forces for wars that might have to be fought.

There are several possible contingencies. One is an MTW conflict in a different place, that is, a regional war with a medium-size power that would require the use of U.S. forces similar to those planned for Korea and the Persian Gulf. A second possibility is a bigger war with a large state turned hostile or a large coalition of medium powers. A third possibility is a lesser conflict (i.e., a small MTW) that would require deployment of smaller but sizable U.S. forces on unfamiliar terrain.

For the near term, the prospect of a lesser MTW on unfamiliar terrain may be a contingency worth worrying about. Such a conflict could require commitment of up to two to four divisions, three to six fighter wings, and two to three CVBGs--a small but significant portion of the QDR posture. Deploying this force would be easy if the conflict were to occur at a location where the United States has been building a military infrastructure for many years, such as Western Europe, the Persian Gulf, or Northeast Asia. Deploying these forces to locations where an infrastructure does not exist would be a different matter. Possible sites might be Eastern Europe, Turkey, North Africa, the Middle East, Southeast Asia, or Cuba. The United States could deploy naval forces to locations along a seacoast but would be hard pressed to deploy large ground and air forces quickly if the necessary bases, facilities, and supply lines were not available. A small-scale contingency (SSC) of this sort might pose a serious challenge, not because the enemy threat would be large but because the United States would not be able to bring its combat power to bear in a timely fashion.

Each of these contingencies may be highly improbable, but the combined probability of one of them occurring is higher. Together they may not elevate requirements for U.S. forces, but they illustrate the importance of not becoming fixated on the Persian Gulf and Korea. At a minimum, they require military plans so that the DoD is aware of the force commitments that might be needed. They also call attention to the need to be prepared to deploy different packages of U.S. and allied forces from those envisioned for traditional scenarios. For example, one conflict might call for mostly ground and air forces, but another might require mostly naval and marine forces. Finally, they illuminate the importance of building a better military infrastructure in outlying regions, e.g., Central and Eastern Europe and Southeast Asia.

Preparing for the Future

Although this chapter has dealt with the near term, a brief mention of the future is appropriate for the simple reason that actions taken today can have a major impact on how the long term is handled. While current threats exist, they mandate continuing efforts to reduce vulnerabilities, particularly to surprise attack and resistance to entry of U.S. forces in both the Persian Gulf and Korea. Additional repositioning of ground equipment and air stocks would be a good way to lessen the risks in the Persian Gulf, for example. Improvements in allied readiness, modernization, and sustainment also make sense. The severity of both threats may increase because of ordinary modernization and unexpected breakthroughs in such areas as air defense, antiarmor weapons, offensive missiles, and WMD. These breakthroughs might allow enemy forces to pursue "asymmetric strategies" aimed at weakening U.S. and allied defensive capabilities. Such developments will need to be offset by commensurate improvements in U.S. forces not only in the distant future but also in the near term.

Beyond this, current threats may diminish or even disappear, but contingencies that appear improbable today might be quite real tomorrow. The change could happen by 2010, even by 2005. Success in confronting such threats depends on near-term actions to begin preparing for them. Better planning, more outlying infrastructure, and allied improvements can matter hugely, even if U.S. forces do not change a great deal. Steps to improve U.S. capabilities for the Persian Gulf and Korean contingencies also are important--for example, reducing vulnerability to asymmetric strategies--and can help U.S. forces prepare for other conflicts.

The overall size of U.S. forces may not change much, but major changes may occur in the U.S. overseas presence. The future might produce fewer forces in Europe, more forces in the Persian Gulf, and different forces in Asia if Korea stabilizes but trouble emerges with China. These changes may occur mostly in the long term, but initial steps in the short term can help set the stage. A dynamic stance toward overseas presence can induce allies to develop better power-projection capabilities. It can also help close the growing gap between high-technology U.S. forces that can carry out modern doctrine and allied forces that cannot.

USS *Constitution* underway in Massachusetts Bay



Equally important, the next few years will witness the initial stages of what may prove a major transition in the U.S. force posture. The QDR said that future U.S. forces will be different in character from those of today. They will rely on enhanced information dominance, new technologies, and new doctrines to increase their capability to carry out modern warfare significantly. The biggest changes will be felt by 2010, when such weapons as the F-22, the joint strike fighter, Comanche helicopters, and new C⁴ISR systems arrive in quantity. In the next few years, moreover, U.S. forces will be developing new doctrine, experimenting with new force structures, and absorbing digitized communications and other technologies.

The manner in which these changes are handled will have an important bearing on U.S. military capabilities five years from now. Equally important, such changes will lay the foundation for how the long term will be handled. They will determine whether the transition to a

new U.S. defense posture is a success or failure. Thus they underscore the theme of this chapter that although the United States can be confident of its warfighting capability, it cannot be complacent.

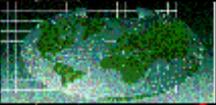
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER TEN

Small-Scale Contingencies

Although small-scale contingencies (SSCs) are not precisely defined in the 1997 Quadrennial Defense Review (QDR), they encompass a wide range of combined and joint military operations beyond peacetime engagement and short of major theater war (MTW). The primary rationale for SSC plans is to protect American citizens and interests, support political initiatives, facilitate diplomacy, promote fundamental ideals, or disrupt specified illegal activities. SSCs may include:

- Strikes and other limited intervention
- Noncombatant evacuation operations (NEOs)
- Counterdrug operations
- Shows of force
- Maritime sanction and "no fly" enforcement
- Peace accord implementation and other forms of peacekeeping
- Support for humanitarian operations and disaster relief (e.g., preventative deployments).

Such stability operations vary in size and duration (e.g., 100 to 30,000 personnel, from a few weeks to several years) and often are coalition operations that involve core states and other foreign forces, as well as U.S. and nongovernmental organizations.

The QDR report explicitly establishes SSCs as a new mission for military operational requirements and a major consideration in deciding on force structure:

In general, the United States, along with others in the international community, will seek to prevent and contain localized conflicts and crises before they require a military response. If, however, such efforts do not succeed, swift intervention by military forces may be the best way to contain, resolve, or mitigate the consequences of a conflict that could otherwise become far more costly and deadly.... Therefore, the U.S. military must be prepared to conduct successfully multiple concurrent smaller-scale contingency operations worldwide, and it must be able to do so in any environment, including one in which an adversary uses asymmetric means, such as NBC weapons. Importantly, U.S. forces must also be able to withdraw from smaller-scale contingency operations, reconstitute, and then deploy to a major theater war in accordance with required timelines.

This approach resulted from several studies showing that deployment of U.S. forces for SSCs has put heavier demand than anticipated on selected combat, combat support, and combat service support forces. For this reason, SSCs are specifically considered for force planning and force structure.

The QDR approach recognizes international political, military, and economic trends since the mid-1980s. In that time, U.S. (and international) action has been required to resolve or limit lesser conflicts, sometimes totally internal upheavals, and to respond to humanitarian emergencies, even when no vital interests of the United States were threatened directly. The use of military force as only one element of response was predicated on the belief that inaction can be costly over the long term or unacceptable to U.S. ideals, broad interests, and public opinion. SSCs have been facilitated by the availability of certain military forces no longer required for the Cold War or actual MTW operations. The frequency of SSCs and their demands on military forces have led to rethinking military doctrine, force structure, and training by many countries and regions, such as the United Kingdom, Canada, Italy, France, Scandinavia, Asia, Latin America, and most recently East Europe and Africa.

In the view of the United States, SSC plans have helped shape the international security environment, as well as the U.S. response to crises. Military activity, combined with political and diplomatic activity, can yield positive results, whereas alone, all activities are liable to fail. Failure allows a crisis to continue, risking the danger of expansion, and may damage the U.S. ability to influence those countries directly concerned.

As a general rule, participation in SSCs by other countries alongside the United States is seen as a distinct benefit, improving those nations' military capabilities and generating closer military-to-military relations with the United States. The U.S. public also strongly approves participation by other nations. The numerous exercises and training programs that the United States conducts with European, Asian, Latin American, and African military establishments to prepare for such contingencies (e.g., peace operations, humanitarian operations) are examples of positive effects on the international security environment.

Military Operations Other than War (MOOTW) or Small-Scale Contingencies

Various phrases and acronyms have been used to describe the long history of U.S. involvement in operations of this nature. U.S. Navy and Army actions in Mexico, Cuba, the Caribbean, the Philippines, and China in the latter part of the 19th century and between the two World Wars that then had no particular name now come under the heading of today's SSCs. The Marine Corps Small Wars Manual of 1940 contained a doctrine, based on experience in the Caribbean and Central America in the 1920s and 1930s, for what are now called SSCs. Examples during the Cold War were support for anti-Communist governments in the Dominican Republic in 1965, Vietnam and Central America in the 1960s and 1980s (first called counterinsurgency, then low-intensity conflict), and the Lebanese Multi-National Force (MNF) in 1982-83. Starting in 1993, operations of this kind were variously called peace operations or operations other than war (OOTW) and now are known as military operations other than war (MOOTW), as well as support to civil authorities.

UNPROFOR

The United Nations Protection Force (UNPROFOR) offered a prime example of U.S. nonparticipation among ground forces that led to reduced U.S. influence and less effective operations in Bosnia. The perception that the U.S. was using British, French, and Dutch troops to take greater risks while unwilling to do more than fly air strikes led to serious political problems, aggravating bilateral U.S. relations, creating strains within NATO, and risking an expansion of the Bosnian conflict into the Balkans. U.S. participation in Implementation Force (IFOR), by contrast, substantially enhanced the effectiveness of operations and increased U.S. influence while relieving tensions within NATO and generally enhancing relations with Russia and other Partnership for Peace nations that had contributed military contingents.

Background

What is Small Scale?

It is difficult to define SSCs because they include subcategories that vary according to the type of mission, size, and type of forces deployed and the rules of engagement (ROE). Yet they share some characteristics that distinguish them from MTWs. Decisions to intervene tend to be made quickly and unpredictably, often with little time for planning, preparation, and deployment. They can extend well beyond the initially envisioned duration, increasing projected strains on military forces. Operation *Provide Comfort* in northern Iraq (1991 to present), for example, was projected to last two to three months; Implementation Force/Stabilization Force (IFOR/SFOR) in Bosnia (1995 to present) was projected to last for one year. Few established facilities in the deployment area may be available at the same time that the operation may need to rely on lighter forces organized in a less-than-conventional manner--greater mobility, less firepower, and less use of airpower and standoff weapons. The commanders' objectives and the ROE emphasize avoiding casualties on all sides, along with a need, when possible, for dialogue and cooperation with local power groups.

U.S. troops in Somalia



SSCs are not "fight-and-win" operations designed to inflict maximum damage on the enemy, and the "enemy" is often ambiguous in its attitude and actions. This calls for a distinct change in attitude, conduct, and interpretation of the ROE, with an emphasis upon restraint whenever possible, while ensuring force protection and carrying out a more limited mission. One particularly difficult decision is whether or not to use deadly force and, if so, against what target. Given the high level of public and political attention focused upon theater operations, there is a potential for individual incidents (e.g., inadvertent killing of unarmed civilians) to undermine U.S. domestic support for military operations, as well as to create a much more dangerous indigenous

environment. This is one of the motivations behind increased interest in developing and using non-lethal weapons. To achieve success, SSCs must stress understanding local culture and politics and the combined use of political, diplomatic, humanitarian, economic, and information programs. Often they require significant cooperation with civilian organizations of the United States and the international community.

The variety of the challenges posed by SSCs in the number and type of forces required and the relevant foreign policy considerations often results in the involvement of combined or coalition military forces and civilian personnel from nongovernmental organizations (NGOs) and regional and international organizations (IOs).

- Some SSCs may require only a handful of military personnel for noncombat military observer missions [e.g., the Military Observer Mission, Ecuador/Peru (MOMEPE), during the Peru-Ecuador border conflict of 1995 required only 50 personnel].
- Some require military forces ready for combat, on a widely varying scale (e.g., from 500 personnel for the Somalia NEO in 1991, to the Taiwan Strait show of force in 1996--18,000 personnel).
- Some are basically nonmilitary (that is, humanitarian intervention and disaster relief as in Bangladesh, 1991), with, on occasion, limited military forces supporting and assisting large-scale civilian operations (as in *Provide Relief* in Somalia, 1993, and *Support Hope* in Rwanda, 1994).

In operations supporting large-scale civilian efforts, international and nongovernmental relief organizations [e.g., United Nations High Commission for Refugees (UNHCR), World Food Program (WFP), International Committee of the Red Cross (ICRC), CARE, Doctors without Borders, Oxfam, International Rescue Committee (IRC)] were present before, during, and after military intervention. Considerable liaison and coordination are required, much of it ad hoc since there are no firmly established U.S. procedures for C³I in combined military-civilian operations and even fewer internationally codified procedures.

Peace operations are complex contingency operations that require the commitment of sizable military forces ready for possible combat, in addition to supporting civilian activities (as in *Provide Comfort* in Iraq-Turkey, 1991; *Restore Hope* in Somalia, 1992-93; *Restore Democracy* in Haiti, 1994-95, and IFOR/SFOR, Bosnia 1995-98). The most adaptable forces for SSCs, including coordinated civilian activities, may be Marine expeditionary units (MEU), special operations forces (SOF), and civil affairs and psychological operations (PSYOP) units.

SSC Demands on Forces

The Department of Defense's Bottom-Up Review (BUR) of 1994 based its operational requirements on fielding forces sufficient to win

Two Different Businesses

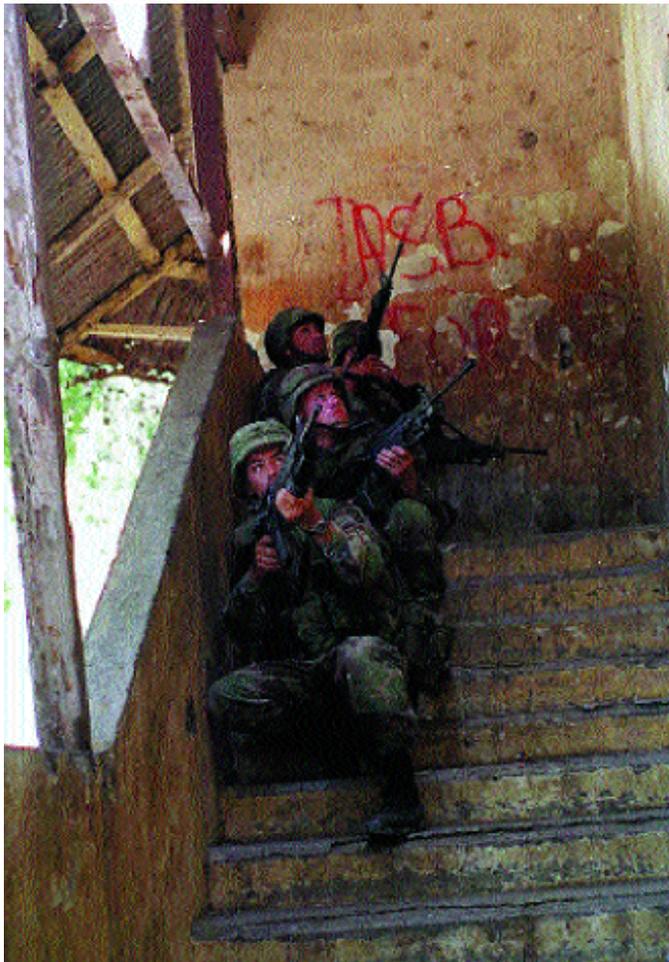
| Major Theater Wars | Small-Scale Contingencies |
|-----------------------|--|
| Vital Interests | Interests and Responsibilities |
| Power Projection | Not Necessary |
| Highly Destructive | Restrained or Constructive |
| Independent (must do) | Multilateral (should do) |
| Joint Operations | Combined and Civil-Military Operations |
| Clear Missions | Ambiguous Missions |

two nearly simultaneous major regional conflicts (MRCs) and to provide for overseas presence. In determining force requirements, SSCs were not considered a separate mission; the BUR assumed they could be handled as lesser cases by forces earmarked for MRCs (now called MTWs), without any negative effect on their capabilities for the primary mission. Since 1989, however, the number of small-scale conflicts, humanitarian emergencies, and other similar contingencies rapidly grew in number, from 16 (1947-89, the Cold War period) to 45 (1989-97). The prospects for continued internal and regional unrest are clear, as discussed elsewhere in this book. Although decisions for U.S. response will probably be more limited than in the recent past, this cannot be assured. The U.S. military involvement in these contingencies must be assumed and prepared for; failure to prepare can hamper the successful completion of an SSC operation as well as the capabilities of U.S. forces to conduct MTWs.

Of course, the United States has the option of not responding to situations that do not affect its strategic or vital interests. Improvements in situation analysis have reduced the number of peace operations approved and participated in by the United States by allowing realistic assessments of the nature of the mission and of capabilities versus costs to achieve it for various situations. Limits on UN peacekeeping or peace enforcement capabilities, and to a lesser degree on those of ad hoc coalitions outside the UN framework but mandated by the Security Council, are now understood by the UN Secretary General, the Security Council, the United States, and other governments. As a result, fewer large peace operations have taken place than in 1990-93. But other SSCs (such as NEOs) have increased, and the demand for use of special operations forces (including civil affairs and PSYOP) and other army combat and combat service support units draws heavily on Reserve forces.

The longer an SSC lasts, the greater its negative effect on preparedness of forces that must be ready for MTW operations. This is particularly true for such units as light infantry and helicopter squadrons, which are deployed more frequently than other forces for peace operations, as well as combat support and combat service support units. These forces are usually engaged away from their home base at the outset of an MTW, and after SSC duty, most of them will require considerable retraining prior to deployment to an MTW. An inexact rule of thumb has been that 6 months of retraining are needed after SSC operations lasting 6 to 12 months. The time required to retrain is an important consideration in force planning and force structure, as well as in deciding initially whether to engage in an SSC.

Americans in Haiti

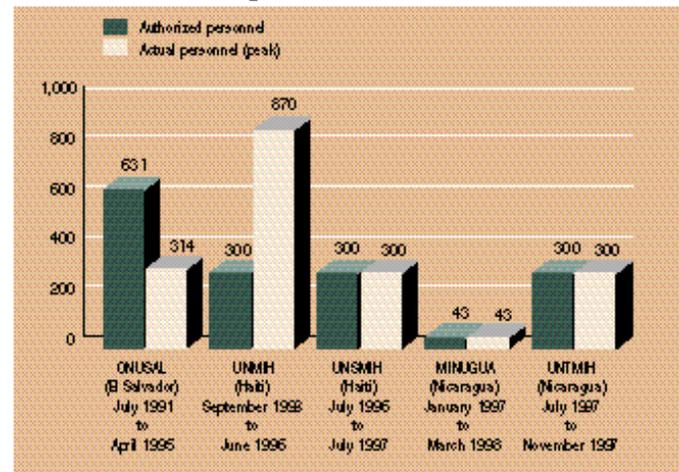


Public Support

Because SSCs do not call for a major commitment of military force and often may not visibly serve vital U.S. interests, such operations require of any U.S. administration a sustained effort to mobilize and maintain public and political support at home. Because they are of small scale, limited duration, and low expense, and are visibly directed at an accepted U.S. interest (e.g., protecting U.S. citizens), NEOs usually command such support. Similarly, short-term disaster relief operations tend to gain positive public support. In contrast, large, long-lasting, potentially dangerous, and expensive peace operations in remote regions with limited apparent relationship to U.S. vital interests have difficulty gaining such support, although support is stronger for coalition operations where core states are seen to be doing their fair share. The likelihood of U.S. casualties and high cost can determine public and political support, or their lack thereof. An excessive preoccupation with the public fear of casualties-- rather than proper concern for prudent force protection--can constrain the response of commanders in the field facing unpredictable and rapidly evolving situations. Such vacillation encourages potential enemies to conclude that by inflicting casualties, public opinion will force the United States to withdraw (e.g., Vietnam, 1974; Lebanon, 1983; Somalia, 1993). With proper justification and explanation, public and political opinion can be brought to support prudently conducted continuing operations for important objectives, despite some casualties (e.g., Iraq's attack on the USS *Stark* in 1987; the Khobar Towers bombing in 1996). Public information provided by the media is a major consideration in sustaining indispensable support at home, which requires, as a vital element, careful planning and execution in the field.

Flexible Use of Force

UN Civilian Police Contingents in the Americas



The U.S. military is often called on to participate in SSC operations that involve civilian organizations or basically civilian tasks and to participate in multinational forces (MNFs), either in ad hoc coalitions or UN peacekeeping missions, for two main reasons: its ability to deal with dangers posed by local military, militia, or armed gangs, and its unmatched lift, logistics, planning, and command, control, communications, and intelligence (C³I) capabilities for rapid, large-scale operations. These capabilities not only protect and support civilian activities but also enhance them by reducing time requirements, hastening the delivery of relief supplies, and improving coordination of disparate organizations. When large-scale humanitarian disasters strike, a combined national and international civilian response often is not adequate, and military assistance becomes critical. Extensive experience in training and exercising with almost all the world's armed forces makes U.S. forces very important in coalition management. Skills honed for preeminence on the battlefield are readily adjustable to the needs of various missions and cultural settings and to the nuances of particular operations.

The modern U.S. military, although developed essentially in response to the Cold War, has the personnel, weaponry, and supporting equipment to satisfy basic operational military requirements for all SSCs. In combined military-civilian operations, it has displayed a remarkable ability to adapt and improvise, often in an unplanned manner and in an unfamiliar operating environment, including the following (1994-97):

- To enforce naval embargoes simultaneously on Bosnia, Iraq, and Haiti
- To enforce no-fly zones over Bosnia and northern and southern Iraq
- To carry out a show of force in the Taiwan Strait, with two aircraft carrier battle groups
- To maintain an essential carrier presence in the Mediterranean Sea, Persian Gulf, and Indian Ocean
- To organize and provide a core of highly capable multinational forces in Haiti and Bosnia
- To use Marine expeditionary units and special operating forces for NEOs in Liberia, Sierra Leone, Zaire, Central African Republic, and Cambodia.

Some specialized U.S. units have proven themselves at least as valuable for SSCs, particularly peace and humanitarian operations, as for regular combat. Specifically, operations in Somalia, Haiti, and Bosnia used:

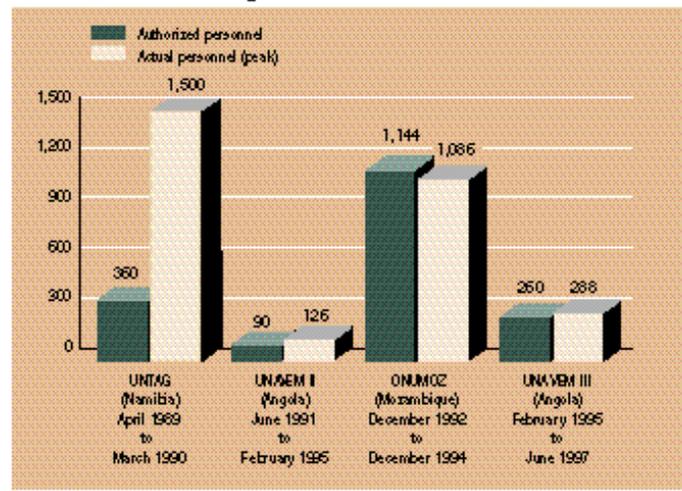
- Civil affairs, psychological operations, and special forces
- Combat engineers and Seabees
- Logistics and communication units
- Military police.

By the use of special operations forces, including civil affairs and psychological operations, units, engineers, military police, and Marine Corps units, the U.S. military has been able to contribute effectively to civilian programs critical to the success of the overall operation.

In the Haiti operation, including the UN force (United Nations Mission in Haiti, UNMIH), U.S. forces provided much of the coalition C³I and logistics. They also played a critical role in UN mechanisms for cooperation among the military force, U.S. civilian agencies, nongovernmental, regional, and international organizations, and the government of Haiti.

For the strictly humanitarian operation *Provide Hope* in Rwanda in 1994, the U.S. European Command provided essential airlift for food, water purification equipment, and medical supplies. It also coordinated the urgent, large-scale assistance delivery and distribution with the UNHCR, WFP, ICRC, and numerous NGOs and provided these organizations with limited engineering and logistics support. In all three instances--Somalia, Rwanda, and Haiti--the United States developed and adapted the Humanitarian Operations Center/Civil-Military Operations Center (HOC/CMOC) concept to civilian and military-humanitarian operations and communications.

UN Civilian Police Contingents in Africa



This broad range of military capabilities, particularly effectiveness in supporting and conducting essentially civilian missions, constitutes a potential downside for the Armed Forces. Given the weakness of most U.S. and international civilian organizations in rapid mobilization, surge capacity, planning, and logistics, it is all too easy for civilians to pass the burden onto the military, not only at the outset of an operation but even as it continues. Such an approach by civilian organizations places an unnecessary demand on military forces and delays the substantial effort required to increase local civilian capabilities.

Restore Hope, December 9, 1992 to May 4, 1993

During operation *Restore Hope* in Somalia, some 30,000 U.S. forces (plus 10,000 friendly forces under U.S. command) planned and initiated a military-humanitarian support coalition operation within 10 days after President Bush approved the basic idea. Within three weeks, it achieved its basic objectives of ending a major conflict and providing large-scale food and health assistance to millions of Somalis. In nearly all aspects of this operation, U.S. forces were central to coalition C³I and logistics, also coordinating effectively with civilian agencies and nongovernmental, regional, and international civilian organizations.

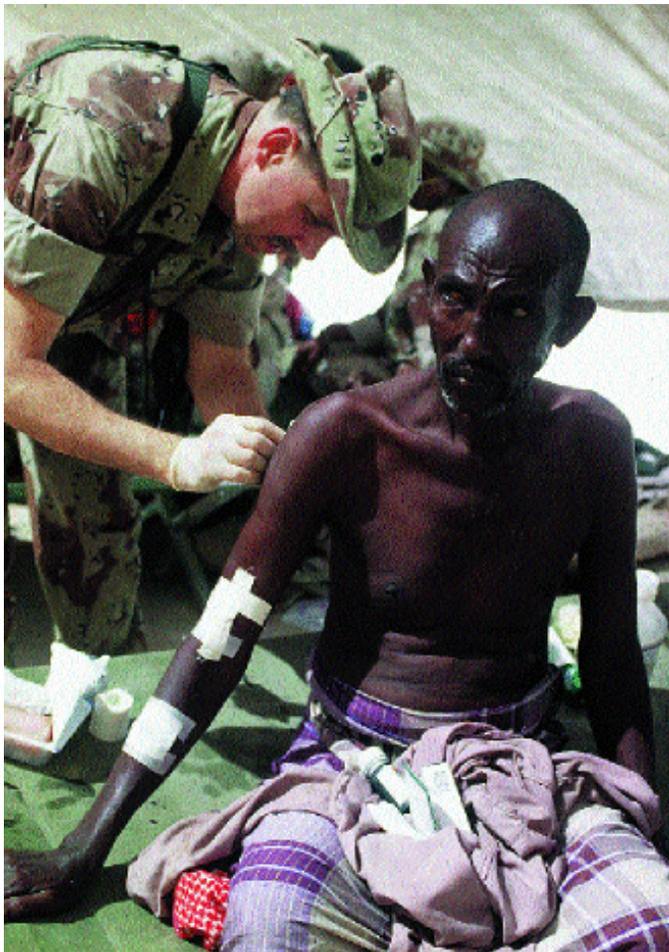
Capabilities

Unit-Level Assets

Current and projected total forces have adequate capabilities for the anticipated number and types of SSCs in the near future. However, as the QDR recognizes and as has been stressed in this chapter, continued deployment over the long term at the 1990s rate, with the existing force structure and organization, training, forward presence, and other requirements, will diminish capabilities to conduct SSCs as well as readiness to conduct MTWs. Since 1990, SSCs have imposed unexpectedly high demands on operations tempo, personnel tempo, and deployment tempo on several units, e.g., Fleet Marine Force and Special Operations Forces, with specific capabilities such as the Army modified table of organization and equipment (MTOE). These demands are expected to continue into the next century, with potentially negative effects on readiness, morale, personnel retention, and MTW capabilities. The units experiencing most of the demand are combat support, combat service support, light infantry battalions, and specific materiel such as helicopters and Airborne Warning and Control System (AWACS) aircraft. Given that roughly one-third of combat support and two-thirds of combat service support units are in the Reserves, an additional strain is put on those units particularly and the Reserves generally.

Studies have shown that deployable forces in all four services have spent close to or more than 50 percent of their nights away from home, involved in a variety of activities such as SSCs, formal presence, and training for MTW. This figure has not been precisely quantified by the individual services nor broken down by unit, but it is the most recent, most accurate measure of a key element of this much-discussed stress factor. Other studies projected that light infantry and military police would exceed expected deployment by a rough average of 20 to 25 percent and 30 to 35 percent, respectively. Deployment times must be taken into account with such factors as entitlements, quality of life, care for families when personnel are away, and training for force rotation by each service. These factors together have clearly had a stressful impact on the retention rate of the all-volunteer force as well as on readiness for MTW operations.

Treating Somali citizen



Training, Doctrine, and Planning

Since 1993, the U.S. military has made an intensive effort to develop doctrine, publications, and training programs for operations such as NEOs, limited intervention, and shows of force. The doctrine, training, and policy for these operations have now been standardized and are well-understood, and troops are regularly trained in them. Over those four years, for operations with a major civilian dimension, military professional schools, training centers, regional commanders in chief (CINCs), and lower level commands have all instituted programs and manuals to meet the challenge of SSCs, including the following:

- Field Manual 100-23, *Peace Operations* (U.S. Army Training and Doctrine Command), 1994
- *First Joint Task Force Commander's Handbook for Peace Operations* (Joint Warfighting Center) 1995 and 1997
- *Joint Doctrine on Civil Affairs* (Joint Pub 3-57)
- *U.S. Army Civil Affairs Manual*
- *Joint Publication on Inter-Agency Operations* (Joint Pub 3-08)
- *USMC Small Wars Manual* (under revision).

Many other training manuals, lessons-learned reports, and related materials have been produced and are now actively used for training.

On May 20, 1997, President Clinton created an explicit doctrine (PDD 56) for interagency management of "complex contingency operations" such as major peace operations and humanitarian emergencies, both of which fall under the category of SSCs. PDD 56 contains policy guidance for planning and training for use by civilian agencies and the Armed Forces and aimed at systematizing and significantly improving preparation for and execution of these operations. This directive came at a particularly opportune moment, given the QDR's emphasis on the same issue.

One of the document's major components is the requirement that a plan for political-military implementation be developed as an integrated tool for coordinating U.S. Government actions in a complex contingency operation. The burden of the plan is to write an overall mission statement, to include individual agency objectives, an exit strategy, and an integrated concept of operations for all agencies, covering major functional tasks, agency responsibility, and availability of resources. In practice, this approach has been used only once, in preparing for the Haitian intervention (September 1994). The planning process proved very useful, particularly for civilian agencies, even though a final, approved plan was never completed and many functional tasks and timelines for civilian agencies were only partially met or had to be revised. The Haiti "process" revealed large "culture gaps" between the outlook and capabilities of military and U. S. civilian agencies, and even larger gaps in relation to U.S. NGOs and international civilian organizations. IFOR/SFOR in Bosnia, neither of which had a political-military plan, showed that such gaps remain, constituting a major obstacle to coordinated action.

Considerable time and effort will be required before the May 1997 PDD becomes standard operating procedure for training and planning. Even so, two problems remain unresolved: first, it does not apply to regional CINCs, at whose level much of the operational planning takes place. Second, it does not address the difference between military and civilian material resources, planning and deployment capabilities, and organizational effectiveness (e.g., the much greater relative capability of the military compared to the civilian and how this affects planning and operation).

The emphasis and time devoted to training for peace and humanitarian operations vary considerably among the various commands and fluctuate depending on perceived priorities. New programs for SSC training compete for time and availability of units for training with many other programs, including those directed toward preparing for MTWs, which are always given higher priority. Publications, school curricula, and training and exercises have not yet been fully thought through or homogenized. Except for the *Joint Task Force (JTF) Commanders Handbook for Peace Operations*, most publications devote inadequate attention to preparing for combined military-civilian

planning, training, and conduct of operations and to coalition military operations--particularly coalition operations when the United States may not be in command.

The new look at training applies even more to civilian agencies of the U.S. Government, as well as to finding methods of including NGOs or IOs more frequently and systematically in training for SSC operations.

Standardized Procedures

Standardized military procedures can enhance communication and coordination among U.S. forces, systematic cooperation among U.S. and coalition military forces, and between them and participating civilian organizations. So, too, will procedures for dialogue and cooperation with indigenous power centers (e.g., governments, factions, militias, NGOs), even though their application inevitably differs for each SSC and civilian agencies may not necessarily be responsive to them. For these reasons, standardized procedures are best discussed with the larger international organizations and NGOs such as UNHCR, WFP, and ICRC before adoption and must be adapted for each individual operation. Another important area requiring systematic attention and procedures is the major enhancement or re-creation of an indigenous law enforcement capability (i.e., police, judiciary, penal system). This includes procedures for military cooperation with civilian assistance programs and personnel, and for improving the means whereby the United States and other countries can strengthen the capabilities of United Nations Civilian Police (UNCIVPOL) and provide coordinated bilateral assistance.

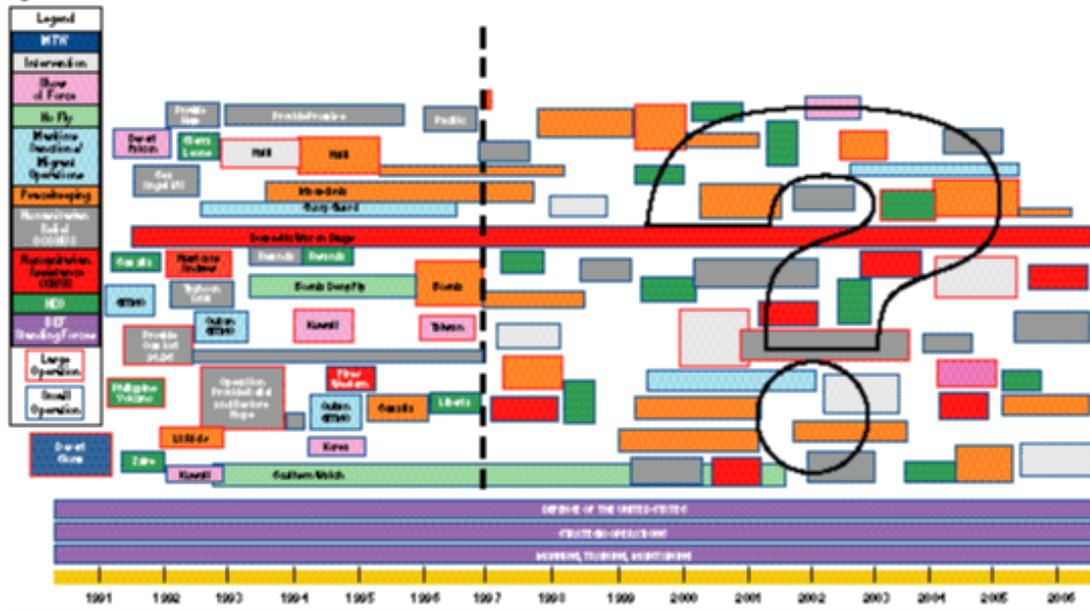
Force Structure

On the basis of a troops-to-task analysis, the greatest demand on combat forces that SSCs make is for flexible, rapidly deployable forces, such as SOFs, amphibious readiness groups, Marine expeditionary units, light infantry, and military police. But not all maintain adequate levels of training for peace operations, and often all are in short supply relative to demand. They are not always assigned in sufficient numbers to the geographic region where an SSC takes place, so the regional CINCs are predisposed to use forces already available, even if ill suited to the particular mission. Planning for specific forces at specific locations in a crisis is difficult, especially given that SSCs can happen almost anywhere, and especially difficult in regions where U.S. forces are not ordinarily based.

There are also problems with the size of individual components, which may not be suitable to SSC missions (i.e., too large, too small). For example, engineering units usually are important for such operations, but the smallest standard component, the battalion, often is more than what is needed. Similarly, combat service support units for aviation are sized for a squadron and are too large when only a few aircraft may be needed. In the case of headquarters components, the reverse is often true: SSCs put greater demands on and require more personnel for headquarters activities, such as communications, command and control, and coordination and liaison with civilian organizations, coalition forces, and local governments or factions. In Operation *Support Hope*, for example, the commander of the U.S. Army Europe stressed the need for what he termed "modulization of standard units" and for these smaller units to have a larger-than-standard headquarters staff (e.g., a battalion-size headquarters for a company of engineers).

Somalia, Haiti, and Bosnia made clear the special importance of civil affairs, PSYOPs, and military police units to the success of SSCs. But, as already emphasized here, these units are in short supply, and repeated, even simultaneous, calls for their mobilization from the Reserves, which incur problems of delay and expense, strain both units and personnel. Special forces units and personnel with a high ratio of active to Reserve components have been under similar, if less severe, constraints. The large preparation requirements of the Army and its different rotational concepts, which differ from those of the Navy and Marines--they are programmed for six months away from station every year--leave the Army more stressed than its sister services. In 1996, 10 percent of Army forces were deployed away from station in 100 separate locations--for an unacceptably high rate of deployment given the overall level of basic demand (e.g., forces stationed abroad, on maneuvers, or for other commitments).

Dynamic Commitment: Illustrative Vision of the Future



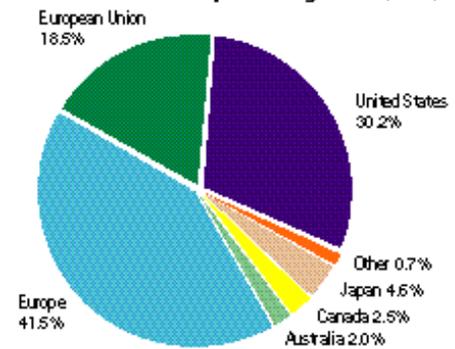
Intelligence and Information

Collection and, even more importantly, analysis of information about local culture and politics need substantial attention, along with the character and *modus operandi* of local military, paramilitary, and militia or irregular forces. Improved procedures can enhance sharing of intelligence and information with coalition military forces and participating civilian organizations. Experiences in Somalia, Haiti, and Bosnia have shown that civilian organizations often have valuable specific information along with a general understanding of the local scene; this can complement what can be obtained and analyzed by regular intelligence procedures and may even prove vital to the success of an operation. Civilian organizations include international, regional, and nongovernmental organizations, many of them humanitarian and apolitical, some of which are suspicious of close involvement with the military. Yet these organizations may welcome the sort of support (e.g., security, logistics) that the military can provide. An exchange of information--rather than formal intelligence cooperation--has often been beneficial for all concerned. Police assistance organizations, such as CIVPOL, the International Criminal Investigative Training Assistance Program (ICITAP), and International Police Monitors can be especially valuable for information exchange. Intelligence also requires a greater focus on preparation for irregular (asymmetric) warfare, especially in urban environments.

The role of information operations for SSCs warrants a high priority, on location and at home, with modification and adaptation for what is in most instances a low-tech environment. PSYOP is particularly important when the potential exists for violent clashes with local power groups. The small number of PSYOP units and trained personnel, 80 percent of them in the Reserves, and the absence of PSYOP capability in the forces of most core coalition countries increase the difficulties of intelligence collection for the United States.

Command, Control, and Communications

Humanitarian Assistance for Complex Emergencies (1996)



Note: The term "complex emergencies" does not encompass natural disasters. Total for the European Union does not include aid accorded by member states (amounting to approximately U.S. \$22 million) independent of their EU allotment. Total for Europe includes aid accorded by European states not members of the EU and by member states independent of their EU allotment.

Source: United Nations Department of Humanitarian Affairs, "Total Humanitarian Assistance in 1996 (Global) as of 1 January 1997."

SSCs that involve coalitions or civilian organizations seldom are tightly knit, highly technical operations with good C³ (and are rarely equipped with computers for C⁴). In several operations (e.g., Unified Task Force, UNITAF, in Somalia, or the MNF in Haiti), by ensuring that interoperable communications equipment and procedures were available, along with extensive use of liaison and coordination center arrangements, the United States assured effective coalition operations. It was also able to achieve a reasonable degree of cooperation and coordination with civilian (especially non-U.S.) organizations outside the command structure. In *Provide Comfort*, *Restore Hope*, and *Support Hope*, civil-military and humanitarian operations centers progressively improved to reach a high level of effectiveness in coordinating military and civilian humanitarian operations. Still, greater effectiveness can be achieved with more work on communications compatibility and coordination.

Ad hoc success ought not mask serious problems in establishing satisfactory communications, cooperation, and coordination for coalition military-civilian operations. Communications equipment and procedures vary widely among different military establishments, more so among different civilian organizations such as WFP, ICRC, UNHCR, United Nations International Children's Fund (UNICEF), United Nations Department of Humanitarian Affairs (UNDHA), and various NGOs, and even more widely between the civilian and military components. The "culture gap" between civilian relief organizations and military forces makes the former particularly resistant to taking orders from the latter. A technological gap also exists between NATO and non-NATO military forces, adding to the difficulty of coalition command and control. U.S. military communications equipment and procedures are much further advanced over those of even other NATO countries, and the emphasis on encryption aggravates the complicated problem of communications commonalities.

Materiel Shortages

Shortages are projected for certain types of equipment in high demand for SSCs, while other types of equipment need either to be developed or modified for this use. Operations that involve civilian organizations or coalitions make extra demands on both the amount and nature of materiel required. U.S. forces, interoperable with other participants, and can supplement participant capabilities by providing them with additional essential equipment (e.g., communications and helicopters), but any inability to do so may jeopardize the success of the overall operation and prolong deployment of U.S. forces. The growing technological asymmetry between U.S. and coalition capabilities and between military and civilian agencies needs to be addressed so that future operations will not be inhibited.

Improving Operations

Overall Capabilities

This section offers specific suggestions for improving the capabilities of military forces to conduct SSCs, while also taking into account these forces' simultaneous need to be ready to participate in MTWs at short notice and the problem of increasing costs within a fixed budget. These suggestions are not presented in detail and are not considered definitive, but they do take equally into account costs, effects on MTW operations, and readiness.

*Perhaps the single most important action that could enhance overall SSC capabilities would be to give a higher priority to training, planning, and equipping for an increased number of general-purpose forces (those trained for MTWs) for a variety

of operations. Mission success also requires stressing agility, flexibility, knowledge of area and culture, and on-the-spot decisionmaking. The QDR states that "U.S. forces must be multi-mission capable...[and] able to transition from peacetime activities and operations to enhanced deterrence in war," and that "this standard applies not only to the force as a whole but also to individual conventional units."

Current military training programs, planning procedures, and equipment are now adequate--except in the general area of military-civilian coordination. However, without substantial predeployment training, only the Marines and SOF are truly capable of meeting the QDR standard of being "multi-mission capable" for SSC operations as well as their role in MTWs, although Army light infantry divisions are close to it. Such an assessment means revisions in training for both active duty and reserve forces, including a decision on how and to what extent Army mechanized and armor divisions and other units will undergo regular (as opposed to predeployment) training for peace and humanitarian operations and limited interventions. Revision would not mean providing intensive peace operations training for entire mechanized and armor divisions, but it could mean, for example, designating elements of larger units (e.g., one regiment of a division), "SSC-ready units" for six or nine months, and giving them the extra resources that would make them more SSC-capable. It would also mean training for asymmetric conflict--facing an opponent willing to use NBC weapons, terrorism, exploitation of women and children, and urban warfare. Many SSCs, from NEOs to peace operations, will occur in cities, which will require special training and skills for U.S. military personnel.

*A second measure of great importance would be to reorganize the Army Reserve and National Guard in a direction already suggested but not specifically recommended by the QDR. This would be to increase the number, readiness, and rapid mobilization of combat support and combat service support units for such specialties as civil affairs, psychological operations, special forces, combat engineers, and military police. Reorganized Reserve or National Guard units could be structured and trained for rapid mobilization to supplement, and later replace, regular units with the same skills.

An alternative would be to increase the number of combat support and combat service support units and personnel in the active Army. Although this move might be less expensive and more effective, it might appear to undercut the National Guard or Reserve and therefore might be more difficult for Congress to approve. Either way, the need for greater strength in these areas is clear and immediate.

*A third general proposition would relax congressional, doctrinal, and accounting restrictions on shifting the allocation of funds or providing for a contingency reserve, in order to respond to unforeseen, unbudgeted contingencies.

Policy, Doctrine, and Training

Almost all categories of SSCs would benefit from improved coordination between U.S. military and civilian agencies in preparation and execution, with particular emphasis on the operational level (i.e., the regional CINC). Current procedure (after PDD 56) requires systematic training of and planning by civilian agencies, with the military, but implementation could be extended to the CINC level. Standardized procedures developed for use by both civilian agencies and the military in training for and conducting contingency operations, including civilian agencies, could enhance planning, readiness, and logistics capabilities. Increasingly systematic, combined military-civilian training and planning--including NGOs and international organizations--could be conducted in military schools and training centers and at the CINC level. Civilian agencies could designate personnel to participate in this training and then be on standby to be immediately available for contingency operations. A standing or on-call Inter-Agency Task Force Headquarters at the CINC level could expand the permanent joint task force headquarters units that already exist in some commands, with civilian agencies represented in order to ensure the proper training and regular exercising of their personnel alongside military colleagues.

Readiness of civilian agencies is essential to the success of several categories of SSCs and to enabling the agencies to carry out their functions without excessive reliance on military capabilities. The need for readiness goes beyond training, and includes such issues as the capability to rapidly mobilize and deploy personnel and equipment needed for an operation and to provide rapid, adequate lift and logistics support. It further includes an almost total revision in concepts, organization, training, and resource availability by civilian agencies to respond to sudden contingencies.

A model for civilian agencies to study in improving capabilities is the Federal Emergency Management Agency (FEMA), although it still has shortcomings.

Another need is for more systematic SSC coalition preparations--especially for peace and humanitarian operations--which might be accomplished by more intensive exercises with forces from other countries. Some regional CINCs are already doing this (e.g., U.S. Southern Command and the U.S. Pacific Command), and it has been a critical element of Partnership for Peace programs conducted by both U.S. Atlantic Command and U.S. European Command. These ad hoc methods can be studied and their best features emulated, especially for learning doctrine, tactics, techniques, appropriate weaponry and equipment, and for improving interoperability, small-unit

operations, civil affairs, and psychological operations. A specific need for language-capable personnel is key to successful interaction with coalition troops, local organizations, and the populace in general. Such training takes time and planning, though use of civilian agencies or contractors is a possible (but expensive) option.

The number of exercises for regular military units might be examined to reduce those not considered essential. This might take into account the QDR recognition that certain SSC deployments--particularly those shorter than six months--are less debilitating to readiness for MTWs and can even be a plus for certain skills, such as small-unit operations and civil affairs. During SSCs, commanders can try to make provision for any specialized MTW training that deployed units are missing. For instance, during IFOR in Bosnia, Major General Nash was periodically able to cycle 1st Armored Division units to Hungary for gunnery training. During UNITAF in Somalia, Lieutenant General Johnston set up a firing range for Marine and Army units, as well as a range to practice amphibious operations.

Coordination in Haiti

Haiti offers perhaps the best example of coordination, which in its first phase was built into the operations based on the leadership of the MNF commander and the U.S. Ambassador, and in the second phase, on that of Special Representative of the UN Secretary-General. In Bosnia, the loose coalition of IFOR, the UN High Representative in Bosnia-Herzegovina, Organization for Security and Cooperation in Europe (OSCE), UNHCR, and other organizations without a clear command or coordinating structure proved inadequate.

The type and number of units covered by Global Military Force Policy should be increased to provide greater flexibility and ease of movement among CINCs, to ensure that the most capable units are available for SSC deployment. Careful consideration should be given to preplanned phasing of redeployment for U.S. combat units and others designated for MTW response, replacing them in whole or in part after the initial deployment, as soon as military and psychological dominance have been established and the security threat has diminished. Replacements can be either Reserve, National Guard, coalition military forces, or in some cases civilian personnel (e.g., police mentors/monitors and logistics support). Substitution of units is another useful approach to greater flexibility in deploying for SSC duties (e.g., Seabees vs. army engineers; air expeditionary force vs. carrier battle group or MAG). Related to this is cross-training for substitution (training and deploying light infantry trained as military police, or mechanized troops as light infantry). Another means of providing proper forces for SSCs while minimizing the demand is to tailor or "modulize" the forces deployed (e.g., send a platoon of combat engineers rather than a battalion).

The Chairman visiting Tuzla

Cooperation and Coordination

Communications among U.S. military, coalition military units, and civilian organizations can be increased by several methods. Among military units, the United States and NATO, or the United Nations, or both, can designate types of radios (and computers) as well as frequencies and channels for use in the field during coalition operations, and can recommend all troop contributors be thus prepared. At deployment, the United States (or NATO, or the United Nations) could provide missing communications equipment and fill in the gaps of any units not fully prepared. In the same manner, civilian organizations can coordinate closely with the UN Department of Humanitarian Affairs, UNHCR, ICRC, WFP, and the UN Children's Fund, all of which have substantial communication capabilities and coordinate with most NGOs. During deployment, an agreed-on communication center for unclassified information (e.g., the Humanitarian Operations Center/Civil-Military Operations Center or HOC/CMOC) and procedures and could serve coalition forces and civilian organization personnel in the field with a designated communication link. Thus coalition forces and civilian organization personnel could report nonmilitary information to their headquarters and organizations. The UNDHA "relief net" (available on the Internet) provides a good example of ways nonmilitary information can be shared. Another approach might be for the United States and other willing governments, plus the UN and its agencies, ICRC, and NGOs, to purchase the same or fully compatible low-cost radios, which then would be available for major complex contingencies to set up a common net on the ground, separate from most military communications.



Shared communications, with central and regional HOC/CMOCs, go a long way toward adequate operational coalition cooperation and coordination between military and civilians, but these could be reinforced with mechanisms to coordinate policy at the appropriate level. Such mechanisms would usually include senior military and civilian representatives of the most important governments and organizations, with frequent regularly scheduled as well as ad hoc meetings, and would have clearly designated personnel in charge of integrated coordination and cooperation on the ground, if not military-style command and control. On the military side, liaison officers and linguists already required for coalition command and control would have interoperable communications equipment and procedures.

To handle the increased coordination functions, the headquarters component of combat units deployed for SSCs with civilian participation might be strengthened substantially (e.g., battalion headquarters component for a company, division headquarters for a brigade) and configured for joint operations.

Words and Deeds

Experience has demonstrated the overriding importance of both psychological operations and public information in the conduct of almost all categories of SSCs. Both can be, and have been, critical to the success or failure of the mission, and both can be planned for as integral to an SSC operation.

PSYOP components can be provided for deploying forces as well as in training headquarters components for their proper use. In many SSCs, because civilian and military personnel of U.S. embassies often can add important information through their greater knowledge of the local situation, they should be integrated into the PSYOP process. Public information is a separate activity, but should be treated similarly, to ensure that well-staffed joint information bureaus become components of deploying forces and that embassy personnel are integrated into the process. Intensive media coverage before, during, and for a few weeks after deployment can be prepared for, with easy access to senior officers, to stress openness and cooperation with the media as long as they do not interfere with operational activities. Mishandled public information can have a negative impact on domestic support for the mission. In Haiti and Bosnia, for example, PSYOP units were designated Military Information Support Teams to accommodate coalition sensitivities. Public affairs was redesignated public information.

A great deal of intelligence can be learned from local sources--embassies and selected international organizations-- NGOs and indigenous personnel to which are particularly useful for analyzing intelligence and putting it into context. Informal information exchanges often are best and can be provided for in advance and partially implemented in the planning stage, leaving full implementation to the deployment phase. There should be an emphasis on intelligence and PSYOP, with both focused on urban warfare--particularly on how to anticipate, deter, or defuse moves by an actual or potential adversary, using absolutely minimal violence--and on how to avoid alienating of the urban population.

Weapons and Equipment

The existing process of improving and developing new weaponry and equipment can satisfy the needs for materiel required for SSCs, particularly if it emphasizes the rapid deployment of nonlethal weaponry and techniques. Other requirements include equipment for reconnaissance, intelligence, and information operations in urban areas (e.g., various types of unmanned aerial vehicles. Nonlethal weaponry can be made available to units deployed for SSCs in sufficient quantity and for properly trained units, although the United States may need to make up for shortages in coalition military contingents. Similarly, in developing and providing communications equipment to U.S. units for SSC operations, interoperability with the equipment of other countries and with key civilian organizations is essential to the success of the operation.

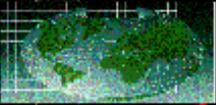
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER ELEVEN

Asymmetric Threats

During the next decade, the United States plans to maintain superior if not unique capabilities in the face of any potential military opponent. This capability, as described in chapter 9, has the following features:

- Global power projection
- Superior knowledge, planning, and information dominance
- Deep-strike capacity
- Joint and combined doctrine
- High-performance combat units.

However, present and future opponents may expend considerable intellectual and material resources to develop political-military responses designed specifically to upset or counter the great strengths inherent in the force posture advocated by the QDR. The Nation's great capability in high-technology power projection forces may lead future opponents to devise a variety of "asymmetric" counters or stratagems to frustrate, if not defeat, the U.S. military advantages.

Defining Asymmetry

Put simply, asymmetric threats or techniques are a version of not "fighting fair," which can include the use of surprise in all its operational and strategic dimensions and the use of weapons in ways unplanned by the United States. Not fighting fair also includes the prospect of an opponent designing a strategy that fundamentally alters the terrain on which a conflict is fought.

Historical examples of such strategies include the following:

- NATO's Cold War doctrine of first use of nuclear weapons to compensate for the nonnuclear superiority of the Red Army
- Operation *Anadyr*--the Soviet deployment of medium-range ballistic missiles (MRBM), and intermediate-range ballistic missiles (IRBM), and tactical nuclear weapons to Cuba in 1962
- Terrorism by proxy, used by various Islamic states against U.S. and European interests
- The Serbs taking UN personnel hostage to deter military escalation by NATO forces during 1994-95
- Exploitation of major nuclear-armed allies, such as the Soviet Union and China, by North Korea and North Vietnam to limit options for military escalation by the United States during their respective MTWs.

Future opponents will have many options for attempting to deter, disrupt, or defeat U.S. use of military power. Four broad options could be part of an asymmetric response to current and foreseeable U.S. superiority in regional combined-arms warfare capability. The first option is the acquisition of weapons of mass destruction (WMD) and long-range ballistic or cruise missiles. A future regional opponent could threaten U.S. and allied forces with a dramatic form of military escalation. Even without operational use, the mere presence of such capability would act as a regional-strategic shadow and might weaken the commitment of key allies to any future U.S. military response to regional aggression. The second is the selected acquisition of high-technology sensors, communications, and weapon systems. This is the strategy of the niche player. The third, the exploitation of cyberweapons, could be used to disrupt the next generation of information-technology (IT) military logistics systems or to bring the war home by attacking the national strategic infrastructure (NSI), itself rapidly exploiting IT in the name of economic efficiency. And in the fourth, opponents could choose to fight in environments, such as large cities or jungles, that degrade the U.S. capacity to find and attack militarily significant targets. This could include conducting acts of aggression

that purposely blur boundaries between actions considered crimes and those viewed as warfare.

U.S. and allied efforts failed to neutralize the threat of the Iraqi theater ballistic missile (TBM) during the Persian Gulf War. Saddam Hussein's only military success, and a limited one, lay in the failure of the American-led coalition to find and destroy mobile theater missiles. For potential opponents of the United States, developing long-range unmanned bombardment systems is a very high priority. Many nations have active programs for the development and deployment of ballistic missiles with a range of up to 3,000 kilometers. The SS-1C SCUD represents the 50-year-old technology of the V-2 TBM. New generations are in development or have been deployed, such as the Chinese M-9 series. Upgrades in accuracy and effectiveness of TBMs are likely during the next decade. All contemporary and future TBM launchers will be able to find their geolocation with high accuracy and convenience, owing to the global positioning system (GPS).

The theater-range, ground-launched cruise missile may mature as an alternative means of long-range bombardment. At present, the threat of long-range cruise missiles is less visible than that of TBMs. The use of the *Tomahawk*-class cruise missile during the Persian Gulf War highlighted the new role of nonnuclear armed land-attack cruise missiles--a technology that matured in the last decade of the Cold War. Future theater peers and regional powers will probably develop their own versions of the *Tomahawk*. Some of these states may choose to mass-produce cruise missiles on a scale similar to that of the German V-1 program, which led to the production of thousands of weapons. Relying on GPS guidance and made of inherently low-observable materials (fiberglass), a new generation of V-1 may appear in many potential MTWs. By using ballistic and cruise missiles in a combined-arms campaign, a regional opponent could place U.S. and allied expeditionary forces in danger of very long-range artillery fire.

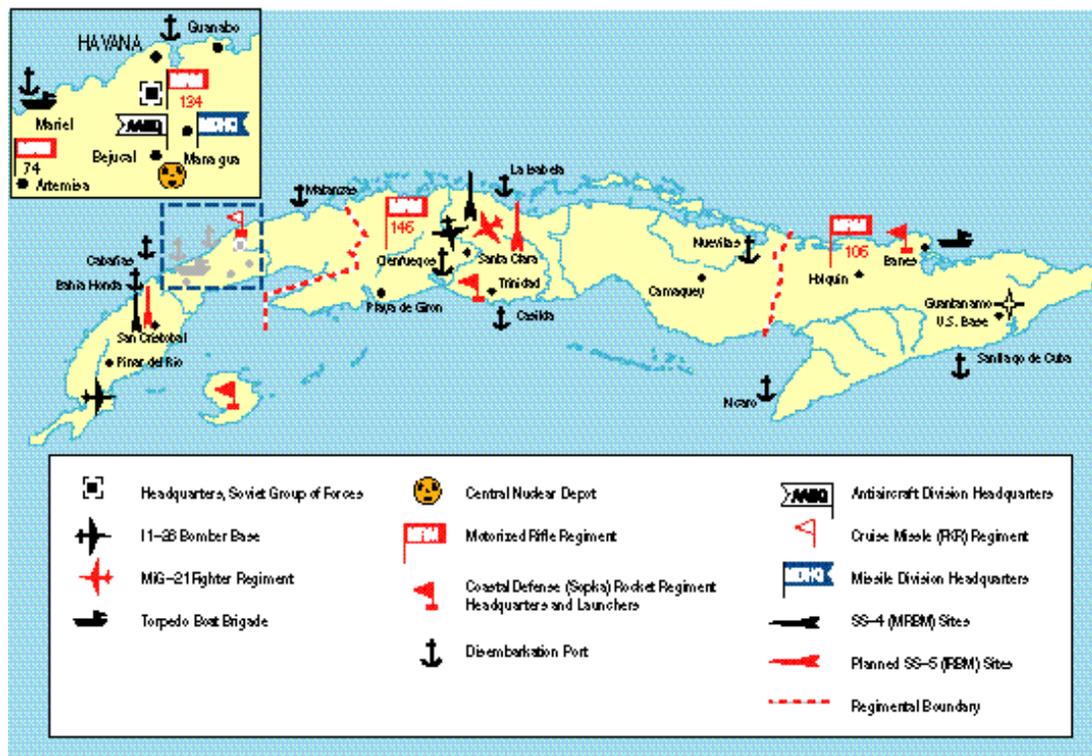
Adding to the danger to U.S. military capabilities in an MTW is the prospect of a regional opponent developing and deploying an array of WMD warheads for delivery on their ballistic and cruise missile arsenals. Even without accurate terminal guidance, both ballistic and cruise missiles armed with WMD present U.S. and allied forces with the potentially horrific threat of mass military and civilian casualties.

The lowest cost and heretofore apparently the most effective response to the threat of WMD weapons has been the threat of massive reprisals, including the use of nuclear weapons. This concept of extended deterrence has appeared to work well, especially during the Cold War stand-off between NATO and the Warsaw Pact nations. In the context of future MTWs in Eurasia, deterrence through the threat of retaliation could prove less effective prior to and after the use of WMD weapons. It is possible to imagine that a future opponent might brandish WMD weapons to intimidate one or more regional allies into dropping out of a pro-U.S. coalition. WMD could also be used as weapons of mass "disruption." Biological weapons might prove an attractive means of disguised warfare that in some future contingency might be used to induce widespread illness without mass fatalities. Developments in antimaterial, less-than-lethal chemical weapons, could lead to use of cruise missiles equipped with wide-area antimaterial aerosol warheads. Finally, nuclear weapons could be used in a less than lethal information-warfare mode. After acquiring even a small (fewer than 20) arsenal of nuclear weapons, some regional opponents might conclude that several could be used to generate wide-area electromagnetic pulse (EMP) effects during a critical phase of a military operation in order to damage a wide array of C⁴ISR assets deployed by the United States in an MTW.

Operation *Anadyr* (Cuban Missile Crisis)

In 1962, the Soviet political military leadership decided to shift the global geo-strategic correlation of forces and provide Cuba with a credible defense against an invasion by the United States. With limited air- and sealift assets, the Soviet military decided to deploy an expeditionary force that would rely heavily on the new revolution in military affairs nuclear weapons and long-range missiles. Operation *Anadyr* called for deployment of ballistic missiles--the SS-4 MRBM and SS-5 IRBM--to rapidly upgrade the Soviet transoceanic range nuclear arsenal in order to buy time for the delayed SS-7 ICBM program. A second feature--undetected by U.S. intelligence for some 30 years--was the deployment of tactical nuclear weapons for use by the relatively small Soviet expeditionary force as high-firepower, anti-invasion weapons. Recent revelations indicate that the Soviet political-military leadership designed *Anadyr* as an asymmetric response to the clear military nonnuclear superiority of the United States in the Caribbean region.

Soviet Forces on Cuba (October 22, 1962)



Source: Central Intelligence Agency

High-Tech Weapons

Potential military opponents of the United States may conclude that there are major political, strategic, and military risks in relying too heavily on nuclear, biological, and chemical (NBC) weapons as an answer to U.S. power-projection capabilities. Some of them may believe that they can acquire key elements of the systems associated with the RMA from the open arms market. And some may even have the high-technology wherewithal to develop and use indigenous production. This last capability may loom as a major difference in the capability of a theater peer and a regional power or rogue.

Chinese M-9 (Dong Feng-15) SRBM



The GPS navigation satellite constellation is an attractive global asset that many military powers can exploit in all of its dimensions, as revealed during the Persian Gulf War. In the next decade, several alternatives, such as the Russian GLONASS system, are likely to be deployed as backups to the U.S.-owned and -operated GPS.

By 2002, the space-based elements of cyberspace will have undergone a major upgrade with the deployment of several satellite constellations that provide high-bandwidth mobile communications, among which Iridium, Globalstar, and Teledesic offer the leading edge in the rapid proliferation of space-based mobile telephone and data systems.

SCUD missile



Also by 2002, several 1 meter resolution commercial imaging satellites will be operational. These commercial reconnaissance systems now rely on electro-optical sensors, but by 2008, one or more such systems may offer all-weather and night surveillance based on the use of active sensors such as synthetic aperture radar (SAR).

In a future contingency, U.S. forces will be monitored during any crisis by a wide range of players, including international news organizations and nongovernmental organizations (NGOs). The U.S. military will operate in a global fish bowl. At a minimum, future opponents may gain invaluable strategic and operational information about the location and disposition of U.S. and allied forces.

In most SSC or MTW contingencies, the U.S. military option to degrade these space-based assets will be very limited. Except in extreme military emergencies, the U.S. regional commander in chief is very unlikely to gain authorization to use physical violence to disable such global assets. Disabling EW or IO attacks may be authorized, but the military may face the possibility that in future military operations, including combat, U.S. and opposing forces may simultaneously be exploiting the same space-based infrastructure.

Any U.S. expeditionary force engaged in a future MTW along the global littoral will rely on the Navy to provide early reconnaissance fires, active missile defenses, operational surveillance, amphibious capability, and seaborne logistics. Air and ground units will simultaneously rapidly deploy by way of the large airlift fleet of wide-body jets. One of the responses of a regional power to this U.S. strategy will be to acquire sufficient RMA-type capabilities to be able to challenge the U.S. air and sea rapid deployment capability. Several of the following niche options will probably be available in the global arms market:

Enhanced reconnaissance strike systems, including long-range ground- and air-launched antiship cruise missiles and a variety of UAVs, Maritime Patrol Aircraft, and space-based surveillance platforms

- Advance conventional munitions (ACMs), to upgrade strike-aviation assets that might include high-performance aircraft, such as the SU-34
- Ground-based ACMs, including mobile surface-to-air missiles, guided munitions for multiple rocket launchers, and fiber-optic-guided munitions
- Nonnuclear EMP and high-powered microwave (HPM) munitions.
- Intelligent, if not brilliant, land and sea mines
- Advanced, low-observable platforms, including UAVs, antiship missiles, air-independent (AIP) submarines, and wheeled armored fighting vehicles.

A central feature of the strategy of the niche regional power will be to deploy sufficient regional capabilities to increase substantially the entry price to any U.S. expeditionary force without recourse to WMD weapons. Such an approach will be reinforced by the synergistic effect of a complementary WMD shadow.

Aside from exploitation of RMA-type systems in the theater of operation, one or more theater-peers or regional rogues might choose to bring the war home to the United States by exploiting cyberspace.

More conjectural, but not necessarily more controversial, is the prospect of MTWs becoming simply major wars in which targets in the United States could be attacked from cyberspace. The QDR calls for exploitation of the Revolution in Business Affairs (RBA), and of the concept of *focused logistics*, according to which all four services will move toward a "just-in-time" logistics system. From the perspective of the U.S. military's history, a shift away from the current logistics concept of "just in case" would be revolutionary. As posited by the QDR, the shift to a "just-in-time" logistics system could lead to major peacetime savings by reducing inventory requirements and increasing the efficiency of the process of repairing equipment. The strategic and operational benefits of moving to a *focused logistics* radically lower the logistics footprint of the U.S. expeditionary forces during an MTW; and a smaller footprint will reduce timelines for deployments of combat forces while also reducing the vulnerability of the in-theater logistics system to air and missile attacks. No longer

would there be a need for the massive dumping of supplies as in Operation *Desert Shield*, the Persian Gulf War buildup.

These powerful advantages could be offset if an opponent attacks the U.S. high-performance logistics system with cyberweapons and through cyberspace. War conducted from cyberspace means a conflict in an environment where the geolocation of attacker and target is nearly independent.

Aside from attacks through cyberspace designed to disrupt the rapid deployment phase of a U.S. expeditionary force, cyberattacks could be directed at the national strategic infrastructure (NSI) of the United States and key allies. Targets include the major elements of the national economy: the public telecommunications network, the financial and banking system, the electric power grid, the oil and gas networks, and the national transportation system--specifically, the air transportation system. All elements of the NSI are undergoing rapid, revolutionary changes under the pressures of privatization, globalization, and exploitation of IT.

Enormous economic benefits appear to be accruing to the U.S. economy, and the IT revolution may itself provide a partial explanation for the current steady economic growth accompanied by low unemployment and low inflation. These economic efficiencies may provide the United States with increasing commercial and economic superiority, but with that comes the risk of new strategic vulnerabilities. For private industry and commerce, public security and safety become cost centers to be avoided. Unfortunately, some of the NSIs that will evolve rapidly during the next decade may prove vulnerable to a variety of attacks from cyberweapons. One possible response by a regional opponent of the United States to the possible deployment of a U.S. expeditionary force is to cause a new strategic "fog of war." Without adequate back-track techniques, a strategic opponent of the United States might be able to conduct a disguised structured campaign that would cause mass disruption to civil society. This opponent may have nongovernmental allies located inside and outside the United States which, with or without the opponent's direct assistance, might conduct a cyberwar campaign that could distract and slow the decisionmaking process of the U.S. National Command Authority.

Finally, a future enemy could conduct a slow-motion strategic economic warfare campaign against private economic interests in the United States. A future high-performance criminal organization might be employed to conduct a campaign of strategic crime against the United States and its major allies. New opportunities for high-performance crime could use rapid deployment of a wide range of cyberpayments or electronic currency systems that facilitate the global transition to electronic commerce.

Biological Agents

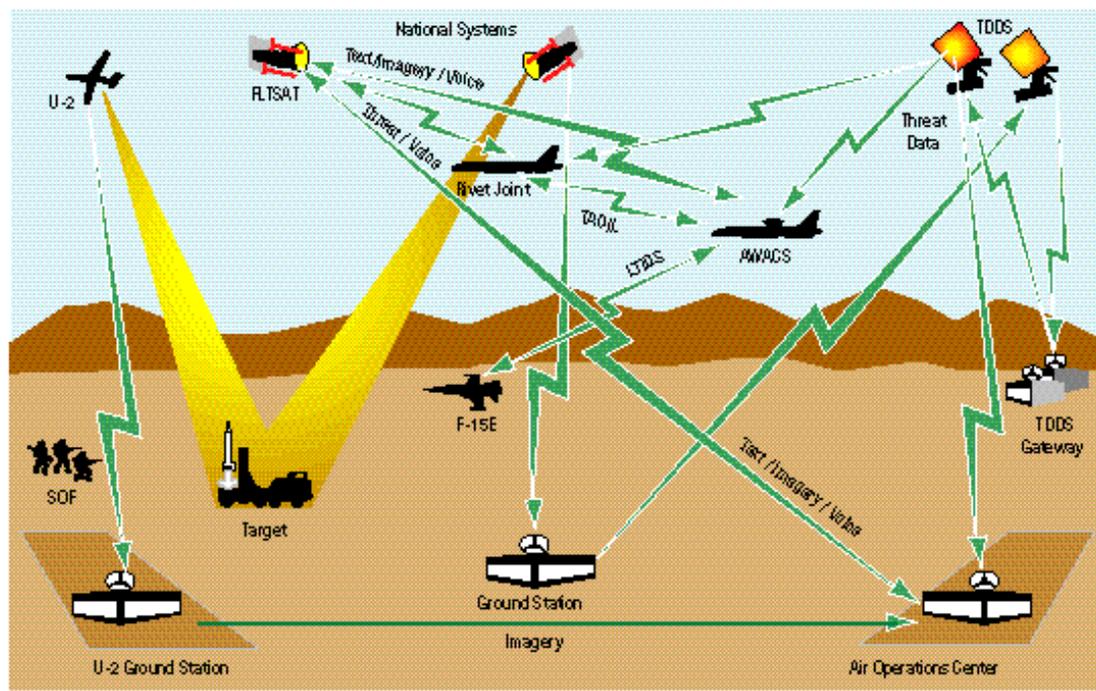
| Disease | Incubation time (days) | Fatalities (percent) |
|---|------------------------|----------------------|
| Anthrax | 1 to 5 | 80 |
| Plague | 1 to 5 | 90 |
| Tularemia | 10 to 14 | 5 to 20 |
| Cholera | 2 to 5 | 25 to 50 |
| Venezuelan equine encephalitis | 2 to 5 | <1 |
| Q fever | 12 to 21 | <1 |
| Botulism | 3 | 30 |
| Staphylococcal enterotoxemia (food poisoning) | 1 to 5 | <1 |
| Multiple organ toxicity | Dose dependent | |

Source: Department of Defense

Conflict in the form of cyberwarfare that would blur conventional boundaries between crime and war might prove attractive to an opponent that sees no strategic benefit in a direct confrontation of the military of the United States in a regional war.

The opportunity to conduct major military operations in a relatively pristine environment, such as the Kuwaiti theater of operations, is not likely in many future SSCs or plausible MTWs. As in the case of NATO military intervention in Bosnia, future military operations may be conducted in very adverse terrain and weather conditions. Opponents may attempt to take advantage of features of urban environment and mountainous or jungle terrain to reduce the effectiveness of U.S. forces highly reliant on RMA-type systems.

Strike II Architecture



Given the U.S. public's low tolerance of conflicts that do not involve the vital or major interests of the United States and their seeming unwillingness to accept casualties, future opponents may try to cause major casualties. General Aideed's successful response to the U.S.-led UN expeditionary force in Somalia in the fall of 1993 offers a model for potential opponents. U.S. forces are likely to be involved in a number of SSCs. The U.S.-led NATO intervention in Bosnia may profoundly color future administrations' views of the usefulness of having U.S. Armed Forces deal with civil and tribal or clan conflicts.

Deterring Saddam

Seven years after the end of the Persian Gulf War uncertainty remains, and no little controversy, about whether the threat of nuclear retaliation by the United States and its nuclear-armed allies, the United Kingdom, France, or Israel, deterred Saddam Hussein from authorizing the use of Iraq's extensive chemical weapon arsenal.

"The President had decided, at Camp David in December, that the best deterrent of the use of weapons of mass destruction by Iraq would be a threat to go after the Ba'ath regime itself. He had also decided that U.S. forces would not retaliate with chemical or nuclear weapons if the Iraqis attacked with chemical munitions. There was obviously no reason to inform the Iraqis of this. In hopes of persuading them to consider more soberly the folly of war, I purposely left the impression that the use of chemical or biological agents by Iraq could invite tactical nuclear retaliation. (We do not really know whether this was the reason there appears to have been no confirmed use by Iraq of chemical weapons during the war. My own view is that the calculated ambiguity regarding how we might respond has to be part of the reason.)"

--James A. Baker III, *The Politics of Diplomacy* (New York: Putnam's, 1995), 359.

"The other thing that occurred to me was the lack of military utility of nuclear weapons. In the Gulf War, we took inordinate measures to preclude unnecessary casualties. Nuclear weapons are such a gross instrument of power that they really have no utility. They work against you, in that they are best used to destroy cities, and kill women and children. Now first, that's morally wrong; second, it doesn't make sense; and then, of course, there is the real threat of nuclear weapons in the hands of irresponsible or desperate powers. If you own them, you legitimize them just by your own ownership."

--General Charles Horner, in Jonathan Schell, *"The Gift of Time,"* *Nation* (February 2/9, 1998).

Opponents

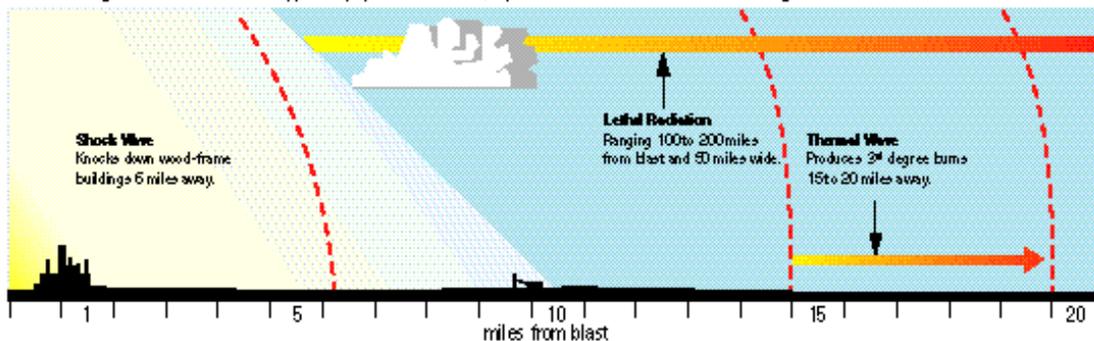
Large Transition States

An important implicit assumption of the QDR is the absence of a military threat by a global peer before 2010. Several credible theater-peer competitors may challenge U.S. interests as early as 2008. A theater peer, by definition, will have a transoceanic nuclear delivery capability. It will have a substantial technological and military industrial base to develop, exploit, and deploy selected elements of an RMA-class military systems. It will have a large regional military capacity. And it will have a substantial space program and access to much of the global aerospace industry through commercial sources.

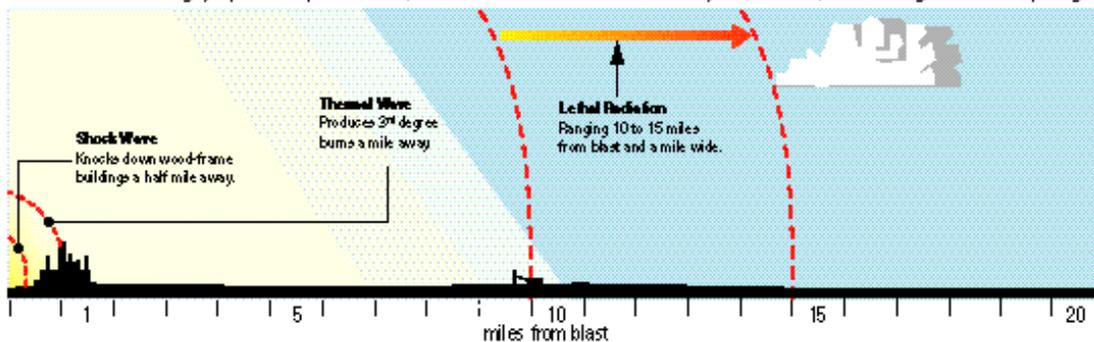
From the perspective of U.S. military planners, the arrival of future theater peers may be ambiguous. As transition states, they will probably both cooperate and compete with the United States on a wide range of strategic and geoeconomic issues. Such mixed relations will make any long-term U.S. strategy to use international monitoring or sanctions to restrict in a substantial way the diffusion of advanced dual-use or military technology ineffective. At present, the most plausible theater peers by 2008 are three large transition states: China, Russia, and India.

Bombs Designed for Underground Targets

Old: B-63 Large size means it can be dropped only by a B-52 bomber; explodes in midair with wide surface damage.



New: Modified B-61 Roughly equivalent in power to B-63, but smaller size means it could be carried by stealth aircraft; burrows into ground before exploding.



Source: Sandia National Laboratory

These three major powers may not pose a direct military threat to U.S. interests, with the possible exception of a future major military crisis between China and the United States over the disposition of Taiwan. More plausible is that the long-term strategic calculus of these powers may undermine central strategic assumptions of the QDR. First, Russia and China will probably give considerable emphasis to the role of nuclear weapons in deterrence and possibly warfighting, if only to counter U.S. preponderance in high-technology nonnuclear warfighting capabilities. India and Pakistan may follow the same rationale. If these major powers follow this nuclear emphasis strategy, it could prove to have an even more corrosive effect on the viability and stability of the NPT regime. Second, Russia and China have developed relations with several states--Iran, Iraq, Syria, and Libya--that the United States has defined as rogues, and they have become major exporters of military hardware and technology to these states. At the least, their relationships with Iran and Iraq will undermine the U.S. dual-containment strategy, by which it seeks to impose both international pressure and isolation on both regimes reminiscent of the Cold War. Most worrisome would be successful reestablishment of an alliance between either Russia or China and one or more of these rogue powers.

Patriot missile battery



China, Russia, and India may invest in leap-ahead technologies, include major investments toward directed energy, EMP, HPM, and cyberweapons systems designed specifically to undermine the U.S. concept of dominant battlefield knowledge warfare.

The biggest worry for the United States, as suggested above, may be the indirect strategic effect of a theater peer's behavior in a Eurasian region where the United States has vital interests.

Rogues

Current regional opponents (rogues) of the United States, specifically Iran and Iraq, may make major efforts to develop a geostrategic and geoeconomic alliance with either Russia and China or with both. Unlike the Persian Gulf War, where Iraq was geostrategically isolated, a future crisis involving Russia and China would be far more stressful for the U.S. military. The specter of limited wars in Korea and Vietnam looms large in the minds of U.S. military planners, and Washington might even rule out some high-performance reconnaissance strike options out of fear of escalation in a regional conflict.

With or without an alliance relationship, most potential rogue states will attempt to acquire the capability of a theater peer by 2008. Iran today continues to acquire a substantial WMD and long-range missile capability, and Iraq may soon follow, once UN economic sanctions are removed; the scientific and engineering cadre lies in wait. As already noted, the attractiveness of acquiring a regional WMD delivery capability is very powerful as a counter to U.S. power-projection capabilities. In parallel, rogue regimes will try to acquire a variety of niche capabilities to threaten or actually to raise the entry price of any major U.S. military intervention. Much of what the potential regional predator will do in the coming decade will probably be focused on undermining a U.S.-led political-military coalition, both in the region and at the United Nations.

Chemical Agents

| Agent Class | Agent Name | Rate of Action |
|-------------|--------------------|----------------|
| Nerve | Tibun | very rapid |
| | Sarin | very rapid |
| | Soman | very rapid |
| | GF | very rapid |
| | VX | rapid |
| Blister | Sulfur mustard | delayed |
| | Nitrogen mustard | delayed |
| | Phosgene oxime | immediate |
| | Lewisite | rapid |
| | Phenylchloroarsine | rapid |
| | Ethylchloroarsine | delayed |
| Choking | Phosgene | delayed |
| | Diphosgene | variable |
| Blood | Hydrogen cyanide | rapid |
| | Cyanogen chloride | rapid |
| | Arsine | delayed |

SOURCE: Department of Defense

Failed States

In Somalia and Chechnya, local insurgents led by charismatic leaders frustrated military operations by the United States and Russia, respectively. With the global increase in urban sprawl, future conflicts are liable to occur in cities rather than in the countryside. Urban terrorism has a long history of use as the strategy of the weaker military party. Hiding within a civilian population, many of whom are sympathetic to the policies, if not the immediate aims, of the terrorists, is a consistent strategy of opponents of a U.S. or multilateral military intervention viewed as hostile to that organization's strategic interests.

Insurgents have already acquired advanced infantry weapons, including man-portable anti-aircraft and antiarmor guided weapons, which

are spreading rapidly worldwide, reflective of the broader cascade of older weapons out of both NATO and the former Warsaw Pact nations. Insurgents in the near future will be able to exploit the three space-based assets--navigation, surveillance, and telecommunications--to support their own operations. Mobile telephones equipped with encryption technology will be very useful to insurgent leadership. Insurgents may behave like niche regional military powers that have acquired RMA-types of weapons and support systems. The basic strategy of the insurgent or local tough ordinarily is, as stated before, to raise the entry price for any U.S. or other intervention force and drive it from the local field of battle.

Transnational Criminals

Even gray zones of classic insurgent warfare may be blurred by the introduction as a major player in future conflicts of the transnational criminal organization (TCO).

The U.S. military has already faced the frustrating task of taking part in the protracted drug war against various TCOs operating out of Latin America, Asia, and the greater Middle East. The current focus of U.S. Armed Forces is to provide wide-area surveillance south of the U.S. border in support of U.S. law enforcement efforts to interdict the flow of illegal drugs. Especially in Colombia and Mexico, U.S. law enforcement has been thwarted by the ability of the various drug cartels to mutate rapidly and suborn local governments. Several nations may become dominated politically and financially by powerful criminal enterprises. Certainly, a number of Latin American countries have had to struggle against this challenge.

The phenomenon is global, and a potential worry is that some states may chose to use indigenous TCOs in a symbiotic way. Like the use in Elizabethan England of letters of marque during state-sponsored terrorism against Spain's seaborne gold traffic, TCOs may be used creatively by future opponents of the United States to prey on the economies of the industrial democracies without prompting any effective reaction. Cyberspace may prove a very attractive arena for conducting strategic crime campaigns that may unfold over several years.

The QDR Response

The drafters and designers of the QDR strategy were not unmindful of the possibility of asymmetric threats. In a number of areas, new initiatives have been taken to make U.S. forces more resilient to asymmetric responses, and in others the response can be best described as "work in progress."

Countering WMD

Major initiatives can be identified that provide a response to a probable and very worrisome asymmetric threat--the delivery of WMD weapons by long-range ballistic or cruise missiles, or both. Some of these initiatives are listed below.

Enhanced Counterforce:

- Improved Theater-wide Intelligence Surveillance and Reconnaissance (ISR). Major new programs include the deployment of the E-8, joint surveillance and target attack radar system (JSTARS), and Global Hawk/Dark Star long-range, unmanned aerial vehicle (UAVs). Improved hyperspectral, electro-optical, and synthetic aperture radar (SAR) sensors deployed on a wide range of air- and spacecraft.
- Deep Strike (1,000+ kilometer range) Systems. New programs include deployment of 21 B-2 Spirit low-observable (LO) bombers, new variants of the Tomahawk cruise missile, development of the supersonic Fast Hawk cruise missile, and upgrade of tactical aviation with a wide range of advanced conventional munitions (ACMs).
- Enhanced Special Operations Capabilities. The U.S. Special Operations Command has taken on the counter-WMD mission as a high priority. Newly trained teams and technical assets are being developed and deployed to provide for on-site seizure or destruction of WMD materials, infrastructure, and delivery vehicles. One of the important roles of SOF units in future counter-WMD operations will be to provide bomb damage assessment for a U.S. counterforce campaign.

Advanced Theater Missile Defenses:

- Terminal Missile Defenses. These include Patriot advance capability (PAC-3), the Standard Missile II Block 4A, and medium-extended air defense system (MEADs).
- Wide-Area Missile Defenses. The principal programs are the Navy theaterwide and the Army theater high altitude area defense

(THAAD) systems. Both are expected to reach initial operational capability (IOC) before 2005, but the development of a reliable exoatmospheric kinetic energy kill capability has proved challenging. Further out is the Air Force Airborne Laser (ABL) program. If successfully developed by 2005, it may startle the skeptics and usher in a new era of air-combat operations.

- Joint Cooperative Engagement Concepts. An important program will be to provide a joint aerospace defense theater-wide command-and-control system for the array of active defense systems to be deployed by 2005. Failure to develop such a program would radically degrade the effectiveness of any theater missile defense modernization program.
- Joint Theater Missile-Defense Operations:
- *Roving Sands*. An innovative effort led by the Army is to practice joint counterforce and active-defense operations against the threat of mobile tactical and cruise missiles. Operation *Roving Sands* may be the precursor to a permanent National Training Center (NTC) type of operation where all the services can practice the "SCUD hunt."

Hezbollah guerrilla

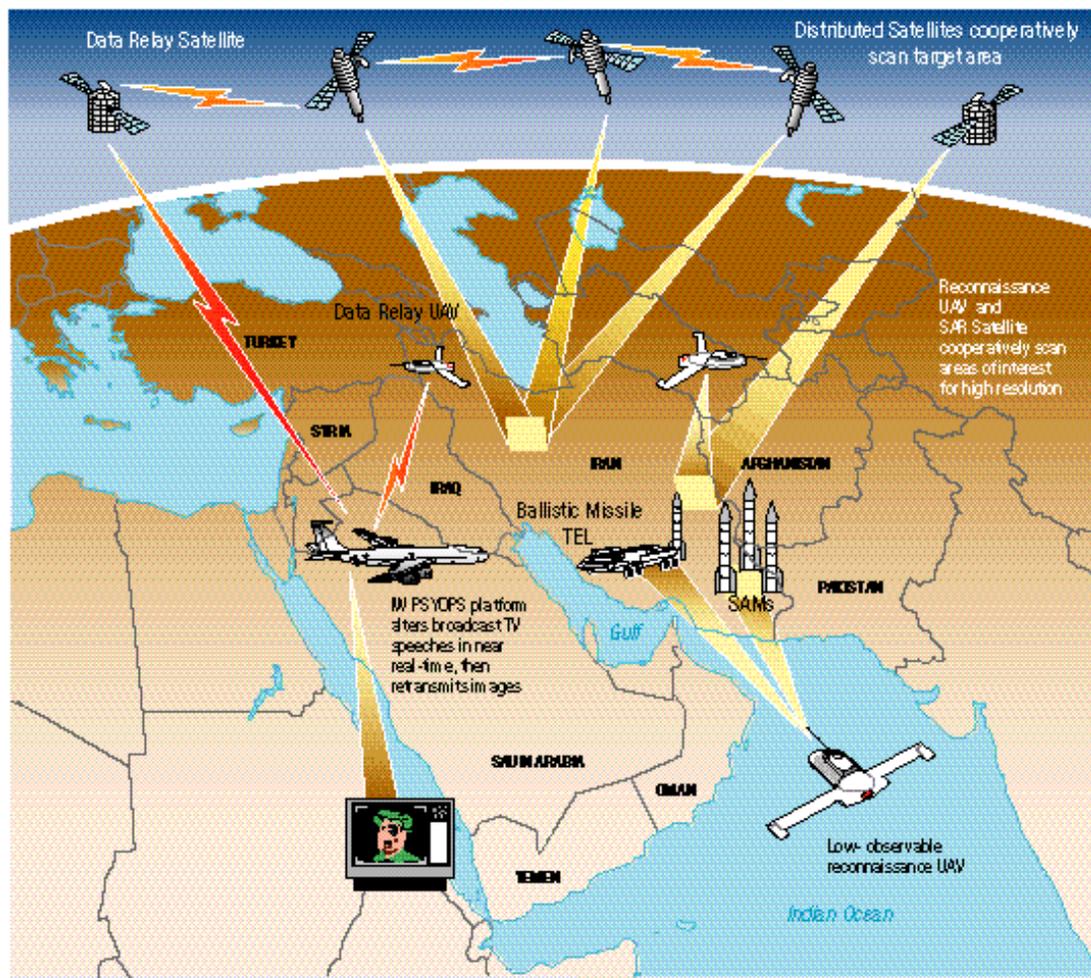


Joint Passive Defense Measures:

- BW or CW passive defense. Many programs are underway to enhance the passive protection of U.S. field forces against the threat of BW and CW weapons, including development of enhanced local- and wide-area warning and attack characterization sensors.
- Enhanced Combat Engineering. Although no dramatic new initiatives are planned, substantial Army and Marine combat engineering capability will be maintained. These units will be a critical part of any early deployment force and will provide field-expedient shelters and fighting positions against the threat of long-range missile fire. Field-expedient shelters radically reduce the lethal radius of nuclear weapons, especially the lower yield variety, which are likely to be in the early inventory of a state which is a successful proliferator.
- Lowering the In-Theater Footprint:
- Focused Logistics. There are compelling peacetime reasons to exploit the revolution in business affairs (RBA). Various "total asset visibility" programs will allow future U.S. expeditionary forces to reduce their vulnerability to attack by long-range missiles by relying more on various "just-in-time" logistics concepts. The prospect of a major innovation in logistics is enhanced by QDR plans for robust strategic and intratheater air- and sealift programs. Noteworthy are the C-17 wide-body airlifter, C-130J, and V-22 programs. By the turn of the century, U.S. sealift and maritime pre-positioning programs will have undergone major modernization. Finally, the Army continues to upgrade its helicopter and truck fleets.
- Fighting with Dispersed Units and Indirect Fires. The QDR emphasizes deployment of a variety of long-range fire systems, including Army and Navy tactical missile systems (TACMS) equipped with brilliant munitions, tactical aircraft equipped with ACMs, helicopter gunships, and a new generation of tube and rocket artillery equipped with enhanced munitions. Especially in the early phase of MTW, when the menace of long-range missiles armed with WMD warheads is most severe, Army and Marine ground combat units will be able to fight in a more dispersed and agile fashion while relying heavily on long-range indirect fires and a focused logistics system.

All these initiatives suggest that embedded in the QDR is a very robust response to the WMD threat. A key to the success of these programs, aside from steady funding, is whether they will be effectively orchestrated by an overarching counter-WMD campaign. Such a campaign would require all the services to make major commitments to the development of new operational concepts and to a vigorous training program. Like the antisubmarine warfare (ASW) challenge, counter-mobile missiles armed with WMD warheads would be very difficult to produce.

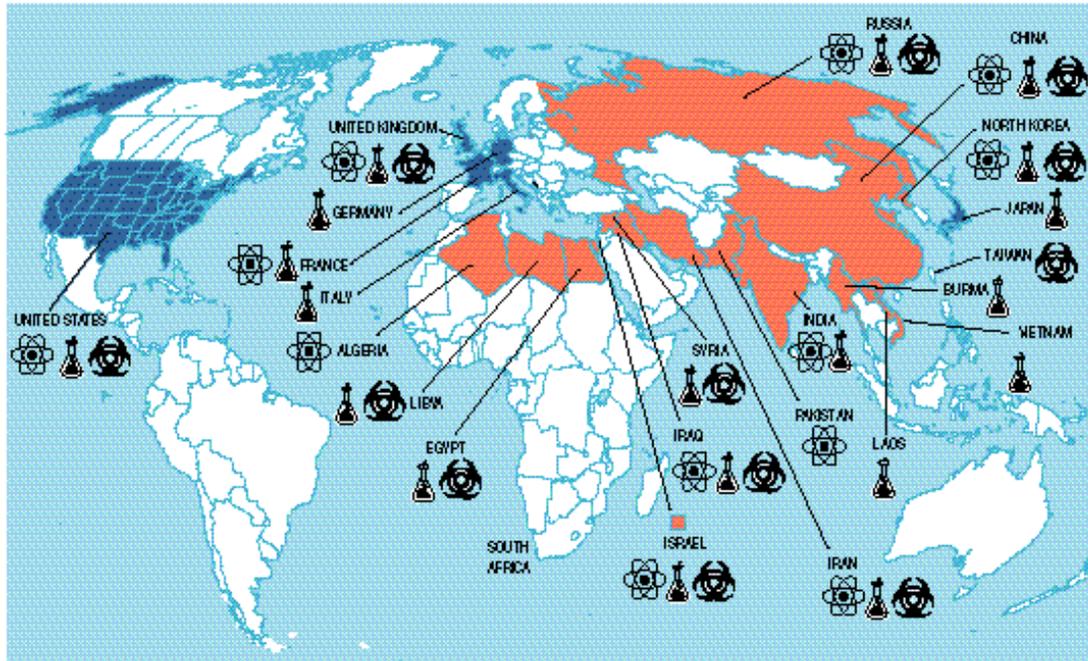
Reconnaissance, Surveillance, and Information Warfare



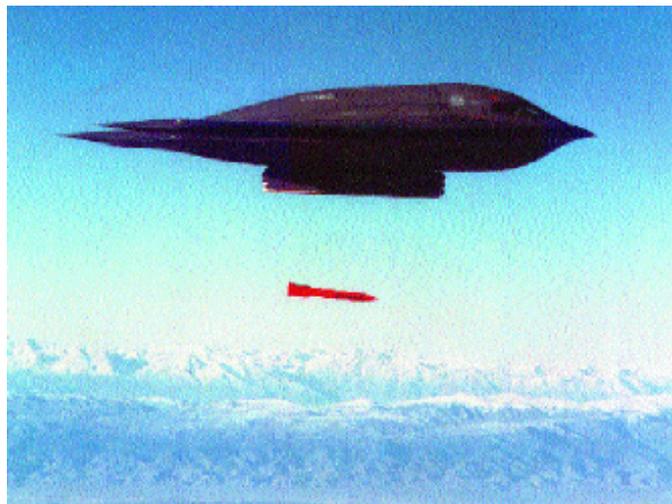
Finally, the issues of electro-magnetic pulse (EMP) and high-powered microwave (HPM) weapons are troubling. The limited use of nuclear weapons above the atmosphere can generate wide-area electromagnetic effects. The United States and other countries with advanced technologies have vigorous programs to develop nonnuclear-driven EMP and HPM weapons. A major policy issue apparently not fully resolved by the QDR is whether the next generation of key weapons systems and their associated C⁴ISR should be made resilient to this class of weapons effects. Electromagnetic hardening imposes a tax that many program managers would prefer not to pay. Without a coherent program, the risk remains that by 2008 many of the advanced weapons deployed with U.S. expeditionary forces will have a glass jaw.

This problem will not go away, even were U.S. planners convinced that the threat of nuclear retaliation would deter the next first use of a nuclear weapon. WMD weapons may be deployed in a way that causes major material damage and disruption without also incurring mass military and civilian casualties.

The Spread of Weapons of Mass Destruction



| Weapon | Governing Treaty | Original Possessor States at Treaty Signing | Problem States |
|--|-------------------------------------|--|--|
|  Nuclear | Nonproliferation Treaty, 1970 | United States, United Kingdom, France, China, and Soviet Union | Israel, India, and Pakistan. Active proliferators include Iran, Iraq, Algeria, and North Korea |
|  Chemical | Geneva Protocol, 1925 | United States, United Kingdom, France, Soviet Union, Germany, Japan, and Italy | Egypt, Iran, Iraq, Israel, Libya, Syria, North Korea, Burma, Vietnam, China, and Russia |
|  Biological | Biological Weapons Convention, 1975 | United States, United Kingdom, Soviet Union, and China | Iran, Iraq, Libya, Syria, Israel, Egypt, Taiwan, Vietnam, North Korea, and Laos |



B-2 dropping B61-11 bomb

Countering High-Tech

One powerful argument for investment in a robust counter-WMD and countermissile capability is that it provides for enhanced warfighting abilities across the spectrum of conflict. Forces that can conduct a countertheater missile campaign in a WMD-shadowed environment will be very well equipped to destroy classical military threats. Put another way, if you can conduct an effective SCUD hunt, you can smash tank armies.

Although there was an interservice quarrel over which array of weapons systems could best defeat a classical mechanized invading army, the QDR chose instead to invest in a variety of "tank killing" systems. Many of these are mentioned above, in the discussion of counter-WMD and countermissile operations.

The United States is developing a range of capabilities designed to counter asymmetric high-tech weapons. These efforts include:

- **Gaining Dominant Battlefield Knowledge.** An array of airborne and spaceborne sensors will be deployed in the next decade. Simultaneously, selected services will take the lead in deploying robust offensive EW capabilities, including the Navy's commitment to the joint Air Force/Navy EA-6B program. Although expensive, a large fleet of intelligence-collection aircraft includes the Air Force Rivet Joint and the Navy EP-3.
- **Robust Suppression of Enemy Air Defense.** An array of countermeasures has been developed to defeat the evolving threat of surface-to-air missiles. Most worrisome is the global diffusion of advanced electro-optically guided man-portable surface-to-air missiles. Airborne countermeasures will be developed and deployed during this decade to reduce this threat radically.

Low-Observable Combat Vehicles and Stand-Off Capabilities:

- **Continued Investment in low observable (LO) Vehicles.** The QDR program calls for investment in several very expensive LO programs. Although production of the B-2 will probably be capped at 21 aircraft, two major tactical fighter programs, the F-22 and JSF, emphasize LO features, which significantly increase the ability of both combat aircraft to operate in hostile airspace.
- **Diverse ACM Program.** The overall effectiveness of U.S. combat aviation, both long-range bombers and fighter bombers, will be radically enhanced by mass deployment of the next generation of guided munitions such as joint stand-off weapon (JSOW), joint direct attack munitions (JDAMs), and the wind-corrected tactical munitions dispenser. Further, the Air Force and Navy are deploying a variety of stand-off weapons, including the tri-service attack missile, extended range (TSAM-ER) and the joint service stand-off attack missile (JSSAM). All these munitions will dramatically increase the productivity of each sortie against fixed and mobile targets. Enhanced productivity will allow air campaigns to be conducted with great effect and dramatically reduce sortie rates.

Fighting for the Littoral:

- **Enhanced shallow antisubmarine warfare (ASW) and countermine programs.** After several brutal wake-up calls, the Navy appears heavily committed to development of enhanced countermine capabilities. Without a major upgrade in sea-mine countermeasures, various littoral states will be able radically to restrict the use of their neighboring water by the Navy. The arrival of the air-independent propulsion (AIP) non-nuclear-powered submarine offers a new undersea menace. Although the Navy may not be seriously challenged in open ocean, littoral ASW remains a major challenge.
- **Defeating the Antiship Missile.** An enhanced SCUD hunt capability will provide additional benefits. For the Navy, a major challenge is that a niche opponent will effectively close a littoral region to naval surface forces by deployment of ground- and air-launched antiship missiles. Already Iran is moving down this track. Another major challenge for the Navy will be to develop a neutralization campaign that will neutralize mobile missile launchers. Further major upgrades to shipborne active defense are under way, including continuing modernization of both terminal and wide-area active defenses. An unmet need is the deployment of a long-endurance airborne sensor designed to detect sea-skimming LO antiship missiles that may approach their target at supersonic speed.
- **Enhanced Amphibious and Logistics over the Shore (LOTS) Systems.** Major ports may be vulnerable to missile, air, and special operations attacks, especially in the early phases of an MTW. The QDR calls for continued investment in a robust over-the-horizon amphibious capability, especially with deployment of the V-22 on new-generation large-deck amphibious ships. Further, the Army and Navy continue to invest in the LOTS program that provides for over-the-beach logistics operations. Both programs will allow U.S. forces to bypass ports damaged or blocked by mines.

Night Fighting Superiority:

- **Enhanced Night Operations.** The QDR program supports a vigorous effort by all services to take advantage of the revolution in electro-optical technology to provide a 24-hour-a-day combat capability. U.S. superiority in night fighting was revealed during the 100-hour ground operation of the Persian Gulf War. Further advanced systems are in development, which should sustain U.S. tactical superiority for another decade. Beyond 2008, the situation will become problematic, because night-vision systems have become a major feature of the global arms market. One area in which the United States may remain ahead is electro-optical countermeasures.

Soldiers in CBW gear

Countering IW



The United States has also taken steps to counter cyber weapons, including:

- Organizing for Cyberwar. All four services have information operations (IO) or information warfare (IW) centers. At present, the Air Force appears the most energetic in developing offensive and defense IO techniques and doctrine. One major challenge for the services will be to develop effective institutional programs that can conduct risk-assessment programs. There is a real need for a systematic understanding of tradeoffs between the benefits of acquiring major C⁴ systems from COTS sources and the risks from their vulnerability to attacks by cyberweapons, ranging from computer viruses to electromagnetic weapons. Another unresolved issue is how DoD and the larger Federal Government should organize a credible tactical warning and attack assessment system to alert the NCA to major threats to "cyberpeace."
- A Minimum Essential Information Infrastructure (MEII). An important but unresolved issue is whether the U.S. military should develop the capacity to seize control of a portion of the national if not global information infrastructure, to insure continuity of military operations during an MTW in which an opponent conducts a strategic information-warfare campaign. Other options include the more indirect approach of the Federal Government to provide tax and other incentives to owners and operators of the National Strategic Infrastructure to build robust systems capable of defeating the effect of cyberweapons by direct defenses or rapid reconstitution measures, or both.

Implicit in the QDR strategic planning is the assumption that the United States will remain at the leading edge of military and dual-use technologies. Overall, this is indeed likely for the next 10 years. But deployment of advanced silicon-based weapons systems coupled with focused logistics produces emerging vulnerabilities. Some programs will be needed to nurture effective long-term responses.

Further Work

Even against the niche player that acquires RMA-type weapons, QDR-designed forces should have a robust capability to prevail in major combat operations. What remains uncertain is whether U.S. combat casualties will rise substantially during future SSCs or MTWs. Even with enhanced capabilities, U.S. commanders may not escape the reality that their combat units may suffer sharp but limited casualties during the high-intensity phase of any military operation. Obviously, the central political-strategic question for the NCA is whether the prospect of such casualties is worth the cost. Clearly, a regional player or local tough will try to prompt the answer "no." This chapter does not try to establish whether military leaders should either attempt to warn its political masters of this possibility, or continue to support the fiction, based on the unique experience of the Persian Gulf War, that war is a blood-free sport.

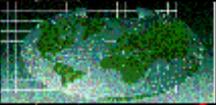
Aside from the threat of niche players and local toughs acquiring RMA-type technologies, several major powers, including potential theater peers, are likely to invest in the next generation of leap-ahead technologies.

[Return to My D-Base](#)

1998

Strategic Assessment

Engaging Power for Peace



CHAPTER TWELVE

Nuclear Weapons

Since the dawn of the nuclear age, the United States has been engaged in an ongoing debate--internally, with its allies, and with the international community--about its nuclear strategy. This has included vigorous discussion and analysis of the types of weapons that should be built and deployed, the characteristics of delivery vehicles for them, the targets to which these weapons should be assigned, the alert status of forces, and the relationship between how the weapons might be used (employment policy) and what senior government officials should say about their use (declaratory policy). The debate has addressed the requirements for deterrence of adversaries and reassurance of allies and examined the relationship of the U.S. nuclear force posture to the U.S. nonproliferation goals. In recent times, it has focused in detail on how far and how fast nuclear force reductions should proceed. This chapter deals with the nuclear issues that bear on U.S. security in the immediate future, that is, in the next two decades. The discussions of political issues that could shape the nuclear policy are offered in the specific chapters on regional security.

Response Capabilities

For five decades the United States has maintained a large, sophisticated nuclear force, which, until the end of the Cold War, was to do the following:

- Deter a nuclear attack on the continental United States by the Soviet Union
- Deter a nuclear or conventional attack by Warsaw Pact forces on U.S. allies in Europe
- Deter an attack on Japan or South Korea by the Soviet Union, China, or North Korea
- Reassure U.S. allies that U.S. commitments to their security were sufficiently credible for them to maintain high confidence in U.S. security guarantees and therefore not to entertain seriously the acquisition of their own nuclear forces.

To achieve these missions, the United States deployed a mix of strategic nuclear forces based on a triad of delivery vehicles: intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers. At the height of the Cold War, roughly 12,000 nuclear warheads were deployed on about 2,000 delivery vehicles, all in a high-alert status to preclude the Soviet Union from executing a disarming first strike on U.S. nuclear forces. In addition to these strategic forces, the United States deployed nuclear weapons on the ground, on dual-capable aircraft in Germany and other NATO member states, and on carrier-based aircraft. More than 7,000 nuclear weapons were at one time deployed in Europe. Security guarantees were codified through the declaratory policy of extended deterrence. The United States led NATO's adoption of a flexible response policy, indicating a willingness to use whatever level of force was required to defeat the aggressor. To shore up these guarantees the United States refused to pledge no first use (NFU) of nuclear weapons, implicitly reserving the right to initiate nuclear weapon use should circumstances warrant it.

Minuteman



U.S. nuclear strategy in Europe evolved as relations between the United States and the Soviet Union improved after Mikhail Gorbachev took power in Moscow in 1985. In 1987, the two superpowers completed the Intermediate Nuclear Forces in Europe (INF) Treaty, which eliminated deployment in Europe by both sides of all nuclear weapons capable of delivery in the 500- to 5,500-kilometer range. For the West, this was significant, because it eliminated the Soviet SS-20 intermediate range ballistic missile (IRBM) force, which would have been a potent Soviet asset for political coercion or in the event of war in Europe.

Since the end of the Cold War and the collapse of the Soviet Union in 1991, the United States has undergone considerable rethinking about the roles and missions of nuclear forces. Such rethinking is likely to continue in the next two decades, as the United States adjusts its force posture to emerging international realities.

Overall, the quantitative deployment levels of U.S. and Russian strategic forces are limited by the Strategic Arms Reduction Treaty (START) I of July 1991, signed by Presidents Bush and Gorbachev. The treaty entered into force in December 1994 and is scheduled to be fully implemented by the end of 2001. Although it calls for numerical parity of forces, this may be misleading. Some students of nuclear forces and policy, noting severe budgetary constraints, decline in equipment reliability, and deterioration of morale that have plagued Russia since at least 1992, believe that the United States enjoys a superiority in operational effectiveness of the forces. If true, that may be a military distinction without a difference, given Russia could still deliver enormous destruction against the continental United States if its leaders chose to do so. Moreover, the humiliating Russian defeat in Chechnya suggests that for some time Russia will derive its "great power" status primarily from its nuclear arsenal and will therefore probably do what it can to maintain a modernized force that could remain impressive to Western analysts. According to Andrei Kokoshin, former Russian Deputy Minister of Defense and, who at this writing is the national security adviser to President Yeltsin, "Nuclear weapons, especially strategic nuclear forces, also play no small role in defining the status of our state, and by that parameter, Russia remains a superpower."

The 1994 Nuclear Posture Review

The NPR completed and extended President Bush's initiatives in several important aspects:

- It created no new mission or scenario for nuclear-weapon use and articulated the premise that nuclear weapons play a smaller role in U. S. security today than at any other time in the nuclear age.
- It codified that the United States no longer targets any country with strategic nuclear forces on a day-to-day basis.
- It specified that U.S. strategic bombers were taken off alert. Further, more ballistic missile submarines now patrol on "modified alert" out of the range of their targets than on an "alert" status. The U.S. airborne command and control posts now operate at a reduced tempo.
- It called for continued reduction of defense expenditures for strategic nuclear forces and in the number of associated personnel. The

levels for FY 97 were roughly one-third those of FY 88.

- It terminated U.S. ground-force nuclear capability and training for nuclear missions. By FY 97, the number of U.S. nuclear weapons deployed in Europe was down from a peak of 7,000 to "hundreds."
- It mandated that all nonstrategic nuclear weapons, including nuclear cruise missiles, depth charges, and torpedoes, be removed from surface ships, multipurpose submarines, and land-based naval aircraft bases. The capability to deploy such weapons on U.S. surface ships has now been eliminated.
- It continued the reduction of the overall U.S. nuclear stockpile--a 59 percent reduction from FY 88 to FY 97. Ninety percent of the nonstrategic nuclear stockpile and 47 percent of the strategic nuclear stockpile have been eliminated.
- It called for the continued elimination of nuclear warheads. By mid-1997, nearly 10,000 strategic and nonstrategic nuclear warheads had been eliminated. Since September 1993, the United States has unilaterally removed more than 225 metric tons of fissile material from its nuclear stockpile and offered to place it under the safeguards system of the International Atomic Energy Agency.

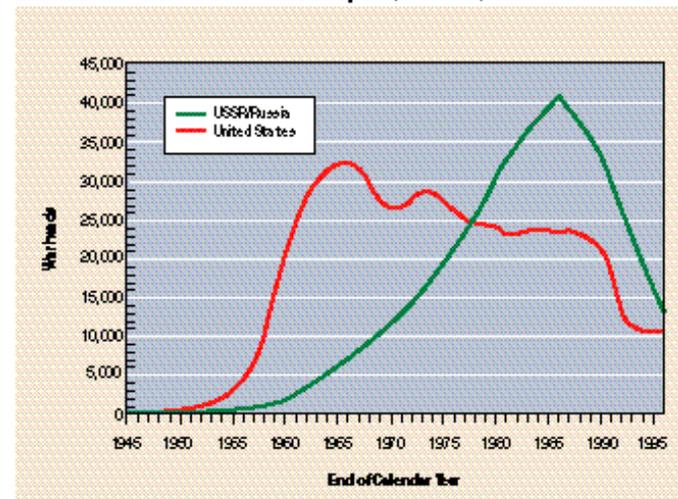
United States

For the United States, the main policy lesson has been the political value of sustaining a nuclear arsenal second to none--numerical parity coupled, if possible, with operational superiority--to complement superiority in conventional forces and in the unparalleled strength of its economic, technological, and industrial base. Some doubt that the United States needs to maintain nuclear forces greater than or equal to Russian capabilities, on the grounds that Russia is no longer a world power and unlikely to become one again for decades. But this reasoning is shortsighted. A vibrant nuclear force posture is the only politically feasible stance that would pass muster before intensive congressional scrutiny and reinforces the overall image of the United States as the only surviving superpower in the post-Cold War world, an image and a reality that serve U.S. strategic interests.

These favorable conditions have, however, permitted the United States to take significant unilateral steps to streamline its forces. In 1991-92, President Bush endorsed a set of nuclear initiatives, which, along with President Clinton's 1994 Nuclear Posture Review, have led to substantial reductions in the scope and character of the U.S. nuclear posture. President Bush cancelled the Peacekeeper rail mobile ICBM, a new small ICBM, and a new short-range attack missile (SRAM II); curtailed production of new warheads for sea-based missiles; ended production of B-2 bombers and the advanced cruise missile; and approved worldwide withdrawal of nuclear artillery shells, Lance missile warheads, and naval nuclear depth bombs.

In November 1997 President Clinton approved a Presidential Decision Directive (PDD) that reaffirmed a force posture based on a triad of strategic forces but required that a nuclear weapon be detonated on U.S. soil before nuclear retaliation would be authorized. The PDD reconfirms that the United States would not use nuclear weapons first in a conflict unless the state that attacked the United States, its allies, or military forces is nuclear capable or is in alliance with a nuclear power or is not in good standing in the nuclear nonproliferation treaty. The PDD leaves open U.S. nuclear weapon use in response to a biological or chemical weapons attack, but it reaffirms that nuclear weapons are for deterrence and not to be used to prevail in a nuclear war.

U.S.-Soviet/Russian Nuclear Stockpile (1945-96)



Source: Nuclear Weapons Database, January 1997

Beyond these unilateral initiatives, the disposition of strategic forces has been governed through much of the 1990s by the START I agreements and, potentially, by the START II Treaty signed by Presidents Bush and Yeltsin in January 1993. START I called for the reduction of the total number of deployed strategic warheads to 6,000, roughly half the peak Cold War level. Implementation of the treaty is running ahead of schedule. START II was ratified by the United States in January 1996 but has yet to be ratified by Russia. Until this treaty enters into force, U.S. strategic nuclear forces will include the following:

- 500 Minuteman III and 50 Peacekeeper ICBMs armed with multiple independently targetable reentry vehicles (MIRVs)
- 18 Ohio-class ballistic missile submarines, each carrying 24 SLBMs with MIRVed warheads
- 71 B-52 bombers, each equipped to carry 20 air-launched cruise missiles (ALCMs)
- 21 B-2 bombers, carrying up to 16 gravity bombs each.

The START II Treaty, if implemented, would reduce the number of deployed strategic warheads to 3,000-3,500, roughly half the START I levels. It also calls for elimination of all MIRVed ICBMs, an important contribution to strategic stability, because this would eliminate the most potent and potentially vulnerable systems of each side's nuclear arsenal. If implemented, U.S. nuclear forces would contain:

- 500 Minuteman III ICBMs, each deployed with a single warhead
- 336 Trident II SLBMs, each deployed with five warheads
- B2-A and B-52H strategic bombers deployed with a mix of nuclear-armed cruise missiles and gravity bombs. The United States would also retain 350 nuclear-armed sea-launched cruise missiles and several hundred Air Force tactical bombs.

According to the joint statement on future reductions in nuclear forces issued by Presidents Clinton and Yeltsin at Helsinki in March 1997, once START II enters into force, a START III negotiation would commence, to establish a limit of 2,000 to 2,500 deployed warheads for each side by the end of 2007. The START II deadline would then be extended from 2003 to the START III deadline of 2007.

The effect of implementing these arms control agreements would be a dramatic reduction in the U.S. strategic nuclear arsenal in 17 years, from 1990 through 2007.

Russia

Russia has experienced a similar decline in its strategic forces. Over the next 10 years the United States intends to maintain survivable nuclear forces that are sufficient to retain superiority in the eyes of potentially hostile foreign powers. This is a "hedge" strategy against the accession to power of hostile elements in Russia or the development of a hostile China. The strategy requires forces that provide an effective deterrent within arms-control treaty limitations, plus maintenance of a capability to reconstitute additional forces if needed. It constitutes the near-term concern now driving the immediate requirements of the U.S. nuclear force posture.

What are the implications of this strategy for the forces? For most or all of the next decade the United States will need to maintain a triad of ICBMs, SLBMs, and heavy bombers to ensure a diversity of delivery vehicles and to continue to deny any potential adversary the ability to launch a disarming first strike. So long as U.S.-Russia political relations remain largely cooperative, these forces need not be on high alert and could be reduced significantly in number and type through both arms control negotiations and unilateral measures. Their modernization rate can be meaningfully slowed, but modernization should not be terminated to hedge against technological surprise by Russia, China, or other powers.

Tammuz-2 reactor at Tuwaitha, Iraq



During the next decade, two concerns for U.S. nuclear strategists will be the status of the command and control of Russian nuclear forces and a possible surge in capability of Chinese nuclear forces. Some students of Russian nuclear weapons policy believe that control of these weapons has seriously deteriorated, that budgetary constraints have led to a decline in the reliability of equipment and systems, and that the probability of accidental or unauthorized launch has increased dramatically since the end of the Cold War. The detargeting agreement reached by Presidents Clinton and Yeltsin provides some insurance against an accidental launch. Yet some believe a substantial risk of "erroneous use" of nuclear weapons remains, such as conscious decisions by military or political leaders to use such weapons based on incomplete or inaccurate information, faulty reasoning, misinterpretation of intentions by other countries, or hasty decisionmaking. Reports of a deterioration in Russia's missile-attack warning system lend credibility to

these concerns. Therefore, measures to enhance the safety of the forces through "de-alerting" ICBMs and heavy bombers will need to be considered. De-alerting SLBMs is exceedingly difficult unless the ballistic missile submarines were put to sea without their guidance sets, a step that political circumstances do not yet warrant.

As U.S. and Russian nuclear forces are reduced, issues of seemingly less importance rise in value: the role of nondeployed weapons; strategic reserves; and questions of what targets should or should no longer be held at risk.

CSS-2 missile



China

A surge in Chinese nuclear forces in the years ahead, though by no means a certainty, is plausible. As of 1997, China possessed a modest capability of 17 ICBMs: 7 CSS-4 intercontinental range missiles that have been tested with MIRVs, and 10 older CSS-3 single-warhead ICBMs. China also has one ballistic missile submarine with 12 long-range CSS-N-3 missiles and perhaps 70 intermediate-range ballistic missiles. It has no intercontinental-range heavy bombers. The pattern of Chinese missile development appears cautious, reflecting budgetary or technological constraints or limited political will to invest heavily in such forces. Recent accounts of China acquiring advanced (SS-18, SS-19) missile technology from Russia and the continued growth of the Chinese economy and defense budget suggest that new Chinese nuclear forces will probably be concentrated in more advanced ICBMs, because they are the most reliable, most cost effective, most easily controlled, and most potent.

China seems less likely to invest defense resources in an expensive fleet of ballistic missile submarines, which are a cornerstone of U.S. strategic strength. Even were China to overcome the considerable technological obstacles to field such a force, it would face a considerable U.S. antisubmarine warfare capability that would make its own effectiveness highly uncertain. Relying on more advanced ICBMs gives the Chinese an opportunity to move slowly beyond China's minimum deterrent posture; to derive the political benefits of being a growing nuclear power; to threaten the U.S. homeland in a credible fashion; and possibly to use these forces to deter U.S. retaliation if China were to use conventional forces against Taiwan or in other contested areas in East or Southeast Asia. Because the United States does not now plan to reduce its nuclear arsenal below 2,000 deployed warheads for at least a decade, China has a very long way to go before even a dedicated surge capability would pose a serious threat to the U.S. strategic nuclear force posture.

Shaping the Strategic Environment

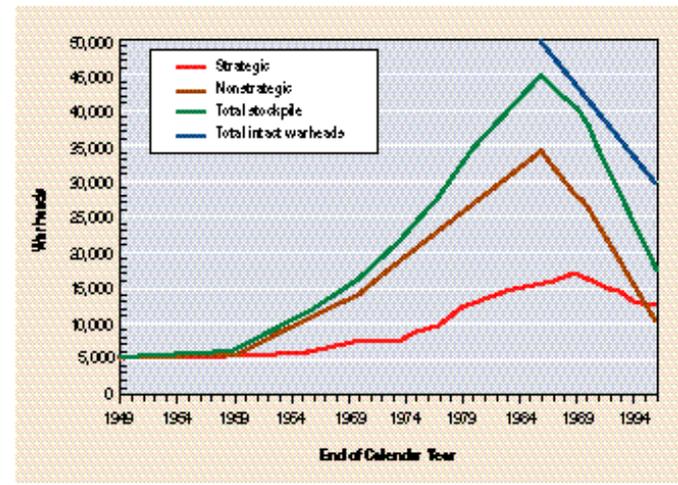
The strategic characteristics of the present world are sufficiently amorphous and uncertain that it is often now referred to as "the post-Cold War world." How long will it last? What will replace it and how will it be known? Answers are not yet in view, but the years immediately following the collapse of the Soviet Union revealed several important features. The United States is now the unchallenged military leader and predominant economic power, facing no primary threats to its existence for the first time since prior to World War II. Such U.S. primacy and the absence of threat are interrelated. Unless and until Russia and China make a clear-cut transition to political democracies and it becomes self-evident that no other state poses a serious threat to vital U.S. interests--and it may be many years before these conditions are met--the United States is best advised to maintain a nuclear force with a capability and flexibility second to none.

Averting Conflict

As the United States seeks to avert conflicts in the next decade, it will be faced by two primary challenges. The first will be to provide a blend of incentives and disincentives to promote the transition of Russia and China into political democracies and market economies. The reasoning behind this priority is that as Russia and China begin to look more like the Western nations, they will have more at stake in the existing international order and decreasing incentives to pose a threat to the system. Under these conditions of unambiguously reduced threat, the United States can take bolder steps in reducing its nuclear arsenal. Second, in the next decade the United States will most probably be faced by several smaller hostile states armed with WMD. To deal with this threat, the United States must establish credible and effective counterproliferation measures involving passive and active defenses, deterrent measures, and counterforce systems.

Russia

Soviet/Russian Nuclear Stockpile (1949-96)



SOURCE: Nuclear Weapons Database, January 1997

Russia, a shell of the former Soviet Union, is undergoing profound political and economic change. By 2008, it will have experienced another decade of decline, reform, and, perhaps, renewal, in a delicate process necessarily to be managed carefully by its leaders and nurtured so far as possible by both Washington and the international community. Nuclear forces will remain important to Moscow, primarily as a domestic and international political symbol of its former superpower status, but in the next 10 years Russia is unlikely to brandish such weapons, much less use them, in a conflict. Although Russian strategic rocket forces retain a practical capability to strike massively at the U.S. homeland, what would be gained? Such action would achieve no sensible Russian strategic objective and would certainly lead to the destruction of the Russian state. To the contrary, the Russian people have already twice democratically elected a leadership committed to joining, rather than destroying, the international community of market economies. Continuation of this pattern is the best insurance policy that Russia's nuclear forces will not pose a serious threat to the West.

Maintaining U.S. and Russian strategic nuclear forces will guarantee a degree of mutual deterrence, no matter what analysts may term the relationship. This might even be augmented with what some analysts call "mutual reassurance," that is, actions aimed at improving the understanding of each side's nuclear force posture. These actions could include the following: more complete exchanges of information; reciprocal stationing of military personnel at strategic command centers; and a broad-based effort to understand each other's budgets, war planning, operational procedures, and longer term force planning. Continued bolstering of the U.S.-Russian political relationship could make these aspirations, currently somewhat beyond reach, eminently feasible in the next 10 years. Accomplishing this task would in turn bolster Russia's political ties to the international community and help facilitate the closest integration of Russia with the West since the Duchy of Muscovy was founded 1,000 years ago.

Russian conventional forces are in the weakest shape since prior to World War II; their performance in Chechnya demonstrated serious deficiencies in morale, training, and readiness. A massive infusion of funds for many years would be needed to turn this situation around, and Russia will not have the resources to carry out this effort for at least a decade. With an enlarged NATO about to include Poland, Hungary, and the Czech Republic, Russia, even in 2008, will not be likely to pose a serious conventional military threat to its European neighbors. A U.S. nuclear force posture predicated on the maintenance of a reduced but highly survivable and effective force, coupled with greater interaction in U.S.-Russian planning, would be the best way to ensure that conflict with Russia can be averted in the next 10 years.

China

China remains more problematic than Russia but for the next decade can be expected to focus on its primary goal of economic development. By 2008, it could move closer toward becoming a world-class economic and perhaps even military power. But these goals can be achieved only in a peaceful international climate. With the exception of Taiwan, there is no rational reason for the Beijing leadership to take on the United States in a military conflict, even in 2008. Taiwan is the exception because its political status strikes at the core of the legitimacy of the Beijing regime. With the reversion of Hong Kong to Chinese rule in 1997, under the "one country, two systems" formulation, Taiwan remains the last piece to be put into its political place to complete the 1949 revolution. A move by Taipei toward political independence would be opposed by the leadership in Beijing, or they themselves would almost certainly fall. There is no evidence that the United States would endorse such a provocative act openly or even privately. Although China has significant disputes with many states in East and South Asia, and an abiding distrust of and hatred for the Japanese, it will surely move cautiously in order not to stimulate a U.S. military intervention. This prognosis assumes, of course, that the United States retains a robust nuclear force as well as

a forward presence of naval and air forces in the Pacific.

Within the next decade, the United States may expect to see an increase in the number of long-range Chinese delivery systems that could strike at U.S. forces in Japan and perhaps directly at the U.S. homeland. There will be no single answer to this threat. By maintaining the deployment of diversified, high-accuracy delivery systems with nuclear and conventional forces that could strike at highly valued Chinese military and command-and-control targets, the United States has the best chance of deterring Chinese use of their forces and successfully managing any Sino-U.S. crisis that might arise. Ironically, the prospect of deployment of a sophisticated network of theater missile defense (TMD) systems in East Asia or of a credible national missile defense (NMD) system for the continental United States would be used by senior PLA officers to justify operational emplacement of the longer range systems these defenses are intended to negate.

China has already made it clear to the United States that deployment of advanced TMD systems in Taiwan would be considered a provocation. It asserts that such systems deployed in Japan would reinforce the Chinese view that the U.S.-Japan security treaty had shifted from an anti-North Korean and anti-Soviet alliance to an anti-Chinese one. And Chinese officials argue that a network of land- and sea-based TMD systems deployed in East Asia coupled with an NMD system would pose a serious threat to the retaliatory capability of the Chinese nuclear deterrent.

This may be a strategic train wreck in the making. In the next decade the United States will almost certainly deploy TMD systems in East Asia to protect U.S. forces and its allies from missile attack (potentially from North Korea or China) as well as to project U.S. power in the region. The United States needs to join these deployments to confidence-building measures and transparency with some prospect of diminishing Chinese concern. Such measures could include prior announcement of deployments and, perhaps, arms control negotiations, to help communicate U.S. intentions and shape the Chinese force structure. Early efforts of this type, it should be noted, have not fared well, because China has insisted that the United States adopt a doctrine of "no first use" of nuclear weapons before it engages in more detailed nuclear arms control discussions.

North Korea

North Korea Nuclear Facilities



The threat posed by North Korea to South Korea and Japan remains real. Leaders in Washington will be challenged to sustain a delicate mix of a tough military posture toward the North while seeking slowly to introduce Pyongyang into the family of nations. It will be a demanding task unless and until North Korea collapses and a peaceful transition to Korean unification can occur. Although many in the West believe North Korea will no longer exist by 2008, this is not a certainty, given the continued isolation of the society from most of the world and the sustained level of militancy the regime has instilled in the populace. Deterring North Korean aggression could still be a

serious problem for Washington well into the next century. Few know what deters the North Korean leadership, however. A credible conventional military posture in the South, a politically strong bond between Washington and Seoul, plus continued inferences in declaratory policy that Washington might seriously entertain the use of nuclear weapons if the North attacked the South are the best that can be done to avert conflict on the Korean peninsula.

Rogues

The post-Cold War world is made up of states that fit into four categories:

- "Core states," the increasingly large group of political democracies and market economies, almost all allies or friends of the United States, with a stake in maintaining the current international system
- "Transition states," which are attempting to shift into the first category (this includes Russia, other states of the former Soviet Union, China, and the Eastern European states) and which Washington encourages to become members of the core
- "Rogue" states, opposed to the core's values (North Korea, Iran, Iraq, Libya, Syria)
- "Failed states," which cannot carry out the basic functions of a sovereign nation (e.g., Haiti, Rwanda, Bosnia).

Trident II (SLBM) missile



The particular problem with North Korea is an example of a more general problem: the proliferation of WMD--nuclear, chemical, and biological weapons; ballistic missiles; and potentially cruise missiles--by rogue states.

North Korea has an active nuclear weapons program, which was ostensibly frozen by the October 1994 U.S.-North Korean nuclear agreement. It has a stockpile of chemical and biological weapons, has deployed the 1,000-kilometer *NoDong* missile, and is developing the much longer range *TaepoDong* ICBM. Iran clearly has a dedicated nuclear weapons program for which it is seeking Russian, Chinese, European, and expatriate assistance. It has deployed chemical and biological weapons and obtained the 150-kilometer CSS-8 missile from China. Iraq appears still to be conducting nuclear weapons research and has covert chemical and biological weapons stockpiles. Syria has no known nuclear program but has deployed substantial numbers of chemical weapons, is developing a biological weapons capability, and has obtained the 120-km SS-21 missile from the former Soviet Union. Libya has conducted some research on nuclear weapons and has sought to buy them from China, has deployed chemical weapons, and is conducting biological weapons research. North Korea, Iran, Iraq,

Syria, and Libya all possess adequate delivery systems (SCUD-B short-range missiles), obtained from the Soviet Union.

Almost certainly WMD proliferation by rogue states will be a dominant threat to U.S. interests in the next decade. The U.S. response is multifaceted:

- Arms control regimes to reduce the international legitimacy of possessing such weapons (e.g., the Nuclear Nonproliferation Treaty, now permanently extended); the Chemical Weapons Convention; the Biological Weapons Convention
- Intrusive on-site inspection measures built into these arm control regimes
- Export control regimes to inhibit the supply of WMD to rogue states (e.g., the Missile Technology Control Regime, the London Suppliers Group)
- Passive (e.g., masks) and active (missiles) defenses to protect U.S. forward-deployed forces and allies from use of WMD by rogue states
- Enhancement of high-accuracy conventional weapons as counterforce measures to destroy WMD systems preemptively or in retaliation. This capability is a useful deterrent only if it can destroy targets highly valued by rogue states. For example, the United States may need to target the sources of Iranian oil revenues or the Iranian Revolutionary Guard Corps to pose a threat meaningful to the leaders in Tehran
- Ambiguous declaratory policies about U.S. use of nuclear weapons in response to WMD attacks. The United States unambiguously reserves the right to use nuclear weapons of its own if an adversary attacks with nuclear weapons. But would it use such weapons first, after an attack with CW or BW? Indeed, this doubt may have deterred Iraq from using CW in the Gulf War.



Nuclear warhead

One possible step that the United States could consider would be to promote a "no first use of WMD" regime. Although it could not provide airtight guarantees, it might reduce the likelihood that WMD would be used in the first place.

Other conflict situations will surely materialize around the world by 2008; whether the U.S. nuclear force posture will influence their initiation or outcome is not clear. U.S. nuclear weapon power appears remote in the calculations of most Middle East and Persian Gulf leaders. Israel's nuclear weapons program is prompted by motives of national survival and unlikely to be affected unless the country's leaders were to become convinced that a general peace is at hand. No evidence suggests that the world will be any closer to this condition

in 2017 than it is today. The calculations of leaders in the various Arab capitals, in Tehran, and among the major non-state groups-- Hamas, Hezbollah, the Muslim Brotherhood--are rooted in some cases in matters of domestic prestige and in a desire to inflict punishment on their neighbors, to destroy Israel, and to remove the U.S. presence from the region. Perhaps some learned from the Gulf War that the best way to deter U.S. intervention is to acquire WMD, including nuclear weapons. Although specific changes in the U.S. nuclear force posture probably would not significantly influence these calculations, the types of measures cited above (increasingly known as the U.S. counterproliferation strategy) could have a meaningful effect on decisionmakers in rogue states.

Middle Eastern decisionmakers opposed to the United States are unlikely to launch attacks on U.S. targets in such a fashion that the source of attack could be easily determined. Their aim would be to cause enough damage to force a U.S. retreat--as did the truck bombing of the Marine barracks in Lebanon in 1983. This threat, which will only grow by 2008, may increase the desire of U.S. national leaders to maintain the tradition of not using nuclear weapons.

The South Asian subcontinent rivalry between India and Pakistan, almost certain to be going strong in 2008, will also be separated from U.S. nuclear forces and doctrine. Both countries have dedicated nuclear weapons programs to meet regional threats and satisfy domestic demand. Their arsenals are liable to grow substantially in the next two decades. Leaders in both capitals know that a conflict in South Asia does not engage core national interests of the United States. Several wars have already been fought between them since independence in the late 1940s, and more may occur. The United States may seek to engage in diplomatic conflict prevention, mediation, and conflict resolution. But the Indo-Pakistani rivalry, based on religious and geopolitical differences, will have to be worked out, irrespective of U.S. nuclear posture. One area of intersection, however, concerns the evolution of international diplomacy concerning the Comprehensive Test Ban Treaty. Although signed by the five declared nuclear powers and many other states, the treaty cannot enter into force unless India is a party to it, but India resists. Will India remain outside this symbolically important treaty while it seeks in many other respects to become a leading player in the international system? The answer will be known within the next few years and it in turn may influence India's nuclear program and even the prospect of conflict on the subcontinent.

Shaping the Threat

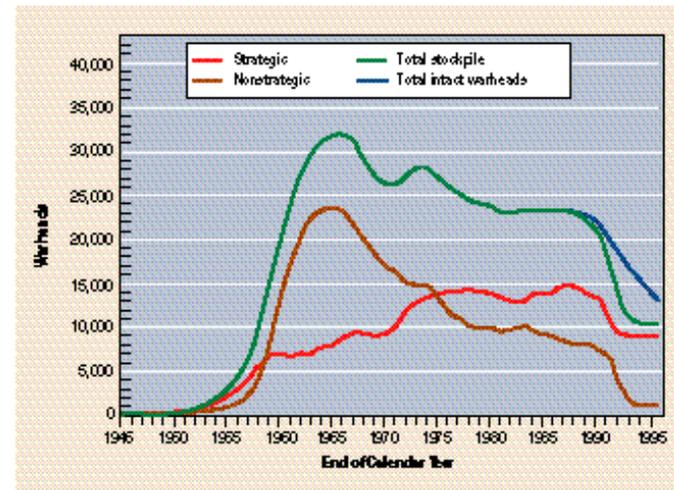
There are three overriding issues in the years ahead related to U.S. strategic calculations that could shape the threat posed by Russian and Chinese forces. The first concerns theater missile defense (TMD), the second concerns North Korea, and the third relates to the control of nuclear materials.

Theater Missile Defense

The United States today has under way a robust research, development, and testing program to deploy a mix of theater missile defenses in 2005-10. These programs garnered bipartisan support in Washington in the aftermath of the Gulf War and the demonstrated vulnerability of U.S. forces and allies to Iraqi Scud short-range ballistic missiles. A series of systems is expected to be deployed in Northeast Asia and elsewhere to provide a layered defense of forward-based U.S. forces and those of Japanese and Korean allies, including the following:

- Patriot Advance Capability (PAC-3)
- Navy Area Defense (Navy Lower Tier)

U.S. Nuclear Stockpile (1945-96)



Source: Nuclear Weapons Database, January 1997

Reductions in U.S. Strategic Nuclear Forces (FY90-FY07)

| | FY90 | FY01 | FY07 |
|---|-------|-------|---------------------|
| ICMIs | 1,800 | 500 | 000 |
| Declared Warheads on ICMIs | 2,400 | 2,000 | 2000 |
| SLMIs | 800 | 400 | 200 |
| Declared Warheads on SLMIs | 4,000 | 2,000 | Not to exceed 1,700 |
| Ballistic Missile Submarines | 31 | 10 | 14 |
| Declared Warheads on Ballistic Missiles | 7,214 | 4,100 | Not to exceed 2,200 |
| Heavy Bombers | 224 | 92 | 04 |

Source: US Strategic Command

- Navy Theater Wide (Navy Upper Tier)
- Theater High-Altitude Area Defense (THAAD) system.

There are sound reasons for such deployments. Further, the United States is developing a national missile defense (NMD) capability that could be deployed also between about 2005-10 to protect the U.S. homeland against attacks by small numbers ("tens") of missiles from rogue (i.e., not Russia or China) states.

Consider the probable response of China and Russia to TMD deployments. The Chinese leadership has already expressed concerns. They claim that providing TMD systems to Taiwan would be a brazen act of interference by the United States in China's internal affairs and would push Taiwan further toward political independence. Provision of such systems to Japan would be seen as bolstering a U.S.-Japan anti-Chinese alliance. Deployment of sea-based TMD systems plus an NMD system would seriously degrade the retaliatory capability of the Chinese strategic force. Leaders in Beijing assert that these deployments would stimulate Chinese nuclear force modernization, leading to a proliferation of launchers and warheads, the MIRVing of Chinese systems, the acquisition of penetration aides, and other measures.

The Russian view is that deployment of layered TMD systems in Northeast Asia along with possible NMD deployment would seriously degrade the ability of their SLBMs based in the Sea of Okhotsk from reaching their targets. In response, Russian leaders speak of having to spend scarce resources to modernize offensive forces and of terminating the nuclear arms reduction process should such deployments proceed. Some Russians now argue that their country is a regional power competing with China, rather than a superpower competing with the United States. Even under such revised guidance, Russian defense planners would not sit idly by and witness a substantial modernization of the Chinese strategic nuclear force without responding in kind.

The emergence of these difficult tradeoffs suggests that the future of strategic arms control may require freedom to mix agreements involving both offensive and defensive forces. It is certainly in U.S. interests to deploy TMD systems to defend U.S. troops abroad and close allies from real ballistic missile threats. But it is not in U.S. interests to stimulate Chinese or Russian nuclear force planning. A mutually agreed- on U.S.-Russian formula of offensive and defensive forces, although difficult to develop, could eliminate, or at least forestall, this problem. Such a strategic bridge may well have to be crossed during the next decade if not by 2017.

Peacekeeper ICBM



North Korea

Should North Korea collapse in the next decade, as many believe will happen, new security concerns will emerge in Northeast Asia. A unified Korea with a nuclear weapons capability would pose a serious threat to Japan. China has already made great strides in improving economic relations with South Korea--for its own economic gain, to begin to drive a wedge between the United States and the South, and perhaps to lay groundwork for close Sino-Korean relations aimed against Japan after Korea is unified. It would be politically difficult for the United States to retain military forces in Japan if they were withdrawn from Korea. For the United States to maintain a stable balance

of power in Northeast Asia, it might be useful to consider an idea proposed by Japanese analysts: a nuclear-free zone in the region. This would preclude a unified Korea having nuclear weapons and a volatile Japanese response to such a development. The United States must think ahead as to how its nuclear weapons policy could instill stability into the region once Korea has become one nation.

Control of Nuclear Materials

Another issue concerns promoting the transparency of nuclear materials in the Russian federation. Once the Soviet Union had collapsed, the serious problem in Russia of control of fissile material became clear. A combination of lax security measures; poorly paid military, law enforcement, and technical personnel; inadequate equipment; and the creative inroads of organized criminal elements and other buyers from the Middle East and Persian Gulf taken together constitutes a serious "loose nuke" problem in Russia. This problem has led to several initiatives, including the cooperative threat reduction (CTR) program (the Nunn-Lugar and now Nunn-Lugar-Dominici Program), which has been funded for five years at \$300-\$400 million per year to assist in the denuclearization of Ukraine, Kazakhstan, and Belarus and in the control of nuclear materials in Russia. A key element of an effort by the Clinton administration that has not been successful was a diplomatic initiative to reach a bilateral U.S.-Russia agreement on exchange of classified information that would lead to a "chain of custody" formulation in which both sides would know the whereabouts of the fissile material of the other. Owing to resistance from leaders of the Russian atomic energy community to opening up their vast network of facilities to external observers ensured very limited progress.

Chernobyl

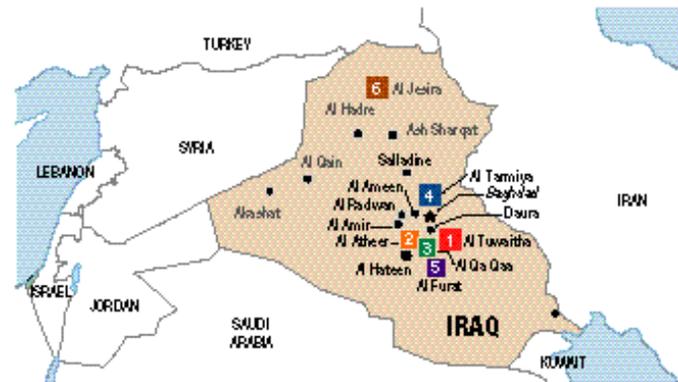


According to the 1997 Clinton-Yeltsin agreement in Helsinki on future reductions of nuclear forces, once START II was ratified a START III agreement would include measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads to promote the irreversibility of deep reductions. This would be the first time that a U.S.-Russian nuclear arms control agreement would constrain *warheads*, not merely the means for their delivery. After hard bargaining, Russia agreed to an element that calls for both sides to consider issues related to transparency of nuclear materials.

That nuclear warheads would be eliminated in subsequent arms control agreements is a potentially very important step. But such elimination would lead to the proliferation of more nuclear materials outside the hands of the strategic rocket forces, thereby exacerbating the "loose nukes" problem. The Helsinki agreement calls for these matters all to be worked out and completed by 2007, but allowing for diplomatic slippage--a safe bet--these issues may still be on the negotiating table in 2017. The establishment of a sound basis to account for Russian nuclear materials will minimize the probability that such lethal material will fall into the hands of adversaries of the United States.

Core Nations

Iraq's Nuclear Facilities (1995)



1 Al Tuwaitah Nuclear Research Center

- Tammuz I (Osirak), Tammuz II (SIS), and IRT-5000 research reactors (the first destroyed by Israel in 1981)
- Site of research and development (R&D) programs in uranium enrichment*
- Location of "hot cells" used for separation of grams of plutonium**
- Weapons-related R&D activities in nuclear physics, uranium metallurgy and triggering system capacitors***

2 Al Atheer

- Prime development and testing site for nuclear weaponization program including facilities and equipment for large-scale uranium metallurgy and production of weapons components
- Computer simulations of nuclear weapon detonations
- Experiments for the development of an implosion-type explosive structure***

3 Al Qu Qaa High Explosives and Propellant Facility

- Military and nuclear weapons R&D facility
- Development of exploding bridge wire detonators (EBW) used in the firing system of nuclear weapons
- Storage of large quantities of military high explosive used in nuclear weapons

4 Al Tarmiya

- Industrial-scale complex for Electromagnetic Isotope Separation (EMIS) designed for the installation of 70 1,200-millimeter separators plus 20 600-millimeter separators (eight units were operational prior to Desert Storm bombings)
- If all separators had been installed, the plant could have yielded 15kg of highly enriched uranium (HEU) annually, possibly enough for one nuclear weapon

5 Al Furat Project

- Large-scale manufacturing and testing facility
- Designed for the production of up to 2,000 managing steel centrifuges for uranium enrichment

6 Al Jesira

- Large-scale facility for the production of uranium dioxide (UO_2) and uranium tetrachloride (UCl_4), feed materials for EMIS

Names on map represent nuclear-related sites either declared by Iraq or discovered by IAEA inspectors during implementation of Security Council Resolution 687 adopted at the end of the 1991 Gulf War. The facilities and equipment at these sites that escaped damage during the war were subsequently dismantled or destroyed by the IAEA or came under the IAEA monitoring; sensitive nuclear materials have been removed.

* Activities found by the International Atomic Energy Agency (IAEA) to be in violation of Iraq's safeguards agreement with the IAEA.

** Activities found by the United States to be in violation of Iraq's obligations under Article II of the Non-Proliferation Treaty (NPT) prohibiting the "manufacture" of nuclear weapons.

Source: International Atomic Energy Agency and United Nations

A not very subtle objective of U.S. national security policy throughout the Cold War was to enmesh both Germany and Japan in a web of international security and economic relationships to ensure both were dependent for national security on the United States while, at the same time, allowing them every opportunity to prosper economically. This strategy worked beyond anyone's wildest imagination, and Germany and Japan, both now robust democracies, have been conflict free for half a century while their citizens enjoyed unparalleled achievements in quality of life. A key element of the security part of this equation has been the nuclear guarantees offered to both countries by the United States. These guarantees were formulated as part of a nonproliferation strategy seeking to convince leaders in both countries of the credibility of U.S. assurances and dissuading them from following extreme nationalist sentiments favoring independent nuclear forces.

In the next 10 years the United States will face the task of sustaining this policy, which has implications not only for alliance cohesion but also for relations with China and Russia. Virtually nothing else would stimulate Chinese defense expenditures more vigorously than an independent Japanese military force armed with nuclear weapons. The unilateral strengthening of Chinese military power will further strain the United States to demonstrate to Japan that it is still a credible guarantor of Japan's security. A somewhat similar interconnectedness affects Europe. Nothing would exacerbate Russian fears more than a newly mobilized, independent-minded, nuclear-armed Germany. But a Russia that begins to recover from its post-Cold War doldrums and reassert itself would stimulate renewed demands from Germany that the United States shore up its security commitments. For the next decade, the United States would be prudent

to maintain in Europe a residual nuclear arsenal of a few hundred weapons, to reinforce alliance cohesion, mute independent German defense aspirations, and demonstrate to Russia a continued U.S. commitment to European defense.

In sum, by 2008 the United States will be in the daunting position of playing the crucial role to keep in balance both the Sino-Japanese and Russo-German relationships. Economic prosperity and thriving democracies in all four countries would make the task far easier, but at present that is not the case nor may it be 20 years hence. Promoting nuclear transparency and coordination with both Russia and China may well prove a necessary, but not sufficient, condition to maintain these critical regional balances.

The Gulf War, although it may prove to have been a unique event, demonstrated the enormous power of a U.S.-led international coalition. By 2008, future adversaries may well be armed with weapons of mass destruction (WMD), which will greatly increase the difficulty of forming and sustaining such coalitions. The United States requires at its disposal a wide range of highly sophisticated nuclear and conventional arms to demonstrate *a priori* that it can lead the way in such dangerous situations. Planning for this eventuality would point the way for the United States to maintain a decisive edge in military power against any plausible regional adversary.

The Future

One obvious manifestation of the post-Cold War world has been the proliferation of WMD--nuclear, chemical, and biological weapons; ballistic missiles; and, soon, cruise missiles. Their use by rogue states and non-state groups will pose a first-order challenge to the United States two decades from now. The Defense Counterproliferation Initiative was established in 1993 to develop a coherent approach to the problem. Diagnosis of the issue led to two basic conclusions. First, the problem is clustered in four geographical regions: Northeast Asia, especially North Korea as a developer and China as a proliferator of these weapons; the Middle East and North Africa, focusing on Iran, Iraq, and Libya; the former Soviet Union; and South Asia, notably the Indo-Pakistani rivalry. The regional perspective is complicated by cross-regional links such as the sale of relevant systems and technologies by China to Pakistan and Iran, by North Korea and Russia to Iran, by Russia to China, and by Pakistan to Libya.

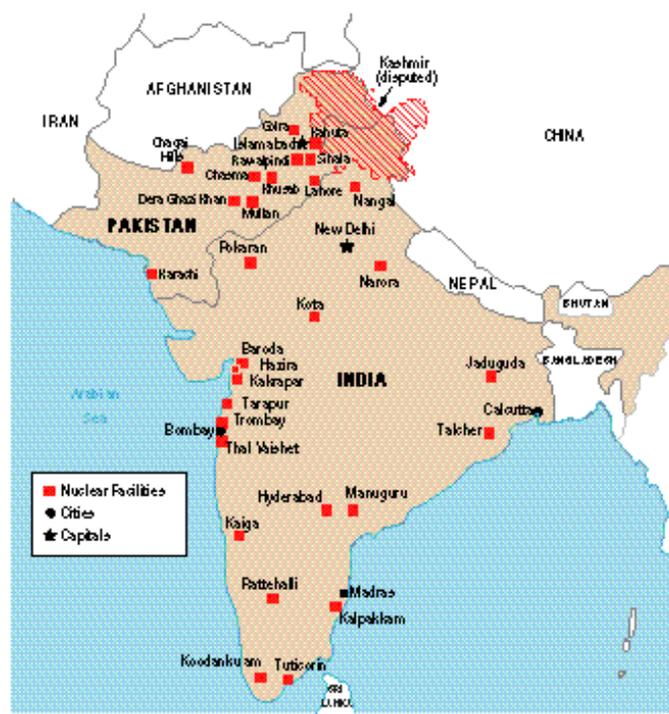
Second, the problem is not limited to nation states in these regions but now has a pronounced transnational character involving terrorist groups, insurgents, civil war factions (e.g., Chechens versus Russians), and organized criminal elements. Analysts have noted that the number of actors has expanded, as have the types of materials involved, their means of delivery, and the ease with which the technical know-how, materials, and equipment can be acquired.

The United States has sought to manage the growing threat, as noted above, through arms reduction agreements, the CTR program, and the establishment of international norms. It also seeks to deter the threat by maintaining robust conventional and nuclear forces. And it seeks to defend against the threat. The Defense Counterproliferation Initiative is designed to meet this last objective through measures for prevention and protection.

The proliferation of WMD by rogue states and terrorist groups and the emergence of China as a power with global reach will be the two dominant challenges facing the United States by 2018.

Larger Adversaries

Nuclear Facilities on the Subcontinent



Source: International Atomic Energy Agency

One prospect for the world of 2018 is of the United States facing a substantial military adversary. Two old adversaries could become new ones, though the probability of that is not high. Germany would have to take off on a totally different political and economic course from the one it has followed for 50 years, and that is a very low-probability, high-consequence event. Germany today remains enmeshed in international security and economic relationships and has faced up to its behavior during World War II. The threat from the East has markedly declined, and several generations have been brought up on democratic political values and a market economic system that has made Germany one of the strongest and most free countries in the world.

In Japan the story is a little less certain. Japan has moved very slowly to confront its horrific behavior in the 1930s and 1940s and remains widely distrusted throughout East Asia. Even assuming the threat from North Korea disappears by 2018, as seems probable, a unified Korea may seem even more problematic from Tokyo's perspective. China, far stronger in 20 years than today, will surely be seen as the dominant national security issue for Japanese policymakers. And new generations of younger Japanese may feel much less inhibited about exercising Japanese military power than has been the case for five decades. The responsibility will fall on the United States to manage these complex interrelationships so that Japan feels secure and not in need of reestablishing itself with power projection forces. It is imperative that U.S. nuclear policy be sufficiently nimble and credible to dissuade Japanese decisionmakers fully of the need for acquisition of nuclear weapons. Overall, both Germany and Japan have so much to lose by embarking on independent nuclear weapons paths that the probability that either will choose this option, even in 20 years, is remote.

Without Germany or Japan, the only candidates in the "larger" category are China (having converted its growing economic prosperity into military might) and Russia (once recovered from its post-Cold War economic collapse). In this evolving situation the United States will be faced with tough choices in continuing nuclear reductions and altered declaratory policies.

Already today many notable voices are calling for major changes in U.S. nuclear policy. Suggestions include the following:

- Abandoning nuclear deterrence policy and sizing U.S. forces on the basis of criteria other than the ability to inflict enormous damage against an adversary in a retaliatory attack, such as mutual assured safety
- Abandoning launch-under-attack options and pushing for a global zero alert
- Officially embracing a declaratory policy of no first use of nuclear weapons or at least nuclear weapons as weapons of last resort
- Moving much further and faster than is outlined in the Helsinki agreements toward a very small number of deployed strategic nuclear weapons (i.e., a few hundred) or to zero nuclear weapons
- Establishing a policy of strategic escrow, in which the United States has only a few hundred weapons not deployed
- Redefining zero nuclear weapons as a few hundred not deployed.

Prominent retired military officers of the United States and other countries, distinguished scientific panels, and some prominent defense analysts have endorsed one or more of these measures. Some argue that the best way to avoid a nuclear showdown with a future Russia or China is to implement these measures now, when the United States enjoys enormous conventional force superiority, as demonstrated in the Gulf War. They also argue that these steps are needed to gain control over a dangerous situation in Russia where military leaders have neither command nor control of their nuclear forces.

Political realities, however, dictate just the opposite approach. A world in which Russia, China, and India are not a threat to the United States would make it easier to sell some of these measures to the domestic political elites who debate them. A world in which a potentially hostile Russia or China looms over the horizon, which some would argue will be the world for the next two decades, would be a far less hospitable climate in which to garner support for such initiatives. More than a decade must pass without a larger threat before a number of these measures could be given serious consideration.

To deal with a substantial Chinese nuclear force, Washington will have to become as focussed and as knowledgeable about Chinese weapons, doctrine, organizational structure, decisionmaking processes, and technological base tomorrow as it is about these aspects of Russia today. Today, the top leaders in the Department of State all are specialists on Russia. The United States discusses nuclear weapons issues with Russia in many forums:

- Presidential summits
- The Gore-Chernomyrdin Commission
- Frequent meetings between defense ministers
- Frequent meetings between foreign ministers
- High-level political contacts at the Under Secretary of State level
- Meetings between the Deputy Secretary of State and top Russian leaders
- The Joint Compliance and Inspection Commission established to implement START I
- The Standing Consultative Commission established to address problems in the ABM Treaty
- Frequent military-to-military contacts.

Through the end of 1997, Presidents Clinton and Yeltsin had met some 15 times and had held detailed discussions on nuclear issues at many of these meetings.

There is nothing like this in the dialogue with China. The United States meets sporadically with Chinese officials to complain about China's proliferation of WMD, ordinarily at the deputy assistant secretary of state level. Occasionally, meetings are repeated at the Under Secretary of State level. Other contacts at higher levels deal with broader security issues, are much less frequent, and far more formal. A few efforts have been made to initiate a dialogue on nuclear arms control, confidence-building measures, and transparency, but, as said above, China's insistence on a U.S. no-first-use pledge has blocked progress. In this regard it would be interesting to see Chinese reaction to a U.S. no first use of WMD.

The U.S. approach to an emerging powerful China, somewhat similar to the policy toward the Soviet Union, must be one of military strength, transparency, communication, and engagement at many levels. It is encouraging that China is now developing a serious arms control community in many institutions, including the following:

- The foreign ministry
- The People's Liberation Army
- The defense ministry
- The Committee on Science and Technology for National Security (COSTIND)
- The Center for Advanced Engineering Physics
- The Institute of Applied Physics and Combinatorial Mathematics.

Many Chinese have studied in the United States and are therefore familiar with the U.S. approaches to arms control. For the United States, with respect to China, *engagement is containment*. It is the only way to reduce tensions and minimize misunderstandings.

Peacekeeper ICBM



If the Chinese nuclear force grows from several hundred to more than 1,000 deployed weapons, the United States will find it difficult to continue to discuss arms reduction with Russia. There will be tremendous political pressure at home to maintain substantial numerical and operational superiority over Chinese forces, which would lead to more rapid modernization of nuclear forces and deployment of NMD systems. It seems implausible, though not impossible, that China's leaders would want to trigger such a response in the United States. Beijing, however, is more likely to continue deploying a small number of warheads while keeping a much larger stockpile in covert reserve status so that other nations would be highly uncertain of the size of its nuclear force. China surely does not wish to engage in a technological nuclear arms race with the United States, with everything to lose and virtually nothing to gain. But it may well continue to show independence from U.S. wishes by being a supplier to rogue states--partly for economic gain, partly to show great power reach around the world, and partly to defy U.S. preferences. The United States will continue to need to refine its counterproliferation policies but will be hard pressed to influence China's behavior.

A U.S.-China showdown over Taiwan could materialize by 2018, and it is imperative that the United States have the offensive and defensive forces that would actually be used in such a crisis. High-accuracy standoff precision conventional weapons that could destroy targets of vital interest to Chinese leaders are the most credible and potent weapons. Defenses to protect U.S. forces, Japanese allies, and selected military targets in the continental United States would also be highly valuable.

In sum, there will be no magic answer to coping with China as a great power. The Chinese believe in power and the balance of power. The United States must always retain a mix of nuclear forces and a doctrine for their use that the Chinese find credible under certain circumstances and that will constrain China from aggressive actions inimical to U.S. interests.

Nastier Adversaries

In a "nastier world" the proliferation of WMD systems by rogue states would be the foremost U.S. national security concern. As discussed above, such a world would put tremendous strain on U.S. decisionmakers not to break the tradition of nonuse of nuclear weapons. The use of CBW systems in anger against assets highly valued by the United States would involve the military immediately in efforts to punish the perpetrators. This would most probably require the engagement of sophisticated conventional weapons, ground forces, and special forces. U.S. decisionmakers, *de facto* if not *de jure*, would consider nuclear weapons as weapons of last resort, as they have for the past 50 years. In the past, U.S. presidents were confronted with several prospects of using nuclear weapons but always sought an alternative means of prevailing:

- Berlin in 1948
- Korea in 1951
- Vietnam in 1954 and 1967
- The Taiwan Strait in 1959
- Cuba in 1962.

It would probably take a direct attack using WMD on a major U.S. military force or population center for U.S. leaders to abandon this norm. This is not to suggest that they would not respond, and respond vigorously, but that nuclear weapons remain unique among the arsenal available to the president. An extraordinary provocation would be necessary before their use would be authorized.

One of the questions raised by the prospect of nasty rogue states armed with WMD is whether the United States should reconsider the deployment of intermediate-range or shorter range nuclear systems as a threat to such states. This approach does not appear very

promising. It would place highly vulnerable nuclear systems in volatile regions of the world where they could be attacked by unconventional means (such as truck bombs) with devastating results. To the contrary, the development of rogue states or terrorist groups armed with WMD would best be dealt with by precision-guided standoff conventional weapons that have a high credibility of being used and of acquiring their targets. By 2018 the United States will presumably have destroyed all its chemical and biological stocks; therefore the right mix would be a robust nuclear force useful for retaliatory purposes, plus precision-guided conventional weapons plus, perhaps, a doctrine of NFU of WMD that has political value.

Messier Adversaries

A "messier" world would be one dominated by failed states where internal strife would be the hallmark of contemporary security affairs. The most extreme case would be a civil war in Russia or China with nuclear weapons used in the strife. Such use would be seen on television around the world, and the horrors of nuclear war would be immediately visible to citizens everywhere. Rather than prompt U.S. military involvement, such a horrible eventuality would probably stimulate enormous U.S. diplomatic and political efforts to end the struggle. In these circumstances, the United States would need to ensure that its own assets, including nuclear forces, were adequately protected against desperate attempts by civil war antagonists to lash out at the United States, its forces, or its allies.

Perceptions matter. After the Vietnam conflict revealed a pronounced U.S. sensitivity to taking casualties, some believed the United States did not have the staying power to fight almost anywhere. Chinese analysts believed the United States would be defeated by Iraq in the Gulf War because of its inability to sustain casualties and maintain political will. The Gulf War proved, however, the enormous value of precision and standoff weapons, even if other lessons of the conflict remain highly debatable.

A messier world could indeed be dangerous. The proliferation of substantial amounts of nuclear, chemical, and biological materiel and missile technology in the hands of rogue states and nonstate actors accountable to no one is unsettling at best. Russia would be a major source of this materiel, and Russia or China, in political turmoil or civil war, could conceivably turn to WMD to resolve its conflict. In this messier world, WMD could be used on U.S. targets, mimicking the bombings in Oklahoma City and at the World Trade Center, with more devastating effect.

Such a world would be horrific. In it, the United States would need to maintain tight control over its nuclear forces, use satellite technologies and all available sensors to determine the identity of the perpetrators (a very demanding task), and deliver lethal force to destroy the users of WMD. Precision and control would remain the fundamental desirable attributes of U.S. nuclear and nonnuclear forces.

The irony of a messier and even a nastier world is readily apparent. The United States fought the Cold War for 50 years against a highly dangerous adversary that had the ability to annihilate it. It triumphed without a nuclear weapon being used in anger. Now, in the aftermath of this great victory, unexpected to most in its swiftness and decisiveness, the United States is on the verge of confronting a new series of threats. None of these is individually so daunting as the nuclear-armed Soviet Union at the peak of the Cold War, but collectively they could create an international environment so poisonous and challenging that the likelihood of nuclear weapons being used in the post-Cold War world could rise, alas, rather than fall.

No one can anticipate with confidence the global impact of the use of nuclear weapons in anger. Would it stimulate nuclear proliferation and make subsequent use even more probable? Would it generate global condemnation, followed by the most robust nuclear disarmament movements ever seen? It is in the U.S. national interest, and arguably in the interest of the entire international community, that no one have to answer these questions.

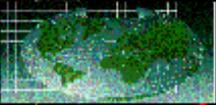
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER THIRTEEN

Nonstate Threats

In the core countries, and more and more over the globe, economies and infrastructure are increasingly integrated and people move more or less freely across borders. Mischief initiated in one place thus can now ripple across oceans and continents (e.g., an attack on information systems in the United States could be felt in Europe and Asia). This increased vulnerability magnifies the power of nonstate actors, making cooperation among the core countries against potential threats more desirable than ever.

International criminal activities, the focus of this chapter, include terrorism, which the United States has characterized as the use of illegal violence. Emphasizing its criminality has helped the United States strengthen the international consensus against terrorism, by underscoring the unacceptability of violence against innocent civilians, irrespective of the cause in whose name it is employed.

In addition to crimes motivated by causes, the other major international criminal activity is that motivated by profit. Criminal groups like the Russian *mafya* or the Italian *Cosa Nostra* are highly flexible, shifting the location and character of crimes whenever better opportunities for illegal gain present themselves. These groups rarely target governments directly, but their activities can undermine weak states. If the criminal groups decide to seek profits from smuggling weapons and military technology, particularly weapons of mass destruction (WMD), then their criminal activities can represent a serious challenge to international order.

U.S. Interests

The U.S. Government has an obvious interest in the physical protection of its citizens and their property. U.S. citizens appear to regard terrorist attacks as particularly disturbing crimes. Were the United States seen as not effective in protecting its people, especially its forces, that perception might create doubt about its ability to protect allies or punish enemies in far away regions.

Transition States

As part of its interest in promoting the successful transformation of transition states, the United States has an interest in seeing those states develop stable governments committed to the rule of law, at home and internationally. The United States has an interest also in helping transition states overcome what may be serious crime problems, owing to weakened governance, politicized criminal justice systems, and opportunities for easy money from breaking the rules during a time of rapid economic and institutional change. In some countries, such as Colombia, criminal activities finance guerrilla movements that threaten social stability, even if the prospects for those movements taking power are slim.

Mass Migration

Massive outpourings of peoples from their countries of origin increased in the 1990s. People who flee from conflict and cross international borders are generally recognized as refugees if they have a well-founded fear of persecution were they to return. In 1960, there were 1.4 million refugees; by 1980, the number was 8.2 million; and in 1997, there were about 15 million refugees. Refugee movements have increased not only in number but also in frequency and complexity. In civil conflicts, such as in Bosnia-Herzegovina and Rwanda, political leaders exploit ethnic, tribal, religious, and linguistic differences to incite neighbors to battle neighbors. The sweeping devastation forces overpowering numbers of refugees to seek safety at the same time, such as the Iraqi Kurds in 1991 and the 1 million Rwandans who poured into Zaire in a four-day period in July 1994.

Those who are displaced within their own country for the same reason that refugees flee across borders are called internally displaced persons. In

1997, they numbered approximately 30 million. Often, the internally displaced are trapped in the midst of armed conflict or in a country where governance has broken down, leaving no one with whom humanitarian organizations can negotiate access. In some cases, the government charged with protecting its citizens may refuse access to persons in territory held by rebel factions.

While refugees are those who flee involuntarily, migrants relocate voluntarily, usually out of the desire for a better life elsewhere or owing to deterioration in the living conditions in the home country. The illegal immigration of Caribbean people in the 1990s has been particularly troublesome; waves of migrants from Haiti and Cuba overwhelmed the response capacities of both the Coast Guard and civilian authorities, requiring intervention by the U.S. military, and the housing of migrants at the Guantanamo Bay naval base and in Panama.

Mass waves of refugees and migrants are a nonstate problem that will challenge the U.S. military in the future. When humanitarian organizations are overwhelmed by the scale of a disaster--including natural disasters--the military may be called on to assist in relief. It may also be called on to protect borders or to establish peace and carry out constabulary functions.

Deterring Terrorism

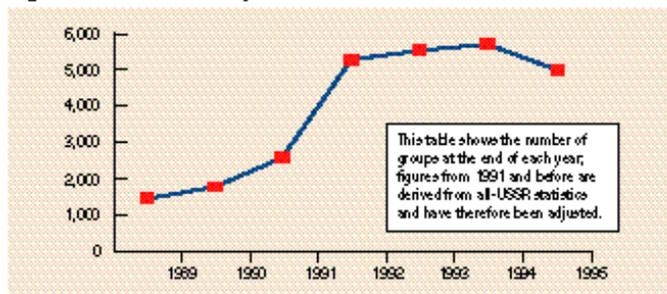
Terrorism can be a tempting tool for rogue states, particularly because they are not able to confront the United States more directly. Rogues can use anti-U.S. terrorism to intimidate U.S. allies into distancing themselves from the United States or denying access to facilities. Rogues need not be governments; they can be radical movements. Some such movements, lacking the political support to take power, find terrorism an attractive means with which to blackmail governments and gain publicity for their cause. In other cases, nonstate groups may be used to hide sponsorship of rogue states behind layers of cutouts through which money and technical support can be channeled.

Current Trends

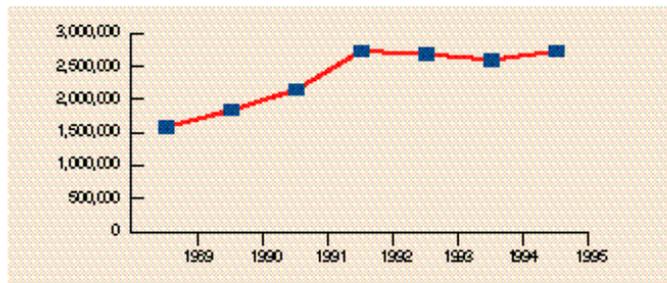
Threats to U.S. Forces

On the whole, international terrorism--that is, terrorism involving citizens of several countries as victims, perpetrators, or sponsors--has been declining since the Cold War ended. Incidents of international terrorism fell to a 25-year low in 1996. In the 1990s, incidents have occurred most often in Europe, particularly as a result of the conflicts in Northern Ireland and the former Yugoslavia. Incidents have also been frequent in Latin America and the Middle East. Asia has had few of them, but these few included some particularly bloody attacks by Tamil ethnic movements in India and Sri Lanka. Indeed, the casualties from international terrorism issued overwhelmingly from a few spectacular incidents, like the Tamil attacks or the bombing of the World Trade Center in New York City, which was responsible for 1,006 of the 1,007 casualties from international terrorism in North America in 1991-97. Although the number of incidents is on the decline, casualties from them appear on the rise as terrorists use increasingly lethal explosives.

Organized Criminal Groups Within Russia



Recorded Russian Crimes



Source: Jane's Intelligence Review, *Intelligence: Organized Crime in Russia* (Special Report No. 10), June 1996

In the 1990s, most international terrorist incidents have targeted businesses rather than governments. For instance, in 1996, of the 296 incidents, 227 targeted business and 41 targeted governments, including 35 with civilian government targets and 6 with military targets. Anti-U.S. attacks are similarly usually against businesses: 50 attacks in 1996, compared with 6 against U.S. government targets, of which 4 were military.

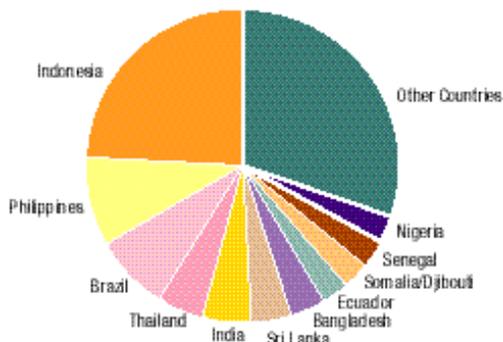
Degree of Insurgent/Terrorist Risk Worldwide



Source: *Journal of Democracy and Terrorism: Being 1997*
 Note: The fact that Saudi Arabia in general has only low-risk of insurgency/terrorism does not mean considerable danger to U.S. service personnel operating in the Kingdom. Also note that the map shows the risk of episodes in a country, not the risk of episodes perpetrated by nationals of that country.

The relatively few attacks on U.S. forces offer no reason for complacency, however. On the contrary, the small number of such attacks would seem to be a measure of U.S. success in force protection. After the June 1996 bombing of the Khobar Towers in Dhahran, Saudi Arabia, which killed 19 U.S. servicemen, force protection became a higher priority for the United States, particularly in the Middle East and Bosnia. The hope is that the protection has discouraged terrorists, but some may shift their targets from U.S. forces to U.S. businesses, which are already the more common terrorist target.

Pirate Attacks by Country



Source: International Maritime Bureau, 1997

Force protection has been accomplished by various means, but one of the most significant has been reducing unprotected physical proximity to locals, including limiting off-duty recreation and individual missions in the local community. For instance, in Saudi Arabia, most U.S. forces are isolated in the desert, with little opportunity to interact with the Saudi military, much less the Saudi civilian population. The challenge has been to achieve reduced contact without compromising other mission goals, such as training locals and maintaining U.S. force morale. The problems can be acute for a peacekeeping operation, as in Bosnia, in which the mission involves close interaction with locals. Where appropriate, another means to achieve force protection has been to mix so thoroughly with the local population that terrorists would have difficulty targeting the U.S. military. Techniques include wearing inconspicuous civilian clothing outside military installations and dispersing the housing for U.S. military among civilians in hotels and apartment buildings.

Piracy

At least 45 ship crew members were killed by pirate attacks in the first nine months of 1997, according to the International Maritime Bureau. The typical 1990s pirate attack is armed robbery of a ship and its crew on the high seas. The most common location is in Southeast Asia, near the Straits of Malacca and in the South China Sea. Persistent if unconfirmed reports suggest that some governments turn a blind eye to piracy and that some low-level military officials cooperate with the pirates for cash.

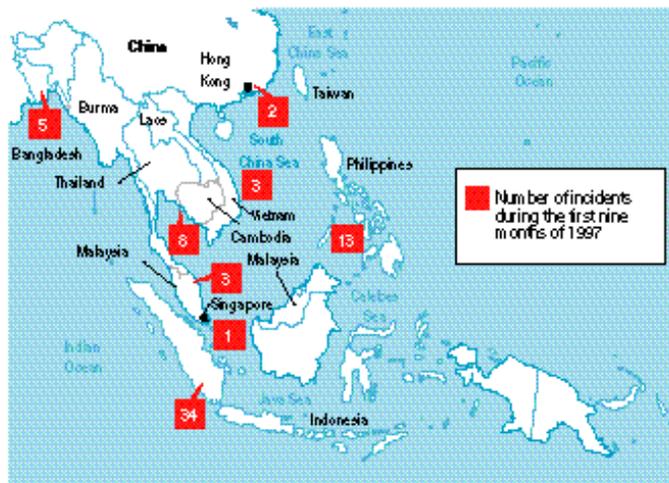
Criminal Destabilization

Great changes in the global economy--stemming from disintegration of hostile power blocs, technological advances in transportation and communications, and diminished government controls over the flow of goods, services, and money--have fundamentally changed the context in which organized crime operates. Increased legal commerce provides a handy cover and justification for the movement of illegal merchandise and cash proceeds. That less than 3 percent of the 9 million large shipping containers entering the United States annually is

checked by U.S. Customs only underscores the problem. The collapse of the Soviet empire and the reintroduction of capitalism in China have removed barriers not only to business but also to criminal activities. New opportunities have allowed criminal organizations to globalize their operations, move into new markets, and expand the range of illegal activities. Transnational criminal enterprises appear to share several key characteristics:

- Establishment of affiliates or cells abroad
- Corrupt relations with foreign leaders
- Transnational strategic alliances
- Legitimate investments in foreign countries.

Pirate Attacks in Southeast Asia



Reported attacks worldwide, 1991-96

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 |
|---------------------------------|-----------|-----------|-----------|-----------|------------|------------|
| Southeast Asia | 67 | 59 | 12 | 27 | 51 | 92 |
| Far East | 1 | 1 | 64 | 27 | 41 | 14 |
| Indian Subcontinent | - | - | 2 | 3 | 11 | 17 |
| Americas | - | - | 3 | 7 | 16 | 27 |
| Africa | - | - | 9 | 3 | 16 | 15 |
| Rest of the World | - | 25 | - | 2 | 11 | 4 |
| Total Reported Worldwide | 68 | 85 | 90 | 69 | 116 | 169 |

Source: International Maritime Bureau, 1997

Within a country's borders, organized crime presents two broad types of threats to an existing political authority. One is that flagrant lawlessness and criminal threats to the legitimacy or integrity of governments will provoke the growth of extremist or authoritarian movements that promise to reestablish order and fairness. The other--almost a mirror image of the first--is that the activities of criminals will merge with and reinforce existing civil conflicts or separatist tendencies. These problems afflict many weak states, for instance, Albania and elsewhere in the Balkans, plus Nigeria and elsewhere in sub-Saharan Africa. For the United States, an important case of the first threat type is in Russia, and an equally important case of the second type is in Colombia.

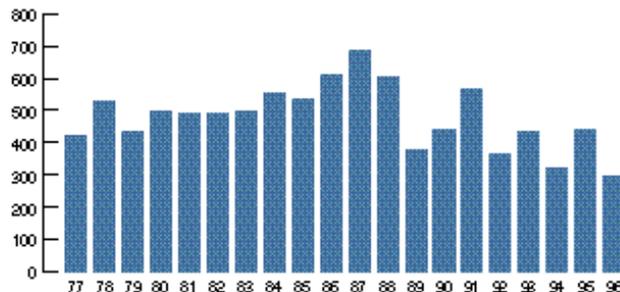
The grave weakening of state power in the former Soviet Union weakened the law enforcement and criminal justice systems. Porous frontiers and newly convertible currencies have increased the attractiveness to criminals of local markets for drugs. In the former Soviet countries, as a result, organized crime flourishes in various guises--drug trafficking, counterfeiting, stolen cars and art objects, commerce in illegal aliens, and arms smuggling. Police forces tend to be underpaid, underfunded, ill equipped, and demoralized. This situation encourages both the offer and acceptance of bribes, as well as the use of violence by organized gangs against honest law enforcement officials. An atmosphere of inadequate rule of law has weakened support for democratization and free markets, discouraged Western investment, retarded economic growth, and made a return to authoritarianism and state control of the economy seem attractive to some. In Russia for instance, intensified criminal activities fanned the discontent that produced the success in the December 1993 parliamentary elections of the ultranationalist Vladimir Zhirinovskiy, when his Liberal Democratic party won 23 percent of the vote. Zhirinovskiy's platform included on-the-spot execution of criminal gang leaders and seizure of criminal assets to finance a reduction of government budget deficits.

In Colombia, the government's ability to control the country has been brought into doubt by the large armed forces of leaders of the drug trade. Paramilitary forces, often subsidized by drug traffickers, exercise more control over large areas than the government can. The most important of the approximately dozen such forces is that of Carlos Castaño, reported to have 2,000 men in uniform at a \$400 monthly salary. These forces engage in violent conflict with guerrilla groups, the largest of which is the 8,000-soldier Revolutionary Armed Forces of Colombia, which takes the lion's share of the \$700 million the guerrillas raise annually from the drug trade. This group spearheaded a boycott of the October 1997 local elections, using death threats to force 2,000 candidates to withdraw their names. Despite the intense terrorist threat and the government's poor control over large areas of the countryside, 45 percent of the eligible voters turned out, mainly because of the extensive role of the Colombian military: 84,000 soldiers joined 102,000 police officers to protect the voting.

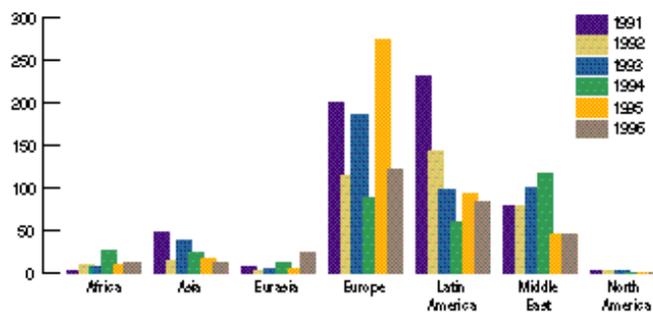
The scale of violence by the drug traffickers is beyond police capabilities to control, necessitating a vigorous role for the Colombian military. The situation may worsen as cooperation between the Colombian and Russian organized criminals increases. Russian criminal groups were said in 1997 to have offered to sell Colombian drug traffickers a submarine, helicopters, and surface-to-surface missiles. The traffickers may have acquired at least two Russian combat helicopters.

Terrorism

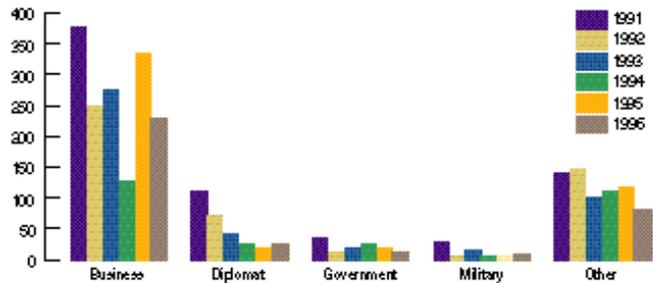
International Terrorist Incidents (1977-96)



International Terrorist Incidents Over Time by Region (1991-96)



International Incidents Over Time by Type of Facility (1991-96)



Source: US State Department, *Patterns of Global Terrorism, 1997*

Compared with the radical leftist and nationalist anti-Western terrorism that dominated the 1970s and 1980s, terrorism in the 1990s has come from more diffuse sources. The distinction between international and domestic terrorism has eroded, as shown by the Aum Shinrikyo cult, which attacked Tokyo subways and had branches in several industrial countries, including the United States and Russia, from where it purchased and then imported into Japan an MI-17 helicopter. Much of the international terrorism of the 1990s has come from amorphous groups of individuals, not tightly knit organizations. In particular, radical Islamic fundamentalists were able to carry out several spectacular attacks, including the 1992 World Trade Center and the 1996 Khobar Towers bombings, without any evident central organization. These terrorists, whose claim to act on the basis of Islamic principles is rejected by the overwhelming majority of Muslims, drew in part on the experiences of the war against the Soviet occupation of Afghanistan. Financing for their activities comes from well-to-do individuals, such as the former Saudi citizen Osama Bin Laden, now resident in Afghanistan.

Of the seven governments on the U.S. terrorism list, there is little evidence that four of them--Cuba, North Korea, Syria, and Libya--are still sponsoring terrorism, though they continue to harbor terrorists and to maintain the infrastructure for terrorist training. Of the other three terrorist supporting states--Iran, Iraq, and Sudan--Iran is the main state sponsor of international terrorism. Some of Iran's recent activities include the following:

- In July 1997, the Palestinian Islamic Jihad, which Iran founded and controls, claimed responsibility for the Jerusalem market bomb that killed 15 shoppers, one of three bombings for which it took responsibility in 1995-97.
- In April 1997, a German court ruled that "Iran's political leadership made the decision" to kill four Iranian dissidents who had been gunned down in Berlin's Mykonos Restaurant in 1992--a ruling that led the European Union states to withdraw their ambassadors from Tehran until November 1997.
- In June 1996, the Bahrain government arrested a group trained in and financed by Iran that had tried with little success to foment unrest in Bahrain (the unrest that shook it in 1995-97 stemmed instead from domestic sources).
- In March 1996, Iranian agents smuggled a mortar in Antwerp probably to carry out terrorist attacks for which similar mortars were used against Iraq.
- In February-March 1996, Hamas, with which Iran works closely, carried out four suicide bombings in eight days, killing 59. These bombings shook Israel, creating a climate in which the more moderate Israeli Government narrowly lost the May elections to hardliners.
- In February 1996, NATO forces broke up a training camp in Bosnia where Iranian instructors appeared to have been preparing locals for terrorist attacks; explosives were found wired to children's toys.
- In 1996, Palestinian Authority Chairman Yasser Arafat claimed that Iran tried to have him assassinated.
- In June 1995, President Hosni Mubarak was nearly killed during a visit to Ethiopia; Egyptian journalists reported that the Egyptian Government saw Iran as involved in the attack.
- British national Salman Rushdie remains under a death decree from Iran's current spiritual ruler for his book, *Satanic Verses*.

Nuclear Smuggling

A compelling international security concern in the 1990s has been the illegal traffic in radioactive isotopes and other nuclear materials, which originates principally in the nuclear complexes of former Soviet states. Although illicit transactions in nuclear materials occurred in the 1960s, 1970s, and 1980s, most of the 450 reported attempts recorded by the Department of Energy prior to 1994 were scams involving bogus materials perpetuated by opportunists. The unprecedented leak of nuclear materials from the former Soviet Union in 1994 signaled a shift in significance of the problem of nuclear smuggling. The openness of former Soviet states to international travel and trade facilitates the creation of supply chains and mechanisms to transport such material. For instance, the trafficking chains that delivered 363 grams of plutonium-239 to Munich in August 1994 comprised three former employees of the Obninsk Institute of Physics and Power Engineering, a Moscow scientist, a Colombian medical doctor turned broker in military goods, and two Spanish construction businessmen. In all, there were in 1994 five weapons-usable samples (three plutonium-239 and two uranium-235) recovered in Europe (three in Germany and one each in Italy and the Czech Republic).

Since 1995, leaks from the former Soviet Union appear to have lessened. Through the end of 1997, not a single case of stolen nuclear materials actually reaching a bona fide customer had been documented. Most incidents have ended in arrests, the result of sting operations by law enforcement authorities and a lack of professionalism by part-time thieves. The role of Russian organized crime in nuclear smuggling is unclear. Some believe that it is only a matter of time before the Russian *mafya* begin to deal in weapons-usable materials, while others believe it has better opportunities in its current high-profit, low-risk crime than in nuclear smuggling, which would surely result in high-level domestic and international countermeasures.

A more troubling concern than this "supply-driven" smuggling, motivated by criminals out for profit, is "demand-driven" smuggling, representing a specific request from a would-be proliferant state or subnational group. Demand-driven nuclear smuggling would be characterized by an acquisition scheme involving a complex network of government and business front organizations, not unlike the network put together by Iraq in assembling its nuclear capabilities in the 1980s. Identification of such a network would be extremely difficult.

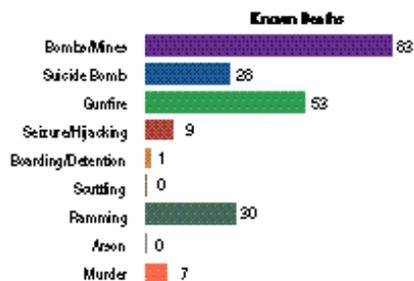
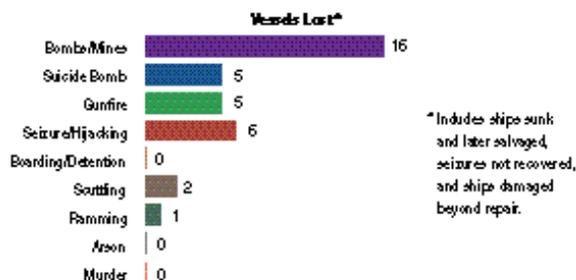
Another matter of concern is use of radiological material by a terrorist group. For instance, in November 1995, Chechen rebels placed cesium-135, a radiological material used for many industrial and medical purposes, in a heavily used Moscow port and then directed members of the Russian press to the site.

Smuggling of materials for chemical and biological weapons is easier to conceal than nuclear smuggling. Many materials of these kinds have legitimate civilian uses. For instance, some chemical weapons are similar to pesticides vital for agriculture, while the equipment needed to produce biological weapons has much in common with that needed to produce vaccines. Smuggling of chemical and biological weapons material is therefore primarily a matter of concealing the intent of what appears to be legitimate exports. It may be easier to arrange through front firms and state-owned companies than through transnational criminals.

Shaping the Strategic Environment

Maritime Terrorist Incidents (1986-96)

As of July 1, 1996

Source: International Maritime Bureau, *International Perspectives on Maritime Security* 1997

In most circumstances, the military will be only a supporting actor in the fight against terrorism and other forms of international organized crime. The principal responsibility for combating these threats rests with the criminal justice system--the police, the courts, the prisons--and those who write the laws. But the military will be used in counterterrorism, as in rescuing hostages in hostile territory and reprisals against terrorist-sponsoring states. And the military will be involved in constabulary operations, as a supplement to the police. Some circumstances in which the military's unique skills will be used are:

- Countering organized criminal gangs equipped with heavy armaments and advanced technologies (e.g., WMD)
- Operating in areas such as the high seas that are outside the control of any state
- Protecting borders
- Providing intelligence, logistical, and communications support
- Responding to a threat of such a size that the police are overwhelmed.

With other core country militaries, the United States aims to build on multilateral cooperation initiatives for both counterterrorism and counternarcotics. As these phenomena threaten all who share the values and interests of the core countries, this aim offers the basis for developing common strategies and sharing the responsibility for implementing them.

With transition country militaries, the U.S. focus is on reinforcing the capabilities to assist the criminal justice system in countering terrorism and organized crime, while drawing the transition states' military forces into multilateral cooperation mechanisms like those with core countries.

In the face of rogues, the principal security aim of countercrime policy is to deter these states from sponsoring terrorism, including hidden support.

Hezbollah guerrillas

Avert Conflict



U.S. counterterrorism forces are part of the larger special operations forces, which have approximately 29,000 active-duty personnel and an annual budget of \$3 billion. The portion of these forces and budget devoted to counterterrorism is classified information, but counterterrorism units train for a wide range of activities, including intelligence gathering, rescue operations, and combat missions. DoD policy prohibits divulging details about these forces or their use. The DoD willingly allows other entities to take credit for successful efforts for which its own counterterrorism forces have been responsible, both abroad and at home. Any advantages that might accrue from publicizing successful exploits are more than outweighed by the benefits of denying U.S. enemies information about how counterterrorism forces operate.

Military responses to terrorism are not limited to the use of special forces. One noteworthy example of a different response was the April 1986 air strike against Libya, a reaction largely to the bombing of a discotheque in Berlin popular with U.S. service personnel. The effectiveness of this reprisal remains unclear. To be sure, in the late 1980s Libya sharply scaled back its support for terrorism, but the change may have been due to a changed international environment (dramatically lower oil revenues, less support from the USSR). Further, Libya organized a particularly deadly attack after the 1986 strike, the December 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland.

The U.S. Military on the Border

In 1989, the U.S. military began to operate a series of listening posts in unpopulated areas along the U.S.-Mexican border; currently there are about 200 posts. Since 1990, a Joint Task Force based in El Paso, Texas has carried out more than 3,000 operations in support of the Border Patrol.

Controversy erupted about the role of the U.S. military in assisting with control of the border in May 1997, when Marines on patrol shot and killed Ezequiel Hernandez, a south Texas youth, when they thought he was firing at them; others claim he was practicing shooting while watching the family sheep and may not have seen the camouflaged Marines. Concern about the death led Defense Secretary Cohen to suspend all ground-monitoring and observation activities in September 1997.

In theory, U.S. Armed Forces could be used to carry out combat missions against members of organized crime and their assets, but such actions would risk arousing nationalist sentiment in favor of the criminals, undermining anticrime goals, and possibly putting at risk the already weakened governance in a transition state. In many cases, a government under siege by organized crime may be unwilling to give approval for U.S. military operations directed against criminals. Were the United States to carry out strikes on the territory or in the airspace of foreign countries without their approval, these would almost certainly be seen as attacks on state sovereignty.

Even well-established criminal groups, like terrorist organizations, ordinarily do not possess permanent, irreplaceable infrastructure that provides targets for conventional military operations. For instance, a raid on terrorist camps may destroy only buildings and kill low-level caretakers, with little effect on the terrorist group's ability to carry out attacks. For these reasons, the principal overt use of the Armed Forces to counter organized crime abroad will be assistance to local military and security services.

U.S. allies are not likely to doubt the seriousness with which the United States views the issues of terrorism and counternarcotics, so long as these continue to receive high-level attention, as they have in the mid-1990s.

Promote Defense Reform

A major problem limiting the use of military forces in constabulary operations has been mixed reputations for fairness and effectiveness. Concerns about the human rights record of the Colombian military delayed provision of materiel for counternarcotics operations to both the military and the police, although the latter's record has been less doubtful. In 1996 and 1997, President Clinton authorized provision of nonlethal equipment for the Colombian counternarcotics effort contingent on agreement by the army and police on observing human rights. The police quickly agreed and received \$100 million in equipment; the military agreed only in August 1997 and then was authorized to receive \$50 million in nonlethal equipment.

Corruption in the Mexican military, though less rampant than in the Mexican police, has limited its effectiveness in counterdrug operations. Efforts to establish more professional accountability in the military are an essential component of counternarcotics policy, given that the vast sums of money changing hands in the drug trade create an inherent risk of terrorism. In February 1997, General Jesús Gutiérrez Rebollo, the director of Mexico's top antidrug agency (the 2,500-man National Institute to Combat Drugs), was arrested on charges of corruption. In March 1997, General Alfredo Navarro Lara was arrested for offering a \$1 million-a-month bribe to the general heading antinarcotics efforts in Tijuana.

The United States also encourages fuller civilian control over the military in countries where order has been threatened by drugs and drug-financed guerrillas, as in Peru. (For more on these issues, see chapter Seven.)

Another potential role for the U.S. military is to reinforce the police, especially as part of U.S. intervention in small-scale contingencies (SSCs). (For a discussion of the role of the U.S. military in policing the new world disorder, see chapter 10.)

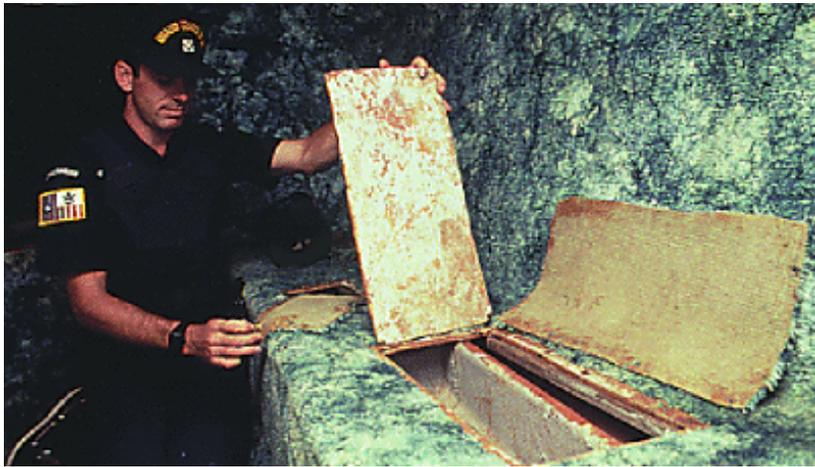
U.S. Military and Counterterrorism in the United States

The role of the military in counterterrorism and other domestic constabulary activities is likely to be a function of the magnitude of the threat--the size and frequency of episodes--and the degree to which terrorism is sponsored by hostile states. At present, the Federal Bureau of Investigation (FBI) has principal Federal responsibility for responding to domestic terrorist incidents and the Federal Emergency Management Agency (FEMA) for the Federal response plan for the consequences of terrorism.

As a general principle, the 1878 Posse Comitatus Act (18 U.S.C. Sec. 831, 1385) prohibits use of "any part of the Army...to execute the laws," a provision extended to the sea services by regulation. However, a series of statutory exceptions enacted since 1981 permit use of the Armed Forces in specific situations, including counternarcotics operations and in dealing with terrorist threats that are exceptionally grave or beyond FBI capabilities to resolve. In practice, for a terrorist incident, written authority from the President is required and has never been sought. That said, the Armed Forces became involved in the 1993 episodes involving antigovernment activists at Ruby Ridge, Idaho (with reconnaissance flights), and Waco, Texas (e.g., with armored vehicles lent to the FBI), on the basis of alleged narcotics activities. The Posse Comitatus restrictions have strong support from civil libertarians, those who want to limit the powers of the Federal Government, and those who want the military to concentrate on traditional war-fighting. But the trend has been toward relaxing restrictions in cases of strong perceived threat, especially regarding guarding the borders (e.g., from narcotics smugglers and illegal aliens). In its December 1997 report, the National Defense Panel argued that domestic security will be one of three national security imperatives in 2020 (along with national survival and global economic and political stability). The panel argued, "Beyond its responsibility to secure our borders against attack, the Department of Defense must be able to assist civil authorities against a variety of threats to lives and property in the United States, regardless of their source." To this end, it recommended: "Use Department of Defense assets to advise and assist law enforcement in combating terrorist activities" and "Incorporate all levels of government into managing the consequences of a WMD-type attack."

In 1996-97, the military acquired an accelerated role in Federal preparations for possible WMD terrorism. As provided for in the 1996 Defense Against Weapons of Mass Destruction Act sponsored by Senators Nunn, Lugar, and Dominici, DoD began in April 1997 to train first responders in the nation's 120 largest cities, with 27 cities covered in FY 1997. A variety of WMD terrorism exercises were held (e.g., in Washington, D.C., prior to the January 1997 inaugural, and in Denver prior to the June 1997 G-8 summit). The U.S. Army Chemical and Biological Defense Command (CBDCOM) maintains a rapidly deployable monitoring and assessment system, and its Technical Escort Units can perform render-safe procedures on munitions as well as decontaminate equipment and personnel. The Marine Corps' Chemical Biological Incident Response Force is rapidly deployable to decontaminate victims, stabilize patients, and treat chemical and biological casualties.

U. S. Coast Guard searching for illegal drugs



Complement Friends

Multinational initiatives can be vital for combating transnational threats. For instance, consider the successes in the mid-1990s at interdicting drug smuggling. Since 1995, the United States, Colombia, and Peru have sustained a complex, closely coordinated attack against the drug-laden aircraft traversing the so-called air bridge from the coca-growing regions of Peru to the processing laboratories in Colombia. This included efforts to share detection, monitoring, and other information to identify and track these planes, so that Colombia and Peru can force--and, if necessary, shoot--them down. The program's success has been one of the reasons for the post-1994 collapse of the coca price in Peru and a dramatic reduction in cultivation there.

In the Caribbean, DoD has sponsored a joint interagency task force (JIATF), JIATF/East, which includes liaison officers from the United Kingdom and the Netherlands, whose forces are responsible for their territories in the region. The liaison officers assist in passing information between the United States and their countries, and they help in acquiring clearances concerning drug-enforcement flights that cross their borders. Since 1992, as the trafficking threat in the region shifted from air to seaborne smuggling, the United States has negotiated Maritime Counternarcotics Agreements with 11 nations bordering the Caribbean and is negotiating similar agreements with the United Kingdom, Netherlands, and France for their territories in the region.

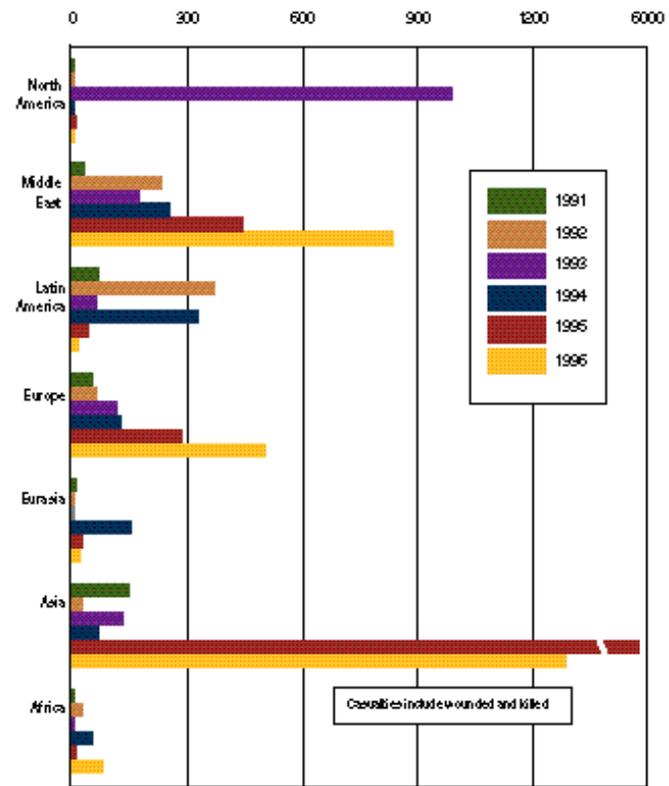
In 1997, the United States and Panama reached agreement in principle on the formation of a multinational counternarcotics center, to be located in Panama. (For a discussion of this matter, see chapter Seven.)

Potentially Hostile States

In spite of the tragedy of the Khobar Towers bombing, the U.S. military's force protection policy has generally been successful; for instance, no casualties have been inflicted by terrorists in Bosnia, despite the high-threat environment. The paradox of successful protection measures is that they may encourage terrorists to consider larger or unconventional attacks that then inflict more casualties. Indeed, one of the reasons that the Khobar Towers bombing was so deadly was that the bomb was much larger than was believed within the capabilities of local terrorists. This problem, a kind of asymmetric attack issue, will be difficult to avoid. One response is to encourage imaginative thinking about the kinds of attacks terrorists could mount.

Conclusion

Casualties of International Terrorist Incidents (1991–96)



Source: Department of State, *Patterns of Global Terrorism* 1997

Few U.S. military units are organized or trained for law enforcement, which is the main instrument used against terrorists, drug traffickers, and other international criminals. Although the U.S. military will generally play only an auxiliary role in responding to nonstate threats, it alone can provide capabilities such as reprisal against terrorist-sponsoring states. The military will also assist in areas such as responding to the use of heavy arms and WMD and providing intelligence, logistics, and communications assets.

If the scale of the nonstate threat grows, especially if local police are being overwhelmed, the U.S. military will become more active. That is most likely in conjunction with U.S. military operations, e.g., protecting U.S. forces deployed overseas and in conjunction with SSCs. However, the U.S. military could also become involved in transition states or even inside the United States.

To a large extent, the training, doctrine, and equipment for accomplishing its periodic law-enforcement tasks will be an outgrowth of what the U.S. military prepares for SSCs. If escalating problems necessitate a larger military role in domestic defense in support of U.S. civilian authorities, careful attention to new training, doctrine, and equipment such as nonlethal weaponry will be needed. The U.S. military would have to balance military necessity and due vigilance for the lives of U.S. citizens who, when encountered in the field, must be presumed innocent.

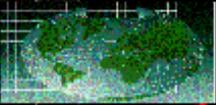
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER FOURTEEN

Alternative Futures

Today's states are largely at peace with one another and likely to remain so through 2018. Nevertheless, militaries are designed for the exceptional, not the ordinary. The same rule holds for the future. The path forward may look benign, but the U.S. military must continually prepare for a world in which conditions have turned sour. The U.S. public will forgive its military if the world turns out to be sunnier than military planners had forecast, but it will be far more critical if its forces are unprepared for the worst.

In a sense, the U.S. military must simultaneously learn from and forget its last war, particularly since it was such a great victory. In retrospect, Iraq was not large, technologically adept, or operationally clever; the Gulf War was clean cut. But hubris lurks in positing Iraq (or a comparable midsize, midtech rogue) as the foe against which DoD (or most of DoD) should be structured. True, states larger than Iraq are now among or on good terms with core states; they alone have mastered the weapons of mass destruction (WMD) or interdiction which would imperil U.S. operations overseas. Global chaos appears to have increased or at least become more noticeable since the Cold War ended, small-scale contingencies (SSCs) continue, and U.S. participation in their resolution remains discretionary. With luck, the situation may hold through 2018, but not necessarily.

To survey the requirements for adapting in the present to an uncertain and possibly gloomier long-term future between 2008 and 2018, this section sketches a three-dimensional space. One vector features larger foes; a second, foes who have mastered nasty technologies; a third, a profusion of messy situations. Larger, nastier, and messier are understood here in relation to today's threat environment; even were the next 20 years free of unpleasant surprises, the environment in 2018 will be different from today's, a difference which must be reflected in defense planning.

In a sense, each dimension corresponds to some dysfunction within the world's state structure. A large transition state, for example, that failed to develop democratic institutions may emerge as a powerful foe. A rogue state may learn enough about the nasty technologies of warfighting to pose a serious challenge. The ranks of today's failed states may grow so large that a large share of the U.S. military (and those of its allies) would have to be devoted to coping with the resulting mess.

Any one future (or foe) may combine two or all three dimensions. A hostile Russia, for instance, would be bigger and enjoy better technology than Iraq did. Sea lines of communication (SLOC) can be contested by both a major power or clever rogue. Achieving the ends of conventional aggression by unconventional means (e.g., disguising military articles in the commerce of urban life) would prove that an enemy had mastered some nasty techniques and could cause a large mess (indeed, nastier becomes messier). The ambiguity that defines messiness can exacerbate military challenges because they generate operational constraints.

Each dimension, rather than being of intrinsic interest, is illustrated because it carries requirements for restructuring the armed forces in various ways. One can imagine interesting futures (e.g., a powerful neutral Brazil with a big, busy navy) that call for, at best, only modest changes in U.S. force structures. Finally, variant domestic futures (e.g., a \$100 billion DoD budget or an unexpected willingness to take casualties), despite their potential impact on U.S. forces, were specifically excluded from consideration.

Comparing a Surprise-Free 2018 to 1998

The world of 2018 will be identical to that of 1998 only if today's trends come to a dead halt. That being improbable, the differences 20 years may make are worth sketching.

**Demographics.* As recently as 1978, four times more people lived in greater Europe (i.e., between the Atlantic and the Urals) than in the Middle East (i.e., Iran plus Arab nations). By 1996, the toddler population in the two regions was equal. By 2018, nearly all those toddlers will be 25 (well over 95 percent of them having survived and stayed in their native region).

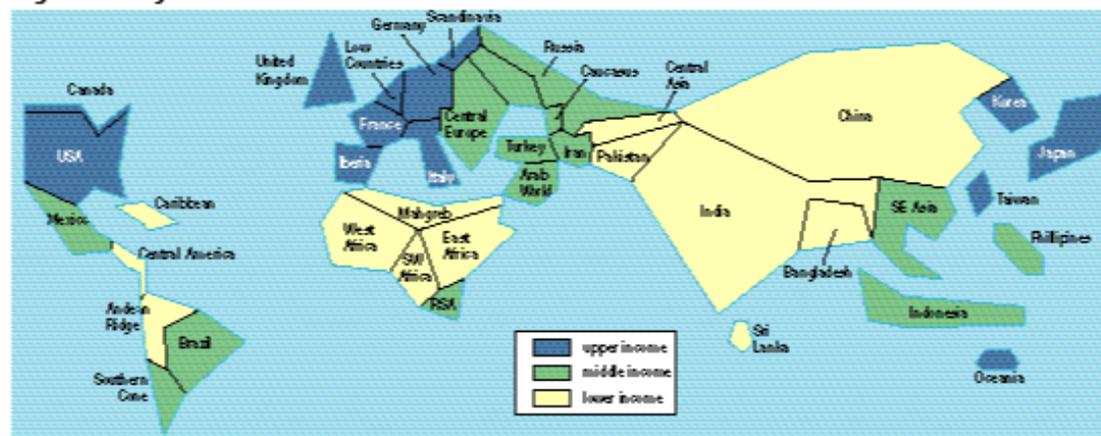
**Military Technology.* Even if the leading edge of military technology does not advance, simply replacing legacy equipment with modern equipment will increase the *average* level of military technology. A few more states will have WMD and ballistic missile capability.

**International Relations.* Some countries in Eastern Europe, Latin America, and Asia will probably become core states. Given another 20 years of experience, today's norms of international conduct, having been around that much longer, may be more accepted among core states and those aspiring to join them. Most of Asia will be richer than today despite recent economic troubles, but the larger countries (e.g., Indonesia, China) will still be less affluent than Europe is today.

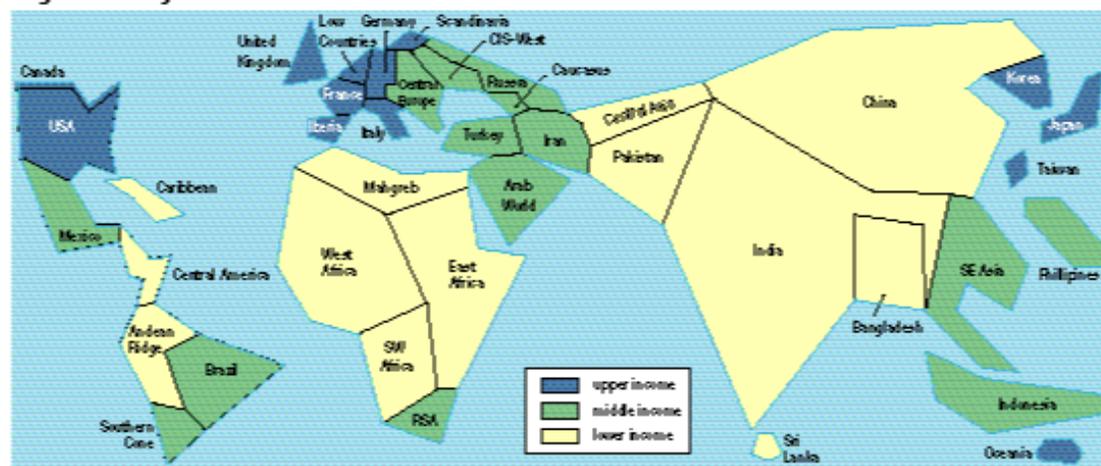
**Globalization.* The world's economy will doubtless grow more interconnected. Trade will account for a growing share of world GNP, more capital will be invested overseas, and multinationals of all sizes will do more business outside their home region. Unless energy prices rise spectacularly, the world's transportation network will grow denser—seaport, airport, and road capacity in Asia and Latin America in particular. Fiber-optic lines will connect nearly all cities of more than 100,000 inhabitants. Global satellite systems will serve affluent customers in both cities and hinterlands. Televisions will be as ubiquitous as radios today. Cellular telephones and the Internet will be almost as pervasive.

Larger

Regions Sized by Number of 25-Year Olds in 1978



Regions Sized by Number of 25-Year Olds in 2018



Regions are defined by nations, except as otherwise indicated.

- The United States includes Puerto Rico.
- The Caribbean includes all other island nations and territories.
- Central America encompasses Guatemala, Belize, Honduras, Nicaragua, El Salvador, Costa Rica, and Panama.
- Andean Ridge encompasses Surinam, Guyana, French Guiana, Venezuela, Colombia, Ecuador, Peru, Bolivia, and Paraguay.
- The South American Cone encompasses Chile, Argentina, and Uruguay.
- The United Kingdom includes Ireland.
- Central Europe encompasses Switzerland, Austria, Poland, the Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Greece, Cyprus, Albania, and the republics of former Yugoslavia.
- Western OS Nations encompass the Baltic states, Belarus, Ukraine, and Moldova.
- The Caucasus encompass Armenia, Azerbaijan, and Georgia.
- The Arab States are bounded by Turkey, Iran, the Indian Ocean, Red Sea, and the Mediterranean.
- India includes Nepal and Bhutan.
- Central Asia encompasses Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, Uzbekistan, and Afghanistan.
- Southeast Asia encompasses Myanmar, Thailand, Malaysia, Brunei, Laos, Cambodia, and Vietnam.
- China includes Mongolia and Macao.
- Korea encompasses both North and South Korea.
- Oceania includes Australia, New Zealand, Papua New Guinea, and Pacific island nations and territories.
- The Malgreb countries are the five African countries with a Mediterranean coastline.
- The Republic of South Africa (RSA) includes Swaziland and Lesotho.
- East Africa encompasses Sudan, Eritrea, Djibouti, Somalia, Ethiopia, Uganda, Kenya, Rwanda, Burundi, Tanzania, Mozambique, and Indian Ocean islands.
- Southwest Africa encompasses Gabon, both Congo, Angola, Namibia, Zambia, Zimbabwe, and Malawi.
- West Africa encompasses all other African nations.

In 2018, the United States may face a much larger adversary than any current rogue state. A large transition state could turn away from the core, become hostile, and build military forces. A large coalition could be constructed by the convergence of several hostile states, no one of which has that much mass.

A larger foe would challenge U.S. force planning in several ways. It might simply fight better, thanks to greater robustness, more striking power, or deeper C⁴ISR. One that could project power around its periphery may be able to challenge U.S. interests in many places simultaneously; in so doing, it would enjoy the advantages of operating from interior lines. A major power with robust nuclear capability and space assets could jeopardize the U.S. sanctuary and threaten its strategic assets. If nothing else, its vote in the Security Council could stymie U.S. use of the United Nations for international security.

A critical factor in tomorrow's correlation of forces would be how U.S. friends react. In the Cold War, the United States and its allies faced the Soviet Union as a team, something that surely affected the Soviet calculations. Will a future foe induce the same reaction? Not automatically. As earlier chapters explain, most core states take a softer line toward Iran (not to mention Cuba) than the United States. A threat to some core states may not be seen as such by others; a foe may use a strategy of divide and conquer. Allies may very well shrink from a cohesive partnership with the United States just as U.S. policy would have them take more responsibility for global security.

A major power may participate in international trade and institutions, looking relatively benign to some, yet still help those whose behavior is hostile. China's trade with Middle Eastern rogues, for instance, has often been seen as a response to U.S. military sales to Taiwan. Under different circumstances, Russia could have helped Serbia, while the United States provided aid to Croatia and Bosnia.

China, Russia, and India as Potential Regional Peers

Three transition states, China, Russia, and India, possess the theoretical resources and sufficient independence of interest to become larger adversaries of the core states. Such an evolution is neither inevitable nor unlikely. Indeed, the three are counted among the transition states precisely because they are now integrating themselves into the world economy, embracing market forces, and leaning toward greater democracy. U.S. policy will certainly influence the path to power of these nations over the next two decades. Yet worse surprises have happened.

**China* is the most likely major power foe of the three, for several reasons: a growing GNP to finance a big military, an authoritarian government undergirded by a large army, a robust nationalism, and a history that leaves the state less than sympathetic to the interests of core states. But would China be willing and able to amass sufficient military power by 2018? Maybe not. First, because China is becoming rich as a trading state (rather than through the kind of forced draft industrialization that the Soviet Union underwent), its economic health requires global trade and hence an absence of major conflict. China's coastal provinces are growing richer and could serve as a potential counterweight to the center: even were China to bridge coast-inland schisms, the government's ability to mobilize resources for central ends might be limited. Second, a competent military takes years of investment; projecting power takes painstaking attention to the details of doctrine, logistics, and C⁴ISR. China has a long way to go: its rocket forces have mixed performance records, its air force and navy are unimpressive, and no army can get half its budget from running businesses without putting its warrior orientation in question. How soon China might challenge the United States as a near equal will be determined by its economic growth rates, its willingness to subjugate economic to state interests, and a demonstrated competence in military operations, especially those requiring power projection.

**Russia* couples great strengths and grave weaknesses. Among its strengths are vast resources, a large nuclear arsenal, and a reservoir of technology. But much of Russia's industry is shuttered. Its military sits at the edge of crisis. Birthrates have fallen below death rates. Technology-savvy people are emigrating. The central government has problems with organized crime and fissiparous tendencies in the perimeter (e.g., Siberia, the Caucasus). Russians still aspire toward great power status, but in a bleak economy individuals are consumed by survival. To reemerge as a power by 2018 Russia would need to pull out from its depression before its technological strengths dissipate, reassert central authority (either crushing or coming to terms with its Mafiya), and undertake serious military reform. Russia is unlikely to be a foe if it lacks security issues that define its own interests in clear and meaningful opposition to those of core states. Another indicator (if not necessarily cause) of strength would be a strong power position in former near abroad states (e.g., Ukraine, Kazakhstan).

**India* has a growing economy (roughly 6 percent a year), a large technically trained population, the world's largest population of preschool children (i.e., adults in 2018), a functioning space program, nuclear weapons, and a military of proven competence--as well as vast poverty and backwardness, a politically and culturally divided population, and a relatively weak central government. India has established a hegemonic position in South Asia and sits near two shipping chokepoints (the straits of Hormuz and Malacca). Yet, India is a democratic state with no serious quarrels with core states. To emerge as a major power by 2018, India would need faster economic growth (e.g., 10 percent a year), a unified will to power, and a greatly accelerated space and nuclear program. Even then India is likely to be on good terms with the core.

Implications

Scale is the essence of this threat, even though the larger foes are likely to have mastered the nasty technologies.

The character of an operational challenge from a major power depends, of course, on who the major power is. Were China and India hostile, the United States might seek broad naval and amphibious capabilities (including riverine operations) and the ability to operate in jungles and cities, possibly against very large armies. Were Russia to turn itself around, return to great power status, but pick fights with the core, the United States may have to return ground and air force units to Europe and buy additional nuclear submarines and related assets for SLOC protection.

A major power that was covertly or at least ambiguously hostile could prove a tricky challenge. As a player in the international system, it would have the same access to all infrastructure and technology as any other nation enjoyed. Such a power might be able to avoid the wrath of U.S. allies, especially in a proxy conflict in which it and the United States backed opposite sides. As a result, U.S. forces might face a nation with unexpectedly good capabilities such as the ability to borrow or reconstitute command and control infrastructure, access to navigation information, imagery from space, unmanned aerial vehicles (UAVs) *et al.*, and links to third-state markets. The United States would face a choice between ignoring the help provided or widening a conflict.

Ignoring the help would vitiate current planning assumptions of both information and logistics superiority. But striking back may be hard to justify to world publics, especially if assistance from the large power comes in as encrypted intelligence rather than boatloads of weaponry.

A major constraint on fighting a larger foe directly is how to manage conflict to avoid escalation into nuclear war. Unlimited aims may lead adversaries to desperate measures. Thus, U.S. aims may have to be limited, and strategic objectives may have to be defined in terms of settlement rather than surrender. Some or all of the major power's territory might need to be considered off-limits to U.S. operations.

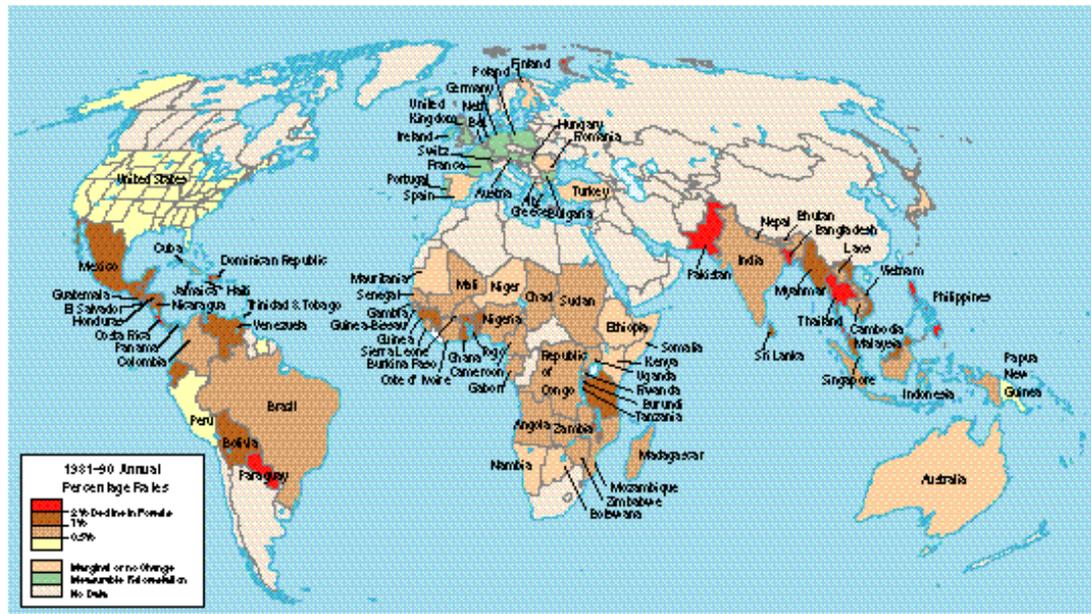
Prospects

The plausibility of a larger foe varies with *who* that might be and *how* core states might respond to its emergence. Although both Japan and Europe have the resources to be major powers, each has firmly decided to work with the United States to pursue common security. Both have, on many occasions, lobbied the United States to exercise more, rather than less, global leadership.

China has demonstrated national security objectives at odds with U.S. interests (e.g., over Taiwan or islands in the South China Sea) and it abuts nations at or near core status (e.g., South Korea, Japan, ASEAN states). Russia, at this point, is primarily interested in its near-abroad. India has defined few interests outside its immediate subcontinent. A *global* challenge to the United States is much less likely; that would take decades of military investment, practice in power projection, and a belief system that results in global interests--all of which no large transition state possesses.

One contradiction inherent in the challenge of a potentially larger foe is that requisite economic and technological growth requires a nation to be open to interaction with the core. Yet the government of an open society may have more difficulty mobilizing resources against core states. A coherently hostile national will may be hard to induce if many internal forces identify their own well-being with the survival and prosperity of the core. The sooner a challenger arises, the more it will evoke memories of (and possibly responses to) the old Soviet Union. Yet, these contradictions do not apply to the rise of a major power that simultaneously works with the core on one level but

Disappearing Forests—Factors in Messier Global Scenarios



Source: United Nations Environment Program, Environmental Data Report, and United Nations Food and Agricultural Organization, Forest Resources Assessment 1995

takes military issue with it elsewhere.

Technology Races and Globalization

When the worlds of defense and commerce were separate, technological competition between the United States and its adversaries could be abstracted as a two-handed match. The leader developed and deployed new technologies at the bleeding edge; the follower stole or copied (at the cost of being a few years behind), adapted it to national exigencies, and concentrated research on a few specialties (thus posing a niche challenge).

Dual-use technology offers the prospect of buying what one cannot steal, but until roughly the mid-1970s, commercial technology lagged military technology. The United States maintained its technological lead by declassifying technologies slowly and restricting the sale of advanced dual-use technologies to hostile states. Even if the system leaked, it helped contribute to the Communist bloc's relative backwardness.

Today some military equipment may be far superior to anything available commercially, but many defense systems lag commercial systems (because of delays associated with defense acquisition practices and the need to adapt products to military specifications). The sophistication and hardness of other military equipment are often purchased at a premium. Globalization means technologies are introduced everywhere at the same time (even if nations differ in their absorption rates). The end of the Cold War removed the constraint on selling dual-use equipment to almost anyone. These factors combined have led, in many areas, to where a dollar in the hands of adversaries can buy as much or more capability than the same dollar in the hands of DoD.

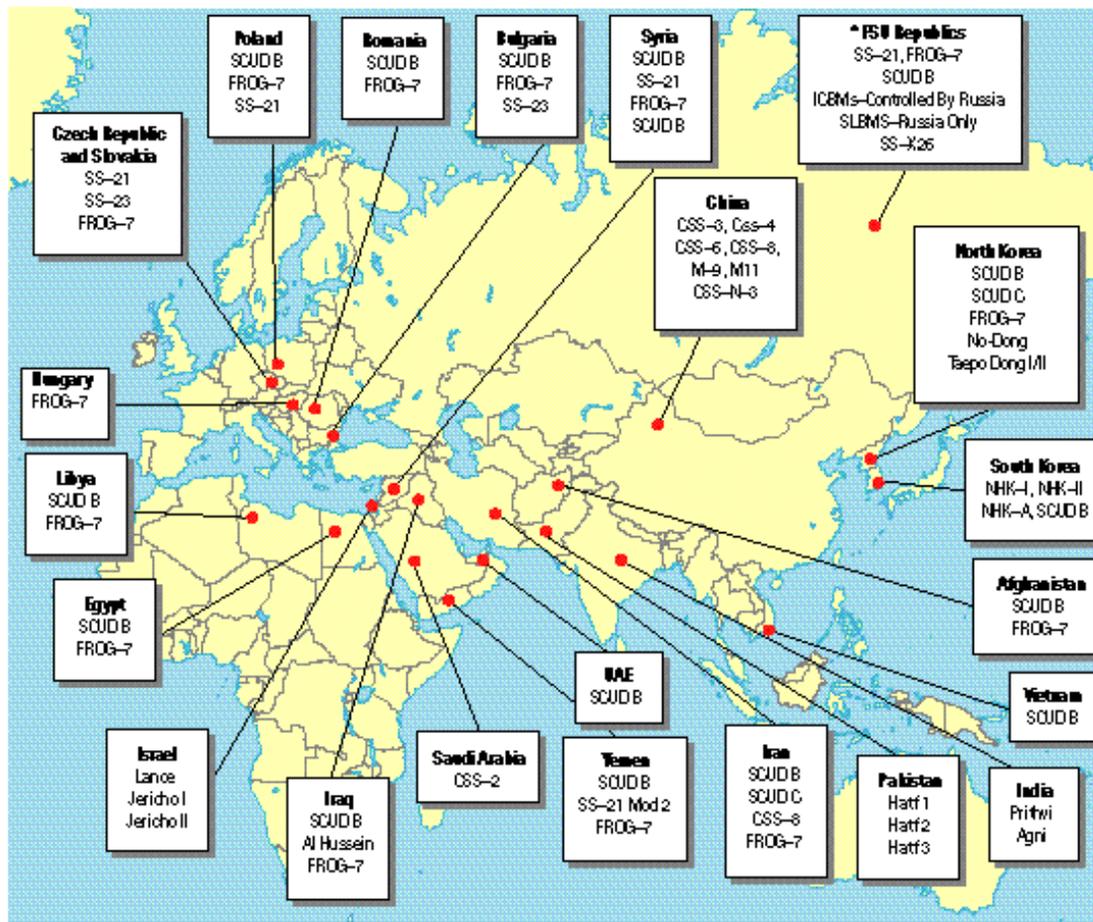
Where is the long-term U.S. technology advantage? First, the United States is richer; second, its military technologies give it unique capabilities; and third, the United States possesses systems integration skills that permit it to make more of a whole from its parts than others do. But do they suffice? China may have a larger GNP by 2018. Unique military technologies are becoming a thinner edge. The contribution of systems integration per se is hard to prove or even quantify.

Nastier

Estimates of future conflict often assume that it would involve only conventional weapons, that lines of communications to the front (or elsewhere) would be unimpeded, and that the United States would hold supreme technological advantages. All three assumptions are more likely than not. But a foe might plausibly have the will, wherewithal, and wit to figure out how to violate each of them. Chapter 11 outlines some paths a nation can take to confound the United States, particularly its ability to project forces overseas. To do so by 2008 would require good luck on the part of today's rogue states. But with globalization, technology is likely to spread faster. The 20 years between today and 2018 offer potential foes time to master the nasty technologies of warfare.

Weapons of mass destruction are a looming threat. The United States, for instance, has already fought an adversary, Iraq, which possessed medium-range missiles and chemical warheads that might have been mated and fired, even though they were not. Tomorrow's adversary may be less reluctant; its missiles might have longer ranges (possibly intercontinental), greater accuracy, and nuclear warheads.

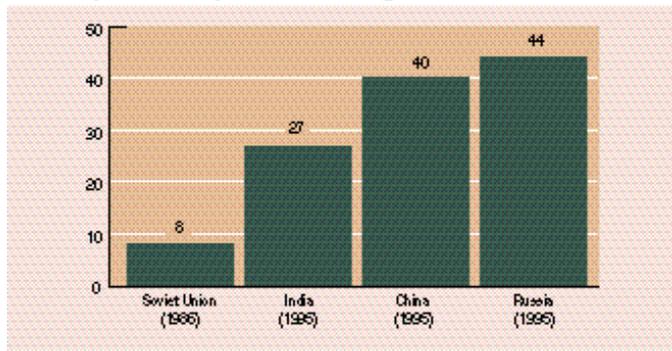
Missile Arsenals of the World



Source: International Institute for Strategic Studies, *World Military Balance 1997-98*
 * Former Soviet Union

A denial strategy can operate in many ways. No nation is likely to dominate any warfighting medium in competition with the United States. Yet mines, missiles, surface raiders, and long-range guns can increase the hazards of sea transit, thereby throttling commerce. Foes can attack runways, air-traffic control sites, support services, and even aircraft. Information warfare against military information systems is inevitable, but the closed nature of most military systems may favor defenders. By contrast, most parts of the global information infrastructure are open and likely to be more vulnerable. They could be held for ransom, or attacked so that the citizenry thinks twice before supporting intervention into the attacker's neighborhoods.

Trade (Exports Plus Imports) as Percentage of GDP



Although exploitation of the information revolution for defense has gone furthest in the United States, even partial exploitation elsewhere could have a disproportionate effect on the capabilities of an adversary. Three pillars of tomorrow's military--precision-guided munitions (PGM), unmanned aerial vehicles (UAVs), and access to space--could be acquired from many countries. Commercial technologies with military potential--computers (e.g., portables, which can store detailed maps on CD-ROMs), cellular telephones, networks, digital signal processors, and software (e.g., for simulation, manipulating databases, and encryption)--are even easier to acquire. Future foes may not have the reach or legs of U.S. forces, but they do not need them to put up a stiff fight in their own neighborhoods.

Implications

A foe's mastery of nasty military technologies--WMD, attacks on lines of communication, or a cheap revolution in military affairs (RMA)--could extract unacceptable casualties from military forces operating overseas. A foe's technological competence

could strike hardest against power projection, which is both a U.S. core competence and the most vulnerable aspect of U.S. global military capabilities. In the hands of state or nonstate actors, WMD may be used against homeland populations.

The impact of WMD depends on how they are wielded. A threat against a lukewarm ally of the United States could persuade it to leave a U.S.-led coalition (thereby reducing the coalition's combat power) or deny the ally's facilities to U.S. forces (complicating logistics). The specter of WMD use would hang heaviest on force concentrations and close-in warfighting methods where soldiers must be massed if their effects are to be focused. The existence of countermeasures against chemical and biological warfare (e.g., aerosol detectors) by no means eliminates the problem. Chemical-weapons suits are hard to fight in. Defenses against WMD delivery systems such as ballistic or cruise missiles are advancing, but today's best systems leak, and progress belies optimistic expectations of their performance. Even reliable missile defenses would afford little protection against terrorist WMD or weapons delivered by artillery (e.g., North Korea's overlooking Seoul). Any deterrence provided by retaliation-in-kind (e.g., hitting back with nuclear weapons) is problematic because it would legitimize a class of weapons otherwise receding from the inventories of today's powers.

Somali "technicals"

Potential threats against cities of core states, especially in North America, have to be taken seriously. If the technologies of hitting an ICBM in flight continue to be refined into something reliable, a shield against a sparse attack might be upgraded to cover successively denser ones. True, sensors proliferated in space could increase detection and localization of missiles, but stealth and decoy techniques can hide true missile tracks. Beyond some point, the calculus of antimissile defense runs into the same technical problems (e.g., the mathematics of leak-proof defense or cheap countermeasures) that convinced the United States and the Soviet Union in 1972 to conclude the Anti-Ballistic Missile (ABM) Treaty.

The use of mines, shore-based bombardment, submarines, or surface raiders to threaten straits (e.g., Gibraltar, Bosphorus, Hormuz, Malacca, and Tsushima), canals (e.g., Suez, Panama), and littorals could frustrate global commerce, blackmail nations or corporations, and generally complicate deployment. Air threats pose similar challenges, and many are directed against lives rather than against commerce.

Cyber warfare, as noted in chapter eleven, could destroy (although more likely corrupt) information required for high-technology operations, curtail access to information systems and services when most needed, and either compromise the security of war plans and technologies or reveal locations of friendly forces. Threats against lines of communication could complicate the use of split basing and reach-back (i.e., supporting forces abroad with information systems in the United States) or force the addition of further layers of protection for the existing infrastructure. A thin but redundant support architecture might survive information warfare better than a thick but expensive one, prone to single-point failure because no one can afford to make it redundant.

By learning to apply information technology to conventional warfare, a nasty foe could easily undo the three pillars of the coalition victory in the Gulf: superior logistics, command-and-control warfare, and dominant maneuver. An adroit combination of cruise missiles and laser-equipped UAVs could pose substantial risks to the high concentrations of value that define U.S. platforms, notably ships, but also logistics transfer and storage points. An adversary's ability to disperse its own C⁴ISR systems would complicate U.S. efforts at command-and-control warfare. If a trackable signature constitutes a target for precision guided missiles, then maneuvering (thus, disturbing the environment) can, by enhancing signature, introduce new vulnerabilities. Today's operational philosophy counts on the United States' sensor superiority through such platforms as Aegis ships, or aircraft hosting AWACS, JSTARS, Cobra Ball, and Rivet Joint suites, none of them particularly stealthy and all operating within 100 to 200 kilometers of battle. Against a foe so equipped, the United States would need to rethink the optimistic pictures of *Joint Vision 2010*. By contrast, networks of sensors, processors, and weapons can be arrayed to take hits and still recompose themselves in near real time to support operations.

Prospects

A nasty threat arises only if the requisite technologies are mastered by those willing to take the risk of using them.

Many rogue states have WMD warheads and theater missiles. Few missiles exceed 1,000 kilometers in range, but North Korea, if it survives long enough, may have weaponry that does. Yet, developing WMD or strategic delivery systems is fraught with risks. The very activity gets one noticed and may lead to countermeasures by the United States and others before efforts have been completed. Those who would employ biological and chemical WMD must also calculate that while the odds of success may vary, even a serious attempt that fails to generate all the desired effects may result in retaliation, and nuclear means cannot be ruled out.

Because the means to challenge sea and air lines of communications are within reach of many, terrorism against either has to be considered a real threat (even if blue-water operational capability remains expensive and rare). Information warfare is cheap and many systems are vulnerable, but whether even a coordinated attack against prepared defenses can surpass the level of annoyance is not clear.

Finally, the innovative exploitation of commercial information technology is quite likely. Electronics is a commodity and is thus globally available. Although the United States prides itself on its superior skills in systems integration (a lead it should enjoy through at least 2018), the technological sophistication of the Third World is not to be underestimated. Given the Internet, the number of students studying engineering in the core states, the level of foreign direct investment, and the reverse engineering of complex systems, a potential exists to learn adequate systems integration skills.

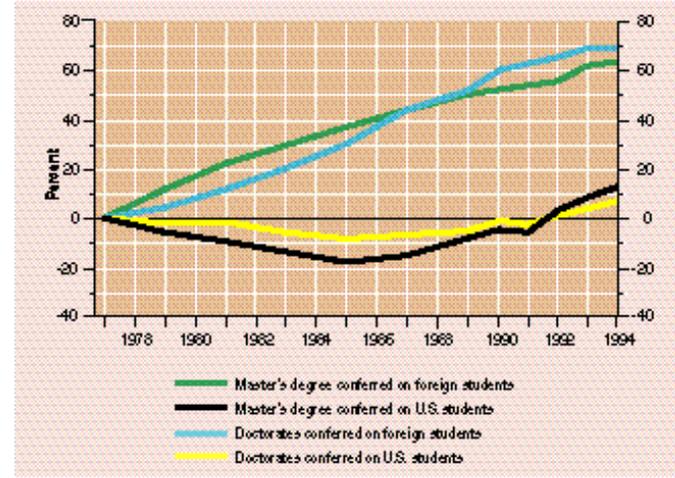
Indications and Warnings of a Revolution in Military Affairs by Other States

Military intelligence tends to assess the progress of other countries toward an RMA by examining their doctrine plus current and in-the-pipeline equipment, most of it acquired and developed along established military lines. Were such assessments reliable, other countries' RMAs could be seen coming years away, and the U.S. lead could be managed by a vigorous response where most threatened.

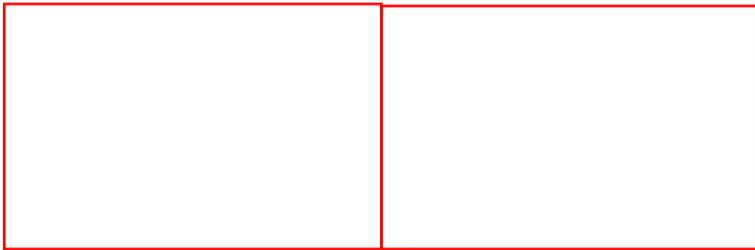
The civilian nature of most RMA technologies suggests that an RMA itself may arise from civilian ranks. Third World strategists may be able to figure out how to build an effective military by rummaging through the global Radio Shack. They might not even have to be *defense* strategists. Much of the RMA entails how to know about and control land and immediate airspace. Domination of battlespace has similarities to other tasks of national space management, such as environmental control, transportation management, urban and regional planning, law enforcement, and even public health. RMA concepts may also arise among defense firms in core states eager for overseas customers. Rogue states are unlikely to be favored customers, but today's approved customer can become tomorrow's enemy (e.g., Iran in the late 1970s).

If new concepts for C⁴ISR and related aspects of warfighting do not show up in normal defense acquisition channels, they may be missed. Watching Beijing is not enough if the RMA comes out of Shenzhen.

Advanced Degrees Conferred by American Universities
(Percent increase or decrease since 1977)



Source: Department of Education, *Digest of Education Statistics*



Messier

When waging war, the United States prefers going in hard, knowing whom to fight, winning decisively, getting an enemy to admit defeat, and leaving a state to its (ultimately) grateful populace. Reality is rarely that clean. Wars, such as the one fought in Vietnam, may lack obvious starting points, clear lines between enemy and noncombatant, obvious ending points, and enemies that quit when beaten. Transitions between a large-scale peace operation, scattered resistance to peacemakers, dissolution into chaos, and the onset of outright war may not be possible to determine (even after the fact).

As the Gulf War has shown, the United States is hard to beat in open terrain. Dense terrain gives some protection, but the ability to intermingle one's warriors amongst the background population can generate especial advantages. Making military weapons (e.g., a pickup truck with a Bushmaster-class machine gun in back) look commercial (e.g., a pickup truck) is a tempting option for a foe preferring to abjure uniforms and shield itself behind the local population (whether as supporters or hostages may be irrelevant). As events in Mogadishu or Grozny proved, even poor people can generate challenging counters to technologically sophisticated weapons confined in urban areas. The cheaper electronics gets (and anything that can be pressed into a chip will eventually be tantamount to free), the faster it is likely to spread within the Third World. By 2018, many cities may be densely wired into virtual grids permitting the detection of and mobilization against even fast-moving military units.

The U.S. military can also be stressed if loaded with enough responsibilities for military operations other than war: peace operations occasioned by failing states, natural disaster relief, or large-scale noncombatant evacuation operations (NEOs). Rapid urbanization coupled with a decline of integrating belief systems may yield an ungovernable world where criminal organizations or gangs control neighborhoods and hold commerce for ransom. Failed states already pull in core forces in intermittent, frustrating attempts to relieve potential tragedy, restore order, or protect the interests of core states.

The occupation of even a defeated nation can pose problems if its population is:

- Ideologically or religiously at odds with the United States
- Hiding those who should be brought to justice
- So torn by factions (or permeated by former internal security forces) that it cannot rule itself.

Israel, for example, beat Syrian forces in Lebanon in 1982 and has suffered 16 years of constant casualties since, while occupying a security zone south of the Litani River.

Implications

Messy situations are manpower intensive. If they go wrong, the institutional cohesion of the military may be put at risk.

Patrol, whether for peace operations, or the occupation of a hostile land, could absorb tens or hundreds of thousands of foot soldiers. Forces may have to find a mix between visible presence and the rapid, stealthy insertion and recovery of forces to conduct strikes on opposing leaders and concentrations--with international media looking on. Although technology (e.g., unmanned hovering lookouts, sniper-round detectors, microwave and infrared (IR) see-through devices) can help find *things*, true information dominance requires an understanding of an area in its full human dimension. This is never easy, especially in the face of a suspicious or hostile population.

Evacuation and disaster operations require working with nongovernmental organizations (NGOs) and private voluntary organizations (PVOs), contracting for and delivering commercial services, and exercising power to acquire enough food, medicine, and transport vehicles. Eventually militaries will come to play a skeletal organizing role, and private support services will provide the bulk of the effort (except, perhaps, quarantine enforcement).

Prospects

The extent to which the U.S. military is preoccupied with a messy world depends on whether the world becomes more of a mess, and whether it does so in ways that compel U.S. interest.

The persistence of messiness is guaranteed. Dirty wars will not go away. State failure in Africa continues. Populations in many parts of the world are pressing against food supplies. Global warming, overpopulation, deforestation, and the potential rise of antibiotic-resistant infectious agents raise the likelihood of certain natural disasters. Youth unemployment in tomorrow's growing megacities is extremely high even as such conurbations become more vital to the world economy; irruptions against them may well call for evacuating their populations.

The United States will not send forces forward into every crisis or disaster. The more distant the trouble, the greater the temptation to do nothing. Yet, continued difficulties with drugs, organized crime, and unchecked immigration coupled with failing or corrupt state authority to the south may force the U.S. military to preoccupy itself with problems in its own backyard. A good deal depends on other nations' expectations of the world's unipolar power, U.S. public opinion, and the interdependence and growth of the global infrastructure. In an age of air transport, the outbreak of a highly contagious disease could force core states into action, which, in some circumstances, could involve military forces (e.g., to protect health workers in failed states). Given a globalized economy, the security of any one Third World city tied into core states affects the terms on which others live.

Responding to Worsening News

The United States could respond to a worsening world in two ways. As the next chapter details, the plausibility of larger foes, nastier technologies, or messy situations reinforces the need for defense institutions and systems to be broadly adaptive. But DoD must also monitor the world's threat environment and respond if it worsens.

Satellite communications



Responding to the problem of a larger foe is largely one of coping with unexpected but nevertheless historically familiar size. Today's forces need not be raised to meet a larger foe that, itself, must take comparable time to build forces. Yet some elements of defense, like advanced technology, take longer to complete than others. Some tasks that once consumed the assets of the Nation's R&D establishment--strategic warning, intercontinental strike, national missile defense, space control and denial, high-energy systems, and electronic warfare--may need to be intensified when a large adversary is on the ascent rather than when it has already arrived. Investments in lift would similarly be required to face a foe capable of challenging the United States in many places.

Pacing the force to follow a rogue's progress at mastering nasty technology is difficult. Few obvious indicators foretell a foe's ability to interdict lines of communication or field a cheap RMA. Harder still is correctly forecasting a *will* to be nastier. For this reason, many of the coping strategies must be in place or en route to begin with.

Many methods of coping with the possession of WMD are getting attention: warning systems, counterproliferation, and deterrence strategies. Operating with widely dispersed or over-the-horizon forces, although a more radical response that challenges command-and-control doctrine and inter-service roles, may need to be pressed.

Sea lines of communication can be pro-ected by using airborne surveillance and other C⁴ISR assets against shore attack or raiders. Mine-clearing and submarine-detection remain complex problems. Protecting the open ocean may require monitoring global ship movements continually, for example, by using air- or spaceborne synthetic aperture radar (SAR) to pick out wakes.

Conventional threats to airways can be managed by general air superiority, runway protection (e.g., rapid repair kits and revetments), and redundancy in radar and navigation systems. Coping with the proliferation of portable heat-seeking missiles (with vertical ranges up to 3 kilometers) into terrorist hands is difficult. Exclusion zones around some military airports may be workable, but many civilian airports cannot be protected this way. Hardening civilian aircraft would be hideously expensive, but infrared countermeasures may be affordable for aircraft with certain missions (e.g., the Civil Reserve Air Fleet).

DoD already protects its information systems and by contractual methods could induce similar protection for its suppliers' systems. To help bolster civilian but still critical infrastructures, DoD could fund help centers, computer-hacker trackers, security technology and related tests, standards, metrics, and verification suites; DoD experts could directly assist systems administrators. Yet DoD cannot protect private systems.

The United States could respond to an adversary's cheap RMA by accelerating its own, notably its ability to conduct stand-off warfare. The growing vulnerability of platforms will inevitably force consideration of dispersing data collection, information processing, manning, and weaponry into networks that can be assembled quickly, withstand attack, and degrade gracefully under its effects.

Escalation is another method of dealing with the threats of WMD and attacks on LOCs. In effect, the United States could declare a differentiation between the operational (conventional weapons used on the battlefield overseas) and the strategic (WMD and threats to the United States or its friends). Strategic threats warrant a strategic response. Declaring a firebreak, however, does not guarantee its acceptance; even allies might not countenance a U.S. strategic response unless there were many casualties at home.

Some trends toward a messier world can be monitored, but without sorting out its own values a nation will not know when and where it may intervene. Messy situations can be managed by using forces with sufficient mass to quell them. In other cases, control may be impossible and successful intervention a matter of influence: stand-off weapons for isolated, obvious targets; rapid-strike operations for targets of opportunity; and copious information support to local forces to help them handle problems. The challenges involved are to:

- Draw the required information from the environment
- Feed it to local friends in the best ways to support whatever doctrine local forces find appropriate to the level, scale, and character of the conflict
- Reconcile what friends do with U.S. values.

Large-scale NEOs require development of a doctrine of *cordón sanitaire*, a firebreak between the irruption and evacuees. The latter may include antimissile and anti-aircraft assets and counterfire operations.

Conclusion

Although today's world is benign and likely to stay so, the U.S. military must be prepared for less inviting futures. Compared to the canonical major theater war (MTW) foe, tomorrow may see larger foes, those who have mastered nastier technologies, or situations far messier than theater conflict.

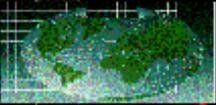
The most difficult of plausible bleak futures may not be those that are obvious and ugly but those whose character is ambiguous. Ugliness derives from tradeoffs that even rogues may be unwilling to make. Taking on core states may impede the access to trade and technology necessary to financing and building a modern military. Brandishing WMD or threatening LOCs may risk devastating escalation by the United States. The messiest situations may not affect U.S. interests.

The futures to watch would skirt these tradeoffs. One might be a major power with a smiling face and steel-pointed boots kicking furiously under the table as domestic debate ensues over its *true* character. Another might be a midsize state that had mastered the jujitsu of commercial information technology and learned to build low-cost, high-tech defenses against U.S. intervention. A third might be a messy situation that strikes at the interests of core states: disasters that threaten to spread quickly along a swift infrastructure, or irruptions best dealt with by evacuation, rather than full-scale conventional combat operations.

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1998 Strategic Assessment

Engaging Power for Peace



CHAPTER FIFTEEN

Adapting Forces

The strength of the U.S. military rests on power projection, C⁴ISR, jointness, lethality, and robustness. If the world stays benign, these features will remain its long suit; if not, these features could be called into question.

- Weapons of mass destruction (WMD) and long-range strike capabilities possessed by large or nasty foes could confound power projection by crippling over-the-shore operations and lines of communication.
- Information warfare (from large foes or masters of nasty technologies) could put C⁴ISR at risk; the ambiguity of messy situations could prevail, making it unclear who is friend and who is foe.
- Joint warfare alone could be inadequate if combined warfare is required for coalitions among core partners (e.g., to face large foes) or for reaching to local power centers (e.g., in messier situations).
- Lethality, the *sine qua non* of warfare, may backfire in messy situations where nonlethality is more appropriate.
- Robustness, a feature of organizations, would have to be a feature of systems to defend them against nastier foes or support warfighters in messier situations.

Adaptiveness helps bridge the gap between the expected and the actual future. Chapter fourteen suggested why a gap may arise at the macro level. But microfactors also call for adaptiveness. A known adversary could have unexpected strategies. If its equipment is unfamiliar, identification based on recognizing a profile or electronic signature could be misleading. If its doctrine is unanticipated, new operational countermeasures will be needed. At the same time, unexpected opportunities (e.g., new technologies) can arise that an adaptive military will want to incorporate rapidly.

An adaptive military must have agile warfighters, trained in the known but capable of dealing with the unknown, aware that it will not have all the answers but capable of learning what is needed for victory. Yet, institutions matter because they form the context into which agile warfighters are recruited (thus they are mutually reinforcing), and they can enhance or impede the ability of warfighters to adjust to change. Systems can help or hinder warfighters, especially in extending their battlespace awareness. Systems and institutions both will need to adapt to the ongoing revolution in information technology--not just to the opportunities it presents but also to any challenges realized by adversaries.

Institutions

Troop levels, mobilization, doctrine, and alliance structures are all issues for the United States in adapting to a less friendly world of larger and nastier foes and messier situations.

Larger

With the end of the Cold War, the DoD lost its large foe and, understandably, reduced its manpower and material. A new major power (and, to some extent, a messier world) could reverse that. How can the DoD best face the challenges of a reconstitution?

Massed forces



If size were a matter of scale-up, one approach would be to maintain an officer corps and training base to facilitate expanding from today's specialized high-technology military to one in which large cohorts of rapidly trained fighters man the front lines. This approach, however, has several problems. First, the day of the mass military here may have passed as early as 1970. Compared with their fathers, today's entrants have greater access to information, broader familiarity with networked rather than hierarchical organizations, and hence greater resistance to rote discipline. Second, the skill levels of even front-line infantry today need to be much higher than popularly perceived. Not only is the gear more sophisticated, but in today's global fishbowl every mistake is likely to be widely broadcast. Third, without some reincarnation of the Cold War, the requirement for large armies is incompatible with a low public tolerance for casualties.

Reserves may be a repository of institutional adaptiveness. The Gulf War reinforced the notion that, in regard to major theater wars (MTWs), combat forces should be active and the reserves ought to specialize in support functions. Perhaps some of the reserve forces could be a repository for combat skills (e.g., riverine operations) that appear outmoded but may find unexpected use. Individual reservists could be rotated into combat units to return such skills to the active force. Conversely, nothing justifies retaining a skill to operate obsolete equipment.

Force XI: Wired soldiers



Industrial as well as manpower mobilization has been a traditional response to the possibility of a large and active foe. As inventories decline, bases are consolidated, the role of contractors grows, the defense sector closes underused facilities, and the challenge of mobilization increases. Consolidation of the defense industry into three large firms (Lockheed Martin, Boeing, and Raytheon) has narrowed the industrial base. An unexpected buildup could force the United States to look beyond traditional suppliers. Their learning curve might be uncomfortably long, but they would have sunk less intellectual capital in existing weapons, capital that could have gone to an RMA.

To face larger foes, the United States would have to have friends (a messier world also calls for partners, but political cover for unpopular operations is often the driving factor). The issue of how to structure coalitions becomes important. In the Cold War, allies manning the Central Front each had their zone to cover. By 1996, European allies had recognized U.S. preeminence in C⁴ISR and strategic lift, and NATO worked out arrangements by which U.S. intelligence, long-range lift, and strike capabilities would permit other countries to conduct out-of-area operations. Other combinations also might work, but they take up-front planning, mutual exercise, the careful integration of doctrine and expectations, and the mutual recognition that their consideration does not presage U.S. policy shifts (e.g., to allay fears that the United States expects NATO partners to take all the casualties).

Two Experiments with Universal Networking

Two broad experiments--the Army's Force XXI (TF XXI), and the Navy's Cooperative Engagement Capability (CEC)--testify to both the U.S. military's eagerness to adapt and the conceptual models within which adaptiveness is pursued.

The purpose of Force XXI is to put tactical information into the hands of the soldier by automating the generation and distribution of battlefield information, orders, and related message traffic. The heart of Force XXI is called the Appliqué: a computer terminal for every vehicle (dismounted versions are being explored), which offers soldiers a constantly populated map of the battlefield and allows them to receive status reports on mission assignments, logistics, and ambient factors (e.g., weather). The Appliqué and its servers are linked by a tactical internet covering 1,000-plus users per brigade over constantly shifting network topologies. In March 1997, the Army Experimental Force (EXFOR: the 1st Brigade of the 4th Infantry Division) went to the National Training Center to see what difference its new configuration would make. It lost, as does every unit that trains there, but its performance demonstrated (1) that internetworking can halve the time required to plan and conduct

operations and (2) that a lot of sensors are needed to stay current with enemy dispositions, but (3) that forcing others to gaze skyward for UAVs quickly tires them. Overall, the Army has concluded that, by providing a situational capability never before demonstrated, TF XXI was a successful proof of concept of the value and combat potential of digitization down to the platform level. The first digitized division is slated for the year 2000; the first such corps, for 2004.

Navy CEC was designed against the air threat (e.g., from cruise missiles), especially in littoral waters. Until now, each ship's radar would build incoming missile tracks by itself, on the basis of what it saw. CEC allows each radar to provide semiprocessed data to all other ships, supports a common data-fusion algorithm, and creates a consolidated track. Data exchange reduces dimensional inaccuracies; permits more frequent data acquisition; allows sharper beam focussing; provides earlier alerting; and supports common IFF determinations. Passing tracks to other ships permits one ship to engage a target on the basis of what other ships see. Undergirding CEC is a robust communications system with several orders of magnitude in improvement to bandwidth and electronic countermeasures.

Similarities between CEC and TF XXI are telling. Both programs were accelerated after impressive demonstrations. Both seek operational improvement through improved command and control. Both exist, in part, to systematize advantages offered by the global positioning system (GPS). Both programs cost in the low billions. Most of that money went to improve communications systems according to each service's structural paradigm, with the Army widening and the Navy deepening their respective nets. Both reinforce each service's reigning paradigm--the Army, by giving soldiers what they supposedly need to know; and the Navy, by reinforcing the position of the capital ship.

Both programs will probably expand their coverage. TF XXI is capable of extending tactical internetworking to the Marines, allies, close air-support units, and missile defense. CEC may be adapted to underwater and power-projection operations. Meanwhile, the Ballistic Missile Defense Office has its prototype of the System of Systems. The Air Force is initiating programs to fuse information gathered by its four tactical intelligence aircraft--AWACS, JSTARS (designed to communicate only to special trailers), Cobra Ball, and Rivet Joint--into rapidly deployable squadrons for real-time data fusion. Eventually these programs are bound to grow into one another. Foresight today may determine whether the result is a smooth meshing of gears or the noisy fight over sectors, budgets, protocols, and standards.

Nastier

Unexpected nasty foes (and other potential large enemies with similar capabilities) may cause the failure of key warfighting assumptions and create the need for new doctrine. Constant experiments, battle laboratories, and what-if exercises ought to be the rule in the military, even at the expense of high readiness ratings.

Although tomorrow's world is ineluctably joint, innovation may be enhanced when services compete for similar missions. Thus it may be healthy that the Army and the Marine Corps are exploring different and even antithetical concepts of how to use information on a dynamic battlefield, or that the Army, Navy, and Air Force each view the SCUD problem in various ways. As long as each service prefers to differentiate itself from others, each will probably develop a unique approach to problems. The more solutions there are, the greater the likelihood that one will fit the unexpected contingency (if losing approaches can be shed when proven less fit).

System of Systems: Linear versus Adaptive

| | Linear | Adaptive |
|--------------------|---|---|
| Input | Complex sensors. Data from air and space sensors are fused into a common picture. | Plus a profusion of simple air and ground sensors also fused into the common picture. |
| Throughput | Voice-grade field connectivity (3600 bits per second). | Wide-area conference-grade connectivity (128,000 bits per second). |
| Processing | Fixed routing from sensors readings to data bases. | Content and context-sensitive routing to narrative-oriented knowledge bases. |
| Anchor Desk | Preprogrammed consoles (e.g., for help on logistics questions). | On-call expertise supported by pop-up newfeeds. |
| Mapping | One- to five-meter resolution. | Real-time image overlays. |
| Output | Data reports supported by Web-based searches. | User-created displays, software agents, and natural-language inquiries. |

Because many of the nasty technologies work against power projection, the need for new doctrine in this area is critical. The United States would need ways to project force without necessarily projecting forces. Long-range, stand-off strike cannot be used for all aspects of warfighting, but it can destroy enemy platforms at a distance and thereby weaken foes in confrontations with the lighter forces that local allies would field. Small, lethal, highly mobile units on the battlefield (as advocated by the Defense Science Board summer 1996 study of *Tactics and Techniques for 21st Century Warfare*, and tested in the Marine Corps *Hunter-Warrior* exercise of 1996) can supplement or enhance stand-off strike. Such units would carry a two-week supply and most of their firepower would come from offshore units. Marines would "infest" enemy territory (rather than storm ashore), assess contested terrain, discern targets, and call for fire from over the horizon. Army officers now talk of "massing fires rather than forces" on tomorrow's nonlinear battlefield. Before the Gulf War, few airmen would have accepted, much less applauded, replacing manned aircraft with unmanned aerial vehicles (UAVs), but the Air Combat Command has since formed its first UAV squadron and sought and won tactical control of all UAVs in theater. UAVs were used more aggressively in Bosnia (despite worse weather than in the Gulf), and their numbers and roles will only increase.



JSTARS (top) and AWACS (below) aircraft detect ground and air targets, respectively



The ability to field new equipment rapidly in response to contingencies is another attribute of adaptiveness. Both the 1982 shoot-out in the Bekaa Valley (where Israeli jets shot down over 80 Syrian jets without loss) and the Gulf War suggested a growing gap separates what works well and what does not. In a crisis, one may need only the few really good items increased (and sharply). Yet picking winners prior to combat is hard; were it otherwise, production of the losers would have ended far earlier. The need for selective mobilization favors modularity in systems design (so components of losing weapons can be diverted to production lines for winning ones), commercial components (to extend the potential mobilization base), and software that can be rewritten in the heat of combat (as Patriot missile software was, to work against the SCUD--although a shortfall in performance suggests improvement is needed).

To meet contingencies, systems may have to be fielded well before their initial operational capability (IOC) has been certified. In a typical program, performance issues are worked on first, and the ability to test, maintain, and upgrade a product comes later. But the latter are what makes weapons fit for war. Otherwise they are fragile and vulnerable. Up-front attention to such factors, as well as interoperability and security, ease the task of fielding systems when needed, rather than when scheduled.

Messier

Coping with the stresses of a messier world may force the United States to cooperate with a wider variety of partners than it is accustomed to: not only coalition partners but NGOs, PVOs, local power centers, and commercial enterprises. U.S. military operations in politically unsettled regions mean working with local powers that may not meet U.S. standards in all respects. Adapting to such a future requires familiarity with the nuances and power relationships of other cultures. It means that, in a broad sense, the United States needs to be able to connect to and disconnect from them quickly.

Combined operations, like joint ones, are often a matter of developing standard doctrinal interfaces and a common set of concepts. Both permit innovation by all parties with less concern that evolutions by one may constrain the actions of another. Good interfaces allow the formation of task forces from elements trained and supplied by individual services, other countries, and nonmilitary institutions.

Messy situations also may call for the U.S. military to interoperate more closely with contractors. Their role has grown from near zero in the Korean War, to modest but vital in the Vietnam conflict, to critical in the Gulf War (JSTARS required Grumman employees on board), and to essential in the Haiti operation. Their use may very well have turned the Balkan war around for Croatia in 1995. When information accounts for 10 percent of operational effectiveness, it is the tail; when it is 90 percent, it is the dog. And information can be privatized in ways that the application of force cannot. The free market is a powerful adaptation mechanism, but one to be used with care.

A Revolution in Military Affairs

A current revolution in military affairs (RMA) can be traced back to the late 1970s with the development of precision munitions and off-board sensors. Barring global conflict, it is likely to play out well past 2018. Such an RMA rests on two tenets: the ability to put ordnance precisely on target from stand-off distances and the ability to conduct military operations more quickly (and, thus, to operate inside an enemy's decision loop).

*Precision. Precision weaponry (PGMs such as tactical missiles, torpedoes, and laser-guided bombs and rounds, plus armor within 3,000 meters) can kill targets whose location is known in real space or by general position plus by traceable signature. Precision offers first-strike kills (by the second shot an enemy may have run for cover), less collateral damage, and a smaller logistics burden and thus faster responsiveness. Precision is not guaranteed: jamming, spoofing, and other tricks can break a target lock; targets can be out of range, or can outrun (rarely) or outmaneuver (more commonly) the PGM. Targets can be armored, bunkered, or buried or can shoot back (e.g., as the U.S. Navy's Phalanx gun shoots back against cruise missiles). Yet, over time, smart money must be on precision weapons as they get faster, more maneuverable, stealthier, and more discriminating.

The trend in precision weapons is toward information-based control. Shorter range PGMs (e.g., TOW antitank missiles, or laser-guided bombs) require the targeter to be within sight of the target, thus at risk. These are being supplanted by PGMs that can acquire a target based on their own internal intelligence, and those that can go to a specific point (e.g., cruise missiles or JDAM bomb kits)--and, ultimately, to a track provided externally. Stand-off operations make shooters more difficult to spot and reach and give them time to hide or get back to shelter after they shoot.

All this shifts the basic wellspring of military efficacy from firepower to information. If seeing a target is tantamount to killing it, then seeing others and staying hidden become the two reigning requirements of combat. The U.S. military has, by far, the world's best eyes: from space-based sensors to aircraft such as AWACS, JSTARS, Cobra Ball (infrared), and Rivet Joint (signals intelligence), UAVs (for video and synthetic aperture radar [SAR] imagery), sea-based and counter-battery radar, and a host of unmanned ground sensors. By 2018, the U.S. military will be fusing the various bitstreams produced by such sensors into a unified picture of the battlefield that can be sliced and diced to the needs of any warrior. As for hiding, some U.S. forces can use stealth; electronic warfare and operating out of range are other protective measures.

The United States will probably maintain its long lead over rivals in illuminating the battlefield to its own advantage, but the underlying technology is already available to all. UAVs and medium-range cruise missiles are international commodities. Commercial space-based assets can take communications up and return one-meter imagery down. Everyday electronic equipment may have great military applicability (a 17-gigabyte digital video disk could hold the entire United States imaged to five-meter accuracy). Thousands of Third World engineers trained in core states can integrate pieceparts into systems. What results may not meet U.S. standards, yet the additional capability others get by buying off the shelf may exceed what extra benefit the U.S. military gets by pushing the envelope. Information technology enables a revolution in U.S. forces; a like empowerment in Third World militaries may compel U.S. forces to move forward.

*Reducing Cycle Time. Information technology helps to reduce the time required to conduct operations, a critical factor when two cycles compete for primacy: taking advantage of suddenly vacant terrain; spotting and killing a SCUD launcher inside the time it takes to set up, fire, and take it down; and distinguishing between an innocent fishing boat and a hostile missile-launcher in a crowded port before the launcher fires.

Indicators of reduced cycle time are ubiquitous. It is becoming increasingly possible to rewrite Air Tasking Orders (a three-day re-planning process in the Gulf War) between launch and engagement. Tactical internets let armies disseminate orders more quickly, permitting faster responses to evanescent opportunities. A deft combination of networks and electronic tags permits lean logistics; depletions at the front are immediately reflected in production starts in CONUS, so the pipeline is always full--but with little waste.

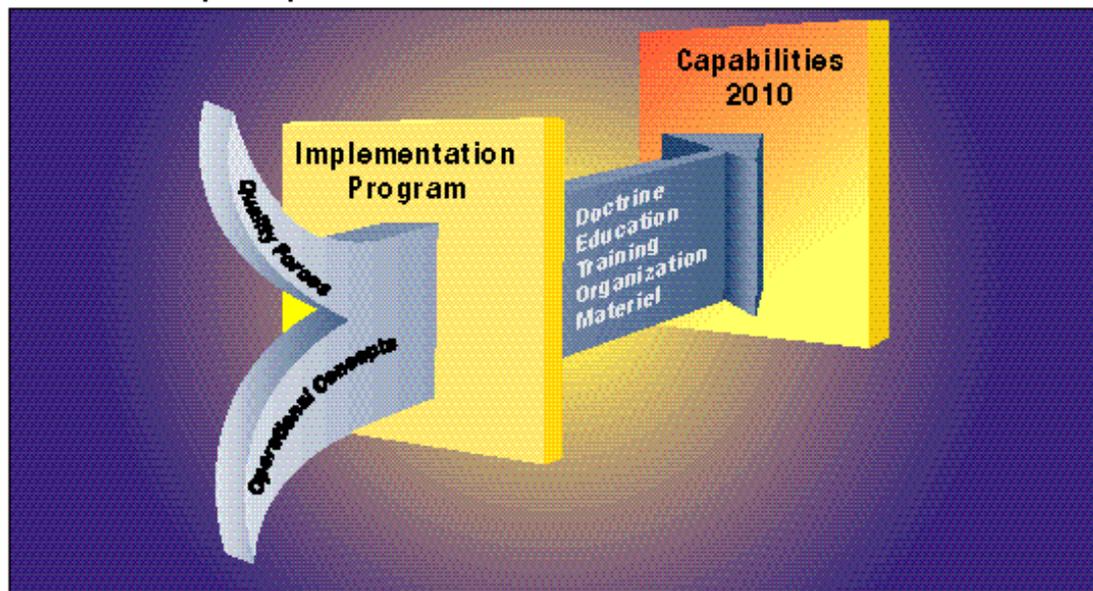
engagements to come up with new ways to do business. Were doctrine hardwired into the System of Systems, the normal difficulties of changing complex software (e.g., the year 2000 problem) would aggravate and delay change and confound adaptiveness.

JV2010: From Concepts to Capabilities

Larger

The need for adaptiveness calls into question the current preference for the complex, costly, hardened, and specialized systems that dominate defense acquisition. The assumption that foes can target neither sensors nor communications relays if they operate beyond 200 kilometers (e.g., JSTARS, Aegis, low-earth orbit [LEO] satellites) may not withstand serious challenge by a large foe. Less expensive commercial-grade items--especially sensors and offboard weapons--may be individually less survivable, but when networked may be collectively more robust.

Communications will permit warriors to operate farther apart, but techniques to disperse ground command centers (with their copious electronic emanations) will have to follow if these centers are to survive.



Nastier

If the United States hones its ability to project force rather than forces, the role of information will change. Traditionally, intelligence prepared the battlefield by locating enemy concentrations and vectoring forces to encounter them. Technology is giving modern forces greater confidence in the ability to locate individual equipment for precision strike. Exploiting such technology will require explicit attention to the requirements of battlefield illumination, not only in open but difficult terrain. Continuous, rather than intermittent, battlefield coverage will be needed to win contests between the U.S. cycle time (to spot, identify, and classify a target, assign it to a platform, engage the weapon, and hit the target) and the foe's (to emerge from cover, fire and move, and return to cover or bunker). Using such intelligence may require weapons that can be directed to a moving spot on the map (advances may be needed in geolocating image-identified targets). The combination of stand-off target acquisition and stand-off target prosecution drastically thins the need for forward projection.

Adaptiveness cautions against placing too great a reliance on looking for the expected. One common method of identifying adversaries is to generate a template of their assets and habits and then match sightings to them; this helps in interpreting electronic intelligence and defeating cover, concealment, and deception. Granted most rogue states use equipment of Russian design or manufacture (and in accordance with Soviet doctrine), but what if a nasty foe were to adopt a cheap RMA by outfitting itself with commercial goods (or close derivatives) and use them according to commercial, rather than military, logic? Templates and doctrines hard-wired into intelligence and engagement systems might fail to recognize ground truth on the battlefield.

Against a nasty foe that would attack U.S. ability to project power, the United States would need to counter strategies to disconnect components of the System of Systems. Threats include the physical destruction of nodes and links, electrical shock (e.g., EMP), jamming, and computer hacker attack. Hiding and hardening techniques can mitigate the risk of physical destruction and electric shock. Jamming can be countered by many techniques, including beam focussing, steerable antennae, spread spectrum, and redundant encoding. Hackers can be stymied by cryptographic methods, semantic- and protocol-level firewalls, anomaly-monitoring software, and the use of read-only media. Redundancy, in number and niche (e.g., different systems would operate at different frequencies or use different protocols) is another approach, one that, incidentally, favors an agile, distributed network over a few complex platforms.

Adaptiveness often means making do with less connectivity. Warfighters can be trained to function under both copious and austere information conditions (as the Marine Corps is doing). Substituting mission-type orders for a commander's fingertip control has many advantages (even when links are secure). Filtering out low-priority messages and repeating critical ones help cope with constrained links. Images can be compressed or replaced by symbols and drawings. Bulk data can be deployed forward (e.g., digital video disk, CD-ROMs). Precise mapping, pseudolites, and inertial measurement systems can mitigate the loss of GPS.

Making Systems More Adaptive

Some ways to make systems more adaptive are traditional and well understood:

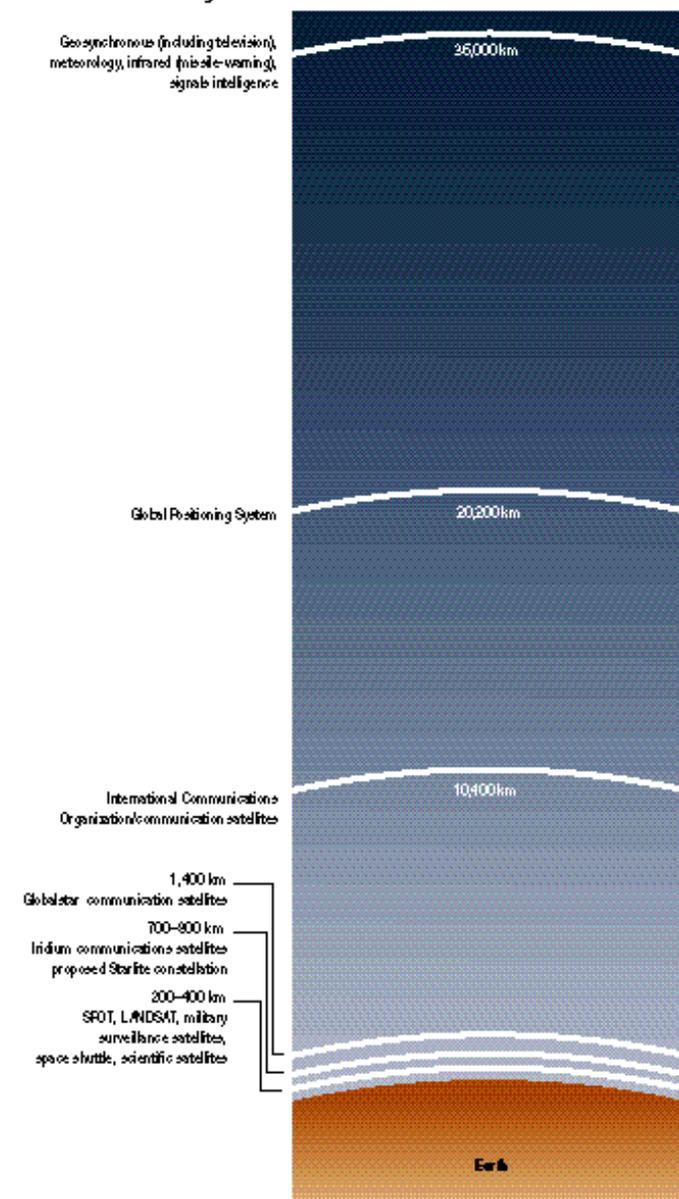
- **Multifunctionality.** The Navy's Phoenix missile, the Air Force's B-1B bomber, and the Army all-source analysis system (ASAS) all were built to defeat dominant threats (Soviet naval aviation, air-defense systems, and tank operations, respectively). So highly tuned were they to the Soviet threat that, with its collapse, they proved less useful. Tomorrow's weapons systems need more generic capabilities.
- **Robustness.** A system needs to be able to degrade gracefully--that is, it must remain useful even after several features have been compromised by unexpected counters (e.g., information warfare).
- **Logistics.** The more easily a system can be transported, operated, and kept in repair under austere conditions or away from maintenance facilities, the more situations it is useful for. Systems that only specialists can work lose value if specialists are unavailable.

Other ways to enhance adaptiveness are newer:

- **Nonlethality.** The growing frequency of operations other than war (coupled with the ubiquitous presence of the media) has made a virtue of being able to control people without harming them. Nonlethal systems could have antipersonnel features (which incapacitate people or, at least, persuade them to leave), antimaterial features (which can dissolve rubbers and plastics, convert gasoline to gel, slick roads into impassability), and antielectronics features (e.g., high-powered microwaves, electrical shorts).
- **Interoperability and composability.** Jointness, networking, and the potential of data fusion all put a premium on designing systems that can be used with one another. Today's systems, by contrast, often wrap sensor, processor, communications channel, database, and workstation into one hardwired complex. Information would be more easily shared if a system's functionalities (e.g., sensor, processor, and display) were designed as standard modules. Interoperable systems facilitate the assembly of joint and combined task forces.

Messier

Satellite Vulnerability



Adaptiveness can also be fostered by pushing information down into the ranks so that operations can be devised and carried out within smaller units.

Meeting the canonical invasion (e.g., 15,000 pieces of equipment rolling over relatively easy terrain) by maneuver in corps is the basis for the organization of ground forces. The digitized Army empowers battalion-level headquarters with powerful tools--such as the maneuver control system (MCS), the all-source analysis system (ASAS)--and ties lower echelons into these tools by feeding soldiers maps and command-menus from higher level systems.

Yet much of this equipment remains too expensive, heavy, or just too rare for mobile field use. In Bosnia, although headquarters were richly supplied with data, information available to ground units below the division level was not appreciably greater than it was 20 years ago. Messy situations, by nature disorganized, often call for a capacity for context-related situational awareness and operational planning at the company level (roughly 200 persons) or lower. Without greater participation in the digital infrastructure, warriors will of necessity revert to stubby pencil work, guesswork, and learned doctrine.

To influence the evolution of messy but hazardous situations, U.S. forces may need to leverage their information superiority through local forces. Sharing intelligence with allies and coalition partners (e.g., in peace operations) remains an ad hoc art, and even though no technology prevents sharing battlefield illumination at the rate of a billion bits per second, planning for plugging foreign forces into U.S. information flows is still embryonic. If nothing else, such adaptation must reflect the fact that local allies, especially in underdeveloped nations, start with different equipment, their own doctrine and rules of engagement, a reduced capability for either stand-off or precision warfare, and less advanced logistics systems.

A System of Systems

Those possessing only hammers tend to see the world as nails. A system optimized to confront armored invasions may see them in any environment, even one with other driving factors. At best, the system will be useless and the U.S. advantage in dominant battlespace knowledge vitiated. At worst, conclusions drawn from the automated processing of bad data can drive out intuition from close experience.

Militaries composed of agile warriors can confront the unexpected and learn to use their tools as appropriate (e.g., when helicopters assume roles assigned to tanks). But as more responsibility is placed on information systems, those systems will need to be more agile. Building flexibility into a software-dominated system is complex, and its ramifications can only be discovered by experience. An adaptive system of systems would look to knowledge-processing, open construction, natural-language capabilities, and bottom-up systems integration for robustness and would require more from users consistent with giving them greater freedom. Such a system may be harder to build and control (although perhaps easier to manage). It may not be more powerful--indeed, it would probably be less efficient at any one task because it must accommodate more heterogeneous input--but it would span a wider range of operational contingencies and should cope with heavy information warfare: physical, electronic, and rogue code attack. Such a system would be an expression of the point in scientific history when lessons from biology begin to cross paths with those from physics.

Conclusion

Adaptive institutions are characterized by broad rather than focussed capabilities, competing points of view, flexible rather than fixed doctrine, and the potential to grow by mobilization and linking with partners. Adaptive systems are open to new capabilities, robust under expected stress, highly reconfigurable, relatively unstructured, and interoperable to facilitate mix-and-match recombination.

Adaptiveness is not free, and preparations made to adapt in one direction may not necessarily favor others. As it is, foes do not grow large overnight, and, if they do, the problem of scaling up existing assets and institutions is relatively straightforward. Messy situations, when they cannot be avoided, can be countered by an incremental shift in emphasis from conventional forces to those even now dealing with small-scale contingencies. But a truly nasty foe will require a response that stresses the adaptiveness of U.S. institutions and systems, which will involve long-run processes.

Space and Adaptiveness

The use of space was once limited to a few advanced nations, but now even developing nations use it as a medium for global information collection and exchange. The United States is especially dependent upon space capabilities today for military uses, but also for economic, diplomatic, political, and social uses. Its global economy, international transfer of funds, telemedicine, telecommunications, conversations between world leaders, diplomats, scientists, and educators are dependent on operational space capabilities. Decisions about the environment such as knowing where to plant crops or where to replant the Amazon River Valley are enhanced by use of space capabilities. This carries implications for U.S. national interests as well as national security interests. As more militarily useful space capabilities are developed, the United States becomes increasingly dependent on them, which, in turn, translates into a recognizable vulnerability to potential adversaries.

Because satellites are more vulnerable to antisatellite weapons the lower they fly, they face a tiered vulnerability. Low-earth orbits support today's surveillance and tomorrow's communications (e.g., Iridium, Teledesic). Medium-earth orbits support today's navigation and tomorrow's communications (e.g., Inmarsat's ICO) and could also be used for continuous surveillance (four Hubble-class telescopes in a medium-earth orbit could depict most of the globe at two-meter resolution). Geosynchronous orbits support early warning, meteorology, and communications. Detailed ISR and low-power communications are most vulnerable; navigation and continuous ISR the next most; and high-power communications, early warning, and weather the most survivable. Other threats to the effective use of U.S. space assets include disruption (e.g., through jamming) as well as attacks on ground stations and other uplink and downlink components. Practically speaking, without access to space systems, U.S. forces would be lost, blind, and out of touch, and the economic and social fabric of the nation would be frayed.

Attacking U.S. space assets is not easy. Direct antisatellite operations require spacelift capability, which few outside the nuclear league possess. It takes a decade or more of concentrated work to build it from scratch. Even among spacefaring nations, antisatellite operations have yet to be perfected. However, exotic space weapons (e.g., directed energy weapons such as lasers, radio frequency, or high-power microwave systems; direct ascent or co-orbital kinetic energy weapons) are not needed to degrade space products and services. An adversary need only put debris in orbit in such a way that intersects other satellite orbits to have an effective, albeit nondiscriminating, antisatellite system. Information warfare techniques, such as logic bombs and Trojan horses or electronic warfare that severs links to space systems, can also be just as effective as high-technology space weapons. Whatever the method, the attack is likely to precipitate a U.S. counterattack, so a foe's first strike, given the consequences of failure, must be decisive.

Four responses are possible. First, the United States could launch satellites that are stealthier. Nevertheless some satellites must radiate power to earth and so will be hard to hide. Satellites could also be hardened, or configured to shoot back. Second, the United States could field enough satellites with overlapping coverage so as to withstand the loss of a few satellites (or keep enough spares on-orbit and move them into place as needed). Third, the United States could develop a rapid reconstitution capability. Very small satellites, capable of reaching orbit using rockets mounted beneath the wings of large aircraft, could support communications and surveillance. The potential vulnerability of launch sites to terrorist attack suggests that alternative launch mechanisms may be an attractive option for their own sake. Fourth, substitutes could be found for satellites: pseudolites placed in precise locations can substitute for GPS signals (and by 2018, much of the world will be mapped to one- to five-meter resolution); UAVs can provide surveillance and reconnaissance; fiberoptic lines (which might be streamed to the front) can provide long-haul communications. But these are highly imperfect substitutes (e.g., their use would require considerable software to be rewritten). There is really no good alternative to a vigorous presence in space.

U.S. military planners may also have to adapt to the strong possibility that adversary access to space may make forces visible and thus vulnerable in new ways. Commercial imagery with 1-meter resolution will be available commercially within a few years; 3- to 5-meter resolution is already on the market. Commercial-grade GPS services are open to everyone. Adversary access to communications constellations may complicate U.S. efforts to impede adversary command and control. As space capabilities become more sophisticated and accessible, they can be exploited by potential adversaries with minimal investment: networks, software, and computers. Arrangements in advance with allies and other spacefaring nations to deny rogue states the use of space may protect U.S. forces. Yet, with 500 satellites already in orbit, and an estimated 1,200 to 1500 possible over the next 10 years, adversary access to space will become easier and denying it will become harder.

Ought the United States to pursue space denial capabilities? Jamming and attacks on ground receivers are clearly legitimate, and information operations may be a routine feature of future warfare. The United States is developing some antisatellite capabilities. Yet, any decision to use such a capability must be carefully weighed. The United States could target adversary space assets, but many foes will rely on third-party assets, and it may be hard to know which assets are being used by whom and for what purpose. Even friendly countries may not want to let the United States know of its commercial arrangements with "customers." Absent such information, it is difficult to develop a space denial strategy.

Although space is not a region in the sense that, say, Europe is, it is a region of national strategic interest with unique characteristics. U.S.

policy can seek to shape how the region of space is used and protected. International engagement on space policies and issues between the United States and other spacefaring nations via the United Nations, through country-to-country contact, or via dialogue with space consortia (e.g., the European Space Agency, the International Telecommunications Union, Intelsat, Inmarsat), will help shape and influence the international space environment. As outlined in the National Military Strategy, the United States can promote trust and confidence by encouraging measures that increase national security and that of allies, partners, and friends through our military contacts, international military education and training, and the sharing of information from space capabilities. In addition, cooperation among the U. S. Government, allied nations, and commercial players can inhibit the ability of rogue actors to enjoy unfettered access to space. Conversely, deterrence can be used to dissuade others from attacking U.S., allied, and commercial space assets.

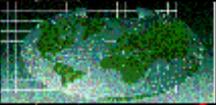
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1998

Strategic Assessment

Engaging Power for Peace



CHAPTER SIXTEEN

Future Posture

Decisions about where U.S. forces are placed in peacetime reflect many factors. U.S. forces shape environments, as observed in chapter two. The fact or the promise of their presence in a region can dissuade local bullies from aggression and reassure friends of their own security and of the U.S. contribution to it. Confident friends are likely to create military capabilities complementary to, as opposed to competitive with, those of the United States. A benign successful core suffused with U.S. presence can promote defense reform and, thus, a peaceful global polity.

Yet, the specifics of posture--who, where, when--must also reflect operational considerations: how to concentrate more power faster where needed than potential foes can. To have the wrong people in the wrong place at the wrong time means that operations take longer and cost more in terms of lives and resources. Poor posture may thereby affect the course and even the outcome of conflict.

As the United States shifts its posture over the next 20 years it must respond to the changing nature of the threat. But posture also has aspects that necessarily respond to operational factors. One is the proper mix of in-country, off-shore, and virtual (i.e., based in the continental United States) presence. Another is the tradeoff between concentrating capability in a few places and distributing it widely but less thickly. These two are the subject of this chapter as viewed through the lens of the necessary (e.g., larger, nastier, messier challenges), and the lens of the possible as influenced by, among other factors, information technologies.

The Logic of Posture

In business, operations are located in a site that minimizes costs for a particular level of throughput. To some extent, decisions about military posture can be made on a similar rationale. Yet, militaries are ultimately judged not by efficiency but efficacy, whether they can protect the nation and its interests. A peacetime military ordinarily postures itself for wartime contingencies. Given enough time, the United States can put enough manpower and materiel anywhere, but early operations are particularly influential because they can:

- Frustrate an aggressor's snatch-and-settle gambit
- Limit damage to an ally or the forcible conversion of its resources into opposing strength
- Strike while an enemy is moving (thus easier to see)
- Strike an enemy's homeland from closer points
- Provide intelligence that might later be unavailable
- Help U.S. forces build a springboard for counteroperations (e.g., the Pusan perimeter).

And the promise of effective early operations can deter aggression more than might the prospect of eventual defeat (in time the United States might tire), and thus persuade allies to become cooperative, reliable partners. As such, posture decisions for the United States must logically respond to deployment requirements.

How much time the United States will have to move forces into combat will depend on the warning time available. Sometimes forces can be put on alert or sent forward on warning (e.g., what might have been a Soviet move to the inter-German border). But the warning must warn; preparations for invasion often look like raids (e.g., North Korea before the 1950 invasion), feints (e.g., Egypt prior to crossing the Suez in 1973), or exercises (e.g., Iraqi "maneuvers" prior to the invasion of Kuwait in 1990). When the ambiguity of possible precursors is added to the cost of rushing to the ramparts, leaders prefer direct evidence--especially if overt response to ambiguous information might provoke a conflict that might otherwise be avoided. Waiting leaves less time to react. Where terrain is open, important objectives lie near

the border, or and where local defenses are weak, the United States must respond more quickly in order to influence the outcome. Transparency is a way to buy time, thus becoming a substitute for being close. If the United States can see a potential aggressor more clearly, it can more easily identify indications and warnings--positively (to move earlier) or negatively (to avoid moving at all). Deploying sensors rather than moving forces in response to a crisis tends to be less provocative.

The Cost of Forward Deployment

Usually, the cost of stationing a soldier overseas rather than at home is higher, because of support requirements (social and physical infrastructure that must be replicated overseas), the expenses of moving and transportation, and the psychological burden of imposed separations and disrupted family life. Some nations have charged the United States rent, explicitly or implicitly (e.g., though foreign military assistance). Some overseas postings, however, are considered an inducement to military service, and some nations (notably Japan and Kuwait) defray the costs of U.S. overseas postings.

On the other side of the ledger, a military on constant or recurrent deployment can realize savings from operating forward. The expense of supporting no-fly zones in Bosnia and northern Iraq was eased by having bases in Aviano, Italy, and Incirlik, Turkey. Not having bases in the Persian Gulf added \$20 million a month to the cost of Operation *Earnest Will* (the Kuwaiti oil-tanker reflagging operation). Another consideration is that bringing together U.S. and allied forces for joint training is cheaper and easier if U.S. forces are already there (although allies could come to North America, as the Germans now do).

What would be most cost effective if rapid deployment were not an issue? Although some countries are generous hosts, with basing costs running to several billion dollars a year, the economics tend to favor keeping forces at home and transporting them as needed.

A posture decision involves not only where, but what: operational units, logistics, or C⁴ISR elements. Should the United States own the facility outright (and, if so, under what restrictions) or as part of an alliance (e.g., NATO), lease it (again, under what restrictions), or only gain rights to it? What role should private contractors and their facilities play? Should units be assigned there permanently or rotate? What kind of transit rights should the United States seek? What kind of radio frequencies can it use in the neighborhood? Logistics, too, are part of U.S. force posture. The Berlin airlift of 1948 resolved a crisis without war. Intermediate U.S. basing (e.g., in the Azores) permitted rapid resupply of Israeli forces in 1973. On-site and off-shore capabilities help in the transfer of materiel to friends who may neither need nor particularly want to see U.S. forces (e.g., Israel during the Gulf War).

Finally, the overall posture of the United States has to be considered part of an integrated *system* that cannot be easily analyzed as individual parts (even if Atlantic and Pacific facilities can be considered separately). Forward presence in one zone may require support facilities stretching back to CONUS. An air base here may obviate the need for a similar facility there.

Lessons from World War II and Cold War Basing

Before 1939, the United States had a thin basing structure with one string extending to the Canal Zone and another past Honolulu to the Philippines and Shanghai. World War II led to the largest basing expansion in the history of the world, first to support Allied shipping to Britain, North Africa, Australia, and the China-Burma-India theaters, then to support operations in the Mediterranean, France, and the Pacific Islands. By 1945, 3,000 new bases had been built.

This U.S. basing structure proved dynamic and sensitive to changes in conditions and technology. As the threat to shipping receded, for instance, intermediate bases in, say, South America and Africa were judged redundant. Aircraft operational ranges determined the best distribution of bases, even though aircraft accounted for only 1 percent of goods and 3 percent of human transport. But planners could not bring themselves to rely on projected, rather than actual, operational parameters. Iwo Jima, assaulted mainly to secure basing for the shorter range B-25s, might have been avoided had planners bet (correctly) that the longer range B-29 would be available by July 1945.



Half the World War II bases were closed by 1948 as some friendly countries sought to reassert national control over their lands. Others were closed later as some countries (e.g., China after 1949, Libya after 1970) turned hostile. The base structure of the Cold War reflected the containment policy against the Soviet Union (and sometimes China) and the continually longer legs of U.S. aircraft. The key bases were all far forward, rather than strung from the United States

outward. Events such as the Korean War and France's withdrawal from NATO had important secondary effects. By 1988, half the overseas bases used by U.S. forces were less than 40 years old.

The Necessary

There are still places in the world--the Persian Gulf and South Korea--where an invasion without warning may be undertaken to attain important military objectives, but such threats are less urgent than 10 years ago. North Korea is weak and may not last until 2018. Russia is two-and-a-half countries farther from the Rhine than in 1988. China, a potential major threat, does not share many easily crossed borders with nations the United States might defend. With the end of the Cold War, fewer wars can be reasonably described as proxies for a larger struggle (much as the Korean War was seen as a harbinger for a possible Soviet thrust into Europe).

Many invasions do not mandate a direct U.S. military response: border disputes not affecting U.S. interests (e.g., Libya versus Chad); places with little strategic value; and circumstances either too difficult to handle directly (e.g., Afghanistan) or where victims are at odds with the United States (e.g., Vietnam's invasion of Kampuchea in 1978) or might welcome liberation (e.g., India's move into East Pakistan in 1974). In the expected world of 2018, a few forces in or near the Gulf, and, for the moment, in Korea, might suffice.

But what if the international security environment deteriorates?

Larger

If the United States were to find itself oriented against a theater peer, it would want forces arrayed accordingly. To create a new military base may be viewed as provocative and potentially dangerous if the theater peer is strong enough to do something about it (e.g., threaten the host country before U.S. power can arrive to stiffen resistance). Expanding or upgrading key facilities incrementally as a threat grows or becomes increasingly evident may raise fewer hackles (particularly if no threshold exists where crossing one could create a fuss).

The rise of a theater peer raises the importance of having friends and the ability to work with them. Today's force posture should reflect the need to support:

- Joint exercises, to encourage mutual familiarity and to test the compatibility of operating practices and rules of engagement
- Adaptation of U.S. equipment to the host nation's infrastructure, including, at times, leaving equipment behind to facilitate a rapid reintroduction of force
- Melding the "system of systems" with compatible equipment in other nations.

THAAD launch



Nastier

A smarter foe that could impede lines of communication and hold bases and debarkation points at risk with weapons of mass destruction (WMD) or smart weapons could cause the United States particular difficulties with power projection. Redundancy in communications and operational areas, however, offers flexibility against this contingency, as would preparations for operating by standing farther back.

WMD may pose a special problem. Against nuclear weapons, no base is likely to survive (without a leakproof theater missile defense), but equipment may survive most biological and chemical weapons. A lightly manned but otherwise well-provisioned facility (a pre-positioned capability, as it were) that can be reentered rapidly might be more robust than a heavily manned base from which forces operate.

Messier

A series of messy situations in unpredictable places requires the ability to move light forces and associated logistics with C⁴ISR support into and out of area quickly. Chances are that if the world should become sufficiently messy it would be because of broad forces (e.g., the rise of a messianic ideology, environmental catastrophe, global trade war) that affect many places at once; chaos will be widespread. Concentrating capabilities in any one location may be less useful than dispersion, deployable capabilities, and lift. Should a large-scale noncombatant evacuation (NEO) or the restoration of national services come to matter, the need for rapid redeployment of essential infrastructures will call for facilities that can be taken down, transported, and turned on quickly.

The core could respond to a messy situation by identifying what it values most and protecting it (as opposed, for instance, to an evacuation or broader remediation strategy). If so, force and facility protection issues will arise. Otherwise, it must deal with the fact that while infrastructure is burgeoning elsewhere in the world, it may actually be deteriorating where most needed militarily (e.g., in former Zaire). A protection strategy must necessarily be a broad rather than focussed program that provides security, hardening, and connectivity.

Theater Missile Defense as a Posture Decision

Seemingly modest differences in performance capabilities among competing systems may have wide ramifications for posture. Consider theater missile defense. The current four-layer architecture envisions strikes against missile sites, airborne

lasers to kill missiles in boost phase (a program still in the early stages), upper tier missiles for the trajectory phase (a program being tested), and terminal missiles for the descent phase (an ongoing program of upgrades).

Two programs compete for the upper tier--the Navy area-wide standard missile and the Army theater high altitude area defense (THAAD) system. It is unclear whether both programs will go ahead.

Assume, now, that a continental power threatens an island friend of the United States. War has not broken out, so U.S. forces cannot hunt for launchers in country or deploy airborne lasers inland (and thus can do little against missiles launched from deep within national territory). If the United States were to support its island friend, it would have to rely on upper and lower tier missiles--preferably upper tier if the incoming warhead carries poisons. But which one? If THAAD alone were to survive, the United States could offer to base THAAD on the threatened island. This would put the island's government on the spot. It may see deployment as provocative--a prelude to war and public reconfirmation of its defense link to the United States, the continental power's special foe. Thus the island's government might reject THAAD deployment, leaving itself vulnerable and more easily swayed. Were the Navy area-wide Standard missile to survive, the United States could deploy missile-carrying ships into international waters without anyone's say-so (just as it moved two aircraft carriers into the Taiwan Strait in March 1996). The island's government, under U.S. protection, could take time to sort out its position. Unless the United States wants to force the island's government to declare itself, ship-based missile defenses have important advantages.

Upper tier is only one component of the four-layer defense, and engagement systems are but one part of a complex antimissile architecture that includes early-warning sensors, peripheral sensors, threat processors, civil defense (including NBC detectors) and complex command-and-control arrangements, many of which extend into the host country. A first response to a threat may be not moving hardware but seeing to technical and operational interoperability of equipment and hierarchies.



DMZ Korea

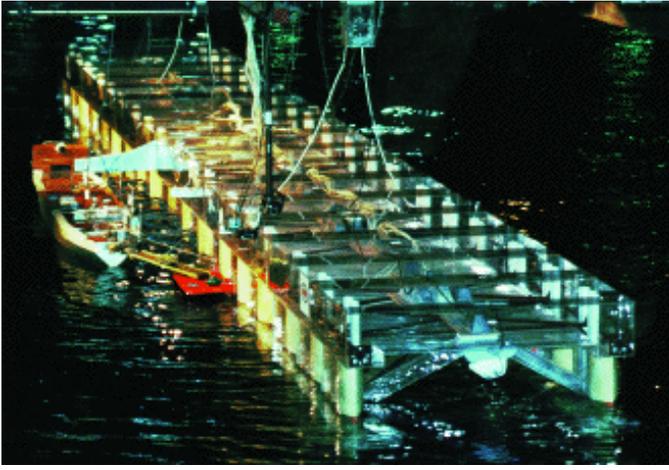


New Concepts for Off-Shore Presence

The collapse of the Soviet Empire eliminated the blue-water challenge to the U.S. Navy, which therefore turned its attention to power projection on shore and the supporting technologies. Two emerging concepts are mobile off-shore bases (MOBs) and arsenal ships.

A MOB is like a small floating island, with a 1,600-meter runway (for C-17s and other cargo aircraft) alongside port facilities, C⁴ISR assets (e.g., UAVs), logistics transfer equipment, weapons bunkering, and related inventory. With room for 10,000 troops, a MOB can provide staging facilities. By operating for years in a given region (e.g., outside the Strait of Hormuz), it could magnify the staying power of the fleet without requiring local access rights.

An arsenal ship with Sea Tactical Missile Systems (TACMS) (200-km range) and cruise missiles (2,500-km range) could provide firepower from far away, much as the battleship traditionally did from within 40 kilometers. Stand-off range makes ships harder to hit even if found, while features that reduce the ships profile and other facets of its signature (e.g., coatings, geometries) frustrate finding it. Extensive automation can reduce manning levels to 50, in contrast to the typical complement of a battleship of over 1,200. The chief alternative to the arsenal ship is the submarine with its proven design and stealthiness. But at a billion dollars apiece, submarines cost twice as much as arsenal ships are expected to, their load-out is smaller, and they cannot host tactical rockets.



MOBs and arsenal ships remain concepts, with neither fully supported by funding streams. They make sense as long as the threat to ships comes from mines or volleys of short-range land-based cruise missiles. Yet as (not if) cruise missiles and diesel submarines proliferate and gain range, more of the cost of a MOB will go to self-defense. Arsenal ships are harder to find (yet a swarm of UAVs equipped with synthetic aperture radar could search the ocean and look for an absence of expected waves) but easier to damage. In the long run, neither MOBs nor arsenal ships are foolproof for off-shore presence--but the long run could be 20 years away.

Presence and Nuclear Weapons

Physical presence is often assumed necessary for military power to be credible. Nuclear weapons, however, are a clear exception and this exception may speak to tomorrow's conventional warfare.

By 1960, intercontinental ballistic missiles (ICBMs), nuclear ballistic missile submarines, and the refinement of air-to-air refueling allowed the United States to maintain nuclear forces without any overseas bases. Yet it *did* maintain a forward nuclear presence: on surface ships, in air bases, and with Army units in Europe and Korea. Although these weapons added fractionally to the country's total nuclear punch, deployment was designed to weave a seamless fabric of deterrence that stretched from conventional forces through tactical nuclear capability to strategic systems. Extended deterrence reassured allies and complicated Soviet military planning. Unfortunately, it also complicated U.S. military planning, and many analysts raised concerns about command and control over such weapons should war erupt.

Since the mid-1980s, attributes of strategic systems have crept into conventional systems. Some strategic systems, such as long-range bombers, space surveillance, or high-altitude reconnaissance, have been adapted for conventional roles. Cruise missiles can also carry conventional warheads. The ultimate expression of this capability could be an infrastructure of ICBMs, each filled with hundreds of antiarmor projectiles, standing alert against a canonical invasion (pending ways to distinguish such a launch from a nuclear strike). At the \$20 it now costs to loft a gram into low-earth orbit, such a system may be too expensive for tactical missions. But billions are being invested to drive the \$20 per gram down to \$5 to \$2, where such a scheme may become cost effective (as long as their use does not look to others like a nuclear attack).

Even if such a scheme proved worthwhile, long-range strike, nuclear or conventional, remains an instrument of dissuasion, rather than control. The nuclear analogy does, however, suggest precedents for the psychology of virtual presence. Consider Bosnia: during the 1995 Dayton talks, U.S. negotiators used software to overlay source-based terrain and imagery data to make a technical point (the width of the corridor connecting Sarajevo and Gorazde, which had been behind Serbian lines). The same information served to convince the Serbs that where they lived was nakedly visible to NATO. This visibility was reinforced repeatedly during IFOR operations, as suspected weapons dumps were photographed by Apache gunsight cameras with cross-hairs plain in the pictures handed over to their owners. The psychological effects of having to fight exposed may well have convinced the Serbs to leave the IFOR/SFOR peacekeepers alone.

The Possible

Power projection is rapidly evolving. The model of inserting ground forces has already been amended to include air power and will soon include information power. Because the United States cannot be everywhere with everything, it must mix and match forces to offer the most presence for the least cost. Take the broad issue of on-site, off-shore, and CONUS-based presence.

On-site presence is responsive but expensive, both in dollars and lost flexibility. Being on site permits contact with enemy forces in minutes or hours. A local missile defense can engage an opening salvo of ballistic missiles. Even if war starts elsewhere, forward-deployed forces (e.g., in Europe) often are closer to the ultimate objective (e.g., the Persian Gulf) than if they were in CONUS. But being *here* makes it harder to be *there*. If storm clouds rise, the United States may want to redeploy forces--but if the world is generally inching toward crisis and everything is clouding over, host-nation objections may frustrate moving forces away to where they may be more

needed.

Off-shore presence--a combination of naval assets and air assets projected from nearby bases--offers greater flexibility. Because new technologies make it possible to measure the effective radius of off-shore presence in thousands of kilometers, broad regions can be covered with fewer assets tied to any one spot. Off-shore presence is also a more flexible instrument of U.S. power because it is less likely to be constrained by host nations. But apart from long-range strikes (e.g., by cruise missiles), reaction times are measured in days, not hours or minutes, whether by an Aegis ship providing radar coverage for missile defense, a carrier with attack aircraft, or a Marine detachment coming in over the shore on V-22s. Continuous naval presence requires an initial investment of about \$50 billion (for the three carrier battle groups required to keep one carrier continuously on-station) and an ongoing operational budget of \$5 to \$10 billion a year--and the seas do not reach everywhere.

CONUS-based or virtual presence is the most flexible of the three in that it presupposes the least about where trouble may break out. Long-range bombers can respond within a day, although their capability is limited. If in-theater C⁴ISR is thin, the only targets that can be effectively targeted will be fixed facilities, dense troop concentrations, or very obvious, slow moving platforms. Close air support or close-in combat forces would be out of the question.

Operations and basing are closely linked in that the shorter the range at which one would fight, the more important it is to be near where the next front line might be. Conversely, if one would operate from around the world, there is no need to take the risks of placing vulnerable facilities far forward. A combination of distributed basing and medium-range (e.g., 200 kilometers) engagement distances can cover a large swath of the world to a roughly equal degree without having to take the effort and, worse, time to move forces.

Four parameters influence the optimal mix among these three models of power projection: deterrence, logistics, long-range strike, and C⁴ISR. Deterrence and logistics affect the ability to project *forces* forward, whereas strike and C⁴ISR speak to projecting *force*.

Information Technology and Logistics

Information technology can make logistics leaner. Global networking, software to support logistics anchor-desks, the Total Asset Visibility program, radio-tagging of repairable items, and containerized cargoes all make goods in transit easier to trace. This reduces re-supply time (up to 60 percent in test cases in Bosnia) and the amount of logistics that must be kept forward in potentially vulnerable locations. Although a perfectly taut pipeline conflicts with the real-world need to buffer against the frictions of war, modeling and simulation should tell logisticians how to cover contingencies with the least overhang.

Information technology can help disperse logistics by making a network of smaller supply centers work almost as well as one big one. A related challenge is integrating U.S. logistics systems (and those of coalition partners) with facilities of a host nation. Standardization helps (e.g., for networking, electronic commerce, database manipulation, measurement, and product description).



Deterrence

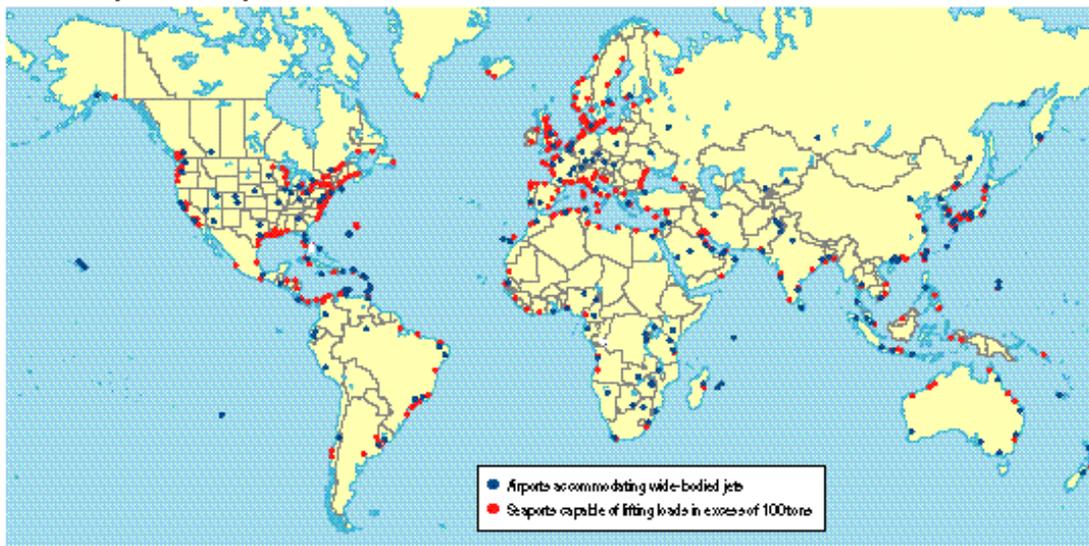
Because others perceive that killing American soldiers would bring the full military power of the United States into combat, being on

scene is often held to have deterrent value. But what, in fact, actually deters? Unfortunately, only the failure to deter can be known for sure. Measuring what any increment of forces adds to deterrence is almost impossible, even if its value did not vary with each instrument, opponent, location, and circumstance, as it does.

An enemy that knows that gaining military objectives must bring it into contact with U.S. forces must calculate where the tripwire lies. A few dead Americans have sometimes been enough to bring on a war (e.g., the Mexican War) or considerable punishment (e.g., the 1986 raid on Libya). Yet casualties taken when interests are unclear may not lead to further intervention. The bombing of the Marine barracks in Beirut in 1983 or the killing of 18 Rangers in Somalia in 1993 appeared to have had the opposite effect. Several hundred U.S. soldiers in Macedonia may pose a tripwire to deter a Serbian incursion, but only if political backing for engagement exists. Conversely, few doubt that the United States would honor its Article V obligations if a NATO country were violated, even if no U.S. servicemen were hurt in the invasion.

As the Khobar Towers incident (1996) suggested, the U.S. military cannot provide presence without addressing issues of force protection. More broadly, concentrations of U.S. forces hold American policy hostage both to foe and friend. U.S. attitudes toward North Korea are affected by having 37,000 troops within range of WMD (but millions of South Koreans also live within artillery range of the border).

Selected Airports and Seaports



Source: Defense Mapping Agency, *Official Airline Guide*

Note: Wide-bodied jets include Boeing 747 and 777, McDonnell-Douglas DC-10 and MD-11, Lockheed L-1011, Airbus 340, and Ilushin IL-86.

If war erupts, is having ground and air forces up front necessarily the best way to meet military objectives? No U.S. forces deployed forward today carry enough firepower to win on their own (although they may affect the outcome of an otherwise close contest). Their role would be to hold off invading forces long enough to permit reinforcements to land as far forward as possible. The vulnerability of visibility heightens the advantages of trading space for time. Armies moving forward often must mass or otherwise reveal themselves in the process of overwhelming resistance; they are even easier to detect if they advance into terrain that is wired with a dense sensor grid. Armies moving backward encounter less resistance and thus can move more stealthily. Attackers may therefore incur heavier casualties than defenders. As attackers are thinned out, they are likely to overextend themselves. But basing ties U.S. military behavior to the natural desire of host countries to concentrate power for goal-line stands (a historical problem for NATO). It also concentrates forces and tempts aggressors to use weapons of mass destruction.

A Burgeoning Global Infrastructure

A growing consideration in optimizing tomorrow's force posture is the world's expanding infrastructure: airports, seaports, roads, and communications. Because less of the world needs to be viewed as austere in terms of logistics support, more may be available to U.S. forces and less must be supplied from its own supply bases.

Major airports can support wide-bodied aircraft; they feature long runways, adequate traffic control, and generous loading and unloading facilities.

The burgeoning communications infrastructure is evident in the spread of cellular telephony (particularly in areas with weak wireline systems), the proliferation of satellites and very small aperture terminals (VSATs), and the pace at which new fiber-optic lines are being laid across ocean floors. One proposed line from New Jersey to the Mediterranean can carry 10 billion

bits per second (bps) and will later support 40 billion bps--enough for 600,000 simultaneous phone calls. By 2018, the world will be able to use serial space-based phone systems (e.g., Iridium, Globalstar, or ICO) and at least one high-bandwidth Internet-based system (e.g., Teledesic or Hughes Aircraft's Spaceway).

Military access to airports and other commercial infrastructures may not be automatic. The terms under which impressive facilities in, say, Arabia or Brazil could be used are neither clear nor explicit. Access may be blocked politically; for instance, military communications are explicitly forbidden on the Inmarsat satellite system--although this rule may have been skirted in past years. Capacity may be committed to nonmilitary users. Military bases have equipment and supplies (e.g., repair parts for weapons systems) that must be hauled to commercial sites--assuming that they are compatible with such equipment. Commercial facilities are poorly hardened against physical attack (e.g., most commercial airports lack revetments) and information attack (e.g., switches, concentrators, or other nodes are unguarded, radio communications are subject to jamming and other interference, and systems software is penetrable). In many cases, the command-and-control software that runs commercial infrastructures both differs from and is incompatible with comparable military systems.

Increasingly, the fastest and cheapest way to take advantage of commercial infrastructure is by subsidizing upgrades in advance of war (e.g., the Civil Reserve Air Fleet program) or prepackaging upgrade kits to support quick deployment. Software patches offer the advantage of leaving a smaller footprint than corresponding hardware upgrades.



Logistics

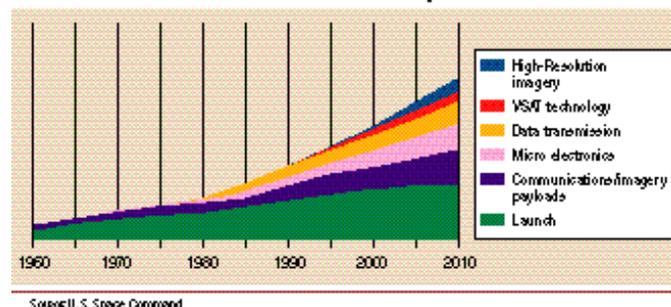


The faster U.S. forces can get to the theater, the farther away they can be stationed and still show up on time. Rates of surge into theater can be determined by dividing deployable assets by throughput, which equals lift capacity divided by turnaround time. Between now and 2018, C-17s will replace retired airlift aircraft, but the result will be little gain in airlift capacity. Although global inventories of wide-bodied cargo jets will grow over 20 years, unless the Civil Reserve Air Fleet (CRAF) keeps pace, they will be inadequate to meet the requirements for military airlift. Personnel movement presents little challenge: any major metropolitan airport (measured by air traffic control and runways) can land 5,000 people per hour; many can land 10,000.

In rough numbers, if half the expected U.S. heavy air transport fleet of 2018, that is, 60 C-5s and 60 C-17s, were available to run a 42-hour turnaround cycle, it could lift roughly 150,000 metric tons in three weeks--enough for a heavy division or two light ones. After that, a surged rate of lift could move one division a week (although shipping space would also need to be allocated for air squadrons, allies, and naval facilities ashore). The shorter the distance, the greater the lift capacity, but only slightly: every 1,000 kilometers closer adds only 5 percent to throughput rates. Sealift is cheap but slow, and capacity is unlikely to undergo dramatic change over the next 20 years.

Maintaining a tight cycle puts a premium on minimizing port congestion at both ends, fast loading and unloading, and fast or reduced maintenance. Pre-positioned supplies help, but only if the war's location is known correctly in advance. Advances in information technology can modestly reduce logistics requirements.

Growth in International and Commercial Capabilities



Air power can be moved more quickly, but unless strike assets are there when fighting starts, it takes roughly a week before they can arrive in meaningful numbers. As one response to Iraq's "exercise" in October 1994, the Air Force started working on its Air Expeditionary Force concept, in which combat power equivalent to half a squadron can be brought into an improved base with prepositioned equipment within 48 hours; five sites are planned for the Persian Gulf area.

Strike

Shooting from close up is cheaper and faster, but shooting from stand-off distances is less risky and more flexible (more shooters can reach any one target). Knowing how well U.S. forces can shoot from far away influences where to put them.

Accuracy--the first consideration--is no longer the best reason for shooting from up close. Direct fire is accurate against moving targets within 3 kilometers (or fixed targets within 5 to 10 kilometers). Beyond that, precision-guided munitions (PGM) must steer themselves to the target, and the global positioning system (GPS) makes accuracy distance-independent. Without GPS, a PGM needs inertial guidance; if fiber-optic gyroscopes work, their .01 degree/hour drift rate should put any PGM within sufficient homing range even if launched from several hundred kilometers away.

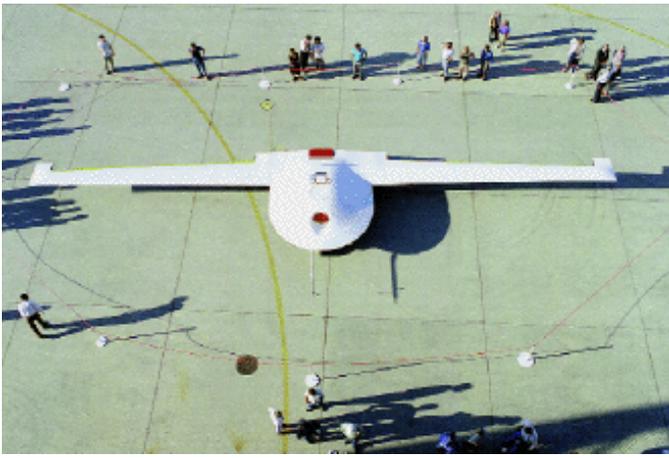
Cost is a second consideration. Hypothetical conventional intercontinental systems aside, cruise missiles have the longest range, more than 2,500 kilometers, but at \$500,000 apiece, they are costly. A canonical 15,000 aimpoint invasion requires an inventory of 24,000 cruise missiles (some miss) or roughly \$12 billion worth (perhaps less: unit costs fall as production rates rise). Within 200 to 300 kilometers, the land-launched Army tactical missile system (ATACMS) or sea-TACMs can do the same job more cheaply (each ATACM costs more but contains multiple bomblets).

Sender UAV



Missiles launched from manned aircraft have a maximum range of 20 to 80 kilometers depending on type. Most aircraft, in turn, have a flying radius of several hundred kilometers, and air superiority aircraft can go a few thousand kilometers. Very-long-range missions require either air-to-air refueling or trade fuel for ordnance loadout. Manned aircraft (with precision weapons) begin to become more cost effective than stand-off precision munitions only if full-scale operations continue for more than a month. To amortize just the purchase cost of an F-117 over the cost of a 30-day war (roughly 100 bombs), the cost per bomb is \$500,000--before maintenance is factored in. In the long run, dumb munitions are the cheapest weapon against diffuse targets, but they are also the heaviest to haul and the most expensive to man, and their delivery systems are the most difficult to protect.

Dark Star UAV



Meanwhile, the United States is steadily reducing its air-breathing intercontinental punch. By early in the 21st century, the United States will have no more than 22 B-2s, 70 B-52s, and 95 B-1s, and no warm production lines for more. As many or half of these aircraft will be devoted to strategic nuclear missions.

Flight time is a third consideration. The two hours a cruise missile takes to go 2,500 kilometers limit its value against moving targets. Loitering cruise missiles may be available by 2018 (the Tacit Rainbow antiradiation missile program failed, but the low-cost autonomous attack system, LOCAAS, is still going). The ATACMS can reach any target within four minutes, and short-range, air-to-ground munitions take roughly 30 seconds to reach target.

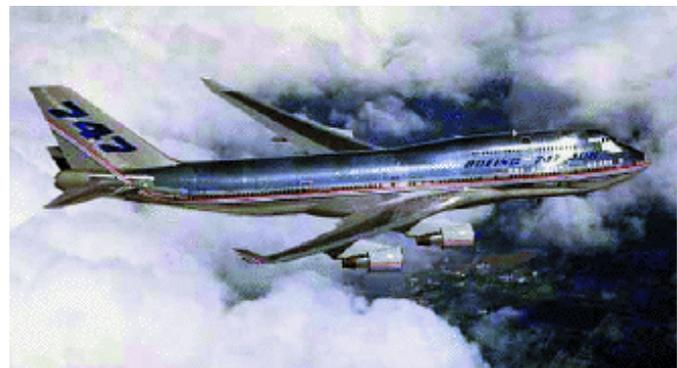
Enemy aircraft cannot now be killed from distances farther than 20 to 100 kilometers, whether from land or air attack. By 2018, the United States may have stealthy (and relatively small) unmanned aerial vehicles with the sole mission of dispatching air-to-air missiles when cued. Untested directed-energy weapons may permit air-to-air engagements from as far away as 500 kilometers.

C⁴ISR

The ability to watch the world in general and a battlespace in particular may be expensive to set up but, once established, may be relatively cheap to use or extend. Most costs of technology (e.g., software development, systems architecture, testing, training, and user adaptation) are paid for regardless of who is being watched or where. Orbiting surveillance assets do not need to be augmented to add new targets (even if today's constellation must evolve to support more continuous coverage, links to the field, data compression, and automatic scene preprocessing). Once global communications are in place, thickening them to meet the needs of a particular theater is secondary (ground terminals constitute much of the extra cost).

747-400 cargo plane

Detailed battlespace intelligence, surveillance, and reconnaissance (ISR) require local sensors. Some feature great mobility and long sensing range (e.g., joint surveillance target attack radar system [JSTARS], airborne warning and control system, [AWACS], comparable UAVs, Aegis ships); others must be scattered densely and repeatedly. The cost of achieving adequate coverage with unmanned long-range sensors, for instance, depends on terrain, weather, and use. Flying at 20 kilometers, one UAV can cover a territory as large as Kuwait with a vertical viewing angle within 45 degrees. To cover a notional 200 by 200 nautical mile battlefield would require 100 to 150 UAVs on station; using the most expensive UAV for that mission would require \$2 to \$3 billion in investment (depending on availability on-scene). Some UAVs are cheaper: tactical UAVs run several hundred thousand dollars each, and DoD labs have flown smaller UAVs that, at \$5,000 each, are almost disposable. With computer-mounted video cameras at \$9 apiece and microphones at three for a dollar, it would take quite a few disposable sensors to drain the Treasury. Coordination software is expensive to write, but once written can be used repeatedly.



C-17 Globemaster II



Basing geography does dictate some C⁴ISR costs. Central Asia, for instance, would cost more to monitor than Korea. UAVs capable of making round-trip flights of several thousand miles cost more than those that need go only a few hundred miles. Beyond a few hundred kilometers, aerostats are too far away; airborne sensor delivery is more problematic; and longer transit times raise the odds of accident or interception. Radio networks are hard to maintain over long distances.

Fundamental Parameters

Force posture therefore must be viewed in terms of a number of fundamental parameters:

- The world's commercial logistics and communications infrastructure is burgeoning, but all facilities are vulnerable to precision strike.
- In 2018, deployment times will probably be similar to today's (barring unexpected purchases, lift assets, or pre-positioning).
- The tradeoff between moving forces and moving force constantly shifts toward the latter. After all, manpower is expensive and casualties are prohibitive, but things (e.g., PGMs) are cheap.
- Weapons accuracy, communications bandwidth, and the ability to take a snapshot of the battlespace do not vary much by distance. The ability to keep a battlespace under constant watch, however, requires assets within airborne-relay distance.
- Range affects the cost of weapons laydown and their usefulness against fleeting targets. Breakpoints are roughly 20 kilometers for artillery and laser-guided weapons; 300 kilometers for helicopters, short-legged aircraft, and rockets; and 2,000 kilometers for cruise missiles and long-legged strike aircraft.
- Interoperability, doctrinal and technical, with foreign forces and infrastructure is emerging as the key prerequisite for the projection of U.S. power.

Conclusion

What should the U.S. posture be in 2018, particularly for futures that may feature larger or smarter foes and messier operations? From an operational viewpoint, trends both positive (what U.S. forces can do) and negative (the risks of similar technology in adversary hands) favor standing increasingly farther back from the battlefield. Other trends both positive (e.g., the greater ease of networking and transportation) and negative (e.g., the shadow of weapons of mass destruction) favor dispersion over concentration. The increasing emphasis on day-to-day engagement with allies and coalition partners argues for a posture that makes it easier for U.S. forces to go to others rather than have allies come to us.

**Payloads in Orbit
(as of end of 1996)**

| Launcher/Operator | Objects | Launcher/Operator | Objects | Launcher/Operator | Objects |
|-----------------------|---------|-------------------|---------|-------------------|---------|
| Argentina | 2 | India | 14 | Portugal | 1 |
| Australia | 6 | Indonesia | 8 | Russia | 1,253 |
| Brazil | 6 | Israel | 2 | Saudi Arabia | 7 |
| Canada | 17 | Italy | 7 | South Korea | 4 |
| China | 16 | INTELSAT* | 50 | Spain | 4 |
| Czechoslovakia | 3 | Japan | 57 | Sweden | 5 |
| European Space Agency | 30 | Luxembourg | 6 | Thailand | 2 |
| France | 30 | Malaysia | 2 | Turkey | 2 |
| France/Germany | 2 | Mexico | 5 | United Kingdom | 25 |
| Germany | 14 | NATO | 8 | United States | 701 |
| | | Norway | 1 | | |

Source: U.S. Space Command
*International Telecommunications Satellite Organization

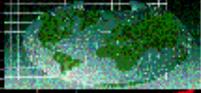
As a practical matter, it helps to start within a few hundred kilometers of the action so as to operate with cheap UAVs, air-dropped sensors, upper atmosphere communications relays, over-the-horizon radar, precision rockets (e.g., ATACMS, upper-tier theater missile defenses), and rapid insertion forces (e.g., helicopters, V-22s). The ideal coverage is a network of thinly manned listening posts and potential stock points, all integrated into commercial infrastructures for transportation and communications. Such off-shore presence would be provided by land if possible and by sea if necessary. Strike could be provided from stand-off distances. This structure points to an inevitable evolution away from today's strategy, left over from the Cold War, of concentrating forces forward.

[Return to My D-Base](#)

1998

Strategic Assessment

Engaging Power for Peace



CHAPTER

SEVENTEEN

Conclusion

The traditional way of judging the need for U.S. forces was to determine what it would take to prevail in a specific contingency--such as a NATO-Soviet global war--until about 1990, and since then in a conflict resembling the Gulf War. But the world is now too fluid, change too rapid, and the future too hazy for such a narrow method. The United States has already experienced, in a few short years, a wide variety of contingencies, violent and not, in which the U.S. military was used. Threats are constantly rising, ebbing, and shifting. In a world of flux, U.S. forces can help shape desirable change but might instead have to respond to undesirable change. For these reasons, this volume, like the report of the Quadrennial Defense Review, breaks from the old way.

But how, in a disorderly world, can the United States take a more comprehensive view of the need for its forces without importing that disorder into the setting of U.S. defense priorities and programs? To help solve this problem without ignoring change and uncertainty, this volume suggests a way of thinking about the post-bipolar world:

- At the center is a *core* of democratic, free-market, peaceful and responsible states that encompasses North America, Western Europe, and Northeast Asia and is spreading eastward and southward. The core is increasingly integrated economically, has common interests, and stands for a set of norms.
- Outside this core but on a path of reform and integration are large *transition* states--China most importantly, but also India, Russia, and others. Their uncertain fate is a defining question, since their successful transition would vastly increase the core, extend its norms, and lessen the dangers beyond it, whereas failed transition would pose greater security problems than the United States has faced since the demise of the Soviet Union.
- Currently, a handful of relatively weak *rogue* states are openly hostile to the core's interests and norms, though their destructive potential could grow as technology spreads and if any large transition states turned hostile. In addition, a host of elusive nonstate rogues poses such transnational threats as drug trafficking, terrorism, and WMD smuggling.
- Finally, despite the impressive gains in global economics, politics, and security in the past decade or so, a number of states have not participated and are *failing*, confronting the core with major humanitarian and transnational challenges. Rogues that fail (as North Korea might) can pose severe hazards. If the transition states abandon reform and integration, they might not become powerful rogues but instead immense and dangerous failing states.

This way of "classifying" world politics and security lends itself to contemplating both futures. The overarching international goal of the United States is to extend the core and strengthen its norms, looking toward a *commonwealth of freedom and security encompassing most of the planet and all the leading powers*. To make progress toward this future, the United States must: (1) induce its *core* partners to take on more responsibility; (2) encourage those in *transition* to stick with reforms and integration; (3) weaken and, when threatened, defeat *rogues* (state and nonstate); and, (4) ease the humanitarian and transnational effects and causes of state *failure*. While U.S. military forces alone cannot produce such an international environment, they can play a key role as part of a wider U.S. political, economic, and security strategy.

But those forces must also be prepared for a deterioration in the world security environment, in which the vision of a commonwealth of freedom and security is eclipsed by a world of more dangerous rogues, large transition states turned hostile or chaotic, more frequent and messy state failures, proliferating transnational threats, and friends who flee from responsibilities.

This complex of requirements, imposed by the world as it is and as it could be (for better or for worse), constitutes a tall order, not only for U.S. forces but for those who plan, manage, and lead those forces. With this as the challenge, this volume has analyzed U.S. forces from three perspectives:

- Their peacetime role in affecting the strategic environment to advance U.S. interests and bolster peace (chapters two through eight)
- Their ability to prevail in military contingencies (chapters nine through thirteen)
- Adaptations that would be needed if strategic conditions take a turn for the worse (chapters fourteen through sixteen).

These perspectives correspond to the three elements of the QDR: *shape, respond, prepare*.

Structuring the Problem

| | Examples | Morals | Capabilities | U.S. Interests |
|--------------------------|--|--------------------|-----------------------------|---|
| Core Partners | NATO
Japan | Core | Underutilized | Avoid divergence
Revisit partnerships
More contribution |
| Transition States | China
Russia
Southeast Asia
South America | Undecided | Helpful
or harmful | Complete transition
Be prepared for rogue
or failing states |
| Rogues | Iran
Iraq
Cuba
North Korea | Opposed
to core | Increasingly
destructive | Restraint
Push toward transition |
| Failing States | Central Africa
Southern Balkans
Middle East | None | Drain | Multilateral capacity |

Broadly stated, *Strategic Assessment 1998* concludes, first, that how U.S. forces engage internationally--not just how many are kept where--is key to shaping a world in flux. Second, if, despite its shaping strategy, the United States must use force, its current military capabilities are particularly well suited to defeat familiar enemies in a familiar way. This should come as no surprise, since the forces have specifically been designed to meet the threats we know. At the same time, they are adequate but less well suited for conducting peace operations and other small-scale contingencies (SSCs) and for overcoming the asymmetric strategies of outgunned adversaries. Third, preparations for the future should be motivated principally by the need for the United States to project military power globally despite the growing dangers to its forces from the spread of dangerous technologies, especially WMD. Finally, the United States needs to renovate its coalitions with core partners, lest it find itself with increasingly unilateral strategies, capabilities, responsibilities, and burdens.

The QDR has offered a framework for assessing U.S. force needs in this fluid world. Likewise, the recent versions of the "National Security Strategy" and the "National Military Strategy" take this broader, dynamic view, as does the report of the National Defense Panel. This is a fertile and formative moment in U.S. defense strategy. The challenges of the new era are being framed--challenges that *Strategic Assessment 1998* seeks to sharpen and address.



Carrier battle group

Presence Plus

Using Power Judiciously

Compared to the Cold War, the peacetime role of U.S. forces in the new era is as important but quite different. Instead of confronting, containing, and deterring a global power along a fixed line, U.S. forces must deter a changing assortment of threats in a changing variety of places, relying less on stationary presence at every possible conflict site and more on a credible ability to project dominant power wherever U.S. interests might face danger. At present, the United States has both the need and the potential, unless its will is doubted, to deter aggression without basing forces in the direct path of every possible aggressor. As chapter two explains, the United States must tailor its peacetime deployments both to support and to draw upon its global power projection strategy.

The concentration of U.S. forces in Western Europe and Japan can no longer be justified by some fear that these partners might otherwise be invaded. Rather, they are now critical locations, within the core, from which U.S. power can be projected. There is thus a need for change in the way the United States relates to these other core powers. They are now successful, wealthy, and secure partners who ought to share responsibility with the United States for the health, safety, enlargement, and norms of the core. This will require a shift in the military strategies and capabilities of these allies, stressing the protection of distant interests more and the defense of their (unthreatened) home borders less. The continued stationing of U.S. forces in Japan and Western Europe will make it more likely that when those forces are deployed to nearby or distant contingencies, U.S. partners will provide at least more support and perhaps forces of their own. This will be difficult to achieve in the case of Japan and Germany, but if the old protector-protectee security relationships are not transformed into more balanced partnerships--in deed, not just in name--they could soon outlive their usefulness. Recent steps in NATO and the Japanese-American security agreement point the way, but the transformation has only begun.



To that end, the United States, acting in part through the forces it operates abroad, must draw these partners into its peacetime preparations, plans, and contingency responses. To accomplish this, it must retain its partners' confidence, lest they go off on their own; yet, it should also keep asking them to shoulder more of the burden of global security. The United States must impress its partners with its military capabilities and resolve, which they obviously find reassuring, but it must do so in a way that does not make them feel either that the United States has hegemonic motives or that it will meet every challenge whether they help or not. If its closest friends conclude that the United States wants vassals, not partners, they might embark on divergent strategies or, alternatively, become content to be free-riders. If the U.S. body politic perceives allies evading responsibilities, burdens, and risks, it will favor unilateralist if not isolationist U.S. policies.

For the large transition states, especially China and Russia, the United States must leave no doubt of its *ability* to maintain stronger military forces and to prevail if they turn hostile and aggressive. But it is equally important to communicate that the United States has no *intention*, and no cause, to use its power against them unless they threaten its interests or peace. How U.S. power is demonstrated to these transition states, especially near their territory, is a crucial and touchy matter. The United States has told Russia, in effect, that it has no plans permanently to station combat forces on the soil of NATO's new members (as long as they are unthreatened, of course). In China's case, the United States has said that the purpose of U.S. forces in East Asia is not to "contain" China but to preserve regional stability. In both cases, the course chosen by a transition state should determine how U.S. forces engage. Accordingly, when Beijing attempted to intimidate Taiwan in 1996, U.S. power--in the form of two aircraft carriers--was interposed. But as China shows that it does not intend to pursue its regional goals by force or coercion, U.S. forces should increasingly cooperate with their Chinese counterparts, as they would with any core partner-to-be. Thus, whichever broad path China takes, robust U.S. forces need to be engaged in East Asia.

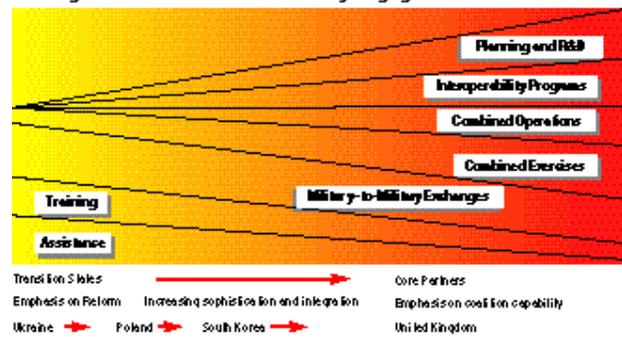
These cases illustrate how the United States must exercise its military superiority in a measured, sensitive way toward core partners and large transition states alike. Indeed, the same should be said for U.S. relations with *all* states, except for the rogues, who, by their own admission, would unhesitatingly threaten U.S. interests, values, and friends, were it not for U.S. power.

How can the United States use its power to shape the international environment in its favor without appearing hegemonic? How can the United States reassure its partners of its military prowess, will, leadership, and steadfastness, while also inducing them to take greater responsibility? How can the United States convince other powers, from its allies to China, that it does not regard their advancement as a challenge to itself?

From Presence to Active Engagement

These questions can be answered, in part, by *how* U.S. forces operate internationally during peacetime. The static concept of forward presence, Cold War-style, is inadequate for the challenge of shaping a dynamic world. The key is *engagement*: actively seeking to make contact, train, exercise, and operate with the forces of current and prospective (i.e., transition) core states. In time, the intensity and extent of such engagement should surpass stationary presence--and static measures of that presence--as the truest expression of U.S. involvement and as the most fruitful way to shape the international security environment.

Shifting Content of Peacetime Military Engagement



Active peacetime engagement is hardly new. It aptly describes many aspects of U.S. overseas deployments during the Cold War, especially in NATO. It was later given strong impetus in the effort to encourage reform in the new democracies when Soviet communism collapsed. And it has been an increasingly important motive and mode of U.S. defense activities in the past few years. New or not, it is worth specifying why active engagement is the preferred shaping concept for the current era:

Active engagement is crucial to promoting defense reform and civilian control, which are in turn crucial to democratization among transition states from Eastern Europe to Russia to Latin America to Asia--half the world.

- It is ideal for displaying U.S. military strengths to the large transition states without painting them as the target.
- There is no better way to reassure core partners of U.S. abilities and steadfastness while also inducing them to accept more responsibility and to adapt their forces for coalition operations with U.S. forces.
- It is the most effective way to prepare for multilateral operations, be they major wars or small-scale contingencies.
- Cooperation in defeating transnational threats (e.g., terrorism and drug trafficking) requires intensive interaction with partners and transition states.
- In this era of uncertainty and flux, engagement is an important way to gain and maintain a "feel" for international change, including in the capabilities and intentions of others.
- It is more flexible, giving the United States needed freedom to move forces in response to crises and changes in strategic conditions.

In concept, engagement means "to entangle, to attract and hold, to interlock, to mesh, to bind, to induce [another] to participate." In practice, it means a spectrum of activities in which U.S. forces and other defense organs cooperate with their counterparts. Different methods of peacetime military engagement should be emphasized across the spectrum of transition states and core partners. In all cases, the United States wants others to understand the qualities of its Armed Forces without flaunting their superiority. In addition, it wants to aid reform and build trust among transition states and to foster complementarity and greater burden-sharing among core partners. As transition states develop into core partners, for example, the way Poland, Hungary, and the Czech Republic are now, the content of engagement with them shifts to more organic and more sensitive cooperation.

Engagement relies more on what U.S. forces *do* than on their exact size. A squadron of naval combatants homeported abroad might once have been so important as a symbol of the U.S. defense commitment that its operations were of secondary significance. Now, however, if that same squadron is to produce the desired effects on the international security environment, what it *does* is critically important. Put differently, a platoon that continually works with a partner's forces may be worth a company that does not.

This is not to say that it matters little what forces, with what capabilities, are deployed where. Engagement is impossible without substantial U.S. deployments overseas, especially in East Asia and Europe, where the dual challenges of enhancing core partnerships and encouraging transition are greatest. In tailoring that presence, though, more attention should be given--and is already being given--to the uses of U.S. forces. U.S. interests argue for more combined exercises, involving not only allies but also transition states. Such exercises should bear on shared concerns: deterring rogues, defusing crises, conducting peace operations, delivering humanitarian relief in failing states, and combatting nonstate threats.

An increasing emphasis on active engagement also fits with plans to *prepare* for the longer term future. Chapter fifteen points out that as U.S. military doctrine, organization, and capabilities adapt in the information age, like so many other institutions, they should be more networked than they are now. Moreover, uncertainty about the location of future threats argues for a more dispersed approach, connected by information technology, and then concentrated when necessary in crises.

The globalization of trade, investment, and technology is producing a more robust, more integrated infrastructure, from air- and seaports to utilities, communications, transportation, and computing. So the distribution of U.S. military power in the world not only will be important but could be easier to support.

This vision, based on military necessity and technological possibility, dovetails with the concept of active engagement to shape the security environment. It suggests that the international deployment of forces will be a key feature of the U.S. posture of the next century, albeit with new purposes and patterns, and with rigidity replaced by interactivity. Engagement underscores the crucial role of core partners and transition states--not simply threats--in U.S. strategies to shape international conditions with its military capabilities.

Strategies

Chapter two offers a view of basic U.S. security goals in each region. With the benefit of the analysis of those regions in chapters three to eight, it is possible to summarize how U.S. forces and related programs could help achieve those goals.

U.S. Regional Goals and Strategies

| Region | Goals | Strategy |
|------------------------|---|---|
| Europe | Draw old and new allies into a new partnership to consolidate security in Europe and respond to threats elsewhere. | Engage full spectrum of U.S. capabilities. Integrate with core partners (NATO allies) to project power in or beyond Europe. Emphasize programs and forces that support defense reform and encourage transition states. |
| Greater Middle East | Deter rogues that use asymmetric strategies to threaten world oil supplies. Reinforce peace process. | Deploy ability to project robust and lethal power into the region. In light of regional sensitivities, limit permanent deployments to quick-response forces and pre-position materiel to deter rogues. |
| East Asia | Encourage peaceful unification of Korea. Build new partnership with Japan. Encourage transition of a powerful China. | Engage full spectrum of U.S. capabilities. Remain deployed "forward" in Korea. Increase combined operations with Japan and other partners. Expand interaction with China. Demonstrate military power to China when Chinese behavior warrants. |
| New Independent States | Facilitate democratic transition while protecting against the consequences of failure in Russia and the rest of the CIS. | Intensify programs that foster reform. Expand Russian military contacts with U.S. strengths without posing threat. |
| Latin America | Further the process of reform and democratization. Develop partnership based on shared interests and responsibilities within and beyond the hemisphere. | Expand contacts that share U.S. defense management methodology combined with civilian control. Emphasize exercises that bolster capacity for multilateral operations, e.g., Latin American participation in SSCs. |
| Africa | Work with core partners and Africans to avert state failure, promote reform, and improve humanitarian operations. | Improve NATO capacity to act in African crises. Expand contacts aimed at creating African competence in crisis management. |

From a global vantage point, these strategies suggest an increase in the intensity and extent of interaction of U.S. forces with those of the core and transition states. U.S. forces should, over the long term, remain concentrated in Europe and East Asia, where the most important core and transition states are. Those forces should engage frequently in combined and integrated exercises, with particular emphasis on power projection, C⁴ISR, and joint doctrine. This, in turn, will remind rogues, from North Korea to Iraq to Iran, that the United States has able partners prepared to help defeat them if need be. When such rogues can threaten vital U.S. interests, as Iran and Iraq have the potential to do, the demonstrable ability of the United States to surge overwhelming power must be augmented by quick-response deterrent forces in the region. Finally, with transition states accounting for more than half of the world's population, U.S. forces and other defense programs and contacts should be energetically used in *every* region to encourage reform.

In sum, the forces that the United States deploys abroad should become more interactive, operate with greater flexibility, and emphasize key U.S. strengths. As they do, U.S. military and environment shaping strategies will be brought into harmony, the United States will be well-prepared for this era of uncertainty and change, and the American people will understand and support the rationale for U.S. deployment abroad.

A Moving Target

Winning Wars

The United States can be confident of its ability to defeat any rogue state that threatens U.S. and core interests with traditional military power--in fact, any two rogues nearly at once. The ideal scenario is brief and to the point: U.S. forces nearby establish at once that the aggressor is at war with the United States. A robust joint force is dispatched to the theater. With its predominance in speed, information, and lethality, the force maneuvers freely, destroys enemy forces and infrastructure, and renders the rogue defenseless. The more rational the enemy leadership, the quicker the surrender.

The ideal scenario is one-sided in capabilities, execution, losses, and outcome. American defense planning and management pay off in the smooth way key U.S. advantages--power projection, C⁴ISR, joint doctrine, lethality, and robustness--are integrated. To be sure, risks exist that not all will go as well as planned--logistics being one potential weak link in the chain. Moreover, a clever adversary exploiting a difficult (e.g., urban, wooded, or mountainous) battlefield could increase the uncertainty and losses facing the United States in a major theater war (MTW)--ample reason not to grow too attached to any specific planning scenario. But the chance that the United States would ultimately fail in such a conflict, unless of course its will fails, is extremely low.

M-1A1 tanks during Desert Storm



Since "fighting and winning the Nation's wars," in the words of former Joint Chiefs Chairman, General John Shalikashvili, is the benchmark of U.S. military effectiveness, today's situation is cause for some satisfaction. In a nutshell, the main interests of the United States are secure because none of its few outright enemies would likely dare such certain and complete defeat, and U.S. losses would be tolerable--if any casualty can be deemed "tolerable"--in the event that one did.

Of course, "snapshot" security is not good enough for the United States in the unsettled world described in this volume--a world of deepening U.S. dependence on a spreading world economy, of wily and fanatical rogues that will not readily abandon their causes, of giant transition states that could fail or become rogue-like if their reforms are abandoned, of failing countries whose human agonies cannot be ignored, and of amorphous nonstate groups with the means and motivation to threaten U.S. security. The years since the Gulf War show that crises smaller and thornier than the last major theater war (MTW) are the norm. And the determination with which rogue states are acquiring the means to make and deliver weapons of mass destruction confirms that they will not stand pat in the face of U.S. power but instead seek a way to deter the United States despite its advantages. A broad and flexible view of missions and threats is therefore imperative. And thanks to the high confidence the United States has today in its ability to prevail in a war against today's rogues, it can afford to prepare for other missions, other threats, and other futures.

Landing craft air cushion (LCAC)



By stating that U.S. forces must be able to respond to small-scale contingencies (SSCs) and to asymmetric threats, the QDR has recognized that winning MTWs under current conditions is but one test of the sufficiency of U.S. capabilities. The QDR "raises the bar" by requiring that U.S. forces be able to respond to the multiple demands of the world as it is, instead of a simpler world. Having done so, confidence of success drops off, as expected, when plans depart from the principal mission and type of threat U.S. forces have been optimized to confront. This is evident in the contrast between the general bullishness of chapter nine and the concerns expressed in chapters ten and eleven. It also is the basis for the QDR's conclusion, reinforced by the National Defense Panel, that U.S. forces should be prepared for contingencies and adversaries other than wars with the rogues of today.

The "Small Scale" Challenge

At least three lessons have been learned from Somalia, Haiti, Bosnia, and other such experiences over the past five years. First, the conditions that cause states to fail--tribal, ethnic, and religious violence, government malfeasance, and economic desperation--are not disappearing and could spread. Second, despite congressional misgivings, American presidents of both major parties have taken the view--and in the end have prevailed--that the United States often cannot remain aloof from most large humanitarian crises. Although military forces are not the most suitable instrument for some aspects of the response to such crises, the danger or reality of armed conflict often makes a military component indispensable. Third, all the capabilities needed to respond effectively to multiple SSCs (e.g., peace operations, humanitarian relief, and large evacuations) are not inherent in a force designated to win major theater wars. If SSCs were merely small versions of big theater wars, there would be no need to stipulate that they be considered a different requirement.

The failing state phenomenon will not vanish, despite the impressive recent progress of the "global" economy. States with no ability to attract foreign investment, to add value, and to export to global markets can fall prey to rapacious corruption, crumbling infrastructure, tribal violence, and disintegration. Despite some recent promising signs in Africa, the pattern seen in Somalia, Liberia, Rwanda, Zaire, and Sierra Leone may not have peaked. Nor is this phenomenon confined to Africa, as Cambodia, Afghanistan, Haiti, Bosnia, and Albania indicate.

Additionally, rogues can end in collapse, as both North Korea and Cuba may. Even larger states in transition that fail to stay the course can see their progress turn to turmoil and fragmentation--Russia being of greatest concern because of its nuclear weapons.

Easing human suffering from state failure is not the only purpose to which U.S. forces could be put other than waging a major war. Other sorts of ethnic conflicts, territorial disputes, violent breaches of international law, insurgencies, and natural disasters could give rise to needs for peacekeeping, relief deliveries, sanctions enforcement, and even forcible intervention that the United States will opt to meet. Experience suggests that more than one such operation could be in train at any time. Non-state rogues and transnational threats (often due to failing states) cannot be countered by traditional combat operations. Moreover, the absence of both "life-threatening" adversary and clear delineation of vital interests that marked the Cold War has left the United States with a need for options short of the all-out destruction of enemy forces and infrastructure. Dangers to less-than-vital economic or security interests, or perhaps to core norms, could justify some involvement of U.S. forces to prevent or contain a crisis, especially if it could harm the long-term U.S. purpose in the world suggested above. This has been the case in Bosnia and Haiti (both of which of course could also be viewed as failing states).

Thus, the bright prospects for the core and most transition states do not readily translate into an end to calamities and crises short of war outside the core, in which the United States will opt to intervene, out of some mix of interest, responsibility, and moral impulse. Whenever the United States must decide whether or not to commit forces in such circumstances, the argument is made by domestic skeptics that U.S. lives and treasure should be sacrificed only to defend "vital" interests. But the decision reflected in the QDR is clear: the United States should have an *ability* to perform these missions. It may or may not get involved in specific crises, but it needs the option.

This will be a formidable challenge. The demands such operations place on U.S. forces differ markedly from those needed to defeat a rogue, as the contrast between the requirements set forth in chapters nine and ten--or between the Gulf War and the Bosnian operation--shows. At a basic level, of course, the ground, air and sea forces needed for large theater wars provide ample "raw materials" for these other needs. Moreover, C⁴ISR, joint doctrine, and sound defense management are crucial in both cases. But SSCs do not call for the projection of massive strike power to destroy enemy forces, infrastructure, and resolve. Generally, they entail small units, repetitive patrols, face-to-face contact, humanitarian deliveries, even-handedness, restrained rules of engagement, and performance of certain civil functions. (If Clausewitz considered war an extension of politics, he might have viewed SSCs as a reverse extension of war into politics.) Moreover, such operations are much smaller--as the name suggests--but more frequent than the huge but rare wars that U.S. forces have been designed to fight.

Broadly speaking, this is a fundamentally different class of military operation than major theater warfare. When a corporation finds itself in two different businesses, it is not necessary to spin one off, but it is crucial to manage the firm's operations and assets in light of this duality. So it is that the Department of Defense must manage forces in light of how different, operationally, the "typical SSC" is from the "typical MTW."

Small-scale operations are also more likely than large-scale combat to entail integrated *multinational* operations. Major wars tend to be fought when U.S. vital interests are directly threatened. Consequently, while it would prefer to be supported by a coalition, the United States must have the capability to wage such wars whether or not its partners join it. Small-scale operations, in contrast, tend to concern lesser stakes or less direct threats--in general, they are more discretionary than major wars. Those of the last five years, for example, have not involved the essential vitality or security of the United States, but rather disputes or human suffering beyond the core (though of some importance to the core). Because the argument for committing U.S. forces in such cases is often predicated on a sense of international responsibility, it is hard (though not impossible) to justify independent U.S. action. After all, others, starting with wealthy core partners, also have responsibilities--or should. Thus, while U.S. forces must be able to conduct major wars independently, they must be geared to carry out smaller operations multilaterally, while of course keeping open options to conduct the former multilaterally and the latter independently.

M-113 ambulance, Bosnia



Because of their purpose and character, small-scale operations often involve U.S. and international civil organizations. This has been the case in Somalia, Bosnia, and Haiti. At a minimum, this poses jurisdictional and coordination problems. At worst, it can lead to cross-purposes (e.g., between the use of U.S. air power and allied ground forces in Bosnia, before the Dayton Accords) or U.S. forces being called on to perform tasks best done by others.

Of all the challenges detailed in chapter ten, the most important and difficult are tailoring U.S. forces to succeed in frequent, even multiple SSCs without detracting from their ability to prevail in major wars; and preparing for multinational and civil-military operations, i.e., situations in which U.S. forces are not functioning alone and independently.

The first challenge originates from a paradox and points to a dilemma. U.S. military power is more likely to prevent large security problems than small ones. Outright aggression against vital national interests can normally be deterred by U.S. forces, but other international crises can occur regardless of those capabilities. So it can be assumed that SSCs will continue to be relatively frequent, irrespective of U.S. military strength. Major wars will be rare, thanks to U.S. military strength. If certain U.S. forces are earmarked and honed for the demands of SSCs, they will be used in live operations far more than those maintained only for major wars. This has been the case in recent years, less from design than necessity. The units of that overworked fraction will be under much greater stress while also, potentially, seeing their ability to fight major wars eroded, for example, because of gaps in combat training, equipment fatigue, and excessive demands on personnel.

Alternatively, all U.S. forces could be kept "multimission capable," in which case readiness for major wars would have to be maintained by forces engaged in SSCs. This way, the burden of responding to SSCs could be spread out across the entire force, and all units would have to be prepared for the different and frequent demands of such contingencies. The strain on particular forces could be eased, but U.S. forces as a whole would not be optimized either to fight wars *or* to conduct small-scale operations.

Whatever approach is taken, for budgetary reasons the United States will not elect to maintain a larger force structure than that needed to win two nearly simultaneous major wars. Consequently, it might have to face the additional problem of having to back out of a large peacekeeping commitment if a war looked imminent somewhere else. Would U.S. forces have left Bosnia if Saddam Hussein threatened Kuwait in 1997 (as he did in 1990 and 1994)? If so, what would have become of the NATO coalition, and thus the fragile peace, in Bosnia? If not, would the United States have had enough of the right forces in reserve to deter a *second* major war, lest North Korea, for example, have perceived an opportunity to attack the South? This illustration underscores the need to have forces of core partners available for both large wars and smaller contingencies.

Indeed, the second big challenge posed by SSCs is to be prepared for combined, or integrated, multilateral operations. This is a politically vexing problem. The United States has an interest in improving the capacity of the United Nations and other international institutions to perform peacekeeping, humanitarian relief, and the like; otherwise, it will be under intense pressure to take on the task itself whenever a large-scale human disaster occurs. Precisely because of the competence of U.S. forces, the worse the crisis, the greater the pressure for the United States to accept the bulk of the responsibility, overall command, and possible pressure to escalate if the crisis is not contained. Yet important voices in the United States doubt that the United Nations has, or should have, the practical or constitutional ability to handle such responsibilities.

Relatedly, Americans are not keen to see their troops operate under foreign commanders. But since the United States cannot insist on being in command if it does not provide a large contingent of forces, this stance means it must have the leading role or no role at all—not a good choice to have to make. It is easier to solve this foreign-command conundrum in Europe than elsewhere, because NATO is a capable multilateral military coalition that has the confidence of the United States; it has proven its competence in peacekeeping under trying conditions in Bosnia. Yet future needs in Europe appear to be limited to the Balkans, which, while serious, are unlikely to grow or spread. Meanwhile, the security challenge outside Europe is

greater and growing. Therefore, the use of NATO forces beyond Europe will be one of the most important questions in national security policy in the years to come.

Chapter ten offers several ideas for improving operations that combine U.S. forces with civil entities. The answer is not to avoid such circumstances; most of the future's messy situations, especially those caused by state failure, will demand both civil and military responses. But an essential principle should be that U.S. forces not be thrown into every predicament merely because they are capable and civilian agencies are lacking. This is no way to use U.S. forces and no way to avoid the actions and costs needed to improve civil capabilities. Congress, DoD, and various civilian agencies--perhaps nongovernmental entities, as well--need to fashion a rational division of labor and management systems.

Because they involve peculiar operational demands, multinational and civil-military action, and often less-than-vital U.S. interests, SSCs (despite the innocuous term for them) present a substantial challenge for U.S. forces that are designed mainly to win big wars. The QDR identifies the issues that will need to be settled, e.g., withdrawing from SSCs in an MTW appears likely, but makes no claim to settle them. Unless the Bosnias and Haitis of the world are behind us, which seems unlikely, these issues will occupy U.S. defense leaders, resources, forces, and debates for years to come.

The Asymmetric Challenge

Just as the QDR recognizes that "winning the nation's wars" does not encompass all that U.S. forces must be prepared to do, it acknowledges that winning future wars could prove much tougher than defeating today's rogues.

It is important to remember several things about rogues: First, as a rule, they are not mere opportunists, ready to drop their reckless ambitions or destructive causes simply because they are frustrated by *current* U.S. project-and-strike capabilities. Second, it is virtually impossible to block altogether their access to the technologies--dangerous and otherwise--that are spreading across the world, partly through illicit trade but to a large degree *via* the integration of the global economy. Third, even though prospects are not bright for several of today's broken-down rogues--North Korea, Serbia, and Cuba--this class of actor does not face early extinction. Their future ranks might include new and larger ones, even one or more current transition states. They might include sinister and sophisticated nonstate actors, or networks, such as a South American cocaine syndicate, a Russian Mafia dealing in nuclear material, and Middle East terrorists dealing in truck bombs or deadly toxins. We should assume that rogues will have every incentive and considerable means to outflank, undermine, defy, disrupt, and even defeat available U.S. forces, potentially leaving the United States with military capabilities that are nominally superior but not fully able to defend U.S. interests and preserve international security.

Indeed, every key U.S. military advantage discussed in chapter nine could be weakened or neutralized, to a troubling degree, by any or all of the three salient asymmetric threats analyzed in chapter eleven--weapons of mass destruction (WMD), selective use of new military technologies ("cheap high-technology"), and information warfare (IW). Although the focus here is on the *capabilities* of possible asymmetric response, it is also important to plan for more threatening *tactics*, such as concealment, short-warning offensive, attacks on sea lanes, and coordinated attacks on U.S. interests outside the conflict theater. Indeed, it is the combination of more dangerous means and doctrines that makes planning for asymmetric threats imperative.

The striking message here is that *the ability, and therefore perhaps also the will, of the United States to project power and destroy rogue targets without suffering unacceptable casualties could be undermined by a combination of asymmetric threats*. So the consequences of not planning forces to counter these threats could be grave, especially because not planning for them will make them all the more likely to happen.

To illustrate, imagine that the United States, along with its partners in the core and in the region, is again confronted with aggression in the Persian Gulf. This time, the enemy uses information warfare to destabilize the Gulf monarchies, disrupt U.S. military communications as it attempts to send forces, and interfere with computer and telephone systems in Europe and the United States. U.S. carrier battle groups find that thousands of cheap but effective mines have been placed in the Strait of Hormuz. And the adversary warns that its several hundred recently acquired, accurate (enough) missiles are armed with chemical warfare agents and can hit U.S. forces as well as allied bases and population centers in the region. In these circumstances, U.S. skill, muscle, and will *could* still yield eventual victory, but at considerable cost and perhaps without the political and material support of an international coalition. Unless it prepares to counter these threats, the United States might face and pay a severe price--in lives lost or interests damaged--if and when they arise.

Because a rogue might be acting out of fanaticism, irrationality (perhaps due to sketchy or skewed intelligence), or desperation, it could prove hard to deter from executing such threats. Moreover, since rogue regimes care little for their own citizens or even their soldiers (as Saddam Hussein showed), U.S. retaliatory threats might not work. In contrast, unless the stakes for the United States are so compellingly vital as to leave no choice, it could be deterred by the prospect of high casualties and uncertain success, despite its overall military muscularity. Strategically, then, the danger is that asymmetric responses, unless preempted or countered, could reduce the ability and resolve of the United States to project power to protect its own and core interests around the world. In essence, U.S. forces might not be able to fulfill their central purpose.

Impact of Asymmetric Threats

| | Power Projection | C/S&I and Jointness | Strike |
|-----------------------------|------------------|---------------------|--------|
| Weapons of Mass Destruction | ↓ | | ↓ |
| Nucle High-Tech | ↓ | | ↓ |
| Information Warfare | ↓ | ↓ | ↓ |

The QDR states that the United States should anticipate such asymmetric threats, rather than await them. It prescribes intensified efforts to counter nuclear, chemical, and biological weapons, to combat terrorism against U.S. forces, and to frustrate hostile information operations. The United States has thus signaled to rogues that it is already anticipating their *next* moves. If this signal dissuades them, so much the better. But because cannot be counted on, the full investment must be made.

Such initiatives should be viewed as part of a wider strategy to counter asymmetric threats having these elements:

*Focus. In judging the adequacy of current and planned U.S. forces to *respond* in major contingencies, it should be assumed that whatever asymmetric threats are within the means of adversaries *will* be encountered. While taking into account both the intentions and capabilities of transition states, the United States should assume rogues have hostile intentions and base its defenses on their capabilities. Thus, if North Korea can use nuclear, biological, and chemical weapons, the United States should anticipate that it will and evaluate U.S. forces and plans accordingly. In planning jargon, plausible asymmetric threats that could upset U.S. strategy and confidence should not be "excursions" but "best case." The entire military establishment, not just those charged with special responsibilities, needs to come to grips with WMD and other asymmetric threats.



F-4 dropping GBU-15 unpowered glide weapon

*Deny. U.S. efforts to *shape* the international security environment (of the sort discussed in chapters two through eight) should be targeted especially at the trends and actors that breed asymmetric threats. New strategies are needed to deny or at least retard the acquisition of those dangerous technologies whose spread can be regulated. Information technologies are of course hard to control, especially in an integrating global economy. The key is to make this a concern and responsibility for U.S. core partners no less than for the United States. For example, the United States does not want its partners to trade with Iran or other rogues in technologies that could be used against U.S. forces. Therefore, Washington might consider insisting that those same partners accept a greater role in the defense of shared interests (e.g., oil supplies) if threatened by those rogues using those technologies. This could help produce a more united front, both in restricting the technologies and in deterring the threat.

*Deter. It is critical that rogues that have and might consider using chemical and biological weapons are aware that the United States does not preclude using nuclear weapons in response to such attacks on U.S. interests. Otherwise, while such states might appreciate the risks of using or even obtaining nuclear weapons, they will be drawn toward chemical and biological weapons, which the United States has forsworn through international treaties. While such a retaliatory threat might be credible only vis-a-vis large-scale chemical and biological attacks resulting in U.S. casualties, this could augment defenses against more limited attacks.

*Defeat. Plans and initiatives to *prepare* for the more distant future (2018) should include concepts to trump asymmetric threats. Ballistic missile defense and defensive information warfare are thus high priorities. Instead of counting on *deus ex machina* solutions the answers might be found in the ingenuity of U.S. soldiers and strategists. Not only the weapons and platforms of U.S. forces but their doctrines, tactics, and organization should be critically evaluated in light of asymmetric threats. In particular, as the United States finds ways, using communications and sensor technology, to give small and dispersed units access to more and better stand-off precision

strike power, it can sustain its ability to project power in the face of such threats--delivering force but not large forces--since deployment would be easier and fewer troops need be risked on battlefields made more deadly by weapons of mass destruction and other rogue capabilities.

*Adapt. The way U.S. forces are planned, like the forces themselves, needs to become more *adaptive*--operationally and strategically. Rigidity could be as great a threat as the nastiest rogue--indeed, its unwitting ally. Fixation on one or two exquisitely specified operational scenarios could endanger U.S. interests and lives if the scenarios prove even partly wrong, perhaps because enemies have consciously worked around them. *Desert Storm* was unusual. The odds that war will be conducted, by both sides, as scripted by U.S. planners are about as good as a baseball game being played exactly as intended by the manager of the better team. Strategically, the basic suitability of today's forces, doctrines, programs, and plans should be tested against asymmetric strategies devised to neutralize them. Today's computing power provides the means to analyze a virtual universe of possible operational and strategic circumstances, to see where investment is needed to neutralize or hedge against the ever-changing capabilities and tactics of adversaries, current and future.

In sum, in a world of uncertainty and change, it is possible to bracket without affixing what it is that U.S. forces might be called upon to do. Versatility must not be sacrificed at the altar of total confidence in the ability to defeat the threat du jour. The U.S. defense establishment planned on responding to a defined threat throughout the Cold War, and then extended that habit for some years afterwards, with its attention exclusively on the Iraq and North Korea scenarios. The QDR signals an important departure, calling for the ability to respond to a full spectrum of crises. That call raises a number of tough but crucial questions, which this volume has tried to frame.

Globalization of Interests versus Technology

| | Weapons of Mass Destruction | Nucle High-Tech | Information Warfare | Terrorism |
|-----------------------------------|---|---|---|---|
| Project and Strike (capabilities) |  |  |  | |
| U.S. Sanctuary (will) |  | |  |  |

The Unpredictable

Understanding the Unknowable

Predicting the world beyond 2008 today is probably no harder than predicting today's world was in 1988--in both cases, it is exceedingly hard. Policymakers may be just humbler now, and maybe a bit wiser, than before the changes of the last 10 years ambushed their confidence in precise prognostications. Perhaps, with a little hindsight, an understanding of how current conditions *might* affect the future is more possible now. After all, some trends detectable in 1988 could have helped explain broadly what ensued: Soviet communism was moribund; East Europeans were restless; the Persian Gulf was volatile; the Chinese economic system was being transformed; and East Asia had become a magnet for investment and technology. But because specific intervening events were unpredictable, and even surprising, so was today's world. Fortunately, those events were favorable to the United States, and its economy, technology, military capabilities, alliances, and political system proved robust and flexible.

Because predicting a "point" future in a fluid world is, well, pointless, preparing U.S. forces for the long-term future should not be based on such a prediction. Rather, the question is how those forces might need to be altered in view of all plausible future worlds. The method employed in this volume for tackling this question is to identify the principal axes along which international change--especially adverse change--would require a significant adaptation of U.S. forces. Thus, instead of specifying alternative futures, whether one or many, this study seeks to understand possible future challenges.

The Gulf War was fought against a relatively small foe (albeit with sizable forces on paper), one not especially shrewd in deploying its forces or exploiting U.S. vulnerabilities on an accessible battlefield. U.S. forces today are ideal for such a war. They would see and destroy most enemy forces, eliminate the danger to U.S. personnel and operations, demolish the enemy's infrastructure, and force a surrender. To prepare for the future, the Pentagon should examine how those same U.S. forces might fare and how they would need to be retailored if the United States had to face a *larger* or *nastier* enemy, possibly in *messier* conditions--tough terrain, crowded cities, or dense jungle, with unclear limits, lines of battle, and distinctions between combatants and civilians. When the United States faced some of these conditions in Indochina, it did not succeed. North Vietnam was a wily adversary, with substantial and well-dispersed forces that exploited unfavorable geography and other U.S. vulnerabilities, including America's flagging will.

Change along one, two, or all three of these axes is plausible. Numerous *transition* states are quite large--from China and India to Russia, Indonesia, and Brazil. While it is unlikely that any one of them would turn against the United States and the core, neither is it implausible that at least one would do so. Then, too, one or more current or future *rogues* could acquire and brandish a much nastier arsenal than today's Iraq or North Korea: an arsenal of nuclear, biological, and chemical weapons and delivery systems; cheap but "smart" weapons; of offensive information warfare capabilities. The *failing state* phenomenon, which can produce especially messy circumstances, could sweep across sub-Saharan Africa and afflict other regions such as South and Central Asia, North Africa, the Balkans, and even the Caribbean. Finally, dangerous nonstate rogues and other sub- and transnational threats could aggravate the security conditions in virtually any plausible future, because these dangers could be connected to the large transition states turned hostile, nastier rogues, or state failures.

A combination of larger foes, nastier foes (state or nonstate), and messier battlefields would pose especially severe and complex challenges for U.S. forces. In the worst case--unlikely but usefully provocative--the United States and its (possibly shaky) core partners might be confronted with a budding alliance of a powerful, hostile China, an aggressive, nuclear-armed Iran, and a desperate, nuclear-exporting Russia, or a global network of vicious terrorists and criminals. Such a combination would possess nearly every type of weapon fielded by the United States and would be poised to control most world oil and gas supplies of Southwest and Central Asia. U.S. territory would be no sanctuary, and the ability and will of the United States to project power successfully would be in doubt. Simultaneously--and not unrelated--Africa could become a cauldron of famine, refugees, and genocide. This case illustrates that it would not take a single "peer challenger" to confront the United States with a worldwide set of threats.

Chapter fifteen details the sorts of adaptations U.S. forces might need to undergo if change occurs on any of these three axes, but also adaptations that ought to be undertaken in any case, because they would help the United States in virtually any plausible future. One conclusion drawn from that analysis is that the United States needs agile warriors, versatile forces, flexible systems, and adaptive institutions. While this is certainly so, the search for hints about how the United States could be better prepared for the future need not stop there.

WMD environment



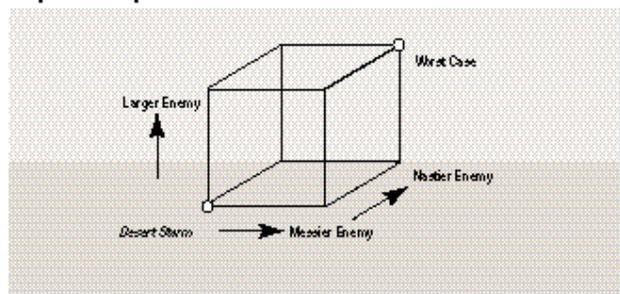
Every step taken by the U.S. defense establishment--new weapons systems, tactics, R&D--into the space of plausible futures will inevitably imply a sense of direction and a view of which of these three axes is of greatest concern. Because the problems that could crop up along these axes are different and require different responses, the United States needs to invest wisely. With a defense budget of approximately \$250 billion, it cannot prepare for the worst case on every axis. Making a beeline toward a single-point future is not wise, so Washington should watch for signposts to help adapt its plans and forces. What *can* be decided when the direction and signposts suggest that plans are on the right bearing *should* be decided--but planners should defer when not confident of the need or effect. This is the essence of adaptive planning.

Verities, Clues, and Signposts

Today's conditions contain a lode of information about plausible futures that can help in gaining a sense of direction. Some are obvious but nevertheless enduring and strategically significant facts: the United States is separated by vast oceans from its leading economic partners; population growth is greatest outside the core; the world's primary source of energy is fossil fuel; many of the world's political borders do not conform to ethnic distinctions; illegitimate governments will, over time, become unstable. Information technology reduces the importance of distance in industry, politics, and warfare. But the particular characteristic of world affairs that will most define the future security environment is *globalization*. It is to the new era what bipolar confrontation was to the old.

The integration of the global economy is manifested in the growth of trade, the quest of investment capital for competent low-cost labor, the diffusion of technology and knowledge, and the enhancement of the systems and networks that process and move information. These are not easily reversible processes, especially because they bring rewards--greater economic efficiency, prosperity, and freedom--that condition human behavior. In the information age, disintegration of the world economy borders on the implausible, not only because it would be cataclysmic but also, to some extent, impractical. Even if nation-states reverted to mercantilism, multinational enterprises utilizing information networks will not be brought back into national confines.

Prepare for "Space of Future Worlds"



As it proceeds, globalization will affect U.S. security in four basic ways:

**The United States will have increased global economic interests.* As a consequence of its integration in the world economy, which will include in time at least a portion of the states currently in transition, the United States will be concerned with crucial markets, product sources, energy sources, infrastructures, and flows that make the global economy function. These interests will take traditional geographic forms (e.g., key countries, oilfields, and borders), as well as new functional forms (e.g., financial and transport systems). On the assumption that there will still be rogue states and failing states--not all current transition states will succeed--threats to those interests will persist. The United States will therefore continue to depend vitally on its ability to project power to defend them.

**The spread of technology will be hard to control.* For the most part, this is desirable, as it strengthens and extends the global economy upon which the United States thrives. But it cannot be confined to the core. "Controlling information technology" is an oxymoron, because it is so pervasive in civil economies, so crucial to the globalization of multinational enterprises, and so fungible. Rogues and nonstates will have an ever-growing access to technologies that are or could be dangerous. While they will be hard-pressed to create or master these technologies and will remain generally backward compared to the countries in the core, they can use them asymmetrically to damage international security and U.S. interests.

**The transition states will probably gravitate toward the core.* Transition states--even the largest of them--will find it difficult to develop and sustain "world class" economic, technological, and military capabilities if they abort their reforms and fail to integrate into the world economy. Integration does not guarantee that such states--most importantly, China--will embrace the values and adopt the international norms of the current core democracies. But it does suggest that they will increasingly identify with the overarching U.S. interest in the vitality and security of the world's economic core. If they reject that basic interest, they could create severe security problems, becoming, in effect, large rogues, able to use technology destructively even if they cannot master it economically. But they would have difficulty becoming peer competitors and mounting a broad strategic challenge to the United States and to the interests and norms of the core.

**Uneven and incomplete globalization will exclude states and regions.* Globalization is, in large part, driven by combining information technology, high-potential labor, capital, and the demands of world markets. There are signs that this phenomenon is not spreading uniformly and will not soon occur throughout the entire world. Where it does not, economic exclusion and decline can result. This is, of course, the danger in parts of Africa, where it has already contributed to state failure and where demographic and food-production trends are unfavorable. Even in states that reform and integrate, large sectors and strata can be left out--and thus left to deteriorate or turn against the successful, posing increased transnational threats. As globalization progresses, this undertow will create "messy" situations that the United States and its core partners will find hard to ignore.

A Sense of Direction

The first three "clues" about the future, taken together, suggest that the most salient defense challenge to be faced by the United States over the next 20 years will be *to project power globally to defend core interests threatened by adversaries with increasingly destructive means at their disposal.* The destructive means of greatest concern are WMD. Today's breed of rogue state, having acquired technologies to pose asymmetric threats, or less likely, today's large transition states turned hostile, could have both the incentive and improved ability to hold the United States at bay. Such adversaries could disrupt or deter U.S. power projection both by posing greater dangers to U.S. forces in the theater and by threatening to attack the United States itself, which has been a sanctuary since the end of the Cold War. Thus, the United States will find it both more important and more hazardous to defend its global interests, even in the absence of a new global challenger.

F/A-18C Hornet

This *power-projection challenge* should energize plans and preparations for the future, unless and until conditions point in a different general direction. This does not mean that future adversaries will be no larger than, say, Iraq or North Korea. But more important than sheer size is how shrewdly rogues turn available technology, *especially WMD*, against U.S. vulnerabilities and its public's strong aversion to casualties. The best illustration of this is the case of China, with its ability to turn aggressive in Asia while preventing a successful U.S. intervention. If so disposed, China might seek the means to destroy U.S. forces projected near China and threaten the U.S. homeland if China proper is threatened, thus affecting both the ability and will of the United States to use its power in the region. This example is in essence a "high end" variant of the power-projection challenge.



The challenge, whether from China or sundry smaller rogues, follows the logic of the more immediate asymmetric threats identified in the QDR and analyzed in this volume, especially the WMD threat. Therefore, by anticipating the near-term need to *respond* to asymmetric threats in designing its forces (chapter eleven), the United States can get a head start in *preparing* for the more distant future (chapter fourteen). Moreover, because it takes time to reap results from R&D and other investments needed to be able to project power against nastier adversaries, such a focus ought to be a high priority now.

But what if the *size* of an adversary *were* to become the dominant problem for the United States (e.g., a hostile China that not only can frustrate U.S. power projection in its vicinity but can threaten core interests on a wide front). One reason this might be considered improbable is that for China to have that sort of power it would probably be so integrated into the core that it would not be inclined to threaten the core. Even in such a case, the United States could "scale up" its forces, increasing end-strength, force structure, and weapons and platform production. This would be an enormous undertaking, to be sure, but it would not require as much time as does creating the means--new technologies, institutions, doctrines, and structures--to counter the nastier adversary.

Moreover, because the probability of a global challenger is low and the costs of "scaling up" high, investments to prepare for it should not be undertaken unless and until there are warnings that one is emerging. In the meantime, measures to address the power projection challenge will *also* have value if the adversary turns out to be large (e.g., the WMD threat to U.S. forces and territory). This suggests that the military problems posed by size alone should not drive U.S. preparations for the future, though the United States must be adaptive enough to change course if the world develops in a way considered unlikely here. In short, Washington should *watch for* but not substantially *prepare for* a significantly larger foe.

The "principles for force 2018," which carry forward ideas in *Joint Vision 2010*, are in line with this logic. They call for an emphasis on the ability to "project force, not just forces," based on a system of systems that would give the United States advantages in illuminating the world, staying out of sight, and relying on "plugged in" coalition partners. Simply put, the United States can extend its ability to project power to defend its global interests in the face of nastier, better armed (including WMD) adversaries by giving small, networked, and rapidly deployable forces all the remote firepower they need to destroy larger enemy forces. It might also have to rely on nuclear deterrence against not only nuclear but also biological and chemical threats.

B-2 bomber



Of course, it is quite plausible that the challenge of the nastier (possibly larger) rogue will be aggravated by having to fight it on a more ambiguous, less visible ("messier") battlefield, where the problem is not as simple as destroying armor and facilities in the open. Such a battlefield might not be within easy range of littoral strike forces or standoff platforms; it might hamper joint operations; and it might not lend itself to "high-tech" C⁴ISR and weapons. The terrain and accessibility of future battlefields are as diverse as the range of possible future enemies. U.S. forces must be able to deploy and destroy enemy forces in unfavorable surroundings, not just ideal ones. While this will tax U.S. "information dominance," the answer is not to abandon that as a goal but to invest in achieving it even when conditions are poor.

The fourth "clue" presented above suggests that power projection against more dangerous enemies is not the only concern about the future that should inform current U.S. preparations. Because of uneven globalization, economic exclusion, and political instability, SSCs will continue to crop up, and they could be both larger and messier than those of recent years, particularly if state failures become more catastrophic. "Crash landings" by North Korea and Cuba, for example, could be extremely dangerous. Subnational and transnational rogues will pose unconventional threats. At least some U.S. forces (e.g., special operations, security services, light and agile mechanized units) might have to be tailored for these threats and contingencies rather than for major wars.

Thus, without embracing one specific view of the future, it is possible to identify--and important to prepare for--two broad classes of problems in the "future space" that require long-lead preparations: projecting power against WMD-armed adversaries, and conducting a wide range of operations (MTWs and SSCs) on messy battlefields and/or against transnational threats. These two concerns could tend to pull U.S. forces in two quite different directions, thus requiring that the dilemma described earlier--to specialize and devote a part of the force for small-scale operations, or not--be resolved.

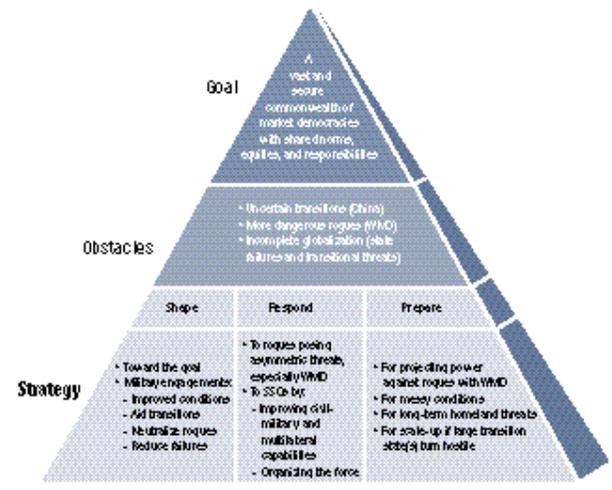
U.S. Military Superiority

During the Cold War, the yardstick for judging the adequacy of U.S. forces was rough across-the-board "equivalence" with Soviet forces. (The United States led in some categories such as naval forces and the Soviet Union in others such as tank armies.) While arbitrary from a purely operational military standpoint, this standard was widely accepted and indeed deemed crucial by the United States both for its peacetime global competition with the Soviet Union and for acting with confidence in crises.

With the end of the Cold War, U.S. military superiority has become a fact of life, accepted at home and abroad. Indeed, the resiliency of public support for a quarter-trillion-dollar annual defense budget can be explained not by the intricacies of MTWs, SSCs, and environment shaping, but by broad sympathy with the idea that maintaining unmatched military capabilities is worth the cost. To some, this is a prerequisite of U.S. international political leadership. To others, what matters most is that U.S. forces never enter a war they cannot win, with the lowest possible casualties. Still others believe that it is important strategically for the United States to preserve the so-called "unipolar moment." In any case, having backed into military superiority, thanks to the collapse of the other superpower, the United States now must learn to use it wisely.

The national preference for unmatched military capability gives the U.S. Department of Defense the fiscal resources needed to meet its more specific operational requirements. A fortunate alignment thus exists between the political consensus favoring military strength and the sufficiency of U.S. forces relative to various threats, none of which begins to compare to U.S. capabilities. There has been no need to define "superiority" or its purposes. Yet the more the QDR's two important additional considerations bearing on the adequacy of U.S. forces are considered--*environment shaping* and *preparing for the future*--the harder it is not to ponder military superiority: What is it? What good is it? How much of it is enough? How does Washington want others to regard it? How should it be used?

Sketching a Strategy



In approaching these questions, it is helpful to recall the U.S. "equity" in the world introduced in chapter one: the health, expansion, and security of the democratic, free-market core and its norms of responsible state behavior toward other states and their own citizens.

These interests and norms are linked: the stronger the core, the more its norms are likely to be respected; the firmer the norms, the better the outlook for the core's health and security. As the core grows, deviations from its norms become more isolated and, because of gathering strength, more easily defeated and punished.

Consider a future in which China, Russia, and all other major transition states come to identify with the key interests and norms this volume has stressed--unlikely and certainly beyond the means of the United States to bring about, but not implausible by 2018, and certainly worth striving toward. The few remaining rogue states would have nowhere to turn and much to lose when violating the norms and threatening the interests of what by then would be a nearly global core. Such an "outcome" for the period considered in this volume would obviously be of enormous benefit to the United States, which is at the heart of the core and second to none in its commitment to the norms. Simply stated, a larger core with widely respected norms is a favorable world for the way of life, quality of life, and global interests of U.S. citizens. Therefore, the goal of an inclusive *commonwealth* of freedom and security, based on norms, could animate U.S. strategy in the new century, as suggested by the 1997 National Security Strategy.

Make WMD Acquisition and Use Seem Futile and Risky

- Use nuclear deterrence for nuclear and high-end biological and chemical threats. More explicit declaratory policy is required.
- Employ theater missile defenses (TMD), equipment, and counterforce to defend battlefields and signal preemptive options.
- Pursue ideas to project force with smaller and dispersed units.
- Reduce dependence on vulnerable routes and bases.

Such a vision of a desirable future underscores the special importance of the current core partners and transition states in American strategy. The cohesion and increased international responsibility of the former and the reform and integration of the latter are the paramount objectives of the United States. And of course, U.S. success in aligning its closest and most capable friends, the EU and Japan, with its global strategy is indispensable for the goal of encouraging large transition states, especially China and Russia, to stay on a course of reform and moderation.

Principles of Force 2018

To decide now what would be the best U.S. force for the year 2018 would be both premature and unnecessary. The need may change as signposts become more readable. But it is not too soon to consider the general directions in which the DoD needs to move (and is already, to some extent, moving) to ensure the effectiveness of U.S. forces 20 years from now. The following principles are offered in this spirit:

- *Project Force, Not Just Forces.* U.S. forces will soon be able to destroy a large share of an adversary's invasion force by standoff strikes and the rapid insertion and retraction of ground units. Because similar capabilities are proliferating globally, it is important to change according to a schedule the U.S. chooses rather than one others choose.
- *Drive Cycle Time Down.* The greater the speed with which the United States can project force decisively, the greater the deterrence. At the operational level, a goal for 2018 is for the United States to be able to project force in all contingencies within a single day anywhere in the world. At the tactical level, a goal of U.S. forces is a cycle of operations--showing up, completing a

- mission, and dispersing--that can be measured in minutes.
- *Illuminate the World.* To support force projection and reduced cycle times, the United States needs a system to illuminate most of the world all the time. This system requires establishing, maintaining, and exploiting a network of strategic and operational sensors.
- *Keep the Magazines Full.* Precision weaponry is getting cheaper as the cost of electronic components falls, even as the cost of operating platforms grows. The United States must be prepared to use very large numbers of precision weapons in a slugfest with a capable opponent.
- *Use What's There.* The more the United States can empower local allies, the less work it will have to do itself, and the smaller the risks of exposure. The same is true for using facilities: at the same time that militaries everywhere are shrinking, the world's commercial infrastructure for moving materiel and information is growing. Using this infrastructure will allow U.S. forces to do more and do it more quickly.
- *Defend What is Depended On.* Most commercial infrastructure is not well protected against physical or information attack. While this problem is mitigated by the sheer profusion of infrastructure, some critical nodes may have to be secured.
- *Connect With Friends.* The System of Systems--the emerging U.S. federation of sensors, switches, and processors--is becoming a core competence of its military. Careful attention needs to be given to enhance adaptiveness and create links to core partners, civilian agencies, and even transition states.
- *Never Stop Learning.* The DoD needs to evolve concepts and tactics more quickly than any adversary can evolve countermeasures. Every core competence should be continuously and critically examined. To deal with an uncertain world, doctrine must always be challenged for relevance.

This line of reasoning has two important implications for planning U.S. forces and their role in the world. First, although those forces are designed for *operational* contingencies mainly involving rogue states (in the case of MTWs) and failed states (SSCs), their role vis-a-vis the main U.S. core partners and transition states has profound *strategic* importance. Second, and related, how U.S. military superiority is presented to both partners and transition states is a crucial and delicate matter. In neither case is it helpful to suggest that the goal of the United States is to maintain primacy relative to them.

What, then, is a sound rationale for maintaining superior U.S. military capabilities? Promoting and protecting the norms and interests of the core present a major challenge for the United States as it approaches the new century, arguably as great as the challenge it faced in 1945. Superior military capabilities are a necessary, though not a sufficient, condition for the United States to fulfill this purpose. By the same logic, maintaining the capacity to promote and protect this equity against plausible threats--such as, projecting power when and where needed, even against WMD-armed rogues--is a reasonable standard for U.S. military sufficiency.

It is a standard that does not necessarily require treating the growth in the power of others as a challenge--only if their actions threaten the U.S. stake (its interests and norms). This is both the most principled and most practical way of dealing with the rise of China. It does not mean that the United States is determined to frustrate China's goal of becoming more powerful, but it does mean that the United States will maintain an ability and, if need be, will act to protect its own stake in the world. Moreover, because U.S. partners share the interests and norms that comprise that stake, making it theirs, too, the United States should regard the growth of their power, and of course their responsibilities, as desirable, not somehow threatening to its standing. In this sense, superior U.S. military capabilities are not intended to preserve a pecking order but to advance increasingly shared purposes. The U.S. motivation is thus quite the opposite of hegemonic.

In practice, as this volume has emphasized, U.S. military power is all the more likely to be accepted and thus useful in promoting U.S. interests and norms if the United States actively *engages* that power cooperatively, e.g., to promote coalitions in the core, to help transition states reform, and to encourage an understanding that U.S. power is threatening only to those that threaten the U.S. stake. Such a concept for overseas deployments, and for environment shaping in general, dovetails with American purposes and with the world of fluid challenges and opportunities.

The U.S. Stake in the World

| Interests | Norms |
|---|---|
| Cohesion and improved burden-sharing among partners | Nonaggression, peaceful conflict resolution |
| Completed reform and integration of states in transition | The rule of law in the functioning of the world economy and other transnational endeavors |
| Weakening and peaceful disappearance of rogues (state and non-state) | Respect for the rights, equality and freedoms of all human beings' endeavors |
| Broad international responsibility to relieve the human suffering and transnational threats from failing states | Collective responsibility for international security |

In closing, the QDR is a significant and timely departure from a way of thinking about the need for U.S. military capabilities that has served well in the past but is no longer right--namely, reliance on a known enemy (or two) to motivate both plans and public support for U.S. forces. This is a hard habit to break. But with the possibility of North Korea disappearing as a threat if not as a state, the habit is best broken now. The United States does not require an enemy to justify maintaining and improving its military capabilities. Those who believe that it does would either slash U.S. defense spending or find a new enemy, neither one being the right course for national security. Rather, the United States needs forces, with the qualities discussed in this volume, mainly because *globalization* increases the U.S. stake in the world while also placing more destructive means within reach of any number of states and other actors that could threaten that stake. The United States needs forces able to respond to the current security environment, to prepare for a

less secure world, and to help shape a commonwealth of security and freedom.

Global Engagement of U.S. Forces: A New and Enduring Rationale

The United States has a fundamental stake in the vitality, security, and expansion of the world's democratic, free-market core. To protect its stake, and as the leading partner of this core, the United States must engage its forces internationally in peacetime, even as they are kept ready for war.

By engaging abroad, U.S. forces can improve the compatibility of allied forces, thus building stronger partnerships, better burden sharing, and political cohesion within the core. They can also encourage reform and cooperation among states in transition--partners-to-be--including China and Russia. They can deploy rapidly to deter attacks by rogue states, improve multilateral responses to genocide and other humanitarian disasters in failing states, and develop cooperative solutions to transitional threats.

In light of these purposes, and the fact that U.S. forces cannot be kept everywhere they might someday be needed, most of those stationed abroad should be in Europe and East Asia (where most are anyway, as a legacy of the Cold War). There they can readily engage core partners (NATO allies, Japan, and Korea) as well as key transition states (Russia and China). Thus, in Europe and East Asia, U.S. forces can both strengthen and extend the core.

From bases in these regions, U.S. forces can be projected into areas where dangers to the core from rogue states and failed states are greatest, especially in the Middle East and Africa. And by virtue of their engagement in Europe and East Asia, they can be supported and joined by the forces of core partners, thereby sharing the burden and risk now faced by the United States.

Because the world has become so fluid, it is now essential for U.S. forces to interact regularly and intensively with those of core partners and increasingly with those of transition states. In light of this, and the fact that the United States can move its forces with great speed, the static presence and precise size of U.S. forces overseas are becoming less important than how actively they engage and what they do.

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Acronyms

ABL airborne laser
ABM antiballistic missile
ACM advanced conventional munitions
ACOM U.S. Atlantic Command
ACRI African Crisis Response Initiative
ACRS Arms Control and Regional Stability (talks)
ACSS African Center for Security Studies
AEF Air Expeditionary Forces
AFSOUTH allied forces south
AID/OFDA Agency for International Development/Office of Foreign
Disaster Assistance

AIP airindependent propulsion

ALCMs airlaunched cruise missiles

ARF ASEAN Regional Forum

ARG amphibious readiness group

ASAS all-source analysis system

ASEAN Association of Southeast Asian Nations

ASW antisubmarine warfare

ATACMS Army tactical missile system

ATO air tasking order

AWACS airborne warning and control system

BALTBAT Baltic Peacekeeping Battalion

BAT brilliant antitank munition

BDA bomb damage assessment

BPS bits per second

BUR Bottom-Up Review

BW biological weapons

BWC biological weapons convention

C² command and control

C³I command, control, communications, and intelligence

C⁴ISR command, control, communications, computers, intelligence, surveillance, and reconnaissance

CARICOM Caribbean Common Market

CBDCOM U.S. Army Chemical and Biological Defense Command

CBW chemical and biological warfare

CCP Chinese Communist Party

CD-ROM compact disk with read-only memory

CEC cooperative engagement capability

CENTCOM U.S. Central Command

CENTRASBAT Central Asian Combined Peacekeeping Battalion

CFE Conventional Forces in Europe

CINC commander in chief

CIVPOL United Nations Civilian Police

CJTF combined joint task force

CM cruise missile

CONUS continental United States

COSTIND Committee on Science and Technology for National Security

COTS commercial off-the-shelf

CRAF Civil Reserve Air Fleet

CRC Conflict Resolution Center

CS command support

CSS combat service support

CSAP Conference on Security and Cooperation in the Asia Pacific

CTBT Comprehensive Test Ban Treaty

CTR cooperative threat reduction

CVBG carrier battle group

CW chemical weapons

DEA U.S. Drug Enforcement Agency

DMZ demilitarized zone

DoD Department of Defense

DPRK Democratic People's Republic of Korea

DSAA Defense Security Assistance Agency

DVDs digital video disk

EAPC Euro-Atlantic Partnership Council

ECOMOG ECOWAS Military Observer Group

ECOWAS Economic Community of Western African States

E-IMET Expanded International Military Education and Training

EMP electro-magnetic pulse

EMU European Monetary Union

EPW earth-penetrating weapon

ESDI European Security and Defense Identity

EU European Union

EUCOM U.S. European Command

EW electronic warfare

EXFOR experimental force

FBI Federal Bureau of Investigation

FEMA Federal Emergency Management Agency

FEWS Famine Early Warning System

FIS Islamic Salvation Front

FMF Foreign Military Financing

FMS Foreign Military Sales

G-8 Group of Eight

GCC Gulf Cooperation Council

GDP gross domestic product

GLONASS Global Navigation Satellite System

GNP gross national product

GPS global positioning system

HEAT high explosive antitank weapon

HOC/CMOC Humanitarian Operations Center/Civil Military Operations Center

HPM high-powered microwave

HQ headquarters

IADB Inter-American Defense Board

IAEA International Atomic Energy Agency

ICBM intercontinental ballistic missile

ICITAP International Criminal Investigative Training Assistance Program

ICO International Communications Organization

ICRC International Committee of the Red Cross

IFF identification friend or foe

IFOR Implementation Force

IGAD Inter-Governmental Authority on Development

IMET International Military Equipment and Training

INF Intermediate Nuclear Forces Treaty

INS Immigration and Naturalization Service

IOs international organizations

IOC initial operational capability

IR infrared

IRC International Rescue Committee

ISR intelligence, surveillance, reconnaissance

IT information technology

IW information warfare

JDAM joint direct attack munition

JIATF joint interagency task force

JSOW joint stand-off weapon

JSSAM joint service stand-off attack missile

JSTARS joint surveillance and target attack radar system

JTF joint task force

JV 2010 *Joint Vision 2010*

KDP Kurdish Democratic Party

KM kilometer

LEO low-earth orbit

LIC low intensity conflict

LO low observables

LOC lines of communication

LOCAAS low-cost autonomous attack system

LOTS logistics over the shore

MBD million barrels per day

MCC Multinational Counter-Narcotics Center

MCS maneuver control system

M-Day day on which mobilization begins

MEAD medium extended air defense system

MEF Marine Expeditionary Force

MEII Minimum Essential Information Infrastructure

MERCOSUR Mercado Comun del Cono Sur

MET Military Education and Training

MEU Marine Expeditionary Unit

MFO multilateral force and observers

MIF multinational interdiction force

M/IRBM medium/intermediate-range ballistic missile

MIRV multiple, independently-targeted reentry vehicle

MNF multi-national force

MOB mobile off-shore base

MOMEPE Military Observer Mission, Ecuador/Peru

MOOTW military operations other than war

MP military police

MRC major regional conflict

MTCR Missile Technology Control Regime

MTOE modified table of organization and equipment

MTW major theater war

NAFTA North American Free Trade Agreement

NATO North Atlantic Treaty Organization

NBC nuclear, biological, and chemical

NCA National Command Authorities

NEO noncombatant evacuation operation

NGO non-governmental organizations

NIS New Independent States

NMD national missile defense

NPR Nuclear Posture Review

NPT Non-Proliferation Treaty

NRDC National Resources Defense Council

NSI national strategic infrastructure

NTC National Training Center

OAS Organization of American States

OAU Organization of African Unity

OECD Organization for Economic Cooperation and Development

OFDA Office of Disaster Assistance

OPCON operational control

OPTEMPO operational tempo

OSCE Organization for Security and Cooperation in Europe

OSD Office of the Secretary of Defense

PA Palestinian Authority

PACOM U.S. Pacific Command

PCC Partnership Coordination Center

PERSTEMPO personnel tempo

PfP Partnership for Peace

PGM precision guided munition

PKK Kurdistan Worker's Party

PLA People's Liberation Army

PLO Palestinian Liberation Organization

POL petroleum, oil, and lubricants

POMCUS prepositioned organizational materiel configured in unit sets

PRC People's Republic of China

PSYOP psychological operations

PUK Patriotic Union of Kuridstan

PVOs private voluntary organizations

QDR Quadrennial Defense Review

R&D research and development

RAF Royal Air Force

RBA revolution in business affairs

RCMP Royal Canadian Mounted Police

RMA revolution in military affairs

ROE rules of engagement

ROK Republic of Korea

SADC Southern Africa Development Community

SAR synthetic aperture radar; search, and rescue

Sea TACMS sea tactical missile system

SECDEF Secretary of Defense

SFOR Stabilization Force

SHAPE Supreme Headquarters Allied Powers Europe

SLBM submarine launched ballistic missile

SLOC sea lines of communication

SOCOM U.S. Special Operations Command

SOE state owned enterprise

SOF special operations forces

SOUTHCOM U.S. Southern Command

SSC small-scale contingency

START Strategic Arms Reductions Treaty

STRATCOM U.S. Strategic Command

TBM theater ballistic missile

TCO transnational crime organization

THAAD theater area air defense

TMD theater missile defense

TPFDD timephased force deployment data

UAE United Arab Emirates

UAV unmanned aerial vehicle

UN United Nations

UNDHA United Nations Department of Humanitarian Assistance

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNITAF Unified Task Force in Somalia

UNMIH United Nations Mission in Haiti

UNOCA United Nations Observer mission, Central America

UNOSAL United Nations Observer mission, El Salvador

UNPROFOR United Nations Protective Force

UNSCOM United Nations Special Commission

U.K. United Kingdom

U.S. United States

USAF U.S. Air Force

USAID U.S. Agency for International Development

USAREUR U.S. Army Europe

USMC U.S. Marine Corps

USN U.S. Navy

USSR Union of Soviet Socialist Republics

VSAT very small aperture terminal

WFP World Food Program

WMD weapons of mass destruction

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<http://www.terrorism.com/terrorism/bpart1.html>

The Basics of Terrorism

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Part 1 Terrorism Defined

The DOD definition of terrorism is "the calculated use of violence or the threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological."

This definition was carefully crafted to distinguish between terrorism and other kinds of violence. The act of terrorism is defined independent of the cause that motivates it. People employ terrorist violence in the name of many causes. The tendency to label as terrorism any violent act of which we do not approve is erroneous. Terrorism is a specific kind of violence.

The official definition says that terrorism is calculated. Terrorists generally know what they are doing. Their selection of a target is planned and rational. They know the effect they seek. Terrorist violence is neither spontaneous nor random. Terrorism is intended to produce fear; by implication, that fear is engendered in someone other than the victim. In other words, terrorism is a psychological act conducted for its impact on an audience.

Finally, the definition addresses goals. Terrorism may be motivated by political, religious, or ideological objectives. In a sense, terrorist goals are always political, as extremists driven by religious or ideological beliefs usually seek political power to compel society to conform to their views. The objectives of terrorism distinguish it from other violent acts aimed at personal gain, such as criminal violence. However, the definition permits including violence by organized crime when it seeks to influence government policy. Some drug cartels and other international criminal organizations engage in political action when their activities influence governmental functioning. The essence of terrorism is the intent to induce fear in someone other than its victims to make a government or other audience change its political behavior.

Terrorism is common practice in insurgencies, but insurgents are not necessarily terrorists if they comply with the rules of war and do not engage in those forms of violence identified as terrorist acts. While the legal distinction is clear, it rarely inhibits terrorists who convince themselves that their actions are justified by a higher law. Their single-minded dedication to a goal, however poorly it may be articulated, renders legal sanctions relatively ineffective. In contrast, war is subject to rules of international law. Terrorists recognize no rules. No person, place, or object of value is immune from terrorist attack. There are no innocents.

This situation did not always prevail. Throughout history, extremists have practiced terrorism to generate fear and compel a change in behavior. Frequently, terrorism was incidental to other forms of violence, such as war or insurgency. Before the nineteenth century, terrorists usually granted certain categories of people immunity from attack. Like other warriors, terrorists recognized innocents-- people not involved in conflict. Terrorists usually excluded women, children, and the elderly from target lists. For example, in late nineteenth-century Russia, radicals planning the assassination of Tsar Alexander II aborted several planned attacks because they risked harming innocent people. Old-school terrorism was direct; it intended to produce a political effect through the injury or death of the victim.

The development of bureaucratic states led to a profound change in terrorism. Modern governments have a continuity that older, personalistic governments did not. Terrorists found that the death of a single individual, even a monarch, did not necessarily produce the policy changes they sought. Terrorists reacted by turning to an indirect method of attack. By the early twentieth century, terrorists began to attack people previously considered innocents to generate political pressure. These indirect attacks create a public atmosphere of anxiety and undermine confidence in government. Their unpredictability and apparent randomness make it virtually impossible for governments to protect all potential victims. The public demands protection that the state cannot give. Frustrated and fearful, the people then demand that the government make concessions to stop the attacks.

Modern terrorism offers its practitioners many advantages. First, by not recognizing innocents, terrorists have an infinite number of targets. They select their target and determine when, where, and how to attack. The range of choices gives terrorists a high probability of success with minimum risk. If the attack goes wrong or fails to produce the intended results, the terrorists can deny responsibility.

Ironically, as democratic governments become more common it may be easier for terrorists to operate. The terrorist bombings of the New York City World Trade Center and the Oklahoma City Federal Building prove how easy it is for terrorists to operate in a free and democratic society. Authoritarian governments whose populace may have a better reason to revolt may also be less constrained by requirements for due process and impartial justice when combatting terrorists.

As commanders and staffs address terrorism, they must consider several relevant characteristics. First is that anyone can be a victim. (Some terrorists may still operate under cultural restraints, such as a desire to avoid harming women, but the planner cannot count on that. Essentially, there are no innocents.) Second, attacks that may appear to be senseless and random are not. To the perpetrators, their attacks

make perfect sense. Acts such as bombing public places of assembly and shooting into crowded restaurants heighten public anxiety. This is the terrorists' immediate objective. Third, the terrorist needs to publicize his attack. If no one knows about it, it will not produce fear. The need for publicity often drives target selection; the greater the symbolic value of the target, the more publicity the attack brings to the terrorists and the more fear it generates. Finally, a leader planning for combatting terrorism must understand that he cannot protect every possible target all the time. He must also understand that terrorists will likely shift from more protected targets to less protected ones. This is the key to defensive measures.

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Part 2

The Terrorists

Terrorists are inspired by many different motives. Students of terrorism classify them into three categories: rational, psychological, and cultural. terrorist may be shaped by combinations of these.

Rational Motivation

The rational terrorist thinks through his goals and options, making a cost-benefit analysis. He seeks to determine whether there are less costly and more effective ways to achieve his objective than terrorism. To assess the risk, he weighs the target's defensive capabilities against his own capabilities to attack. He measures his group's capabilities to sustain the effort. The essential question is whether terrorism will work for the desired purpose, given societal conditions at the time. The terrorist's rational analysis is similar to that of a military commander or a business entrepreneur considering available courses of action.

Groups considering terrorism as an option ask a crucial question: Can terrorism induce enough anxiety to attain its goals without causing a backlash that will destroy the cause and perhaps the terrorists themselves? To misjudge the answer is to risk disaster. Recent history offers examples of several groups that had apparently good prospects for success which paid the price of misjudging reaction to terrorism. In the early 1970s, the Tupamaros in Uruguay and the ERP (People's Revolutionary Army) and Montoneros in Argentina misjudged a hostile popular reaction to terrorism. They pushed the societies beyond their threshold of tolerance and were destroyed as a result. The same is true of several groups operating in Turkey in the late 1970s and, possibly, several Mafiosi families in Italy in the 1990s.

Psychological Motivation

Psychological motivation for terrorism derives from the terrorist's personal dissatisfaction with his life and accomplishments. He finds his *raison d'etre* in dedicated terrorist action. Although no clear psychopathy is found among terrorists, there is a nearly universal element in them that can be described

as the "true believer."² Terrorists do not even consider that they may be wrong and that others' views may have some merit. Terrorists tend to project their own antisocial motivations onto others, creating a polarized "we versus they" outlook. They attribute only evil motives to anyone outside their own group. This enables the terrorists to dehumanize their victims and removes any sense of ambiguity from their minds. The resulting clarity of purpose appeals to those who crave violence to relieve their constant anger. The other common characteristic of the psychologically motivated terrorist is the pronounced need to belong to a group. With some terrorists, group acceptance is a stronger motivator than the stated political objectives of the organization. Such individuals define their social status by group acceptance.

Terrorist groups with strong internal motivations find it necessary to justify the group's existence continuously. A terrorist group must terrorize. As a minimum, it must commit violent acts to maintain group self-esteem and legitimacy. Thus, terrorists sometimes carry out attacks that are objectively nonproductive or even counterproductive to their announced goal.

Another result of psychological motivation is the intensity of group dynamics among terrorists. They tend to demand unanimity and be intolerant of dissent. With the enemy clearly identified and unequivocally evil, pressure to escalate the frequency and intensity of operations is ever present. The need to belong to the group discourages resignations, and the fear of compromise disallows their acceptance. Compromise is rejected, and terrorist groups lean toward maximalist positions. Having placed themselves beyond the pale, forever unacceptable to ordinary society, they cannot accept compromise. They consider negotiation dishonorable, if not treasonous. This may explain why terrorist groups are prone to fracturing and why the splinters are frequently more violent than their parent group.

The Jewish experience in Palestine is a classic example of splintering. In 1931, Haganah B broke from Haganah; in 1936, Irgun Svai Leumi split from Haganah B; and in 1940, Lochangei Herut Israel, or the Stern Gang, broke from Irgun. Each successive group was more rigid and violence-prone than its parent.

The psychodynamics also make the announced group goal nearly impossible to achieve. A group that achieves its stated purpose is no longer needed; thus, success threatens the psychological well-being of its members. When a terrorist group approaches its stated goal, it is inclined to redefine it. The group may reject the achievement as false or inadequate or the result of the duplicity of "them." Nicaragua's Recontras, The Basque ETA (Euskadi Ta Askatasuna, "Basque Fatherland and Liberty"), and many Palestinian radical groups apparently suffer from fear of success. One effective psychological defense against success is to define goals so broadly that they are impossible to achieve. Even if the world proclaims the success of a political movement, the terrorists can deny it and fight on.

Cultural Motivation

Cultures shape values and motivate people to actions that seem unreasonable to foreign observers. Americans are reluctant to appreciate the intense effect of culture on behavior. We accept the myth that rational behavior guides all human actions. Even though irrational behavior occurs in our own tradition, we seek to explain it by other means. We reject as unbelievable such things as vendettas, martyrdom,

and self-destructive group behavior when we observe them in others. We view with disbelief such things as the dissolution of a viable state for the sake of ethnic purity when the resulting ministates are economically anemic.

The treatment of life in general and individual life in particular is a cultural characteristic that has a tremendous impact on terrorism. In societies in which people identify themselves in terms of group membership (family, clan, tribe), there may be a willingness to self-sacrifice seldom seen elsewhere. (Note, however, that American soldiers are less surprised at heroic sacrifice for one's military unit; the difference among cultures is in the group with which one identifies.) At times, terrorists seem to be eager to give their lives for their organization and cause. The lives of "others," being wholly evil in the terrorists' value system, can be destroyed with little or no remorse.

Other factors include the manner in which aggression is channeled and the concepts of social organization. For example, the ambient level of violence is shaped by the political structure and its provisions for power transfer. Some political systems have no effective nonviolent means for the succession to power. A culture may have a high tolerance for nonpolitical violence, such as banditry or ethnic "turf" battles, and remain relatively free of political violence. The United States, for example, is one of the most violent societies in the world. Yet, political violence remains an aberration. By contrast, France and Germany, with low tolerance for violent crime, have a history of political violence.

A major cultural determinate of terrorism is the perception of "outsiders" and anticipation of a threat to ethnic group survival. Fear of cultural extermination leads to violence which, to someone who does not experience it, seems irrational. All human beings are sensitive to threats to the values by which they identify themselves. These include language, religion, group membership, and homeland or native territory. The possibility of losing any of these can trigger defensive, even xenophobic, reactions.

Religion may be the most volatile of cultural identifiers because it encompasses values deeply held. A threat to one's religion puts not only the present at risk but also one's cultural past and the future. Many religions, including Christianity and Islam, are so confident they are right that they have used force to obtain converts. Terrorism in the name of religion can be especially violent. Like all terrorists, those who are religiously motivated view their acts with moral certainty and even divine sanctions. What would otherwise be extraordinary acts of desperation become a religious duty in the mind of the religiously motivated terrorist. This helps explain the high level of commitment and willingness to risk death among religious extremist groups.

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Part 3 Organization

Terrorists organize to function in the environments where they carry out their acts. Organizational

details are situation-specific. There are, however, a few general organizational principles. Because terrorists must operate in a hostile environment, security is their primary concern. Security is best served by a cellular structure in which members do not know and cannot identify more than a few of their colleagues in the event of capture or defection. Defection is rare in most groups; defectors or even dissenters are frequently killed or maimed. Yet, terrorists are not immune to human weaknesses. Unless they are united by a charismatic leader, terrorists are affected by group dynamics that produce both problems and opportunities for security forces. Opportunities arise because internal dissension causes security leaks; problems arise because operational patterns may change as different factions prevail.

Terrorist groups that are not supported by a government usually create a support structure of sympathizers and people who have been coerced into helping them. The support structure may comprise active and passive members. It furnishes the active terrorists with logistic support, intelligence, dissemination of propaganda, recruiting, and money.

Terrorist recruitment and training are, predictably, security-sensitive. Among groups that are not ethnic-based, the usual sources of recruits are high school and college students who show commitment to the cause. Ethnically based terrorist groups recruit new members personally known to them, people whose backgrounds are known and who often have family ties to the organization. Intelligence penetration of organizations recruited in this way is extremely difficult.

Terrorist training varies considerably. Those with military experience or who have received prolonged training at sophisticated facilities are the equals of most state security forces. At the other end of the spectrum are "throw away" operatives who get little more than inspirational talks before being activated. Typical training includes instruction in the use of small arms and explosives along with intelligence collection and indoctrination in the group's cause.

Contemporary terrorist actions include the traditional assassinations, bombings, arson, hostage-taking, hijacking, kidnapping, seizure and occupation of a building, attacks on a facility, sabotage, and perpetration of hoaxes. Newer categories of operations include ecological terrorism and the still largely potential "high-tech" terrorism using nuclear, biological, and chemical (NBC) weapons and materials. Target selection considerations are equally diverse but include the target's value in terms of its contribution to group goals, its accessibility given group capabilities, and the purpose of the attack, such as to gain attention, collect resources, eliminate a threat, or demonstrate a capability. All these factors are reflected in the group's organization and training.

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Part 4

Combatting Terrorism

Terrorism involves two sets of actions to oppose terrorism: antiterrorism (defensive measures) and

counterterrorism (offensive measures). Antiterrorism is defined as "defensive measures used to reduce the vulnerability of individuals and property to terrorist acts, to include limited response and containment by local military forces." Counterterrorism involves those offensive measures taken to prevent, deter, and respond to terrorism. Counterterrorism programs, which will not be addressed here, are classified and addressed in various national security decision directives, national security directives, and contingency plans. This publication addresses only antiterrorism.

Combatting Terrorism and the Principles of Stability and Support Operations

The principles of stability and support operations offer guidance about the range of combat and noncombat operations in peace and conflict. In the following paragraphs, these requirements for success are applied to various aspects of combatting terrorism.

Objective

The general objective of combatting terrorism programs is neutralizing terrorist groups. As in most stability and support operations, neutralization in this context means rendering the source of threat benign, not necessarily killing the terrorists. In antiterrorism, the objective can be further refined as preventing attacks and minimizing the effects if one should occur. It includes any action to weaken the terrorist organization and its political power and to make potential targets more difficult to attack. Counterterrorism includes spoiling action, deterrence, and response.

Unity of Effort

As in all stability and support operations, interagency action is required to combat terrorism. Unity of effort requires ways to integrate the actions of various responsible agencies of the US and foreign governments. Intelligence is particularly important and sensitive. International cooperation in combatting terrorism has advanced to the point at which it is not unusual for a deployed US Army unit to interact with several US government intelligence agencies which, in turn, are interacting with multiple international systems. An Army unit is also likely to have close intelligence relations with host country military and civilian agencies.

Unfortunately, it is easier to prescribe unity of effort than to achieve it. In circumstances where multiple police and intelligence agencies have vague and overlapping charters and jurisdictions, friction is bound to occur. As in other aspects of stability and support operations, the solution lies in negotiation and consensus-building. Fortunately, experience has proved that cooperation at the local unit or installation level is relatively easy to obtain.

Legitimacy

Legitimacy is not usually a problem in combatting terrorism since the right of self-defense is universally

recognized and, as indicated above, terrorist acts are crimes in peace, conflict, or war. Security forces might bring their legitimacy into question by failing to distinguish between those perpetrating, aiding, or abetting terrorism and others who might sympathize with their cause but do not engage in violent acts. Failure to consider proportionality can also tarnish the American image of legitimacy. An overreaction that results in the avoidable deaths of hostages while security forces are attempting to neutralize terrorists, for example, raises questions of judgment as well as the legitimacy of the undertaking.

Patience and Perseverance

Patience and perseverance are the hallmarks of successful programs to combat terrorism. In any country or region, there are few terrorists relative to the population. Identifying and capturing them is difficult and entails tedious police and intelligence work. It is filled with frustration. Antiterrorism efforts are also low-key and inglorious, requiring patience and running contrary to American culture. Perhaps the most irritating aspect of defense against terrorism is that success is hard to identify. For example, if there is no incident, it may be because the defensive measures are effective. On the other hand, it is equally likely that the terrorists never intended to attack in the first place. Rarely will success be measurable, but defensive efforts must continue.

Restraint

Restraint is necessary to both objective and legitimacy in the context of combatting terrorism. Premature action against individuals, for example, can be counterproductive if it interferes with developing intelligence in depth that might neutralize an entire terrorist group. Similarly, overreaction, such as imposing severe populace and resource control measures, can undermine legitimacy and unnecessarily irritate the civilian populace.

Security

Security is the most obvious requirement in combatting terrorism. Terrorists rely on surprise and the victim's confusion at the time of an incident. Antiterrorism involves physical security, operational security (OPSEC), and the practice of personal protective measures by all personnel. Commanders and staffs must plan their response to terrorist threats and incidents. Combatting terrorism is an aspect of force protection and is the responsibility of commanders at all echelons at all times. Properly planned and executed, the Army antiterrorism program will reduce the probability of surprise while discouraging attack by raising the risk to the attackers.

In combatting terrorism, intelligence is extraordinarily important. The essential elements of information (EEI) differ somewhat from those normally found in traditional combat situations. In addition to the terrorists' strength, skills, equipment, logistic capabilities, leader profiles, source of supply, and tactics, more specific information is needed. This includes the groups' goals, affiliations, indication of their willingness to kill or die for their cause, and significant events in their history, such as the death of

martyrs or some symbolic event. The specific EEI are particularly important because most terrorist groups are interested in symbolically significant targets rather than in targets that would be operationally more damaging to US forces. For example, a communications center is operationally significant, but a terrorist interested in publicity to influence US policy might find a few off-duty personnel or a motor pool more appealing and probably less protected. Unless terrorists' specific interests are known, predicting the likely target is pure chance.

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Part 5 US Policy

Until the 1980s, the US government, like most other Western governments, considered terrorism to be primarily a police matter. The seizure of the US embassy in Teheran and subsequent car and truck bomb attacks on our facilities in Lebanon forced us to reevaluate that position. Current US policy regarding terrorism encompasses acts against Americans at home and abroad.

The United States considers all terrorist acts criminal and intolerable and condemns them without regard for their motivation. The United States will support all lawful measures to prevent terrorism and bring perpetrators to justice. We will not make any concessions to terrorist blackmail because to do so will merely invite more terrorist actions. (No concessions does not mean no negotiations.)

DOD has identified five threat levels to standardize reporting. They are based on terrorists' existence, capability, intentions, history, targeting, and the security environment. The five levels are described below:

- * Critical, which means that a terrorist group has entered the country or is able to do so. It has the capability to attack and is engaged in target selection. Its history and intentions may or may not be known.
- * High indicates that a terrorist group exists which has the capability, history, and intention to attack.
- * Medium describes the same conditions as high except that intentions are unknown.
- * Low is a situation in which terrorist groups exist and have a capability to attack. Their history may or may not be known.
- * Negligible describes a situation in which the existence or capability of terrorist groups may or may not be present.

Threat levels are not the same as threat conditions (THREATCON); the latter are a matter of command decision that implements countermeasures. THREATCONs and actions to implement them are described in AR 525-13 (1992), Joint Pub 3-07.2 (1993), and DOD Directive 2000.12 (1990).

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Part 6

Future of Terrorism

Political violence will characterize the last years of this century and the early decades of the twenty-first century. One prominent form will be the practice of terrorism. The universal availability of weapons, explosives, and technologically sophisticated timing and triggering devices, along with the global communication revolution, adds to the terrorists' capabilities. Increased capabilities include coordinated, nearly simultaneous attacks in several countries, fax death threats, and comparison of target lists by computer. Concurrently, intrastate conflicts, political uncertainty, and growth of ethnic challenges to the administrative state are weakening the states' security capabilities. Coupled with the increasing porosity of state borders, these trends are making it easier for the terrorist and his supporters to move anywhere in the world with little chance of being apprehended or even identified.

Future terrorism is likely to include higher than ever levels of violence. Hijackings, kidnappings, and drive-by shootings will continue, but their shock effect has decreased with familiarity. Since terrorists need publicity to inspire fear, familiarity causes them to seek more unusual events that capture and hold public attention.

The March 1993 bombing of the World Trade Center in New York City may be typical of future terrorist attacks. If the bombing had gone as planned by the perpetrators, there might have been thousands of deaths. There was also a conspiracy to attack symbolic landmarks, including the Holland Tunnel and the United Nations headquarters, in and around New York that would have affected thousands of people and caused millions in property damage. It is not difficult to imagine the psychological effect of these types of attacks on the U.S. public.

Although technology aids in the defense against terrorism, it also provides terrorists with increased opportunities. Terrorists can operate in cyber space to destroy or manipulate information for their own purposes. Skilled "hackers" with terrorist intent can access all but the most secure data banks, stealing or changing information, or destroying it. This gives them the potential, for example, of manipulating the stock market for their own profit or to precipitate inflation or depression. There is evidence of large-scale counterfeiting of American currency to purchase weapons. This could cause serious economic disruption. Access to police and other security files can keep terrorists one step ahead of their government opponents.

Terrorists can follow the example of Iraq's Saddam Hussein and create ecological disasters by starting fires and causing chemical spills. For example, the forests of the American Northwest are vulnerable to arson. Seeking more spectacular attacks, terrorists may poison water supplies or blow up dams and levees. Chemical weapons have become increasingly powerful and easy to produce. Triggering devices have become more sophisticated. The potential for using weapons of mass destruction, including biological and nuclear material, exists.

Parallel to these ominous developments favoring the terrorist is a disturbing trend to resort to violence for an ever-widening range of causes. Terrorism is practiced on a global scale in support of criminal business initiatives, various social issues (for example, environmental and antiabortion extremists), ethnic conflicts (ranging from US street gangs to conflicts in Central Africa and South Asia), religious interpretation, traditional political power struggles, and insurgencies. Combined, these factors bode ill for the future and demand the attention of military commanders.

US military personnel will continue to be targets for terrorists for the same reason they have in the past. Collectively and individually, they symbolize US power. While no one will challenge the United States on the conventional battlefield in the foreseeable future, terrorist acts are likely to be the preferred form for expressing hostility toward the remaining superpower. Relative to the other forms of political violence, terrorism remains cheap and successful regarding limited objectives and carries low risk to the perpetrator. The activities that are likely to engage US military personnel in the near future occur in situations favorable to terrorism. These include peace operations; humanitarian assistance; and foreign internal defense where governments have failed, ethnic conflict prevails, widespread banditry exists, and weapons are readily available.

Terrorism constitutes a threat in all stability and support operations. The deployed forces' good intentions will not preclude terrorist actions to thwart US national objectives. An effective antiterrorism program will reduce the likelihood of successful terrorist attacks but only if it is so deeply instilled that it is habitual.

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Part 7 Trends in Terrorism

Politically motivated violence continues to find practitioners in established terrorist organizations, as well as in new and evolving groups. Old and undiminished enmities remain, like those in the Middle East, Turkey and the Punjab, as do associated terrorist groups, sponsors and international links. The growth of Islamic extremism, hostilities in the Balkans, conflict in a number of former Soviet republics, and turmoil in other areas represent some of the factors spawning new terrorist threats.

The terrorism of today is complex, with diminishing emphasis on formalized group structure. This is particularly true in the case of the less clearly defined threat rooted in extremist Islamic fundamentalism, identified in the World Trade Centre bombing and related events in the Philippines. The ad hoc, individualistic nature of those who form the amorphous membership is in direct contrast to more established terrorist groups.

The terrorists of today are often more sophisticated than their predecessors. Globally mobile and knowledgeable about communications, explosives technology and computers, they have contacts around the world. Their activities and targets are difficult to predict. The use of technology, always part of the

terrorist arsenal, now has been augmented by encryption and the Internet to facilitate communication and to reach a wider audience.

The technology of terrorism is becoming more accessible, but the gun and the bomb retain their favoured status in terrorist attacks. An emerging concern, however, is the possibility of weapons of mass destruction being obtained or constructed by terrorist groups, including chemical and biological agents or nuclear weaponry.

Recent terrorist incidents, like the Oklahoma City bombing and the Tokyo subway nerve agent attack, indicate a disturbing trend toward less discriminate attacks and higher casualty rates. As the millennium approaches, more groups with an apocalyptic view of the world may emerge-adding yet another disconcerting element to an already uncertain and volatile environment.

The following trends suggest the threat of terrorism has not abated.

- Nationalism and ethnic unrest remain primary motivators for terrorist activity. Terrorism associated with the Middle East Peace Process and with efforts to resolve the situation in Northern Ireland are two key examples.
- Religious extremism continues to be a primary and growing source of terrorism. The experience of the World Trade Centre and related events signal new dangers in a less defined terrorist threat with roots in extremist Islamic fundamentalism. Evidence points to extremists who are bound together by hatred of things Western, especially American, and the existence of Israel. Many are Mujahedin-hardened veterans of the Afghan and Bosnian conflicts.
- The Aum Shinrikyo attack in Tokyo is seen as the crossing of a threshold, opening the possibility that other terrorist groups may resort to attacks using weapons of mass destruction or may plan attacks to inflict maximum casualties.
- Although ideologically-driven terrorism has subsided, it is not a thing of the past; left-wing groups with a history of terrorism remain active in some countries. Particularly worrisome is the growth of right-wing extremism, which feeds on economic dislocation and reaction to patterns of migration.
- State-sponsorship of terrorism persists, providing much-needed logistical support for terrorist groups. Terrorist training centres continue to exist in the Middle East and North Africa.
- Terrorist methods continue to become more sophisticated, both in terms of technology and the exploitation of public opinion and media channels.

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Part 8 The Canadian Picture

Terrorism is not a phenomenon unique to the modern era. Viewed from an historical perspective, examples of terrorist behaviour are abundant. The Jewish Zealots

conducted a campaign of terror against the Romans in the first century AD; a Shi'ia Muslim sect known as the *Hashshashin*, which gave literal meaning to the word assassin in English, systematically murdered those in positions of leadership and influence in the eleventh century. The advent of modern terrorism as we know it appeared in the early 1960s, with 1968 marking the beginning of international terrorist incidents.

With the explosion of extremist groups and incidents in the 1970s, terrorism ceased to be an abstract force sowing its horror only in faraway lands. Canada and Canadians were no longer observers.

- An Armenian terrorist group claimed responsibility for the attempted assassination of the Turkish Commercial Counsellor, Hani Gungor, in Ottawa on April 8, 1982. Four months later, a second group claimed success when the Turkish Military Attaché, Colonel Altikat, was assassinated on August 27, 1982.
- Members of *Direct Action* bombed a Litton Industries plant in Toronto on October 14, 1982. The explosion injured ten persons, three of them seriously, and caused damage estimated at \$3.87 million.
- Three members of the Armenian Revolutionary Army killed a private security guard and occupied the Turkish Embassy in Ottawa on March 12, 1985.
- Sikh terrorists allegedly planted bombs on airliners within Canadian borders in 1985. These actions led to a combined total of 331 deaths in the downing of an Air India flight off the coast of Ireland and an explosion in the baggage handling area of Japan's Narita Airport.
- On May 25, 1986, a visiting Punjab cabinet minister was the target of an assassination attempt when his car was forced to stop by four men in Gold River, BC. Wounded by bullets in the chest and arm, he feigned death and his attackers fled.
- Members of the *Jamaat ul Fuqra* were arrested on October 3, 1991, in connection with a plot to bomb a Hindu temple, a movie theatre, and an East Indian restaurant in Toronto.
- The Iranian Embassy in Ottawa was stormed and briefly occupied by members of the anti-regime organization *Mujahedin-e-Khalq* (MEK) on April 5, 1992. The Iranian Ambassador was slightly injured in a struggle with one of the assailants during the attempted take-over.
- Letter bombs were sent to a scientist at the Alberta Genetics laboratory on July 11, 1995, and to the Mackenzie Institute in Toronto on July 13, 1995.

The threat to Canadians and Canadian interests abroad from international terrorism continues to be largely a matter of being "in the wrong place at the wrong time." In terms of Canada, the threat is principally associated with homeland issues. Persons residing in Canada with links to international or former homeland domestic groups engage in a wide range of support activities, including providing safe haven, logistical support for operations, fund raising, and the procurement of weapons and materiel.

A number of the world's better-known terrorist groups have a presence in Canada, where they engage in a variety of ongoing activities in support of terrorism, including:

- procuring and supplying logistical support for terrorist operations outside of Canada;
- developing and maintaining logistical support necessary to commit a terrorist act in Canada;
- fund raising;
- propagandizing and disseminating disinformation in support of their causes;
- coercing and manipulating immigrant communities;
- providing safe havens for terrorists;
- facilitating transit to and from the United States and other countries;
- and smuggling immigrants, and other illegal activities.

The foregoing are some of the immediate and future threats which face the democratic community despite progress in combatting terrorism. Well-established democracies such as Canada have inner strengths, but must be cognizant of terrorism's attempt to prompt a draconian response and to undermine the rule of law. Western democracies must remain vigilant and cooperative in their efforts to combat the insidious inroads of terrorism.

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Part 9

International Measures

(from Canada's point of view)

Canada is an active participant in international fora established to fight terrorism.

In August 1995, Canada participated in a conference on terrorism in Buenos Aires together with the United States, Argentina, Paraguay, Uruguay, Brazil and Chile.

In December 1995, ministers from the G-7 countries and Russia (P-8) attended a conference in Ottawa to discuss ways of combatting terrorism. The conference culminated in the Ottawa Declaration, a series of measures to increase international collaboration in combatting terrorism. The Ottawa Declaration urges all states:

- to refuse substantive concessions to hostage takers, to ensure those responsible are brought to justice, and to join existing international treaties on terrorism by the year 2000;
- to promote enhanced mutual legal assistance, extradition and intelligence-sharing on terrorism;
- to pursue measures to prevent terrorist use of nuclear, chemical and biological materials;
- to inhibit the movement of terrorists and falsification of documents;
- to strengthen counter-terrorism cooperation in maritime, air and other transportation sectors;
- to counter terrorist attacks against public facilities and infrastructure;
- to deprive terrorists of funds; and
- to increase counter-terrorism training.

In 1996, Canada reaffirmed its commitment toward greater cooperation between states in the fight against terrorism and participated in conferences on

counter-terrorism in the Philippines in February, the Summit of the Peacemakers in Sharm El Sheik, Egypt in March and another G-7 and Russia (P-8) conference in Paris in July.

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June 10, 1999

TO PUT IT BLUNTLY

by
Pierre Rinfret

TRUTH & POLITICS: AN OXYMORON*!

oxymoron (ok'se-môr'on', -mor'-) noun

plural **oxymora** (-môr'?, -mor'?) or **oxymorons**

A rhetorical figure in which incongruous or contradictory terms are combined, as in a deafening silence and a mournful optimist. [Greek oxumoron from neuter of oxumoros, pointedly foolish : oxus, sharp. See oxygen + moros, foolish, dull.]

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"If American politics does not look to you like a joke, a tragic dance; if you have enough blindness left in you, on any plea, on any excuse, to vote for the Democratic Party or the Republican Party (for at present machine and party are one), or for any candidate who does not stand for a new era,-then you yourself pass into the slide of the magic-lantern; you are an exhibit, a quaint product, a curiosity of the American soil. You are part of the problem." John Jay Chapman (1862-1933), U.S. author. *Practical Agitation*, ch. 7 (1898). The Columbia Dictionary of Quotations is licensed from Columbia University Press. Copyright © 1993, 1995, 1997, 1998 by Columbia University Press. All rights reserved.

There are 10 very good reasons why it is absolutely and completely impossible to EVER get political truth!

1. Complexity.

2. Versions.

3. Secrecy.

4. Executive agreements.

5. Disinformation.

6. The Media.

7. Public Relations.

8. Intentional lying by the political parties.

9. Stupidity and ignorance.

10. The people

1. **Complexity.**

This is the most complex society known to man. When the Congress passes a major bill such as the last tax increase in the Clinton administration you can be sure that not one single Senator or representative ever but ever read the entire bill.

That is right! Not one single Senator or Representative ever read the entire bill. The members of the House had only fragmentary knowledge of what the bill contained!

It consisted of over 1200 pages and it is all annotated so that it is **impossible to "read the tax bill".**

What was done was to pass changes in the previous bill, which passed changes in the previous bill, which passed changes in the previous bill, which passed changes in the previous bill

.....ad infinitum!

The bill would have read something like this:

"Article 35, section 10020, paragraph 513A, is amended so as to strike the words 'tax relief shall be granted.....' and will substitute in its place 'according to statute 34566 tax relief is granted to (article 456789) subparagraph 145.32.4, annotated in article 456, subparagraph 678, section 20001 [amended before the 78th Congress so as to read ' in accord with subsequent amendments'], the phrase 'oil losses', which phrase is defined by article 345 in section 453 of article 980 in accord with HR 1999."

Believe it or not that is how the laws read!

It is that way with most laws and most rulings at the Federal level, the state level, the county level and the Presidential office.

If you didn't know what the bill before the current one contained how can you know what this one contains?

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2. Versions.

I used to go to Board of Directors meetings all the time. Minutes of the previous meeting were circulated for discussion. I never, in 30 years of being on about 15 Industrial Boards, ever once recognized the minutes of the meeting I attended!

I used to visit the President (of the United States) and it was the same story. Each and every member at that meeting had a different version of what went on at the meeting, who said what and what was the decision.

When you read the column of Bill Safire (if you must) remember he always has his own version which will be different from that of others.

My rule for versions is that "Recollections=members attended X 2 +1.

That translates into that "recollections equal 2 versions per member of the meeting plus one additional version".

The truth is in the eye and the convenience of the beholder!

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3. Secrecy.

If you ever read a book about some one who has been in high level politics I am sure that you might have thought you were MOSTLY getting the facts, the truth.

What you are getting is the white washed version of the truth as told by some one who has a vested interest in the reception of the book and an even greater vested interest in the way history will treat him.

I knew George Shultz (former Secretary of State) in the Nixon years rather well. I knew Al Haig rather well.

I read both their biographies and did not recognize the person about whom the book was written!

Neither book (nor many others such as those of Bill Safire who is one BIG smart ass) recounted events I knew in detail in any way except to pile credit on the author. I now refuse to read any biography and put the old ones in the FICTION section of my library.

All biographies belong in the fiction files.

BUT THAT IS THE LEAST OF IT!

What no one ever ever talks about is that all these high level cabinet members could not tell the truth for the

very simple reason that they have sworn an oath of secrecy.

If they tell anything, anything at all, about important government matters they have committed treason and the penalty for treason is death!

The technique is simple:all important matters that might embarrass the United States are declared top secret and therefore no one but no one including all the Presidents can talk or reveal what they know. Did Jack Kennedy agree that the CIA should assassinate Fidel Castro the day after his trip to Dallas. Who knows? It is top secret!

When Harry Truman was President he designated a key word to initiate the founding of the CIA. To this day that key word is classified as **TOP SECRET!**

YOU GET TO KNOW WHAT THE AMERICAN GOVERNMENT WANTS YOU TO KNOW AND NO MORE.

THE PRESIDENT HAS A SECRET BUDGET REPORTED OR IMAGINED TO BE IN THE \$BILLIONS.

DOES ANYBODY KNOW THE AMOUNT?NO, NOT EVEN CONGRESS!

DOES ANYBODY KNOW WHAT HE DOES WITH THE MONEY? NO, NOT EVEN CONGRESS!

WHO KNOWS BUT THE PRESIDENT AND HE IS SWORN TO SECRECY!

"The advance planning and sense stimuli employed to capture a \$10 million cigarette or soap market are nothing compared to the brainwashing and propaganda blitzes used to ensure control of the largest cash market in the world: the Executive Branch of the United States Government."

Phyllis Schlafly (b. 1924), U.S. author, political activist. A Choice Not an Echo, ch. 1 (1964).The Columbia Dictionary of Quotations is licensed from Columbia University Press. Copyright © 1993, 1995, 1997, 1998

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4. Executive agreements

Have you ever even heard of the phrase?

Executive agreements are those agreements entered into with foreign nations which agreements are made exclusively by the President without the advice and consent of the Congress!

No one but no one has a known list of such agreements, what they entail, the commitments made for the United States, the money involved, the promises or the obligations! These are secret agreements made by Presidents committing the United States and no one but no one except the Executive Office knows what they entail!

I repeat: "No one but no one has a known list of such agreements, what they entail, the commitments made for the United States, the money involved, the promises or the obligations! These are secret agreements made by Presidents committing the United States and no one but no one except the Executive Office knows what they entail!"

"Case Act on Executive Agreements (1972)

Prior to 1972, the president could make international accords by executive agreement and, since only formal treaties constitutionally required the "advice and consent" of the Senate, the president did not even have to make Congress aware of such agreements. In a 1942 case (U.S. v. Pink), the Supreme Court had held that international executive agreements, while having the same legal status as treaties, did not require Senate approval. During the 1950s and 1960s, administrations from Eisenhower through Johnson, for example, made a series of executive agreements with the South Vietnamese government, yet Congress did not learn of their existence until 1969.

Passed by a Democratic Congress during the Nixon administration, the Case Act required the president, acting through the office of the Secretary of State, to inform the Senate within 60 days of any executive agreement. No restriction was placed on presidential powers to make such agreements. However, the notification requirement put Congress in a position to be able to vote to cancel executive agreements, or to refuse to fund their implementation. As an example, in 1973 President Nixon signed an executive agreement with South Vietnam promising that the United States would "respond with full force" to North Vietnamese violations of the Paris Peace Accord, which had ended American military involvement in the Vietnamese War. (Enlargement of type mine)"

Source: <http://hcl.chass.ncsu.edu/garson/dye/docs/caseact.htm>

If you think you or any congressman knows our foreign commitments then think again and again and again and again!

No one but no one knows to what we are committed!

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5. Disinformation.

Everybody but everybody uses the technique of disinformation.

"disinformation (dais-in'f?r-m?sh?n) noun

1. Deliberately misleading information announced publicly or leaked by a government or especially by an intelligence agency in order to influence public opinion or the government in another nation:" Excerpted from The American Heritage Dictionary of the English Language, Third Edition Copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from Lernout & Hauspie Speech Products N.V., further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

The advocates of a particular law or objection to a particular law are masters at disinformation. The technique of disinformation is to feed the public partial and highly biased and prejudiced information without it being apparent to the reader.

Disinformation must always have the ring of truth to it so that the listener believes what he is lead to believe. The problem of sorting out disinformation is that there is always a ring of truth.

The media are absolute masters at disinformation. The New York Times probably grinds out more disinformation than any newspaper in the United states but, its wholly owned company the BOSTON GLOBE, is becoming a master at it as well!

But the ultimate is the United States government and the politicians. They are the Lord of the "Universe of Disinformation"! They feed out partial truths which are accepted as absolute truths and that leads people away from further inquiry into the real truth.

Without getting into it the ultimate disinformation game in town right now is the Social Security hysteria with almost everybody engaged in one disinformation game or another. The people are being most subtly lied to and by both parties!

What does disinformation do? It leads you away from the awful truth! And you never but never know it!

"Disinformation is a word that came into use during the 1970s. It means a deliberate attempt by government to deceive by spreading mixtures of truth and lies. The word was coined in the Soviet Union about 1959, when a department was founded to spread false information in other nations. The tactics of disinformation are numerous. It can be as simple as getting a false news story printed in newspapers or spreading rumors by word of mouth. It may mean publishing misleading scientific and technical articles in official journals. Specialists in disinformation have used letters and other communications on official stationery with forged signatures. These are allowed to fall into the hands of government officials in one country to persuade them that another government is plotting against it. Sometimes disinformation is spread by organizations that are really fronts for political parties, special-interest groups, or for intelligence agencies." From Compton's Interactive Encyclopedia © 1998 The Learning Company, Inc."

I know about disinformation.

I did it for Kennedy, Johnson and Nixon. Some day I will write about how we took

the UK to the cleaners on a planted false story but what might interest you is here:
[JBC](#)

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6. The Media.

The media is the worst. It is the ultimate low life and if you think you ever get the truth from the media then you believe in the tooth fairy.

They censor the news to fit into their political predilections. Never but never forget that!

They bend the news, warp the news, censor the news, lie about the news, create news, mislead about the news and fake the news.

The media are basically liars about anything and everything that does not suit their political inclinations; right or left, it is the same.

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7. Public Relations.

Everybody, or so it seems that is in the public eye employs public relations firms. Johnson did, Kennedy did, Eisenhower did, Nixon did, Carter did, Reagan did. They all did and do!

"Public relations is a means of getting attention and shaping public opinion. It achieves its goals through publicity, advertising, the use of press agents, public affairs forums, lobbying public officials, and every other means that gets a message before the public. ... most PR is directed outward at the general public or special segments of it.... " From Compton's Interactive Encyclopedia © 1998 The Learning Company, Inc.

When you read those wonderful articles about a Senator, a Congressman, the Speaker of the House, the Minority leader in the house, in the Senate, the Majority leader in the Senate, the Majority leader in the House, the Governor of the State etc. etc. rest assured that the odds are that the article was both written and planted by a PR firm of major repute!

The PR firm is, of course, employed by the party on whom all the adulation falls. The Kennedy's always employed PR and never but never have stopped to this day. As did Ronald Reagan and Richard Nixon (although even PR could not overcome the shortcomings and paranoia of Richard Nixon).

When you read those wonderful articles about some politician what you are reading is what they have written about themselves!

Think about it:**does a fish monger ever sell bad fish on a Friday?**

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8.Intentional lying by the political parties.

Entire political parties lieand frequently lie through their teeth. Both parties are currently lying about Social Security and about Medicare.

No member of Congress**DARES**to depart from the party line. If they do then (1) they are ostracized, (2) they will never get preferential congressional appointments, (3)they get short shrift from the part leaders in the Congress, (4) they lose the support of the National Party Committee and (5) they have dug their own grave.

The more ethical members of the two parties will not misinform the public about the lies**but neither will they correct the lies. They keep their mouths shut!**

The parties take a national position that suits their interests and lie about it as needed. When Dukakis ran against Ronald Reagan he was portrayed by the Republican party as easy on criminals and a case was cited about a parolee who went out to rape, again.

Dukakis (stupidly and foolishly) never denied it BUT THE WHOLE STORY WAS A LIE CONCOCTED BY THE REPUBLICAN PARTY. It destroyed Dukakis and he lost the election against George Bush.

Nixon accused Helen Gehagan Davis of being a member of the Communist party back in 1948. The Democrats tore him to pieces for the next 45 + years about a "false" accusation. When she died recently her estate admitted she had been a member of the Communist party!

Lies are a common technique of both the Republican and Democratic parties!

What astounds most people is that they find it hard to believe that an entire political party would lie.

But they do, and frequently, as necessary for their frequently phoney issues!

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9. Stupidity and ignorance.

The sad fact of the matter is that more than a few politicians are just plain dumb!

They don't understand issues, they don't inform themselves very much, they don't read memoranda, they cannot carry on an enlightened discussion and they may have very little (if any) sense of history.

Most of the congress were trained as lawyers (memory says that about 75 percent of all Congressmen were lawyers) and so economics, finance and history are outside (far outside) their domain.

When it comes to economics, budgets, appropriations, forecasts etc. most of them are operating in the dark, the absolute dark.

They vote, not according to the information, but according to the party line. The Party more often than not does both their thinking and their analyses for them.

A good friend of mine whom I admire and respect is a most high level member of Congress. He once told me that he never read all the contents of any important bill before the Congress because "I have neither the time nor the comprehension necessary".

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10. The people.

One of the key reasons that politicians do not tell the truth is that frequently (read that as 'most of the time') the truth is unbearable in matters of critical importance!

Silly?

What would have happened to the world if Franklin Delano Roosevelt said to the American people after the bombing of Pearl Harbor that " I ask for a declaration of war against Japan even though it will cost us 1 million killed American soldiers"

or if Ronald Reagan had said that "I have a way to destroy the Soviet Union. We will outspend them and it will mean we will have a deficit of about \$3 trillion to do it".

The blunt truth is unpalatable to most Americans.

They want the easy outs, no sacrifices, all peaches and cream costing nothing, nothing at all.

Life is a party, isn't it?

I know. I told the truth in the gubernatorial campaign of 1990 in New York and I got bombed for it. **No on but no one wanted to hear it!**

Politicians lie because the people tend to prefer it that way!

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***This article is the result of an email I received which asked telling questions about truth in politics.**

Foreign Affairs July/August 1999 Issue

GIVE WAR A CHANCE

By Edward N. Luttwak

PREMATURE PEACEMAKING

An unpleasant truth often overlooked is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace. This can happen when all belligerents become exhausted or when one wins decisively. Either way the key is that the fighting must continue until a resolution is reached. War brings peace only after passing a culminating phase of violence. Hopes of military success must fade for accommodation to become more attractive than further combat.

Since the establishment of the United Nations and the enshrinement of great-power politics in its Security Council, however, wars among lesser powers have rarely been allowed to run their natural course. Instead, they have typically been interrupted early on, before they could burn themselves out and establish the preconditions for a lasting settlement. Cease-fires and armistices have frequently been imposed under the aegis of the Security Council in order to halt fighting. NATO's intervention in the Kosovo crisis follows this pattern.

But a cease-fire tends to arrest war-induced exhaustion and lets belligerents reconstitute and rearm their forces. It intensifies and prolongs the struggle once the cease-fire ends -- and it does usually end. This was true of the Arab-Israeli war of 1948-49, which might have come to closure in a matter of weeks if two cease-fires ordained by the Security Council had not let the combatants recuperate. It has recently been true in the Balkans. Imposed cease-fires frequently interrupted the fighting between Serbs and Croats in Krajina, between the forces of the rump Yugoslav federation and the Croat army, and between the Serbs, Croats, and Muslims in Bosnia. Each time, the opponents used the pause to recruit, train, and equip additional forces for further combat, prolonging the war and widening the scope of its killing and destruction. Imposed armistices, meanwhile -- again, unless followed by negotiated peace accords -- artificially freeze conflict and perpetuate a state of war indefinitely by shielding the weaker side from the consequences of refusing to make concessions for peace.

The Cold War provided compelling justification for such behavior by the two superpowers, which sometimes collaborated in coercing less-powerful belligerents to avoid being drawn into their conflicts and clashing directly. Although imposed cease-fires ultimately did increase the total quantity of warfare among the lesser powers, and armistices did perpetuate states of war, both outcomes were clearly lesser evils (from a global point of view) than the possibility of nuclear war. But today, neither Americans nor Russians are inclined to intervene competitively in the wars of lesser powers, so the unfortunate consequences of interrupting war persist while no greater danger is averted. It might be best for all

parties to let minor wars burn themselves out.

THE PROBLEMS OF PEACEKEEPERS

Today cease-fires and armistices are imposed on lesser powers by multilateral agreement -- not to avoid great-power competition but for essentially disinterested and indeed frivolous motives, such as television audiences' revulsion at harrowing scenes of war. But this, perversely, can systematically prevent the transformation of war into peace. The Dayton accords are typical of the genre: they have condemned Bosnia to remain divided into three rival armed camps, with combat suspended momentarily but a state of hostility prolonged indefinitely. Since no side is threatened by defeat and loss, none has a sufficient incentive to negotiate a lasting settlement; because no path to peace is even visible, the dominant priority is to prepare for future war rather than to reconstruct devastated economies and ravaged societies. Uninterrupted war would certainly have caused further suffering and led to an unjust outcome from one perspective or another, but it would also have led to a more stable situation that would have let the postwar era truly begin. Peace takes hold only when war is truly over.

A variety of multilateral organizations now make it their business to intervene in other peoples' wars. The defining characteristic of these entities is that they insert themselves in war situations while refusing to engage in combat. In the long run this only adds to the damage. If the United Nations helped the strong defeat the weak faster and more decisively, it would actually enhance the peacemaking potential of war. But the first priority of U.N. peacekeeping contingents is to avoid casualties among their own personnel. Unit commanders therefore habitually appease the locally stronger force, accepting its dictates and tolerating its abuses. This appeasement is not strategically purposeful, as siding with the stronger power overall would be; rather, it merely reflects the determination of each U.N. unit to avoid confrontation. The final result is to prevent the emergence of a coherent outcome, which requires an imbalance of strength sufficient to end the fighting.

Peacekeepers chary of violence are also unable to effectively protect civilians who are caught up in the fighting or deliberately attacked. At best, U.N. peacekeeping forces have been passive spectators to outrages and massacres, as in Bosnia and Rwanda; at worst, they collaborate with it, as Dutch U.N. troops did in the fall of Srebrenica by helping the Bosnian Serbs separate the men of military age from the rest of the population.

The very presence of U.N. forces, meanwhile, inhibits the normal remedy of endangered civilians, which is to escape from the combat zone. Deluded into thinking that they will be protected, civilians in danger remain in place until it is too late to flee. During the 1992-94 siege of Sarajevo, appeasement interacted with the pretense of protection in an especially perverse manner: U.N. personnel inspected outgoing flights to prevent the escape of Sarajevo civilians in obedience to a cease-fire agreement negotiated with the locally dominant Bosnian Serbs -- who habitually violated that deal. The more sensible, realistic response to a raging war would have been for the Muslims to either flee the city or drive the Serbs out.

Institutions such as the European Union, the Western European Union, and the Organization for Security

and Cooperation in Europe lack even the U.N.'s rudimentary command structure and personnel, yet they too now seek to intervene in warlike situations, with predictable consequences. Bereft of forces even theoretically capable of combat, they satisfy the interventionist urges of member states (or their own institutional ambitions) by sending unarmed or lightly armed "observer" missions, which have the same problems as U.N. peacekeeping missions, only more so.

Military organizations such as NATO or the West African Peacekeeping Force (ECOMOG, recently at work in Sierra Leone) are capable of stopping warfare. Their interventions still have the destructive consequence of prolonging the state of war, but they can at least protect civilians from its consequences. Even that often fails to happen, however, because multinational military commands engaged in disinterested interventions tend to avoid any risk of combat, thereby limiting their effectiveness. U.S. troops in Bosnia, for example, repeatedly failed to arrest known war criminals passing through their checkpoints lest this provoke confrontation.

Multinational commands, moreover, find it difficult to control the quality and conduct of member states' troops, which can reduce the performance of all forces involved to the lowest common denominator. This was true of otherwise fine British troops in Bosnia and of the Nigerian marines in Sierra Leone. The phenomenon of troop degradation can rarely be detected by external observers, although its consequences are abundantly visible in the litter of dead, mutilated, raped, and tortured victims that attends such interventions. The true state of affairs is illuminated by the rare exception, such as the vigorous Danish tank battalion in Bosnia that replied to any attack on it by firing back in full force, quickly stopping the fighting.

THE FIRST "POST-HEROIC" WAR

All prior examples of disinterested warfare and its crippling limitations, however, have been cast into shadow by NATO's current intervention against Serbia for the sake of Kosovo. The alliance has relied on airpower alone to minimize the risk of NATO casualties, bombing targets in Serbia, Montenegro, and Kosovo for weeks without losing a single pilot. This seemingly miraculous immunity from Yugoslav anti-aircraft guns and missiles was achieved by multiple layers of precautions. First, for all the noise and imagery suggestive of a massive operation, very few strike sorties were actually flown during the first few weeks. That reduced the risks to pilots and aircraft but of course also limited the scope of the bombing to a mere fraction of NATO's potential. Second, the air campaign targeted air-defense systems first and foremost, minimizing present and future allied casualties, though at the price of very limited destruction and the loss of any shock effect. Third, NATO avoided most anti-aircraft weapons by releasing munitions not from optimal altitudes but from an ultra-safe 15,000 feet or more. Fourth, the alliance greatly restricted its operations in less-than-perfect weather conditions. NATO officials complained that dense clouds were impeding the bombing campaign, often limiting nightly operations to a few cruise-missile strikes against fixed targets of known location. In truth, what the cloud ceiling prohibited was not all bombing -- low-altitude attacks could easily have taken place -- but rather perfectly safe bombing.

On the ground far beneath the high-flying planes, small groups of Serb soldiers and police in armored vehicles were terrorizing hundreds of thousands of Albanian Kosovars. NATO has a panoply of aircraft designed for finding and destroying such vehicles. All its major powers have anti-tank helicopters, some equipped to operate without base support. But no country offered to send them into Kosovo when the ethnic cleansing began -- after all, they might have been shot down. When U.S. Apache helicopters based in Germany were finally ordered to Albania, in spite of the vast expenditure devoted to their instantaneous "readiness" over the years, they required more than three weeks of "predeployment preparations" to make the journey. Six weeks into the war, the Apaches had yet to fly their first mission, although two had already crashed during training. More than mere bureaucratic foot-dragging was responsible for this inordinate delay: the U.S. Army insisted that the Apaches could not operate on their own, but would need the support of heavy rocket barrages to suppress Serb anti-aircraft weapons. This created a much larger logistical load than the Apaches alone, and an additional, evidently welcome delay.

Even before the Apache saga began, NATO already had aircraft deployed on Italian bases that could have done the job just as well: U.S. a-10 "Warthogs" built around their powerful 30 mm antitank guns and British Royal Air Force Harriers ideal for low-altitude bombing at close range. Neither was employed, again because it could not be done in perfect safety. In the calculus of the NATO democracies, the immediate possibility of saving thousands of Albanians from massacre and hundreds of thousands from deportation was obviously not worth the lives of a few pilots. That may reflect unavoidable political reality, but it demonstrates how even a large-scale disinterested intervention can fail to achieve its ostensibly humanitarian aim. It is worth wondering whether the Kosovars would have been better off had NATO simply done nothing.

REFUGEE NATIONS

The most disinterested of all interventions in war -- and the most destructive -- are humanitarian relief activities. The largest and most protracted is the United Nations Relief and Works Agency (UNRWA). It was built on the model of its predecessor, the United Nations Relief and Rehabilitation Agency (UNRRA), which operated displaced-persons' camps in Europe immediately after World War II. The UNRWA was established immediately after the 1948-49 Arab-Israeli war to feed, shelter, educate, and provide health services for Arab refugees who had fled Israeli zones in the former territory of Palestine.

By keeping refugees alive in spartan conditions that encouraged their rapid emigration or local resettlement, the UNRRA's camps in Europe had assuaged postwar resentments and helped disperse revanchist concentrations of national groups. But UNRWA camps in Lebanon, Syria, Jordan, the West Bank, and the Gaza Strip provided on the whole a higher standard of living than most Arab villagers had previously enjoyed, with a more varied diet, organized schooling, superior medical care, and no backbreaking labor in stony fields. They had, therefore, the opposite effect, becoming desirable homes rather than eagerly abandoned transit camps. With the encouragement of several Arab countries, the UNRWA turned escaping civilians into lifelong refugees who gave birth to refugee children, who have in turn had refugee children of their own.

During its half-century of operation, the UNRWA has thus perpetuated a Palestinian refugee nation, preserving its resentments in as fresh a condition as they were in 1948 and keeping the first bloom of revanchist emotion intact. By its very existence, the UNRWA dissuades integration into local society and inhibits emigration. The concentration of Palestinians in the camps, moreover, has facilitated the voluntary or forced enlistment of refugee youths by armed organizations that fight both Israel and each other. The UNRWA has contributed to a half-century of Arab-Israeli violence and still retards the advent of peace.

If each European war had been attended by its own postwar unRwa, today's Europe would be filled with giant camps for millions of descendants of uprooted Gallo-Romans, abandoned Vandals, defeated Burgundians, and misplaced Visigoths -- not to speak of more recent refugee nations such as post-1945 Sudeten Germans (three million of whom were expelled from Czechoslovakia in 1945). Such a Europe would have remained a mosaic of warring tribes, undigested and unreconciled in their separate feeding camps. It might have assuaged consciences to help each one at each remove, but it would have led to permanent instability and violence.

The UNRWA has counterparts elsewhere, such as the Cambodian camps along the Thai border, which incidentally provided safe havens for the mass-murdering Khmer Rouge. But because the United Nations is limited by stingy national contributions, these camps' sabotage of peace is at least localized.

That is not true of the proliferating, feverishly competitive nongovernmental organizations (NGOs) that now aid war refugees. Like any other institution, these NGOs are interested in perpetuating themselves, which means that their first priority is to attract charitable contributions by being seen to be active in high-visibility situations. Only the most dramatic natural disasters attract any significant mass-media attention, and then only briefly; soon after an earthquake or flood, the cameras depart. War refugees, by contrast, can win sustained press coverage if kept concentrated in reasonably accessible camps. Regular warfare among well-developed countries is rare and offers few opportunities for such NGOs, so they focus their efforts on aiding refugees in the poorest parts of the world. This ensures that the food, shelter, and health care offered -- although abysmal by Western standards -- exceeds what is locally available to non-refugees. The consequences are entirely predictable. Among many examples, the huge refugee camps along the Democratic Republic of Congo's border with Rwanda stand out. They sustain a Hutu nation that would otherwise have been dispersed, making the consolidation of Rwanda impossible and providing a base for radicals to launch more Tutsi-killing raids across the border. Humanitarian intervention has worsened the chances of a stable, long-term resolution of the tensions in Rwanda.

To keep refugee nations intact and preserve their resentments forever is bad enough, but inserting material aid into ongoing conflicts is even worse. Many NGOs that operate in an odor of sanctity routinely supply active combatants. Defenseless, they cannot exclude armed warriors from their feeding stations, clinics, and shelters. Since refugees are presumptively on the losing side, the warriors among them are usually in retreat. By intervening to help, NGOs systematically impede the progress of their enemies toward a decisive victory that could end the war. Sometimes NGOs, impartial to a fault, even help both sides, thus preventing mutual exhaustion and a resulting settlement. And in some extreme

cases, such as Somalia, NGOs even pay protection money to local war bands, which use those funds to buy arms. Those NGOs are therefore helping prolong the warfare whose consequences they ostensibly seek to mitigate.

MAKE WAR TO MAKE PEACE

Too many wars nowadays become endemic conflicts that never end because the transformative effects of both decisive victory and exhaustion are blocked by outside intervention. Unlike the ancient problem of war, however, the compounding of its evils by disinterested interventions is a new malpractice that could be curtailed. Policy elites should actively resist the emotional impulse to intervene in other peoples' wars -- not because they are indifferent to human suffering but precisely because they care about it and want to facilitate the advent of peace. The United States should dissuade multilateral interventions instead of leading them. New rules should be established for U.N. refugee relief activities to ensure that immediate succor is swiftly followed by repatriation, local absorption, or emigration, ruling out the establishment of permanent refugee camps. And although it may not be possible to constrain interventionist NGOs, they should at least be neither officially encouraged nor funded. Underlying these seemingly perverse measures would be a true appreciation of war's paradoxical logic and a commitment to let it serve its sole useful function: to bring peace.

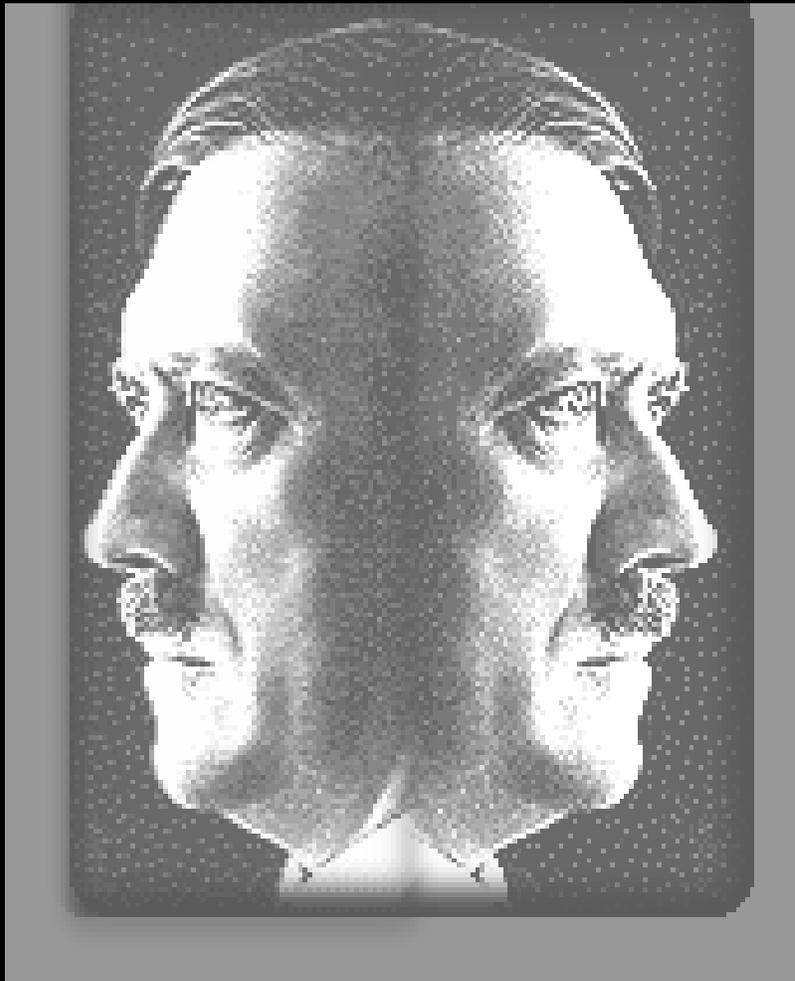
Edward N. Luttwak is Senior Fellow at the Center for Strategic and International Studies.

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March 25, 1999

IS MAN AND MANKIND MAD, CRAZY, INSANE, DEMENTED?



I THINK SO.

Paul Austerlitz

Arthur Koestler, author of "Darkness At Noon" wrote a book entitled "Janus".

"Janus, in Roman mythology, god of doors, gateways, and of beginnings, which the Romans

believed ensured good endings. His principal temple in the Forum had doors facing east and west for the beginning and ending of the day. Romans sought his help in domestic undertakings and at the beginning of wars. Janus was publicly invoked on the first day of January, the month named for him."The Encarta® 99 Desk Encyclopedia Copyright © & ? 1998 Microsoft Corporation. All rights reserved.

Arthur Koestler was a trained psychologist and he used that knowledge in all of his writings. That, among other things, made all of his books (fiction and fact) fascinating to me.

"JANUS" was a book on the thinking and musing of Koestler about mankind over his life time. He was in his late 60's when he wrote the book.

The thesis of the book was this: as mankind evolved over the millions of years there were two routes for evolution to take; one route was what I call 'quietude', the other route was war. Mankind took the wrong path and evolved down the route of war.

Mankind therefore, took the wrong path and that explains what a disaster the evolution of man has been. Mankind took the route of aggression, conquest, battles, murder, killing and genocide.

We, therefore, live in an insane world.

What's my point? There are many days when I shake my head in disbelief, become despondent, discouraged and disgusted at the goings on in the world and in my own country.

I more than not ask myself a rhetorical question: how can people behave like that?

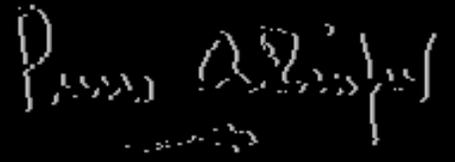
I watch in living color the killings in the middle east, in Africa, in the Balkans, the starving and helpless dying by the thousands in Africa as one war lord after another unleashes death, the insanity of a lying President and a vicious congress of zero morality, the lying and vicious media, the fools who have forgotten there is such a thing as a private life (the mother and father of Monica Lewinsky) and the local shenanigans of this tiny island. I shake my head in disbelief and then I ask myself "Whatever happened to us?".

And then I remember what Arthur Koestler said "mankind is mad".

It doesn't relieve the pain but it does make living easier. At least I understand what the world is all about! I find it easier to cope with life if I understand the rules and the tilt of the playing field!

With that simple phrase everything comes into focus.

I send you my best wishes and best regards,



Paul Auster

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Susanne Falkenberg: Populismus und Populistischer Moment im Vergleich zwischen Frankreich, Italien und Österreich

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4. Einführung in den komparativen Block

Nach den theoretischen Ausführungen werde ich mich detailliert mit den in dieser Arbeit relevanten Organisationen auseinandersetzen. Dabei bediene ich mich des eingangs beschriebenen direkten und unmittelbaren Vergleichs, mit der die Besonderheiten und Entwicklungen der Parteien sowie die Bedingungen ihres Erfolgs analysiert werden. Besonders wichtig ist dabei eine Untersuchung der drei Parteiensysteme sowie eine Analyse sozio-ökonomischer Entwicklungsprozesse und gesellschaftlicher Krisenerscheinungen.

Diesem umfangreichen Komplex gehen zunächst zwei Kapitel über rechte Stammkulturen und Faschismus sowie die Entwicklung des Rechtsextremismus nach dem Zweiten Weltkrieg voraus. Obgleich diese Kapitel für meine unmittelbaren Fragestellungen wenig bedeutsam sind, halte ich das Nachzeichnen rechter Kontinuitäten in Österreich, Frankreich und Italien für wichtig. Denn deren Kenntnis schafft die Voraussetzung, die im Zentrum dieser Arbeit stehenden Parteien entsprechend zuzuordnen.

Es wird sich noch zeigen, daß die ideologische Einordnung der Lega Nord schwierig ist. Sie war sicher nie rechtsextrem und "doch auf ihre Weise von Anfang an extremistischer als die rechten Parteien Europas. Denn während diese Parteien ihren Nektar aus bestimmten Politikfeldern saugen, startete die Lega einen Generalangriff auf den italienischen Staat". Obwohl sich die Lega in dieser Hinsicht also von den anderen Parteien unterscheidet, werde ich Italien in den beiden folgenden Kapiteln unter den gleichen Fragestellungen untersuchen wie Frankreich und Österreich. Dies ist aus Gründen der Vollständigkeit des Ländervergleichs geboten.

4.1. Rechtes politisches Denken in Frankreich, Italien und Österreich - Stammkultur und Faschismus

Im Zentrum des folgenden Kapitels stehen jene rechte Strömungen, die in Frankreich, Italien und Österreich eine lange Tradition haben oder von besonderer Bedeutung sind. Ihre völlig trennscharfe Systematisierung ist allerdings nicht möglich, was "Koalitionsbildungen" miteinander konkurrierender Strömungen ebenso verdeutlichen wie die Entwicklung der Rechtsextremismen nach dem Zweiten

Weltkrieg, die im anschließenden fünften Kapitel untersucht werden.

4.1.1. Frankreich

Gemeinhin und zurecht werden die Wurzeln rechten politischen Denkens auf die gegenrevolutionären Bewegungen des 18. und 19. Jahrhunderts zurückgeführt. Aber auch die Revolution selbst schuf mit dem Nationalstaat die Bedingung für rechtes und insbesondere für nationalistisches Denken: "Die dominierende Bourgeoisie und die bürgerlichen Gesellschaftsformationen haben sich wechselseitig durch einen 'Prozeß ohne Subjekt' konstituiert, indem sie den Staat in der nationalen Form umstrukturierten und den Status sämtlicher Klassen veränderten, was die gleichzeitige Genese von Nationalismus und Kosmopolitismus verständlich macht". Zugleich wurde mit der Emanzipation des aufstrebenden Bürgertums die Entwicklung des Besitzstandskonservatismus eingeleitet.

Während hier eher von abstrakten Entwicklungsprozessen die Rede ist, wende ich mich nun den explizit gegenrevolutionären Strömungen zu. Dazu zählen royalistisch-klerikale Kräfte, das organisierte gegenrevolutionäre Bürgertum sowie der Bonapartismus als Negation von Ancien régime und bürgerlichem Parlamentarismus. Der bislang umfassendste Systematisierungsversuch geht auf René Rémond zurück:

1. Als entschiedenste gegenrevolutionäre Strömung bezeichnet er die vor allem in der Restaurationszeit einflußreichen Royalisten, deren Weltanschauung sich über die Action française bis zum heutigen katholischen Integritismus sowie zur neurechten Denkschule Groupement de Recherche et d'Études pour la Civilisation Européenne (GRECE) weiterverfolgen läßt. Allerdings ist mit Marieluise Christadler darauf hinzuweisen, daß GRECE aufgrund seiner antichristlichen Ideologie nicht der Kernfamilie der Legitimisten zuzuordnen ist.
2. Die liberal-konservativen Orléanisten, während der Juli-Revolution entstanden, vertraten die Interessen des aufstrebenden Bürgertums, das zwar vom Kapitalismus profitierte, seiner Geburtshelferin Revolution aber skeptisch gegenüberstand. Als vorläufig letzte Strömung dieser Gruppe nennt Rémond den Giscardismus.
3. Die 1848 gegründete und aus Anhängern des 1851 durch Staatsstreich an die Macht gelangten Louis Bonaparte bestehende bonapartistische Bewegung vereinigte unterschiedliche autoritäre und nationalistische Strömungen. Im Boulangismus und anderen nationalistischen sowie antisemitischen Organisationen, in verschiedenen Zwischenkriegsligen, schließlich im Gaullismus und Pujadimus sieht Rémond die Tradition des Bonapartismus weiterleben bzw. neu aufgelebt.

In den 80er Jahren des 19. Jahrhunderts wurde Frankreich nach einer kurzen Phase sozialer und bildungspolitischer Reformen von der großen Depression erfaßt. Diese Krise nutzte den Monarchisten und Bonapartisten, die bei den Wahlen von 1885 nur knapp die absolute Mehrheit verfehlten. Ihr gewachsenes Selbstbewußtsein und ihre gesellschaftliche Akzeptanz zeigten sich wenig später im Zusammenhang mit der Boulanger-Krise 1887/88 und der Dreyfus-Affaire Ende des 19. Jahrhunderts.

Antisemitismus, Antikapitalismus und Antiparlamentarismus sowie das Leitbild einer auf nationaler Gemeinschaft basierenden Gesellschaft bildeten dabei die auf große Zustimmung stoßende Gegenideologie zum liberal-republikanischen Denken. Im Verlauf der Dreyfus-Affaire wurden zahlreiche rechte (vielfach von linken Themen und Personen inspirierte) Diskussionszirkel und Clubs gegründet, von denen sich die Ligue d'Action française (AF) um Charles Maurras und ihr studentisches Tochterunternehmen zur wichtigsten intellektuellen Strömung mit bis zu 60 000 Mitglieder entwickelt hat. Mit ihrer an Traditionalismus, Nationalismus (integraler Nationalismus) und Positivismus orientierten Ideologie und ihrem taktischen Brückenschlag zwischen populärem Radikalismus der Nationalisten und elitärem Monarchismus hat sie die Grundlage für eine Massenbewegung geschaffen.

Besondere Bedeutung hatte dabei die von der Action française 1908 gegründete Tageszeitung, die unübersehbaren Einfluß auf das gesellschaftliche Klima nahm und zu seiner Radikalisierung beitrug. Bis zum Beginn des Ersten Weltkriegs war das Thema Dreyfus und seine Rehabilitierung immer wieder Gegenstand wüster Agitation. Während des Ersten Weltkriegs wurde es still um die AF, aber in den 30er Jahren haben sich weitere, stark von ihr beeinflusste Gruppierungen, Ligen und Clubs formiert, die von der in Frankreich verspätet auftretenden Weltwirtschaftskrise profitieren konnten. Zur stärksten Kraft avancierte der Parti Populaire Français mit zeitweilig 250.000 Mitgliedern. "Kennzeichen dieser Zwischenkriegsrechten - deren Machtübernahme nur durch das Volksfrontbündnis aus Sozialisten, Kommunisten und Liberalen (Radicaux) verhindert wird - bleibt die organisatorische wie ideologische Heterogenität. Konservative, monarchistisch-klerikale Elemente bestehen neben nationalistischen und antisemitischen, bis hin zum offenen Faschismus." 1940 schließlich ist es der extremen Rechten gelungen, erstmals die alleinige Macht zu erzielen. Damit ging die Niederlage liberal-republikanischer Politik einher, an deren Stelle von Marschall Pétain der autoritär-korporatistische Staat gesetzt wurde.

Über das Vorhandensein und die Bedeutung eines eigenen französischen Faschismus wird in Frankreich gestritten. Die extremsten Antworten auf die Frage nach Präsenz, Relevanz und Originalität geben René Rémond und Bernard-Henri Lévi sowie der israelische Historiker Zeev Sternhell. Mit Verweis auf die politische Hegemonie der "klassischen" Rechten verneint Rémond ausdrücklich die Entstehungschancen eines französischen Faschismus und spricht "lediglich von Adaptionen außerfranzösischer Vorbilder". In eine ähnliche Richtung zielt Pierre Milza, für den Vichy in erster Linie ein durch von außen kommendes und durch die militärische Niederlage Frankreichs ermöglichtes Regime war. Dagegen hält Lévy den Faschismus für eine "genuin französische" und vor dem Ersten Weltkrieg entwickelte Ideologie, die zur faschistischen Revolution des Pétain-Regimes geführt habe. Mit seiner "These attackiert Lévy nicht nur den 'Geschichtsbuch-Mythos vom gewaltsam importierten Faschismus', er deckt gleichzeitig den Anteil der Linken an der 'französischen Ideologie' auf".

In eine ähnliche Richtung zielt die Argumentation von Zeev Sternhell. Er unterscheidet mit der liberal-konservativen und der revolutionären Rechten nur zwei rechte Grundströmungen, wobei er letztere für den Faschismus als Synthese aus Nationalismus und Sozialismus verantwortlich macht. Auch Michel Winock bringt Vichy mit zwei rechten Strömungen in Verbindung: 1. Mit dem National-Populismus, der zum Teil im Vichy-Regime wieder auftaucht und 2. die gegenrevolutionäre, katholisch-royalistische Linie, die von 1789 bis zur Action Française führt.

Zwischen diesen Extremen finden sich unterschiedliche Einschätzungen: Henry Rousso bezeichnet Vichy als ein "Bürgerkriegsphänomen", Jean-Pierre Azéma als "autoritär, aber nicht faschistisch", Thammer/Wippermann sprechen von einem Regime, das rechte Kontinuitäten "in Themen und Personen" aufwies.

Damit stellt sich die Frage nach den Wurzeln faschistischen Denkens und seinem Wirken im real existierenden *État français*. Wird Faschismus mit Mussolini gleichgesetzt, dann hätte Frankreich in der Tat wenig damit zu tun. Zwar sind auf organisatorischer Ebene einige Gruppierungen zu nennen, deren politische Inhalte und ideologischen Anleihen als faschistisch bezeichnet werden können, doch lassen sie sich nicht mit Weltanschauung und Strategie "Mussolinis unter einen Hut bringen". Begreift man Faschismus hingegen als Antithese revolutionärer Ideale, muß in seine Analyse vor allem der Action-française-Gründer Charles Maurras einbezogen werden, der, so Ernst Nolte, "den ganzen Strom des gegenrevolutionären Denkens seit 1789 in sich aufgenommen, verwandelt und für seine Zeit und seine politische Partei neugeformt hat".

4.1.2. Italien

Ein gegenrevolutionäres Äquivalent gibt es in Italien nicht, da Adel und Bürgertum einen risorgimentalen Kompromiß geschlossen haben. Diese auch den Widerstand der europäischen Großmächte neutralisierende Übereinkunft wurde möglich, nachdem sich das gemäßigte Bürgertum (*moderati*) gegen den revolutionären Flügel der Risorgimento-Bewegung (*democratici*) durchgesetzt hatte. Mit der sozialistischen und der christlichen Arbeiterbewegung sowie dem Klerus hatte der unitarisch-liberale Staat potente Widersacher. Das ebenfalls christliche und föderalistische Neo-Guelfentum dagegen war ein bedeutender Motor der italienischen Einigungsbewegung gewesen.

Mit der Annexion des Kirchenstaates 1870 entwickelte sich der Klerus zur zeitweilig wichtigsten oppositionellen Kraft, wobei der Vatikan nicht zur aktiven Opposition oder zum Kampf gegen den laizistischen Staat, sondern zur Nicht-Teilnahme am politischen Leben aufgerufen hat. Spürbare Annäherung zwischen Staat und Klerus vollzog sich erst um die Jahrhundertwende; bemerkenswerterweise zu einem Zeitpunkt also, als die politische Rechte erstarkt war.

Der Parlamentarismus der ersten Jahre war von zahlreichen Arrangements der in den Kammern vertretenen Kräfte, von Pragmatismus, Realismus und schrittweisen Reformen gekennzeichnet; und von transformistischer Politik, die vom zwischen 1876-1887 regierenden linksliberalen Agostino Depretis zur vollen Entfaltung gebracht wurde. Grundsätzlich ist gegen diese Taktik in dosierter Verwendung nichts einzuwenden. Im Italien des letzten Jahrhunderts wurde sie jedoch politischer Alltag, was wegen der damit einhergehenden Konfliktunterdrückung eine Radikalisierung der jeweiligen Randflügel zur Folge hatte. Von diesem Klima wiederum konnte die nationalistische Rechte profitieren, deren Repräsentanten mehr als einmal direkt von der äußeren Linken herübergewandert sind. Mehrere Strömungen, die als Wegbereiter des Faschismus betrachtet werden dürfen, lassen sich unterscheiden:

1. Der Kreis um Francesco Crispi, der für den Übergang vom emanzipatorischen Risorgimento zum

aggressiven Nationalismus steht. Der zunächst zur extremen Linken zählende Crispi war seit 1861 als Abgeordneter und zwischen 1887-1891 und 1893-1896 als Superminister mit der Doppelverantwortung für das Innen- und das Außenressort tätig. Seine rigide Innenpolitik zielte gegen die immer stärker werdende Arbeiterbewegung und seine aggressive Außenpolitik gegen Afrika. Crispi wurde vom ähnlich denkenden Pelloux abgelöst, der aber wegen des wachsenden Widerstandes der sozialistischen und katholischen Arbeiterbewegung gegen ihre Unterdrückung vom Parlament gestürzt wurde. Damit wurde der Weg für den liberalen Reformen Giovanni Giolitti frei.

2. Darüber hinaus existierte seit der Jahrhundertwende eine von Frankreich inspirierte neoromantische Strömung, deren Hauptvertreter der Literat, spätere Fiume-Besetzer und Mussolini-Verehrer Gabriele D'Annunzio war. Zahlreiche von ihm beeinflusste Diskussionszirkel und Zeitschriften feierten die Wiedergeburt des Spirituellen, Okkulten und Irrationalen und forderten Überwindung des Positivismus, Wiedererweckung des Glaubens und der Mystik. Publikationen etwa wie der 1903 von Giuseppe Prezzolini und Giovanni Papini gegründete *Leonardo*, Giuseppe A. Borgeses *Hermes* oder der von Enrico Corradini herausgegebene *Regno* (in dem auch zahlreiche Pareto-Beiträge veröffentlicht wurden) formulierten bereits hier das außenpolitische Programm des faschistischen Italien. An der Schwelle zum Ersten Weltkrieg stimmte auch die Zeitschrift *La Voce* in den Kriegsgesang ein. Sie war vom Verlegerpaar Prezzolini/Papini 1908 als Organ des "gereiften Nationalismus" (Nolte) gegründet worden und unterschied sich in Wort und Ton vom Nationalismus Corradinis. Aber schließlich wurde auch sie aggressiver, womit einmal mehr die Problematik eines sogenannt gemäßigten Nationalismus unterstrichen wird.

3. Großen Einfluß auf die Entwicklung des Faschismus hat der 1908 von Filippo Tommaso Marinetti als neue Kunstrichtung ins Leben gerufene Futurismus gehabt. Die von Marinetti, Settimelli und Carli gegründete Zeitschrift *Roma futurista* und die futuristischen *fasci* hatten sich als antiphilosophische, anti-kulturelle Bewegung mit dem Ziel einer Erneuerung Italiens verstanden. Die Tatsache, daß die futuristische Ideologie später stark von Sorel und Bergson beeinflusst wurde und mit mystischer Unterlegung den Krieg verherrlichte, verdeutlicht zumindest in der Frage der Ästhetisierung von Gewalt die Gemeinsamkeit von Futuristen und Neoromantikern.

Anders als in Frankreich streitet man in Italien kaum über Ursprung und Herkunft des Faschismus, was nicht zuletzt daran liegt, daß es hier keine staatliche Judenverfolgung gab. Die 1919 von Mussolini gegründeten *fasci di combattimento* waren ebenso widersprüchlich und uneinheitlich wie das verwirrte politische Klima, in dem sie entstanden sind: Unter den ersten *fasci*, die der linken Idee gegenüber durchaus aufgeschlossen, aber gegen die russische Revolution eingestellt waren, befanden sich Anarcho-Syndikalisten, Arditisten, Futuristen und Ultrakonservative. Gerade Linke und Syndikalisten hatten dem Faschismus noch über einen längeren Zeitraum ein fortschrittliches Image verschafft, das er aber spätestens seit der Zerschlagung der proletarischen Massenorganisationen einbüßte. Anfang der 20er Jahre hatte der Faschismus seine ideologische Orientierung an "Gruppierungen wie Futurismus, Arditismus, D'Annunzianismus und linksinterventionistischen Kreisen" eingebüßt. Die faschistische Bewegung war seit 1920 in einen militant außerparlamentarischen und den parlamentarischen Flügel um

Mussolini gespalten, der sich mit seinem Normalisierungs- bzw. Parlamentarisierungskurs Hoffnung machte, das breite Bürgertum an sich binden zu können.

Karin Priester unterstreicht, daß das gängige Begriffspaar Mussolini/Faschismus insofern irreführend ist, als die nationalistische Ideologie, "die ab 1923 das politische und ideologische Bild des Faschismus bestimmen wird, (...) ohne und gegen Mussolini entstanden ist". Erst nach der Zerschlagung linker Organisationen setzte die Industrie auf ihn und seinen 1921 gegründeten Partito nazionale fascista, von dem sie sich eine grundlegende Erneuerung des in der Krise steckenden Staates erhoffte. Carlo Tullio Altan betont dabei die Bedeutung einer dichten Gruppe von nationalistisch gesinnten Intellektuellen verschiedenster Provenienz, die durch ihre "Mitarbeit und bemerkenswerte Sensibilität für die Probleme des Staates" zu seiner Neugestaltung nach faschistischem Muster beigetragen und dem faschistischen Regime zu Popularität verholfen haben.

Seine gesellschaftliche Anbindung begann der italienische Faschismus in dem Moment zu verlieren, "in dem er sich dem deutschen Nationalsozialismus unterordnete". Spötter stellen vielleicht nicht einmal ganz zu unrecht fest, daß Italien zwischen den 20er und 40er Jahren 80 Millionen Einwohner gehabt habe: 40 Millionen Faschisten und ebensoviele Antifaschisten.

4.1.3. Österreich

Nach der in Österreich sattem bekannten Drei-Lager-Theorie von Adam Wandruszka existieren mit dem sozialistischen (1.), dem christlich-konservativen (2.) und dem deutschnationalen Lager (3.) drei voneinander unterscheidbare sozio-kulturelle und sozio-politische Milieus. Zwei dieser auch die Parteien umfassenden Lager gehören ideologisch zur politischen Rechten.

Das Deutschnationale Lager

Während Rainer Münz im deutschnationalen Lager auch den Liberalismus verortet, wird von Anton Pelinka explizit das Vorhandensein einer wichtigen liberalen Strömung bestritten. Zwar hatten seiner Meinung nach an der Wiege des dritten Lagers verschiedene Gruppen gestanden, "die das 'Völkische' mit dem 'Liberalen' zu verbinden versuchten"; zwar hat auch das 1882 formulierte Linzer Programm (das nicht zur Gründung einer Partei führte) noch verschiedene freiheitliche Vorstellungen formuliert; jedoch herrschte innerhalb dieser Strömung von Beginn an das Streben nach deutscher Hegemonie in allen gesellschaftlichen Bereichen vor. "Hier ist sie schon, die Position, die etwa die Kärntner Parteien gegen die slowenische Volksgruppe mehr als ein Jahrhundert danach ins Treffen führen: Andere Sprachen als die deutsche werden nicht geduldet."

Georg Ritter von Schönerer war verantwortlich für die antisemitische Ausrichtung des Linzer Programms. Sowohl die 1920 gegründete Großdeutsche Volkspartei als auch der Landbund, den später die ÖVP beerben konnte, haben Schönerers Positionen übernommen und wesentliche Teil von Hitlers "Mein Kampf" vorweggenommen.

Das inhomogene und in fast allen sozialen Milieus beheimatete deutschnationale Lager des 19. Jahrhunderts hatte sich in erster Linie durch Opposition gegenüber der Habsburgmonarchie, Anti-Katholizismus bzw. Antiklerikalismus, später durch prononcierten Antisemitismus sowie überwiegend "im Volk" präsenten Antikapitalismus ausgezeichnet. Dieses zunächst verstreute und sich zur "deutschen Volks- und Kulturgemeinschaft" zählende Lager konnte infolge seiner ideologischen Radikalisierung um die Jahrhundertwende von der österreichischen NSDAP insgesamt an sich gebunden werden. Hitler kann dabei als Produkt und zugleich als Motor eines Deutschnationalismus bezeichnet werden, der um die Jahrhundertwende seine volle Blüte entfaltet hat.

Das parteipolitisch organisierte dritte Lager zeichnet sich Kurt Richard Luther zufolge durch folgende, bis in die 80er Jahre des 20. Jahrhunderts geltende Merkmale aus:

1. Dezentral organisierte Honoratioren, deren regionale Hochburgen über Jahrzehnte hinweg mit vor allem Kärnten, Oberösterreich und Salzburg nahezu identisch geblieben sind.
2. Geringe Organisationsdichte trotz zahlreicher Vorfeldorganisationen.
3. Überrepräsentanz einer männlichen, akademischen, protestantischen bzw. laizistischen Wählerschaft aus dem Kleinbürger- bzw. Kleinstadtmilieu, zu denen ein Kreis eher inhomogener Protestwähler tritt. Gemeinsames Merkmal ist "eine gewisse Anfälligkeit für autoritäres Denken".
4. Hohe Konfliktbereitschaft wegen der ideologischen Ambivalenz von liberalen und (deutsch-)nationalen Kräften bei ansonsten anti-sozialistischem und anti-klerikalem Grundkonsens.

Das Christlich-Konservative Lager

Rechtes Denken findet sich darüber hinaus im christlich-konservativen Lager mit der Christlichsozialen Partei (CP) als erstes bedeutendes organisatorisches Zentrum. Sie war ein Zusammenschluß von Christlich Sozialem Verein und konservativem Liechtensteinclub mit kleinbürgerlichen Gruppen um Karl Lueger (dem Gründer der CP) und die erste große antisemitische Partei Europas. Obwohl sie nach ihrer Gründung 1891 gegen Adel und hohen Klerus eingestellt war, suchte sie nach dem Zusammenbruch der feudalen Strukturen ein enges Verhältnis zum organisierten Katholizismus, der aufgrund dieser Entwicklung seinerseits "seinen verlängerten Arm" verloren hatte.

Das christlich-konservative Lager bestand vornehmlich aus Bauern und katholischem Kleinbürgertum und war Karl Lueger und seiner christlichen Soziallehre sowie seinem prononcierten Antisozialismus und Antisemitismus gegenüber sehr aufgeschlossen. Signifikant ist der Meinungs- und Wertewandel der Partei, die erst antiklerikal und dann kirchenfreundlich, erst für und später gegen die Republik eingestellt war und schließlich im Verbund mit den Heimwehren den autoritären Ständestaat und den Austrofaschismus aus der Taufe gehoben hat.

Pelinka bezeichnet den Austrofaschismus als konstitutive Wurzel einer Großpartei, nämlich der ÖVP.

Damit will er nicht ständischen Autoritarismus und demokratisch gesinnte Volkspartei in einen Topf werfen, sondern auf institutionelle und personelle Verflechtungen sowie darauf verweisen, daß die ÖVP bis heute für die Politik Schuschniggs und Dollfuß' Verständnis aufbringe: "Für die ÖVP ist die Diktatur des Austrofaschismus keineswegs eine von vornherein vollständig abzulehnende Geschichtsepoche."

4.1.4. Diskussion

Die maßgeblichen gegenrevolutionären Strömungen in Frankreich gehören anders als die anti-risorgimentalen Bewegungen Italiens zur politischen Rechten. Aber das Risorgimento ist kein mit der französischen Revolution vergleichbares Ereignis, auch wenn es im Vorfeld der italienischen Staatsgründung zahlreiche "revolutionäre Vorkommnisse" gab. Günther Heydemann weist darauf hin, daß diese Vorkommnisse überwiegend in den jeweiligen lokalen Zusammenhängen interpretiert werden müssen und nicht pauschal als risorgimental zu bezeichnen sind. Darüber hinaus ist die Staatsgründung gleichsam ein Produkt des Kompromisses zwischen Adel und moderatem Bürgertum, das sich gegen die revolutionären bzw. linken Strömungen der risorgimentalen Bewegung durchgesetzt hatte. Ein Vergleichsfall Österreich fehlt in diesem Zusammenhang.

In allen drei Staaten wurden Ende des letzten Jahrhunderts weit rechts stehende Organisationen spürbar stärker. Obgleich sie sich in ihrem Denken, ihren primären Zielen und ihren Strategien auch innerhalb eines jeden Staates voneinander unterschieden haben, waren sie sich politisch nahe genug, um später gemeinsam agieren zu können oder den Boden für eine rechte Konkurrenzströmung zu bereiten. Rechtes als rückwärtsgewandtes und in diesem Sinne reaktionäres Denken orientiert sich an alten Werten, Machtstrukturen und Ideologien, auch wenn dieses Denken unter dem Stichwort "revolutionär" firmiert. Unter diesem Blickwinkel haben rechte Strömungen trotz unterschiedlicher Merkmale stets gemeinsame Wurzeln; unterschiedliche oder widerstreitende Strömungen sind deshalb prinzipiell kompatibel.

In Italien und Frankreich haben sich um die Jahrhundertwende auch elitäre bzw. revolutionäre Zirkel mit betont intellektuellem Habitus herausgebildet, wobei ihre Protagonisten nicht selten von der äußersten Linken stammten. Warum in Österreich derartige Strömungen fehlen (bis heute hat die Alpenrepublik auch keine "Neue Rechte" französischen Typs aufzuweisen), ist schwer zu beantworten. Ein entscheidender Grund dafür ist aber zweifellos die politische Bedeutung des ursprünglich lagerübergreifenden und später vom dritten Lager repräsentierten Deutschnationalismus.

Für alle Staaten gleichermaßen schwierig ist der Umgang mit der faschistisch/nationalsozialistischen Vergangenheit. Erst 1995 hat der französische Staatspräsident Chirac die Mitschuld Frankreichs an der Deportation der Juden eingestanden; beinahe zeitgleich wurde vom österreichischen Kanzler Vranitzky der Mythos, wonach Österreich erstes territoriales Opfer nationalsozialistischer Gewaltherrschaft gewesen sei, relativiert. Der Umgang mit der Geschichte durch staatliche Repräsentanten ist eine, die wissenschaftliche Auseinandersetzung damit eine andere Sache.

Rolf Uessler hat am Beispiel Italien zwei Forschungsphasen identifiziert. Er unterscheidet dabei den bis etwa Mitte der 60er Jahre dauernden Zeitraum, der wesentlich von der Resistenza und von

Untersuchungen geprägt war, die emigrierte Forscher während der Zeit des Faschismus verfaßt haben. Ihre Beiträge und das gesellschaftliche Klima waren in hohem Maß von der Annahme geprägt, daß die Überwindung des Faschismus eine italienische Eigenleistung, eine Leistung der Resistenza gewesen sei (dies gilt ebenso für Frankreich). Einigkeit bestand vor allem darin, daß der Faschismus sowie die Zeiträume vor seiner Entfaltung und nach seiner Überwindung von "Kontinuität und Bruch" gekennzeichnet sind. In der zweiten Phase wurden Uessler zufolge diese "Kontinuitäten und Diskontinuitäten in den einzelnen Bereichen" herausdestilliert und "die antifaschistische Grund- und Ausgangslage" durchlöchert und aufgebrochen. Hier setzte die personalistische, auf Mussolini konzentrierte Faschismusforschung ein, die wesentlich von Renzo de Felice geprägt wurde.

Der Umgang mit Vichy in Frankreich wurde in diesem Kapitel bereits andiskutiert; bislang unerwähnt blieb jedoch, daß auch in Frankreich der Mythos von der Selbstbefreiung über lange Jahre vorherrschte. Henry Rousso führte dazu aus, daß der von Marc Ophuls gedrehte und von der 1968er Bewegung inspirierte Film "Le chagrin et la pitié" (1971) eine neue Phase einleitete, mit der dieser Mythos überwunden wurde. "Politisch gesehen war das auch das Ende der Ära, in der Gaullisten und Kommunisten das Erbe der Résistance unter sich aufgeteilt hatten."

Ein österreichisches Äquivalent dazu ist der Opfer-Mythos, der lange Zeit nicht in Frage gestellt wurde. Die Mitschuld und die Aufarbeitung der Vergangenheit wurde erst seit Mitte/Ende der 80er Jahre in Wissenschaft und Publizistik bedeutsam. Dabei hat "das 'Bedenkjahr' 1988 (..) der historischen Forschung einen deutlichen Impuls gegeben".

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Susanne Falkenberg: Populismus und Populistischer Moment im Vergleich zwischen Frankreich, Italien und Österreich

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6.Front National, Lega Nord und FPÖ im Vergleich

Durch das heute allgegenwärtige Fernsehen und seine Tendenz, zu verkürzen und Worte oft nur noch als akustisches Geleit bildhafter Darstellungen einzusetzen, erscheinen Politik und Politiker synonym. Politische Prozesse, Interaktion und Kommunikation zwischen Bürgerschaft und Repräsentanz oder die Bedeutung des Politischen im scheinbar unpolitischen Alltagshandeln sind für das Fernsehen kaum ein Thema. Politik ist Parteipolitik. Mehr noch: Politik ist die Politik von parteipolitischen Führungsfiguren. Ich will an dieser Stelle nicht entscheiden, wem die Hauptverantwortung für diesen Reduktionismus zu geben ist, sondern lediglich feststellen, daß Medien und Politiker aufeinander eingespielt und voneinander abhängig sind. Es verwundert daher kaum, daß Umberto Bossi, Jörg Haider und Jean-Marie Le Pen weitaus bekannter sind, als Parteifreunde, divergierende Parteiflügel oder politische Programme. Die Politik von Front National, Lega Nord und der Freiheitlichen Partei Österreichs wird in erster Linie über ihre Führungsfiguren wahrgenommen und mit ihnen gleichgesetzt. Sie sind - nicht nur deshalb - wichtige und zentrale Personen, denen in meiner Arbeit zwar nicht das Hauptaugenmerk gilt, die ich jedoch im folgenden mit drei kurzen Portraits vorstellen möchte. Diesen persönlich-politischen Profilen folgt eine Auswertung sozial- und geschichtswissenschaftlicher Literatur über die drei Personen, ihre Parteien und deren ideologischen Klassifizierungen.

6.1.Front National

Kaum jemand, der bei Front National nicht sofort an seine Führungsfigur Jean-Marie Le Pen dächte. Der gebürtige Bretoner und spätere Sorbonne-Student hatte schon frühzeitig begonnen, sich politisch zu engagieren. Er war Mitglied verschiedener akademischer Zirkel mit konservativ-nationalistischer Ausrichtung, meldete sich 1953 als Freiwilliger zum Indochinakrieg, kam aber nicht mehr zum Einsatz, da bei seiner Ankunft der Krieg bereits beendet war. 1956 wurde er Abgeordneter der Poujadisten, beteiligte sich am Algerienkrieg sowie - um den Preis seines Mandats - an der terroristischen OAS. In den Folgejahren kümmerte er sich hauptsächlich um den Vertrieb verbotenen Nazimaterials und mischte in verschiedenen rechtsextremen Organisationen mit, die allesamt bedeutungslos blieben. Nach mehreren Jahren politischer Abstinenz erschien er im Zusammenhang mit dem Front National erneut auf der politischen Bühne, meldete im 1972 gegründeten FN seinen Führungsanspruch an und setzte sich nach anfänglichen Flügelkämpfen und Streitereien als Parteichef durch. Machtwillen, Flexibilität und Eloquenz zeichnen den 67jährigen Le Pen aus, der besonders vor grossem Publikum durch

Sprachbravour glänzt. Daß der Erfolg des Front National auch seinem Anführer gutgeschrieben wird, kann daher kaum verwundern und kommt in dem häufig verwandten Diktum "L'effet Le Pen" (der Le-Pen-Effekt) zum Ausdruck. Wo aber muß der Front National ideologisch verortet werden und was sind die Ursachen seines Erfolgs? Ob der Front National rechtsextrem ist, wird in Frankreich nicht zuletzt wegen des denotatorischen Disputs unterschiedlich beantwortet. Marieluise Christadler verweist dabei auf Pierre-André Taguieff, der den Begriff rechtsextrem als polemisch und wissenschaftlich unbrauchbar verwirft. Andere bemühen sich um eine Differenzierung dieses Begriffs. Dabei komme in den von rechtsextrem über ultrarechts bis rechtsradikal reichenden Abstufungen die Komplexität gegenrevolutionären Denkens und zudem das Bedürfnis nach einer Trennung des Rechtsextremismus vom Faschismus zum Ausdruck. In Bezug auf den Front National betont Michel Winock "das Wiederaufleben einer alten nationalpopulistischen Tradition", in der Elemente wie Dekadenzvorwürfe, der Antagonismus gegen die offizielle Politik, die Betonung des Plebiszitären und eine starke Integrations- bzw. Führungsfigur zusammentreffen. Paul Buzzi weist darüber hinaus auf die im Front National vertretene Strömung des katholischen Integrismus hin. "Diese zweite Linie beginnt mit der gegenrevolutionären, katholisch-royalistischen Rechten von 1789 und führt zu Beginn des 20. Jahrhunderts zur Action Française (...)". Stärker an den Bedingungen seines Erfolgs orientiert betonen etwa Nonna Mayer oder Pascal Perrineau den Charakter des FN als Protestpartei, die von der zunehmenden Desintegration der traditionellen Parteien profitiert. Immigration und Unsicherheitsgefühle sind weitere Stichwörter zur Erklärung des lepenistischen Erfolgs und zugleich wichtige Themen der Partei. Gleichwohl befinden sich ihre Hochburgen nicht innerhalb der problematischen Siedlungen, sondern eher an deren Rändern. Dies läßt Wahlmotive vermuten, die sich nicht direkt aus dem Zusammenleben verschiedener Kulturen, sondern aus der koexistenziellen Qualität und deren Außenwahrnehmung speisen. Zudem weisen Daniel Cohn-Bendit und Thomas Schmid in ihrem Buch Heimat Babylon darauf hin, daß Xenophobie alle Gesellschaften begleitet, "die von Modernisierungsprozessen erfaßt werden und in denen immer wieder der fremde Bote für die Botschaft genommen und zur Rechenschaft gezogen wird." Pascal Perrineau, Jean Viard, Hans-Gerd Jaschke nennen als wichtige Erfolgsursache des FN den Wandel der traditionellen kulturellen und sozialen Subsysteme, die im Verlauf der gesellschaftlichen Modernisierung ihre Integrationsfähigkeit eingebüßt haben. Dabei ist es dem FN in verschiedenen Kommunen sogar gelungen, die entstandene Lücke mit eigenen sozio-kulturellen Netzen zu füllen. Aus ökonomischer Perspektive schließlich wird die Anfang der 80er Jahre einsetzende Wirtschaftskrise hervorgehoben. Wo die Gründe für den Erfolg des FN zu suchen sind, wird noch zu klären sein. Daß sie aber nicht monokausal hergeleitet werden können, ergibt sich schon daraus, daß jeder politische Akteur in einem weitverzweigten sozialen, politischen und kulturellen Netz agiert.

6.2.Lega Nord

Hunde, die bellen, beißen nicht, behauptet der Volksmund. Auch der italienische. Und in der Tat läßt sich über die Bißfähigkeit Bossis trefflich streiten, seit er zwischen separatistischen Maximalismen und realpolitischen Kompromissen schwankt. Kein Zweifel indes besteht über die Härte des Tons und dessen provokative, oft vulgäre Färbung als Markenzeichen des enfant terrible der italienischen Politik. Bossis Biographie ist voll von Brüchen, oder besser Abbrüchen, denn sein Karrierewunsch als Musiker blieb ihm ebenso versagt wie ein Universitätsabschluß als Mediziner oder ein Traumjob als Elektrotechniker.

Lediglich in seiner politischen Arbeit ist er (bislang) einigermaßen beständig, wenn auch nicht berechenbar. Überraschen mag die Tatsache, daß Bossi lange Zeit für Politik nichts übrig hatte. Dies änderte sich mit nachhaltigen Folgen für die italienische Innenpolitik erst durch seine Freundschaft mit dem ehemaligen Vorsitzenden der autonomistischen Union Valdotaïne Bruno Salvadori: Umberto Bossi wollte Berufsbefreier werden. Versuchsweise übte er sich als Retter der beiden Städte Como und Varese, die er mit seiner 1979 gegründeten *Unione nord-occidentale laghi per l'autonomia* aus den Fängen der *Lombardei* befreien und ihnen zu hoheitlichen Rechten verhelfen wollte. Nachdem dieser Versuch ins Leere gelaufen war, verlangte er die Selbstbestimmung der gesamten *Lombardei* und gründete 1982 die *Lega Autonomista Lombarda*, die 1984 in der *Lega Lombarda* aufging. Lange Zeit hatte sich niemand so recht für Bossi interessiert. Nachdem ihn aber seine langsam größer werdende Anhängerschaft 1987 zum Senator wählte, wurde er "dank seiner frechen Klappe, seiner volkstümlich-ordinären Ausdrucksweise und seiner schrillen Schlipse schnell als Senatür in ganz Italien berühmt". Über die Bedeutung Bossis als politische Führungskraft und Identifikationsfigur existieren verschiedene Ansichten. Fritz Plasser und Peter A. Ulram bestreiten indirekt Bossis Relevanz, wenn sie als zentralen Unterschied zwischen *Lega* und *FPÖ* hervorheben, daß die österreichische Partei in besonderem Maß von ihrer Führungsfigur geprägt sei. Zu einem anderen Schluß kommt Marc Gilbert, der den Erfolg der *Lega* auf Bossis Einfluß und seine Selbstdarstellungskompetenz zurückführt. Die Tatsache, daß er bei den Deputiertenkammerwahlen 1992 rund 250.000 Vorzugsstimmen abschöpfen konnte und damit meist gewählter Parlamentarier (Senator) wurde, gibt Gilbert recht. Anders als Haider, dem nach seiner Wahl zum Parteichef schon deshalb viel Aufmerksamkeit zuteil wurde, weil er einer im System verankerten Partei vorsteht, war Bossi über lange Zeit ein outsider. Die nationalen Medien haben sich mit wenigen Ausnahmen ebensowenig für ihn und seinen folkloristischen Verein interessiert wie die italienischen Parteien. Er hatte sich auf der *piazza* einen Namen gemacht, und sein Bekanntheitsgrad wuchs erst nach seiner Wahl zum Senator. Jedoch können weder Bekannt- noch Beliebtheit die zunächst schleichende und seit 1989 rapide Abkehr der Wähler von den traditionellen Parteien erklären. Innerhalb der Sozialwissenschaften existieren zahlreiche Untersuchungen, die nach den Gründen für den Erfolg der *Lega* suchen. Die Parteien- und Wahlforschung hebt den bereits seit Mitte der 70er Jahre zu konstatierenden Vertrauensschwund in etablierte Parteien hervor, bleibt aber in der Regel die Antwort schuldig, warum ausgerechnet eine Partei wie die *Lega* davon profitieren konnte. Roberto Biorcio betont in diesem Zusammenhang ihre Bedeutung als neuartige Partei, die ihre Akzeptanz vor allem aus ihrer Präsentation bezieht. Er definiert sie als politischen Akteur, der als Dienstleistungsbetrieb seine Angebote an den Nachfragen der Bevölkerung orientiert und mit ihr in ein scheinbar direktes Interaktionsverhältnis tritt. Dagegen verweisen andere nicht primär auf den Wandel des Parteiensystems, sondern auf seine durch Korruption verursachte Krise. Die auf den ersten Blick naheliegende und von der ausländischen Presse favorisierte Erklärung verliert jedoch bei genauer Betrachtung an Wert: Denn erstens herrschte in der italienischen Bevölkerung schon seit langem die Meinung vor, Politik und Parteien seien "schmutzig", und zweites waren die *Ligen* und die *Lega* bereits vor den Enthüllungen der gegen Korruption ermittelnden Richterschaft erfolgreich. Valeska von Roques und Jens Petersen betonen gleichermaßen den Nord-Süd-Gegensatz als wichtigen Grund für die Geburt und den Erfolg der norditalienischen *Ligen* bzw. der *Lega Nord* hervor. Dagegen betont die modernisierungstheoretische Perspektive den Wandel der Arbeits- bzw. Industriegesellschaft und die damit entstandenen neuen Bedürfnisse und Konflikte. Aufschlußreich sind die mehrdimensionalen Erklärungen Michael Brauns. Er nennt als wichtigste Gründe den durch Korruption bedingten Verschleiß des alten Systems und die

von ihm hinterlassene Fiskalkrise, die von den antimeridionalen Ligen benutzt wurde, um eine Spaltung des Staates zu fordern. Diese Spaltung zielte vor allem darauf, den subventionsabhängigen Süden vom steuerpotenten Norden abzukoppeln. Die ideologischen Klassifikationen sind vielschichtig, wobei die Abstufungen - sezessionistisch, autonomistisch, regionalistisch bzw. neoregionalistisch und föderalistisch - aus der Entwicklung des Leghismo resultieren. Ob und inwieweit die Lega als rassistische Partei bezeichnet werden kann, ist eine umstrittene Frage. Sie wird überwiegend verneint, wenn unter Rassismus eine kulturell-ethnisch hergeleitete "Höher- bzw. Minderwertigkeit" verstanden wird. Definiert man jedoch Wohlstandschauvinismus als eine moderne Variante rassistischen Denkens, dann wird sie wie von Jens Petersen, Sibylle Stegmüller und Vittorio Moiola dementsprechend klassifiziert. Moiola bezeichnet den Rassismus der Lega als differenzialistisch: Indem sie vorhandene Ressentiments aufgreift und sie provokativ zuspitzt, sichert sie sich die Zustimmung der Bevölkerung und öffentliches Interesse. Damit wird zugleich Identität gestiftet, die sich aus der Abgrenzung nährt. Rolf Uessler nennt dies "negative Identifikation". Obgleich die Lega vorhandene Ressentiments für propagandistische Zwecke instrumentalisiert, unterscheidet sie sich in dieser Hinsicht nicht von den übrigen italienischen Parteien. Auch in diesem Punkt muß die Entwicklung der Lega berücksichtigt werden. Noch bis Anfang der 90er Jahre wurden Vorurteile gegen Immigranten und Südtaliener noch scharf formuliert. Parallel zur nationalen Etablierung der Partei und ihrem Willen, innerhalb des Systems zu gestalten, wurden sie jedoch vergleichsweise milde vorgetragen. Weitgehende Einigkeit besteht darüber, daß die Lega keine Partei der extremen Rechten ist und unter dem Blickwinkel ihrer politischen Ziele - sie tritt für eine Tout-court-Privatisierung ein - als neoliberal bezeichnet werden kann. So unterschiedlich die Ergebnisse auch sind; ein Faktum wird von allen Sozialwissenschaftlern, Journalisten und von der Lega selbst hervorgehoben: Das Jahr 1989, der Fall der Mauer als definitives Ende des Kalten Krieges, war eine wichtige Voraussetzung für die Beschleunigung längst augenfälliger Erosionserscheinungen des alten Parteiensystems und Chance für politische Newcomer.

6.3.Freiheitliche Partei Österreichs

Haider. Ganz Österreich scheint fasziniert von diesem Mann. Kaum ein anderer Politiker, der so viel Staub aufwirbelt und damit Journalisten Topmeldungen beschert. Plumpe Geschmacksverletzungen, Tabubrüche, historische Wahrheitsverschiebungen oder provokativ-intelligente Zuspitzungen, mit denen er nicht selten ins Schwarze und damit den Nerv von Politikern trifft, sichern der wohl umstrittensten öffentlichen Figur Österreichs permanente Medienpräsenz. Entdeckt wurde das Rhetorik-Talent beim Jahrestreffen des Österreichischen Turnerbundes. Dieser ebenso politische wie sportliche Verein hatte 1966 Jörg Haiders Gedanken über die Bedeutung österreichischen Deutschtums mit dem Rednerpreis des Jahres prämiert. Damit weckte der Jugendliche das Interesse der Deutschen National Zeitung, die den Text nachdruckte, und des damaligen FPÖ-Vorsitzenden Friedrich Peter, der Haider in die Partei lockte. Neben seiner Parteiarbeit engagierte sich Haider zumeist an exponenter Stelle in zahlreichen rechtsextremen Organisationen. Darunter die Freiheitliche Jugend Oberösterreich und der Ring Freiheitlicher Jugend Österreichs. 1976 zog er nach Kärnten und übernahm in dem wichtigsten deutschnationalen Landesverband zahlreiche parteiinterne und parlamentarische Ämter; 1989 schließlich avancierte er dort zum Landeshauptmann (ein dem bundesdeutschen Ministerpräsidenten entsprechendes Amt). Nach nur zwei Jahren Amtsinhaberschaft wurde allerdings sein Rücktritt unumgänglich, nachdem er in einer hitzigen Haushaltsdebatte die Arbeitsmarktpolitik der Nationalsozialisten als "ordentlich"

gelobt hatte. Seiner Karriere tat diese Provokation keinen Abbruch, denn zielstrebig wechselte er ein weiteres Mal seinen politischen Standort, zog nach Wien und wurde im Nationalrat Fraktionsvorsitzender seiner Partei. Seit 1986 hatte er bereits das Amt des Parteiobmanns inne. Der Rhetoriker Haider zieht nicht nur Anhänger, sondern auch seine politischen Gegner in Bann. So hatte sich eine Gruppe Klagenfurter Psychologen fakultätsintern "über das Stück Faszination und Aufregung, das wir beim Haider-Thema auch in uns selbst immer wieder spürten", geärgert und sich als Konsequenz dieses Unbehagens mit "Haiders Inszenierungserfolgen und Erfolgsinszenierungen" intensiver auseinandergesetzt. Die 1992 vorgelegte Studie richtet sich aufgrund ihrer Methoden in erster Linie an Sozialpsychologen und ist eine unter zahlreichen Untersuchungen, die sich mit Jörg Haider auseinandersetzen. Zunächst erstaunt über die Fülle von Publikationen zum Thema FPÖ und Haider, fiel mir bei genauerer Durchsicht die Dominanz des sprachanalytischen Diskurses auf. Er zielt hauptsächlich darauf, Jörg Haiders Affinität zum Nationalsozialismus herauszuarbeiten und zu beweisen, daß seine NS-Anspielungen überwiegend weltanschaulicher und nicht taktischer Natur sind. Die Anwendungshäufigkeit dieser Methode legt den Schluß nahe, daß der überwiegende Teil österreichischer Gesellschaftswissenschaftler den Erfolg der FPÖ nach 1986 in erster Linie auf die Person Haiders und auf eine Wählerschaft zurückführt, die sich mit seinen Äußerungen identifiziert. Eine Analyse von politischen oder sozio-ökonomischen Erfolgsbedingungen der Partei gerät so ins Hintertreffen. Den diesbezüglichen Forschungsstand würde ich bei aller Vorsicht als rudimentär bezeichnen. Darüber hinaus halte ich es für sekundär, ob die inkriminierten Äußerungen auf einem geschlossenen rechtsextremen Weltbild basieren oder stärker taktisch motiviert sind. Alleine die Tatsache, daß Haider seine Verlautbarungen häufig an den NS-Sprachgebrauch anlehnt und damit absichtsvoll an latent oder manifest vorhandene Affekte appelliert, ist Grund genug, an seiner demokratischen Integrität zu zweifeln. Aber auch jenen, die diese Forschungsmethode bzw. ihre Dominanz wie ich für problematisch halten, fällt es augenscheinlich schwer, andere Instrumente anzuwenden. So bemängelt Andreas Schedler die einseitige akademische Konzentration auf Haiders "Affinitäten und Ambivalenzen gegenüber (...) nationalsozialistischen Positionen (..)". Seine Kritik zielt jedoch lediglich gegen das Thema und nicht gegen die Methode, der er sich in seiner Arbeit über die "antipolitischen Stereotypen" Haiders ebenfalls bedient. So interessant und legitim die Beschäftigung mit dem FPÖ-Obmann auch sein mag: Allein seine Rhetorik und seine NS-Anspielungen, Sprachwitz oder Provokationen können den Erfolg der FPÖ nicht erklären. Insofern liegt es nahe, sich mit den Befindlichkeiten der übrigen Parteien und den Beziehungen zwischen ihnen und (Wahl-)Bürgerschaft auseinanderzusetzen, wofür eine zweite Forschungsrichtung namentlich steht. Sie weist nach, daß der Erfolg der FPÖ auf die schwindende Integrationskompetenz der beiden großen Parteien zurückzuführen ist. Dies wird auf der Basis umfangreichen Datenmaterials zumeist lediglich konstatiert und die Gründe dafür mit nur wenigen Stichwörtern (gesellschaftliche Modernisierung, Arbeitslosigkeit) umrissen. Aufschlußreicher dagegen ist die 1994er Studie aus dem Hause Plasser/Ullrich, in denen die Politologen detailliert die sozio-ökonomischen Hintergründe des FPÖ-Erfolgs beleuchten. Nicht zuletzt wird der Erfolg nach 1986 auf die Haider unterstützende Boulevard-Presse zurückgeführt. Eine besondere Rolle spielt dabei die Kronenzeitung, deren Aufmacher sich häufig mit den jüngsten, zu Parolen verdichteten Botschaften Haiders decken. Die FPÖ wird mit unterschiedlichen Adjektiven belegt, und in vielen Untersuchungen wird die Frage, ob und inwieweit sie rechtsextrem ist, diskutiert. Aufgrund der Unterwerfungs- und Zermürbungstaktiken Haiders unterscheidet Hans-Henning Scharsach zwischen dem Parteiobmann, den er als rechtsextrem bezeichnet, und der weitgehend einflußlosen

Mitgliederschaft, die er nicht pauschal der extremen Rechten zuschlagen mag. Er definiert die Partei deshalb als Führerpartei. Da aber auch bei der FPÖ Mitgliedschaft freiwillig und niemand am Austritt zu hindern oder zum Eintritt gezwungen ist, halte ich diese Differenzierung für fragwürdig. Dagegen bewerten Brigitte Bailer und Wolfgang Neugebauer die FPÖ als tendenziell rechtsextrem, weil sich nach 1986 ein "entscheidendes Anwachsen der traditionellen deutschnational-rechten bis rechtsextremen Kräfte" vollzogen hat. Die sich stärker mit den politischen Taktiken Haider und der FPÖ auseinandersetzenden Beobachter bezeichnen die FPÖ dagegen als populistische, rechtspopulistische oder schlicht als Protestpartei. Fritz Plasser und Peter A. Ulram fusionieren verschiedene Begriffe zu einem umfassenden Ausdruck und definieren die FPÖ als radikale rechtspopulistische Partei. In Anlehnung an Hans-Georg Betz differenzieren sie zwischen dem radikalen, dem rechten und dem populistischen Merkmal. Radikal sind Parteien dieses Typs in ihrer Ablehnung sozio-kultureller und sozio-politischer Systeme und in der Befürwortung des Leistungsprinzips und des liberalen Marktes, "ohne jedoch die Legitimität der Demokratie offen in Frage zu stellen". Rechts sind sie aufgrund ihrer Ablehnung individueller und sozialer Gleichheit und wegen ihrer Ablehnung der sozialen Integration von Minderheiten. Sie sind populistisch, weil sie Angst und Unsicherheit für ihre Zwecke instrumentalisieren und an den "gesunden Menschenverstand" und den sogenannten "kleinen Mann" appellieren. Auch Franz Janushek bezeichnet die FPÖ als eine rechtspopulistische Partei, definiert den Begriff jedoch anders als Plasser/Ulram: Die Partei Haider ist rechtspopulistisch "und zwar nicht nur der Geschichte der Partei wegen, sondern auch wegen der Inszenierung ihrer gegenwärtigen Politik. Dies gilt zum einen für den traditionellen Topos der rechtsextremen Politik, die Reinhaltung der Rasse, Nation oder auch nur 'Kultur' - ein Topos, der von der FPÖ durchaus bedient wird -, zum anderen aber auch für Anspielungen auf die nationalsozialistische Vergangenheit". Das Populistische selbst äußere sich in dem Willen der FPÖ, die Macht zu übernehmen und sich nicht lediglich an einer Koalitionsregierung zu beteiligen, womit sie letztlich auf die Durchsetzung ihrer Ziele verzichten und Glaubwürdigkeit verlieren würde. Bei der ideologischen Klassifizierung läßt sich eine gewisse Vorsicht konstatieren, die meines Erachtens auf die Entwicklung der Partei und die bis heute nicht eindeutig erkennbare Richtung zurückzuführen ist. Wie viele andere hatte Hans-Henning Scharsach nach 1986 eine Re-Radikalisierung bzw. eine Renaissance des aggressiven Deutschnationalismus festgestellt. Aber "geblendet und irritiert durch diesen vermeintlichen 'Rückfall' übersehen politische Öffentlichkeit, Gegner und wahrscheinlich auch große Teile in der eigenen Partei, daß Haider's Politik eine völlig neue Dimension enthält, die weit über die Reproduktion gestriger Ideen hinausreicht." Unklar bleibt bei Scharsach aber die Qualität des Darüberhinausreichens. Zwar wurde Haider mit Hilfe der Deutschnationalen zum Parteichef gewählt, und er stammt selbst aus diesem politischen Zusammenhang. Aber er will keine Reaktivierung der alten FPÖ, die auch in ihren guten Zeiten keine ernstzunehmende Konkurrenz für die anderen Parteien darstellte. Er will Anführer einer großen Partei oder Bewegung mit dem Ziel sein, in der nationalen Politik eine wichtige Rolle zu spielen. Unter machtpolitischem Aspekt befindet sich die FPÖ derzeit in ihrer wohl wichtigsten (Entwicklungs-)Phase, was gleichzeitig dazu führt, daß man sie ideologisch schwer einschätzen kann.

6.4.Zusammenfassung

Claus Leggewie konstatiert (wie zuvor schon Durkheim) völlig zu Recht, daß sich Soziales nur aus Sozialem und Politisches nur aus Politischem erklären lasse. Ich will damit nicht behaupten, daß Haider,

Le Pen und Bossi unwichtig sind oder daß ihre Parteien auch dann erfolgreich gewesen wären, wenn ihnen unauffällige Personen vorgestanden hätten. Zweifellos haben sie mit machiavellistischem Antrieb, politischem und sozialem Instinkt und einer gehörigen Portion Selbstbewußtsein die gesellschaftliche Stimmung und damit zusammenhängende Probleme erkannt, aufgegriffen und für sich instrumentalisiert. Sie sind aber keinesfalls Verursacher der für sie günstigen Bedingungen. Aus diesem Grund will ich die personalen Besonderheiten und Ähnlichkeiten der drei Parteichefs nicht lange diskutieren und nur auf einen wichtigen biographischen Unterschied verweisen: Anders als Jörg Haider und Jean-Marie Le Pen hat Umberto Bossi keine Berührungspunkte mit der extremen Rechten. Distanz oder Nähe zur extremen Rechten sagt nicht nur etwas über die Personen, sondern zugleich etwas über die Parteien aus, die in den folgenden Kapiteln im Mittelpunkt stehen. Die bereits hier deutlich gewordenen ideologischen Unterschiede sind noch weiter herauszuarbeiten. Unabhängig davon tauchen in den zitierten Untersuchungen aber auch Begriffe auf, die trotz parteipolitischer Differenzen äquivalente Erfolgsbedingungen der Parteien vermuten lassen: Modernisierung, Unsicherheit, Wandel der Industriegesellschaft und des Parteiensystems. Dies und die Überprüfung meiner Thesen steht im Zentrum von Kapitel 9. Im folgenden Teil werden die Parteien in ihrer Gründungs- und Konsolidierungsphase vorgestellt. Im Fall FPÖ bedeutet dies eine Analyse des Nach-1986er-Zeitraums, d.h. nach Haiders Antritt als Parteiobmann.

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Susanne Falkenberg: Populismus und Populistischer Moment im Vergleich zwischen Frankreich, Italien und Österreich

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7.Gründungs- und Konsolidierungsphasen

Zehn Jahre mußte der Front National auf seine ersten Erfolge warten. Damit haben die Partei und ihr Chef den anderen etwas voraus: Geduld, Durchhaltevermögen, Zweckoptimismus. Zwar zeichnet sich auch Haider durch taktisches Abwarten und die Fähigkeit aus, Niederlagen einstecken zu können. Aber eine zehnjährige Durststrecke hat er nicht hinter sich bringen müssen. Und beide wiederum unterscheiden sich von Umberto Bossi, der auf Niederlagen sprachlich schrill und mit überstürzt wirkenden Attacken reagiert. So zum Beispiel im Sommer 1995, als er verfassungswidrig ein norditalienisches Parlament in Mantova "konstituierte" und die Stadt selbst zum Regierungssitz erklärte. Dies war bei aller Taktik ein Verzweiflungsakt des nach politischem Terrain und originären Themen suchenden Parteivorsitzenden.

Im Zentrum des folgenden Kapitels stehen die Gründungsbedingungen (Sonderfall FPÖ) der Parteien und ihre ideologischen Orientierungen. Dieser Abschnitt endet vor ihrem elektoralen Durchbruchs, der im anschließenden Kapitel untersucht wird. Der FPÖ-Teil endet vor dem Durchbruch der Partei in der Arbeiterschaft.

7.1.Front National

Der Front National wurde 1972 auf Initiative des nationalistischen Ordre Nouveau (ON) gegründet, der sein aktivistisches Image korrigieren und zudem weite Teile der extremen Rechte zusammenschließen und sie dadurch stärken wollte. Allerdings mußte die Partei etwa 10 Jahre auf ihren elektoralen Durchbruch warten. Trotz wirtschaftlicher Krisenerscheinungen waren die "jeweiligen Oppositions- und Semioppositionsparteien (in der Lage), potentielle Protestwähler" an sich zu binden. Diese Integrationsfähigkeit blieb bis Anfang der 80er Jahre bestehen.

Der "frühe" FN unter weitgehender Federführung ehemaliger ON-Eliten integrierte unterschiedliche ideologische Strömungen, die sich im ersten Parteiprogramm "Défendre les Français" niederschlugen. Paul Buzzi unterscheidet dabei zwei ideologische Grundrichtungen: 1. die europäisch-nationalistische Strömung; 2. die ein breites Spektrum (Neo-Vichysmus, Neo-Faschismus, Poujadismus und Algerie Française) repräsentierende anti-gaullistische und legalistische Rechte um Jean-Marie Le Pen. Weder

die revolutionäre neue noch die konterrevolutionäre Rechte schlossen sich - mit einigen monarchistischen Ausnahmen - der von Le Pen geführten Partei an. Aufgrund der heterogenen Struktur ist es kaum überraschend, daß der FN Veränderungen durchgemacht hat und Konflikten ausgesetzt war. Interne Streitigkeiten und Krisen hatten zumeist der Dominanz Le Pens gegolten, der zeitweilig sogar seinen Einfluß verlor und sich juristisch mit einer Abspaltung, die sich ebenfalls Front National nennen wollte, auseinandersetzen mußte. Die innerparteiliche Spannung wurde 1974 durch eine vom ON-Kreis vorgelegte und die Präsidentschaftskandidatur Giscard unterstüzende Wahlplattform verschärft, die Position Le Pens aber durch die Aufnahme von zwei radikalen Organisationen gefestigt:

1. die von François Duprat geführten Groupes nationalistes-revolutionnaires (GNR).
2. Fédération d'action nationale et européenne (FANE); eine aktionistische neofaschistische, von Marc Frederiksen dirigierte Organisation.

Diese beiden Gruppierungen setzten Alain Renault als Generalsekretär der Partei durch. Er gilt als Vertreter der harten neofaschistischen Linie und war zusammen mit Duprat Herausgeber der Cahiers européens. Duprat hatte die Koordination der Präsidentschaftskandidatur Le Pens übernommen, die aber lediglich 200.000 Stimmen (1,3%) einbrachte. Nach diesem schlechten Ergebnis spaltete sich der zur Zusammenarbeit mit der traditionellen Rechten neigende ON ab und gründete mit dem bis 1981 überlebenden Parti des Forces Nouvelles (PFN) das wichtigste FN-Konkurrenzunternehmen.

Ein wichtiger Wendepunkt in der Geschichte des Front National vollzog sich Ende der 70er Jahre. Zeichen dieses Wandels ist zum einen das Ende nationalrevolutionärer Präsenz innerhalb der Partei. Nach dem Tod Duprats 1978 hatte der GNR-Kreis den FN verlassen und mit den ebenfalls dissidierenden Neofaschisten von FANE fusioniert. Demgegenüber gewann die von Jean Pierre Stirbois angeführte Gruppe der Solidaristen an Gewicht. Sie war 1977 dem FN beigetreten, wenig später stießen katholische Integristen um Roman Marie sowie einige "Überläufer" der Neuen Rechten dazu. Parallel dazu wurden die Inhalte verändert, die sich stärker am Poujadismus orientierten und auf den konservativen Mittelstand zielten. Beklagt wurden zuviel Staat, zu hohe Steuern, zu große gewerkschaftliche Kompetenzen und mangelnde Förderung unternehmerischer Eigeninitiative. Zugleich wollte der FN sein radikales neofaschistisches Image korrigieren. Der dominante Antisemitismus à la Duprat wurde durch die Kritik an außereuropäischer Einwanderung nicht gerade ersetzt, aber weitgehend überlagert.

Mitunter wird dieser Wandel auf den Tod Duprats und das Ausscheiden von GNR und FANE zurückgeführt. Meines Erachtens müssen aber zwei weitere Faktoren berücksichtigt werden: Trotz aller Bemühungen war der Front National bislang bei keiner Wahl erfolgreich und daher gezwungen, Themen und Strategie kritisch zu reflektieren. Darüber hinaus war seit Ende der 70er Jahre Bewegung in das bis dahin starre Parteiensystem gekommen. Das politische Klima hatte sich nach links verschoben, und gleichzeitig befand sich die gaullistische Partei in einer tiefen Krise. Mit dieser Entwicklung wuchs der Kreis unzufriedener Rechtswähler beider bürgerlichen Kräfte und des traditionellen Mittelstandes, der seine originären Interessen immer weniger vertreten sah. Was wäre eine Partei ohne arithmetisch-

taktisches Bewußtsein? Wenn sich der Trend verstärken, die eigene Klientel ausbauen und sich die anderen Rechtskräfte schwächen ließen - so der unterstellte Gedankengang -, könnte die traditionelle Rechte langfristig Gefallen an einer Bündniserweiterung finden. Und die Intensität des Gefallenfindens hängt nicht unwesentlich von der Präsentation ab.

Bevor die Partei Le Pens aber zu ihren ersten Einzelerfolgen kam, gelang 1981 dem Linksbündnis aus Sozialisten und Kommunisten ein erdrutschartiger Wahlsieg, mit einer für den PS enormen Steigerung von 22,6% auf 37,5%; der PCF dagegen hatte rund 4% verloren und kam nur noch auf 16,2% der Stimmen. Zuvor hatte sich François Mitterrand gegen Giscard als Staatspräsident durchsetzen können. Die sich angedeutete politische Trendwende wurde damit bestätigt.

7.2.Lega Nord

Was sind die Ligen eigentlich, über die in den letzten Jahren auch hierzulande viel geschrieben worden ist? Wer sind ihre auf der piazza Dialekt parlierenden Anführer, die mit Alberto da Giussano einen lombardischen Befreier zum Symbol erheben, der vermutlich eine Erfindung - aber immerhin eine gute Erfindung! (la Repubblica) - aus dem letzten Jahrhundert ist? Was macht den Reiz Umberto Bossis aus, der mit Wortgewalt und Sprachakrobatik und einer Mischung aus sex and crime, aus Potenzgebaren und Gewaltandrohung gegen das Establishment zu Felde zieht? Warum liefen dieser "letzten leninistischen Partei Europas", in der angehende Mandatäre noch bis vor kurzem gleich ein Blanko-Rücktrittsschreiben zu unterzeichnen und ansonsten wenig mitzureden hatten, zahlreiche Mitglieder und Wähler zu? Es sei bereits hier vorweggenommen, daß der Durchbruch der Ligen wenig mit der Bedeutung regionaler Historie oder lokaler Sprachoriginalität zu tun hat. Die Ursachen des Erfolgs von Bossi und seiner Partei sind anderswo zu suchen.

Mit dem Begriff Leghismo bezeichnen italienische Sozialwissenschaftler und die Lega selbst den Kontext autonomistischer/föderalistischer Organisationen Norditaliens, von denen die Liga Veneta die älteste ist. Sie wurde bereits 1979/80 mit Unterstützung der venezianischen Società Filologia und der Union Valdotaïne gegründet. Im Veneto existieren zahlreiche kulturelle Organisationen, die sich überwiegend mit Sprachpflege und Literatur beschäftigen. Ihre Auffassung von Region als Nation und Territorium als Quelle historisch-kultureller Identität prägte auch die Liga Veneta, die sich 1980 erstmals um Mandate bemüht hatte. Oder korrekter formuliert: Mit denen die Società Filologia via Liga Veneta Eingang in die parlamentarische Politik suchte. Mit nur etwa 14.000 Stimmen erzielte die junge Organisation unter Franco Rocchetta ein schlechtes Ergebnis. Sie kam aber bei den nationalen Wahlen 1983 als mittlerweile eigenständig operierende Kraft auf regional gerechnete vier Prozent, die sie ebenfalls bei den europäischen Abstimmungen 1984 erzielte.

Die Wähler der Liga Veneta stammten überwiegend aus ländlichen Räumen, waren konservativ und christdemokratisch sozialisiert, gehörten zum Mittelstand oder zur schlecht ausgebildeten Arbeiterschaft mittelständischer Betriebe. In beiden Gruppen waren männliche Wähler überrepräsentiert. Ilvo Diamanti hat ihre Wahlmotive untersucht: Krise der christlich-demokratischen Partei, lokalistische Tradition, Angst vor der sozio-ökonomischen Entwicklung und schwindende Skepsis gegenüber laizistischen

Parteien.

Anfang/Mitte der 80er Jahre wurden die übrigen Ligen gegründet, die der Liga Veneta ideologisch und wahlsoziologisch entsprachen. Eine wichtige Veränderung ging von der Lega Lombarda aus: Sie rückte bis etwa 1987 vom ethnoregionalistischen Kulturverständnis ab und definierte die Lombardei und später den gesamten Norden als Konfiguration mit gleichen sozio-ökonomischen Interessen. Die so begründete und vergleichsweise säkulare Forderung nach Autonomie mit ihrem Kernziel "Los vom Süden" entspringt Bossis Einsicht, wonach eine moderne Protestpartei nicht von den Stimmen des konservativen Mittelstandes leben kann. Flankiert wurde diese Wende zum Neoregionalismus (Ilvo Diamanti) mit Steuerboykottaufrufen und schärferer Kritik an den bürokratischen und politischen Eliten in Rom, die nach Auffassung der Ligen unbeweglich, korrupt und vor allem meridionalisiert sind. Dem thematischen Wandel folgte die Veränderung der Wählerschaft mit einem nun höheren Anteil von Frauen und urbanen Mittelschichtlern. Nunmehr verloren auch der PSI und andere Linksparteien einen viele Wähler an die Lega.

Was sind die Ursachen für diesen Wandel? Im Unterschied zum Veneto ist die Lombardei eine industrialisierte und tertiärisierte Region mit entsprechender Bevölkerung. Zudem stammt Bossi bei aller Freundschaft zu Salvadori nicht aus ethnoregionalistischen Zusammenhängen, deren Forderungen ihm im Grunde fremd geblieben sind. Sein zweifellos origineller Vorschlag, aus den zahlreichen norditalienischen Dialekten eine gemeinsame Sprache zu kreieren, unterstreicht seine Distanz und seinen instrumentellen Umgang mit Traditionen. Und nicht zuletzt wollte Bossi Karriere machen. Die diesem Karrierewunsch zugrundeliegende Modernisierung der Partei machte Bossi zu einer erfolgreichen politischen Figur. Damit unterscheidet er sich vom traditionalistischen Chef der Liga Veneta, Franco Rocchetta, der bis zu seinem Parteiaustritt im Herbst 1994 Bossis schärfster Gegner war.

Bis 1989 war die Lega Lombarda die einzige Liga mit einer kontinuierlich nach oben weisenden Erfolgskurve, wodurch Bossi seine Position in der eigenen Sektion stärken und den Zusammenschluß aller Ligen zur Lega Nord (1991) forcieren konnte.

7.3.Freiheitliche Partei Österreichs

Seit Haiders Amtsantritt als Obmann wird die Partei in Wissenschaft und Publizistik aufgrund seines Führungsstils und seiner Personalpolitik häufig als Haider-FPÖ bezeichnet. Es wäre sicher übertrieben, von der FPÖ als einem völlig neuen Produkt zu reden. Allerdings läßt sich ebensowenig behaupten, daß sie einen kontinuierlichen Wandlungsprozeß durchgemacht hat, in dem sich die Konturen der heutigen FPÖ bereits frühzeitig abgezeichnet haben. 1986 war ein Bruch. Und dieser Bruch war einschneidender als der Übergang von der rechtsextremen zur sogenannten liberalen bzw. moderaten Phase der Partei. Denn zu dieser Zeit hatten sich die soziologischen Profile der Wähler- und Mitgliederschaft kaum verändert.

Stegers Sturz und Haiders Amtsübernahme wurden von langer Hand und speziell von zwei Gruppierungen vorbereitet: Dem Lorenzer Kreis und dem Landesverband Kärnten.

Der Lorenzer-Kreis

Die in diesem informellen Kreis versammelten rechtsextremen FPÖ-Exponenten rühmen sich selbst ihrer Urheberschaft des "putschartigen" Wechsels. Dies mag vielleicht etwas selbstgefällig sein; aber immerhin wurde ihr Engagement von Haider auf dem Sonderparteitag in Innsbruck gelobt. Der Lorenzer Kreis fungiert als Kadergruppe der harten deutschnationalen Strömung und kümmert sich hauptsächlich um personelle Koordination und politische Strategie. Deshalb existieren auch keine schriftlichen und öffentlichen Stellungnahmen, Anträge oder Publikationen. Mit allerdings einer Ausnahme: 1989 wurde in der AULA ein "Lorenzer Erklärung" genanntes Positionspapier mit reaktionärem, rassistischem, faschistischem und nationalrevolutionärem Inhalt veröffentlicht. Die unterschiedlichen ideologischen Ansätze spiegeln die personelle Zusammensetzung des Lorenzer Kreises wider, und die Vielzahl der im Papier diskutierten Themen sind Ausdruck der Ereignisse Ende der 80er Jahre: Fall der Mauer, Ende des Ost-West-Konflikts, Ideologienkrise, Ostöffnung.

Der Kärntner Landesverband

Ein großer Teil der Angehörigen des Lorenzer Kreises stammt aus dem Kärntner Landesverband, der ebenfalls eine wichtige Rolle bei Stegers Sturz und Haiders Inthronisation gespielt hat. Nicht zuletzt war es der Wahl-Kärntner Haider selbst, der entschlossen an seiner Karriere gearbeitet hat. Dabei ging es nicht nur um Meinungsführerschaft in der Partei, Promotion von Inhalten und Formulieren politischer Ziele. Haider ist seinem Wunsch, Parteiobmann zu werden, auch mit höchst praktischen Maßnahmen nähergekommen: gegenseitige Karriereversicherungen zwischen dem designierten Vorsitzenden und seinen wichtigsten Förderern, penetrante Beeinflussung kommunaler Untergliederungen zum Zweck der richtigen Delegiertenauswahl und Instrumentalisierung führender Mitglieder, die mit der Politik Stegers unzufrieden waren, aber nicht zur deutschnationalen Strömung zählten.

Seit 1985 hatte Haider seinen Anti-Steger-Kurs erheblich verschärft und ein Parteiausschlußverfahren sowie die Spaltung der FPÖ riskiert. Dazu kam es jedoch nicht, wodurch die Stärke der deutschnationalen Fraktion bzw. die Schwäche ihres politischen Gegners unterstrichen wird. Zudem waren die Kärntner aufgrund ihrer elektoralen Stärke in der bequemen Lage, Druck auf die Partei auszuüben.

Unmittelbar nach Haiders Wahl zum Bundesparteiohmann fanden in Österreich Nationalratswahlen statt, bei denen die Wende der Partei mit 9,7% der Stimmen honoriert wurde. Dem Freudenfest folgte jedoch bald das Katerfrühstück, denn Haiders Förderer mußten feststellen, daß ihrem neuen Chef nicht nach Dank, sondern nach Abdank zumute war. Und zwar nach ihrem. Nach seinen ersten Wahlerfolgen fühlte sich Haider stark genug, auf ehemalige politische Freunde zu verzichten und die Außen- und Innenrepräsentanz nach seinem Gusto zu gestalten. Ehemalige Weggefährten wurden von ihm weggelobt oder mit zermürenden Taktiken aus der Partei getrieben. Statt dessen scharte er eine Gruppe junger und dynamischer Haiderianer um sich, die ihren Vorgängern und dem neuen Vorsitzenden schon allein deshalb unterlegen sind, weil ihnen als Quereinsteigern die harte Schule von Strategie, Taktik und Rhetorik fehlt.

Anders verhält es sich bei dem aus Kärnten stammenden Andreas Mölzer, der von Haider 1991 zum Grundsatzreferenten gemacht wurde. Neben dieser Tätigkeit wurde er mit der Aufgabe betraut, die historisch-ideologischen FPÖ-Schriften zu verwalten. Seine Bestellung für diese wichtigen Ämter erfüllte eine Doppelfunktion: 1. Wegen des Angestelltenverhältnisses stand Mölzer unter der Kontrolle Haiders. Zwar gilt er als treu ergebener Haider-Anhänger. Nicht selten jedoch hat Treue einen nur instrumentellen Charakter. 2. Mit der Anstellung Mölzers ließ sich zugleich die durch Haiders Personalpolitik frustrierten Deutschnationalen befrieden. Der 1952 geborene Historiker und Landeskundler war unter anderem führend an der AULA beteiligt, von 1985 bis 1990 Chefredakteur der Kärntner-Nachrichten und Mitglied des Autorenkollektivs der Deutschen Monatshefte. 1987 wurde er wegen nationalsozialistischer Wiederbetätigung zu einer geringen Geldstrafe verurteilt und zwei Jahre später auf der Landtagswahlliste der FPÖ placiert.

Mölzer bietet alles, was die Herzen der österreichischen Rechtsextremen höher schlagen läßt. Allerdings ist er Taktiker genug, um zu wissen, daß mit einer deutschnationalen Renaissance keine Wähler zu gewinnen sind. Deshalb favorisierte er wie Haider eine von ihm so bezeichnete plebiszitäre Emanzipationsbewegung, die sich ohne Ideologismen präsentiert.

Hatte Haider schon zu Beginn seiner Obmann-Karriere die Transformation seiner Partei und die Bildung einer Bewegung im Auge? Vermutlich nicht, denn bei allem Karrierestreben konnte er den fulminanten Aufstieg der FPÖ innerhalb kurzer Zeit kaum vorhersehen. Mittlerweile verzichtet die Partei darauf, Partei zu heißen und kommt als selbsternannte Bewegung daher. Mölzer? Der ist nicht mehr dabei. Er wurde von Haider entlassen.

7.4.Diskussion

Bossi, Le Pen und Haider haben sich als Führungskräfte durchsetzen bzw. stabilisieren können. Wer jedoch langfristig an führender Stelle stehen will, braucht Erfolgserlebnisse. Dies müssen nicht zwingend elektorale Effekte sein, wie das Beispiel des in dieser Hinsicht lange glücklosen Front National zeigt. Allein das Überleben einer Partei "gegen" eine ähnliche Konkurrenz kann schon ein Erfolg sein. Wenn jedoch eine Partei nach einem Achtungserfolg wieder in der Versenkung verschwindet oder dauerhaft Stimmeinbußen hinnehmen muß, wird dies nicht ohne Auswirkungen auf die Führung bleiben; eine Logik von Erfolg und Wiederholungszwang, der alle Parteien ausgesetzt sind.

Das Zusammentreffen von führungspolitischer Stabilisierung und elektoralen Erfolgen ist in Österreich und Italien signifikant. Ansonsten durch Flügel- und Machtkämpfe oder Aufbauphasen absorbierte Kräfte werden frei und können auf Wahlen konzentriert werden. Der Erfolgsfall wiederum zieht eine Stabilisierung des Führungspersonals nach sich. Damit werden zugleich die Bedürfnisse der Wähler nach einer Identifikationsfigur befriedigt. Einige Daten sprechen für das Vorhandensein einer derartigen Korrelation: Schlagartig nach dem Sturz des blassen und umstrittenen Steger und seiner Substituierung durch den jungen und "feschen" Haider avancierte die FPÖ zu einer Zehn-Prozent-Partei mit steigender Erfolgskurve. Im Zeitraum zwischen den letzten Umfragen für FPÖ unter Steger (um die 2%) und den

für die Haider-FPÖ erfolgreichen Wahlen hat sich nichts ereignet, womit diese Trendwende erklärt werden könnte. Mit einer Ausnahme allerdings: Die im Zusammenhang mit der Wahl Waldheims zum Bundespräsidenten aufgewühlten Emotionen. Will man aber nicht Haider selbst als kausale Ursache seines Erfolgs bezeichnen, dann muß es bereits zuvor ein latentes, aber unsichtbares oder durch andere Faktoren überlagertes Protestpotential gegeben haben.

Während es in Österreich einen Führungswechsel innerhalb der Partei gab, fand in Italien ein Parteienwechsel durch eine Führungsfigur statt (Gründung der Lega Nord). Damit konnte der bereits mit seiner Lega Lombarda erfolgreiche Bossi sich zum Spitzenmann einer norditalienischen Partei aufschwingen (siehe das folgende Kapitel) und für eine einheitliche Präsentation und für elektorale Akzeptanz sorgen. Anders sieht es in Frankreich aus. Denn obgleich Le Pen bereits lange vor dem Durchbruch des FN dessen unumstrittene Führungsfigur war, blieb er ohne elektoralen Erfolg. In diesem Zusammenhang müssen jedoch die oben untersuchten Zeiträume berücksichtigt werden: Während das Mißtrauen der italienischen und österreichischen Wähler in die traditionellen Parteien schon spürbar gewachsen war, endet die untersuchte Phase Frankreichs mit einem Sieg für die Linke zu Beginn der 80er Jahre, die die Rechtskoalition mit einem hervorragenden Ergebnis abgelöst hat. Diese Linke wurde nicht mangels Alternative oder zähneknirschend, sondern in der begründeten Hoffnung auf große soziale, politische und ökonomische Veränderungen gewählt.

Zur ideologischen Ausrichtung der drei Parteien: Für die frühen Ligen, den Front National und die FPÖ ist Nation in erster Linie durch Kultur und ethnische Zugehörigkeit bestimmt. Dieser Nationenbegriff blieb bei den Ligen allerdings auf die Region bezogen. Aber auch die Nationalismen der FPÖ und des FN sind unterschiedlich: Der österreichische Deutschnationalismus postuliert eine über die eigenen Staatsgrenzen hinausreichende Grundgesamtheit eines Volkes. Auch die kurzzeitig im FN präsente nationalrevolutionäre Strömung denkt über Frankreichs Grenzen hinaus und hat dabei ein europäisches Reich im Blick. Ohne dem folgenden Kapitel vorgreifen zu wollen, sei bereits hier angemerkt, daß Haider sich unterdessen vom deutschnationalen Bekenntnis distanziert und die Notwendigkeit eines inländischen Ansprechpartners erkannt hat. In diesem Sinn adressiert er seine Appelle an die Gemeinschaft der Österreicher, die seiner Meinung zufolge durch innere und äußere Feinde bedroht wird. Bei allen drei Parteien fehlen bislang mit wenigen Ausnahmen die Vertreter der Neuen Rechten. Zweifellos hat in der FPÖ Modernisierungsbedarf bestanden, auch wenn durch den Obmann Friedrich Peter eine Öffnung der Partei eingeleitet wurde. Allerdings konnte sich die liberale Strömung um Norbert Steger das Modernisierungsdefizit zunutze machen, das die nationale Fraktion durch ihr Festhalten an alten Positionen geschaffen hat. Erst durch das schlechte Abschneiden der Liberalen bei Wahlen und Wahlumfragen wurde der Weg für den in vielerlei Hinsicht modernen Jörg Haider frei, auch wenn man ihn ideologisch betrachtet sicher nicht als einen Vertreter der Neuen Rechten bezeichnen kann. Dagegen ist das Fehlen einer Neuen Rechten innerhalb der Ligen schon deshalb nicht überraschend, weil auch die Köpfe der "alten" Rechten für den Leghismo keine Bedeutung haben. Für Frankreich ergibt sich ein ganz anderer Zusammenhang. Denn Alain de Benoist und seine Nouvelle Droite verzichteten ganz bewußt auf parteipolitische Aktivitäten, um sich dem kulturellen Paradigmenwechsel in den französischen Köpfen zu widmen. Daß der spätere Erfolg des Front National auch auf die Arbeit dieses "Ideenlabors" zurückzuführen ist, wird von Wolfgang Kowalsky ebenso vertreten wie von Dietmar Loch, der zwischen der Neuen Rechten und dem FN "eine

uneingestandene Arbeitsteilung" vermutet.

Ideologische Wandlungsprozesse sind bei der Lega und bei FPÖ am deutlichsten zu beobachten. Der fundamentalistische Ethnoregionalismus der ersten Ligen wurde schnell vom Neoregionalismus der aufstrebenden Lega Lombarda neutralisiert bzw. überlagert. Allerdings sind ideologische Abschleifungen oder Veränderungen weniger überraschend, wenn sich dies innerhalb einer jungen Partei vollzieht. Aus diesem Grund halte ich den Wandel der FPÖ und ihre Entideologisierungerscheinungen für bedeutsamer als den Wandel der Lega, in der sich traditionalistische und ideologisch gefestigte Strömungen noch gar nicht haben entwickeln können.

Welche Schlüsse sind aus diesen Entwicklungen zu ziehen? Zunächst einmal stoßen maximalistische Forderungen bei der Bevölkerung dann auf Ablehnung, wenn zwischen den Forderungen und den gesellschaftlichen Problemen keine Berührungs- oder Anknüpfungspunkte bestehen. Der Deutschnationalismus ist in der österreichischen Bevölkerung mittlerweile ein Randphänomen. Dagegen unterstreichen sozialwissenschaftliche Erhebungen ein stark ausgeprägtes Österreich-Bewußtsein. Wenn die FPÖ eine Konsenspartei werden will, muß sie, zumindest nach außen, auf Deutschtümeleien verzichten. In Italien hingegen existieren mit dem Nord-Süd-Gegensatz und den Forderungen der Lega deutliche Berührungspunkte. Im öffentlichen Bewußtsein wird dieser Gegensatz primär als ökonomisches Problem begriffen. Daher war der Wandel des Leghismo vom Ethno- zum Neoregionalismus konsequent.

Das folgende Kapitel wird zeigen müssen, inwieweit die hier erst tendenziell wahrnehmbaren Veränderungen Fortsetzung finden. Meiner These zufolge ist nicht nur mit einer Fortsetzung dieser Entwicklung zu rechnen. Sie wird auch dazu führen, daß die Profile dieser ideologisch differenten Parteien ähnlicher werden. Zudem vermute ich einen Zusammenhang zwischen den Orten ihres Durchbruchs und ihrem weiteren Wandel. Und es muß sich zeigen, ob und in welchem Umfang auch der FN einen derartigen Prozeß durchmacht.

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8. Durchbruch der Parteien

Ziel dieses Kapitels ist die Analyse des Durchbruchs der drei Parteien, was zunächst eine Diskussion des Begriffs erfordert. Eine Partei kann sich beispielsweise ohne gravierende Abweichung des Wahlergebnisses in einer zuvor nicht erreichten Wählerschaft etablieren und dafür eine gleichstarke Klientel verlieren. Wer nur auf das Resultat blickt, bemerkt diese möglicherweise bedeutende Veränderung nicht. Theoretisch denkbar ist auch, daß sich die Wahlergebnisse einer Partei nur deshalb verbessern, weil auch die von ihr umworbenen sozialen Gruppen größer werden. Dieses Ereignis wäre im Unterschied zum ersten weniger interessant. Ebenfalls denkbar wäre der Niedergang einer Partei infolge einer Atomisierung ihrer Stammklientele (wobei dies konzidertermaßen kein Durch-, sondern ein Einbruch wäre). Außer Frage dürfte deshalb stehen, daß der elektorale crash, die Steigerung von 0,x auf mehrere Prozent oder die Vervielfachung traditioneller Ergebnisse dann als Durchbruch zu bezeichnen ist, wenn vergleichbare Resultate wiederholt erzielt werden oder wenn die dauerhafte Anbindung innerhalb einer neuen Wählergruppe gelingt.

Der Zeitpunkt des FN-Durchbruchs ist leicht zu terminieren. Gleiches gilt für den italienischen Leghismo, auch wenn zuvor schon einige Einzelerfolge erzielt worden sind. Hier wie dort wurde zunehmend eine zuvor nicht umworbene bzw. nicht erreichte Wählerschaft gewonnen. Nach 1986 hat sich auch der FPÖ-Stimmenanteil sprunghaft gesteigert. Bemerkenswerter als dies ist die Tatsache, daß sich die Partei in der Arbeiterschaft etablieren konnte, was einem gravierenden Wandel ihres Wählerprofils entspricht.

8.1. Front National

Erste urbane Erfolge

Zwar hatte der Front National bei den Kommunalwahlen 1983 insgesamt betrachtet noch miserabel abgeschnitten, erste kommunale Einzelerfolge deuteten jedoch eine Trendwende an. So erzielte die Partei in Paris und Aulnay sous Bois Ergebnisse um die 10% und in der nahe bei Paris gelegenen Stadt Dreux sogar 16,7% der Stimmen. Industriestädte wie Dreux sind mit unterschiedlichen Problemen konfrontiert: Mit der industriellen Modernisierung ging die Anwerbung ausländischer und billiger

Arbeitskräfte einher, die in den hochgezogenen und wenig sympathischen Wohnsiedlungen in der Peripherie untergebracht wurden. Die Wirtschaftskrise seit Mitte der 70er Jahre und der dadurch bedingte Anstieg der Arbeitslosigkeit provozierte in den industriellen Zentren ein Klima von Angst und Unsicherheit, das sich der Front National zunutze machen konnte. Sein Wahlkampf speziell in Dreux verfolgte eine Doppelstrategie. Zum einen zielte er gegen den PCF, dem man die Arbeiter mit dem Vorwurf abspenstig machen wollte, daß die Kommunisten zu immigrantenfreundlich seien. Während sich Pierre Stirbois auf dieser Schiene bewegte, kümmerte sich seine Frau "um Geschäftsleute und Freiberufler", die sie "mit Attacken gegen zu hohe Steuern und die 'Marxisierung des Unterrichts'" erfolgreich umwarb.

Dreux blieb entgegen anderslautenden Vorhersagen kein Einzelfall. Weder prozentual, noch wahlsoziologisch, noch axial: In Dreux hatten sich bei den Nachwahlen die alliierten Rechtsparteien mit 55,5% der Stimmen gegen die Linke durchgesetzt, und Pierre Stirbois wurde stellvertretender Bürgermeister. Trotz der Abgrenzungsbestrebungen von hohen UDF- und RPR-Repräsentanten wurden unterhalb der nationalen Ebene immer wieder Bündnisse mit dem FN geschlossen.

Zum Zeitpunkt seines ersten Erfolgs war der Front National eine schlecht organisierte Partei. Es fehlten Strukturen, Strategien und Mitglieder, um elektorale Besitzstände zu halten und auszubauen. Zudem fällt die Inkompatibilität von mittelstandsorientiertem Wahlprogramm und urbaner Wählerschaft ins Auge. Die Korrektur dieses Mißverhältnisses leitete die nächste Phase ein.

Parteipolitische Erneuerung

Die Entwicklung des Front National zu einer populären und auf breite Schichten zugeschnittenen Partei ist auf dem Hintergrund der geschilderten Initiation keineswegs zufällig. Wachsendes Interesse an der Partei und deren Chef durch die Medien infolge dieser Effekte und der elektorale Durchbruch mit 11,2% bei den Europawahlen 1984 (infolge dieser Aufmerksamkeit?) machten aus der politischen Sekte eine Mitgliederpartei. Dies erforderte den Aufbau von Kommunikations- und Entscheidungsstrukturen, die jedoch so konzipiert sind, daß die Macht der Führungsgremien nicht tangiert werden kann. Stirbois hatte bereits in Dreux einen gut organisierten Parteiapparat aufgebaut, und er brachte seine Erfahrungen nun auch national ein. Auch die wenig später zum FN gestoßenen Mitglieder des neurechten Club de l'Horloge widmeten sich der organisatorischen und politischen Modernisierung, wodurch Honoratioren aus Wissenschaft und Bürokratie am Front National zunehmend Gefallen fanden. Die (auch) an persönlichen Karrieren interessierten Intellektuellen haben wesentlich zur Modernisierung und zum Imagegewinn der Partei beigetragen.

Die Modernisierung der Partei läßt sich auch auf programmatischer Ebene nachvollziehen: Das ultra-liberale und antifiskalische Wirtschaftsprogramm wurde mit einem "populär-kapitalistischen" Anstrich (propriété=responsabilité=enracinement) versehen.⁷Bemerkenswerterweise geht die Modernisierung des Front National, also seine urbane Massensorientierung, in erster Linie auf den Einfluß jener Kräfte zurück, die mit den nun umworbenen Schichten soziologisch betrachtet wenig zu tun haben. Dies gilt für die Vertreter des Clubs de l'Horloge ebenso wie für die Eliten aus Wissenschaft und Bürokratie, die sich

seit 1986 verstärkt die Ehre der Parteimitgliedschaft geben. Was auf den ersten Blick wie ein Widerspruch wirkt, ist in Wirklichkeit keiner. Zumindest nicht in Frankreich, meint Marieluise Christadler. Sie erläutert, daß die Praxis, Eliten für Ämter und Mandate anzuwerben, einem "sozialen Aufstiegs- und Notabilitätsmuster der französischen Gesellschaft" folgt, von denen alle Parteien "imprägniert" sind. Zumindest in dieser Hinsicht ist der Front National eine ganz normale Partei geworden.

Nationaler Durchbruch und Etablierung der Partei

Parteipolitische Modernisierung und elektoraler Erfolg haben sich wechselseitig verstärkt. Den 11,2% bei den Wahlen zum Europäischen Parlament folgten 1986 auf regionaler Ebene 9,56% der Stimmen. Im gleichen Jahr gelang dem Front National auch auf nationaler Ebene der Durchbruch. Wenngleich das hohe Ergebnis auch auf das von den Sozialisten beschlossene Verhältniswahlrecht zurückzuführen ist, war spätestens hier klar, daß die ersten elektoralen Effekte des FN keine Einzel- oder Zufälle waren. 9,7% der Stimmen und 35 Abgeordnete konnte der Front National erzielen. Er wurde in hohem Maß von Arbeitern und kleinen Angestellten aus den Ballungszentren des Südens, Nordens und des Pariser Großraums und proportional stärker noch von Bauern, Handwerkern und Händlern gewählt. Dabei läßt sich ein Überhang ehemaliger UDF- und RPR-Präferenten feststellen. Als Wahlmotive werden weniger Sympathie für Le Pen oder die Partei, sondern für ihre Themen genannt, wobei sich ihre "eigenen Werte und die gesellschaftspolitischen Vorstellungen mit Themen der linken Parteien (z.B. Staatsinterventionismus, Sicherung der sozialen Errungenschaften) als auch mit Themen der rechten Parteien (z.B. Nationalstolz, soziale Hierarchie)" überschneiden haben.

Zwischen 1984 und 1986 hatte sich der FN als verhältnismäßig moderate Partei präsentiert und seine Themen auf Einwanderung, Kriminalität, Korruption und Mißwirtschaft konzentriert. Moderat darf dabei keinesfalls mit gesinnungsdemokratisch übersetzt werden, denn durch alle Äußerungen des FN zieht sich seine xenophobische und antiliberale Grundeinstellung. Eindeutig rechtsextreme Verlautbarungen indes, die den gerade erstarkenden Front National dauerhaft von der exekutiven Ebene ausschließen könnten, wurden nur sehr vorsichtig formuliert. Diese Taktik machte vor allem wegen des eingeführten Verhältniswahlrechts Sinn, durch das der Einzug des FN ermöglicht wurde und eine Zusammenarbeit aller rechten Kräfte immerhin nicht ausgeschlossen war. Ihm blieb jedoch die Oppositionsrolle vorbehalten, denn UDF und RPR konnten allein eine Regierung bilden, die zur Zusammenarbeit mit dem sozialistischen Staatschef gezwungen war.

Radikalisierung

Die Tatsache, daß sich die drei wichtigsten politischen Strömungen in der cohabitation arrangieren mußten, provozierte die erneute Radikalisierung des Front National, der sich vehement vom sogenannten Establishment abgrenzte und gleichzeitig kräftig mit ihm kungelte. Seine Angriffe gegen die als "Viererbande" diffamierten Parteien (PS, RPR, UDF, PCF) und ein straff geführter Wahlkampf bescherten Le Pen bei den Präsidentschaftswahlen 1988 14,4% der Stimmen. Dabei haben ihm seine aufsehenerregenden Bemerkungen über den Holocaust, den er als ein Detail der Geschichte abgetan

hatte, offensichtlich nicht geschadet. Die Stimmen für den Bretonen stammten bei Überrepräsentanz des Mittelstandes aus allen sozialen Milieus, und auch die geographischen Grenzen sind durchlässiger geworden.

Die Höhe dieses Ergebnisses weckte die Hoffnungen der Partei auf ähnliche Resultate bei den im gleichen Jahr stattfindenden Legislativwahlen. Zwar schnitt sie dabei mit 9,7% (ein Direktmandat) nach wie vor beachtlich, aufgrund der hochgesteckten Erwartungen nach Le Pens persönlichem Erfolg zugleich enttäuschend ab. Freuen durften sich hingegen die Sozialisten, die mit 37% der Stimmen an ihren Erfolg von 1981 anknüpfen und die bürgerliche Rechte erneut von der Regierung ablösen konnten. Nach seiner wahlsoziologischen Analyse zieht Claus Leggewie den Schluß, daß das rechte Wählerspektrum in drei Elektorate zerfallen sei. Die Wähler dieses Spektrums verteilen sich auf:

- Neogaullisten, denen es nicht gelungen ist, den rechten Rand des Spektrums zu integrieren und die "populäre Basis" zu halten. Damit sei Chiracs Partei wieder eine klassische konservative Rechtspartei geworden;
- die UDF und Giscard, dessen, auch vom parteilosen Raymond Barres vertretene, zentristische Politik tendenziell für eine "sozialliberale Koalition der linken Mitte" stünde;
- den Front National, der trotz regionaler und soziostruktureller Schwerpunkte über alle Klassen und Regionen hinweg verankert sei und dabei "die paradoxe Figur eines 'Extremismus der Mitte', d.h. einer radikalen Protestpopulation zwischen links und rechts" verkörpere.

Die Europawahlen von 1989 hatten dem Front National ebenfalls enttäuschende 11,7% beschert, auf die Le Pen mit einem "Rückfall in uralte Komplottvisionen à la Maurras" reagierte, der "offenbar der Identitätsversicherung und inneren Festigung der Partei" diene. Diese Trendwende kostete den FN Image und Mitglieder und provozierte zugleich den Unmut der davon wenig begeisterten Modernisten. Sie nutzten die angeschlagene Stimmung und den Tod Stirbois und verpaßten der Partei einige organisatorische Umstrukturierungen und sich selbst als Repräsentanten der neu geschaffenen Ämter Generaldelegation (Bruno Mégret) und Generalsekretariat (Carl Lang). Aber der erneute Auftrieb des Front National hatte wenig mit intellektuellen Planspielen, sondern mit zwei politischen Ereignissen zu tun: Mit der sogenannten Kopftuch-Affaire und die dadurch losgetretene "Grundsatzdebatte über die Integration muslimischer Staatsbürger- und bürgerinnen sowie über das Prinzip der republikanischen Laizität" und mit den nationalen Befreiungsbewegungen in Osteuropa, die den Nationalismus auch in Frankreich zum Thema machten. Die hohen Ergebnisse des Front National bei den Nachwahlen in Dreux (42%) und Marseille (33%) und das bei der Entscheidungsabstimmung erzielte Direktmandat in Marseille stärkten schließlich das Selbstbewußtsein des FN und Le Pens, der auf dem Parteitag in Nizza 1990 vom nationalen Führungsanspruch träumte.

Wende moderat rückwärts

Auf diesem 8. Parteikongreß im März/April 1990 zeichnete sich erneut eine Imagewende ab, die Buzzi

als tendenziell moderat beschreibt. Die Gründe für diesen Wandel lassen sich außenpolitisch mit dem Ende des Ost-West-Gegensatzes und der Abschleifung des antikommunistischen Arguments und innenpolitisch mit dem neuerlichen Sieg der Sozialisten erklären: Weil der neuen Regierung eine etwa gleichstarke Opposition gegenüberstand, wurden auch koalitionäre Rechenspiele wieder interessant. Auch wenn RPR und UDF derartige Ansinnen weit von sich weisen und der FN in Nizza ebenfalls unterstrichen hat, durch Druck von außen auf die Regierung Einfluß nehmen zu wollen, mag der naheliegende Gedanke hier wie dort gekommen sein.

Die Realität indes sieht anders aus, denn mit den Legislativwahlen von 1993 erzielte die Traditionsrechte aus UDF und RPR mit fast vier Fünfteln aller Mandate eine erdrückende Mehrheit in der Nationalversammlung. Ihren Sieg verdankt sie allerdings weniger ihrer eigenen Kraft (rund 8% Zuwachs), als der desaströsen Niederlage der Sozialisten, mit der das Ende des Mitterrandismus eingeleitet und die Krise der parteipolitischen Linken offengelegt wurde. Der Front National blieb mit 12,8% der Stimmen hinter seinen eigenen Erwartungen und dem Ergebnis der Regionalwahlen 1992 (13,9%) zurück. Allerdings konnte er im Vergleich zu den letzten Legislativwahlen zulegen, hat aber nirgendwo ein Direktmandat erzielt.

Mehrere interessante Entwicklungen enthält das lepenistische Elektorat:

1988 (legislativ) lag der FN in 32 Departements zum Teil weit über seinem Gesamtergebnis von 9,7%. In diesen Bezirken legte er 1993 höchstens im Rahmen seines Gesamtzuwachses von ca. 30% zu. Ausnahmen dieser "stagnativen Steigerung" bilden die Departements Seine-et-Marne, Eure-et-Loire, Yonne, Marne und Loire mit einem höheren Anstieg von mindestens 40%. Einen überdurchschnittlichen Stimmenzuwachs erzielte der Front National aber fast ausschließlich in Departements mit stark unterrepräsentierter FN-Wählerschaft. Daraus kann der Schluß gezogen werden, daß die Partei ihre Wähler in ihren Hochburgen im Süden, Nordosten und im Großraum Paris zunehmend langsamer erreicht. Dagegen scheint sie sich neue, überwiegend ländliche Gebiete zu erschließen. Sie müssen neben ihren spezifischen Problemen Einbußen im Tourismus hinnehmen und verlieren ihren Stellenwert als attraktive Standorte für Zweitwohnungen.

Darüber hinaus dürften die in den Städten kumulierenden Probleme auch auf dem Land ihre Wirkung hinterlassen. Dem Front National gelingt mittlerweile auch die Anbindung ansonsten eher skeptischer Wählergruppen wie Frauen und engagierte Katholiken, und es hat sich "neben einer fluktuierende(n) Zahl von Gelegenheitswählern" (Christadler) eine zuvor nicht identifizierbare Stammklientel herauskristallisiert. Seine Wähler stammen aber nach wie vor aus allen sozialen Schichten, und auch die "geographische Herkunft hat sich nicht entscheidend geändert: FN Bastionen koinzidieren mit städtischen Problemen".

Umfragen unterstreichen, daß der Front National seinen Erfolg hauptsächlich den Themen Immigration, innere Sicherheit und Arbeitslosigkeit verdankt. Daß Frankreich mit gravierenden Problemen konfrontiert ist, zeigen die Kommunalwahlen von 1995. Die schlechte Stimmung und die sich durch alle Wahlaussagen des FN ziehende Botschaft, nach der Franzosen positiv und Ausländer negativ

diskriminiert werden sollen, brachte der Partei drei Bürgermeistersessel ein: in Toulon und in den südfranzösischen Kleinstädten Orange und Marignane. Im ebenso von Korruption wie gehobener Flanierkultur geprägten Nizza konnte ein FN-Dissident das Rennen für sich entscheiden, wohingegen Absprachen zwischen der traditionellen Rechten und Linken ("Republikanische Front") den Sieg von FN-Kandidaten in Dreux, Mülhausen und Noyon verhindern konnte. Auch wenn viele südfranzösische Städte von Korruption, Mafia-Verstrickung, Immobilien-Spekulation und Geldwäsche gekennzeichnet sind, kann der Erfolg des FN nicht nur darauf zurückgeführt werden. Denn auch in zahlreichen anderen Kommunen hat er beachtliche Ergebnisse erzielt, die mitunter nur knapp hinter den Resultaten der Sieger liegen. Öffentlichkeit und politische Eliten reagierten überrascht und bestürzt auf die Ergebnisse.

Noch ein Jahr vor diesen Abstimmungen hatte sich der Front National ernsthaft Sorgen machen müssen, nachdem er bei den Europawahlen von der Liste des nationalkonservativen de Villiers überflügelt worden war. Beide Organisationen haben einen Anti-Maastricht-Wahlkampf betrieben, wobei de Villiers Bewegung Mouvement pour la France weitaus stärker von der antieuropäischen Stimmung in Frankreich profitieren konnte als der Front National mit lediglich 10,5% der Stimmen. Darüber hinaus droht von neogaullistischer Seite Konkurrenz, seit der Präsidentschaftsanwärter Chirac die Themen Armut und Ausgrenzung zum Schwerpunkt erhoben hatte. Angesichts der sozio-ökonomischen Schieflage war dies eine naheliegende Taktik; "so zu tun, als gäbe es keinen Bruch", wäre "wahlkämpferischer Selbstmord gewesen". Doch bei den kurz nach der Präsidentschaftswahl durchgeführten Kommunalwahlen wurde einmal mehr die Mobilisierungsfähigkeit des Front National und zugleich ein latentes Mißtrauen der Wähler in die traditionelle Rechte offengelegt. Le Monde spricht von einer deutlichen Warnung der Wähler an die Regierung. Die zukünftige Stärke des Front National wird nicht unwesentlich von der Politik des neuen Staatspräsidenten und von der Mobilisierungsfähigkeit der Linken abhängen, die sich allem Anschein nach zurückgemeldet hat. Ob sich daraus aber eine "nouvelle gauche" (Levi) mit Meinungsführerschaft in den Problemfeldern Arbeit und Soziales entwickelt, wird sich noch zeigen müssen.

Die Stimmung der Franzosen jedenfalls ist alles andere als euphorisch. 64% fürchten sich vor Arbeitslosigkeit, 51% glauben, ihren Wohlstand nicht halten zu können, 38% haben Zukunftsangst. Von der Stimmung der Ausgeschlossenen einmal ganz zu schweigen. Die Erstrundenergebnisse der Präsidentschaftswahlen und die kommunalen Abstimmungen legen eine Vertrauenskrise offen, die die traditionellen Parteien zur Kenntnis nehmen müssen. Sie können darauf politisch reagieren, indem sie sich der Probleme annehmen, zu ihrer Überwindung oder Minimierung beitragen und somit vertrauensstiftend wirken. Natürlich können sie auch den vordergründig bequemeren Weg wählen und den FN in seiner Rhetorik nachahmen in der Hoffnung, ihm die Wähler abspenstig zu machen.

Nicht zuletzt besteht die Möglichkeit einer juristischen Reaktion, d.h. eine Wahlrechtsänderung, mit der es den stärker werdenden außerparlamentarischen Parteien gelingt, in die Nationalversammlung einzuziehen. Auch wenn die Parlamentsparteien daran kein unmittelbares Interesse haben und auch nicht ernsthaft über eine derartige Änderung nachdenken, halte ich es zumindest für nicht ausgeschlossen, daß einige politische Vordenker sich die entsprechenden Gedanken oder auch Vorschläge machen. Denn wenn sich das Parteiensystem dauerhaft erweitern sollte, aber nur die großen politischen Akteure im Parlament vertreten sind, so kommt dies einem geringer werdenden Repräsentationsradius in eben

diesem Parlament gleich. Es verliert damit Legitimation und kann leicht zur Zielscheibe derjenigen werden, die ohndies nicht zu den dicksten Freunden der liberalen Demokratie zählen. "Wo immer ein Politiker die Legitimität eines Parlaments in Zweifel zieht, riecht es nach Urfaschismus", dramatisiert ein wenig Umberto Eco. Im Kern aber und auf dem Hintergrund historischer Erfahrungen ist ihm Recht zu geben.

Schließlich bleibt die Möglichkeit taktischen Reagierens wie die bei den Kommunalwahlen erprobte Allianz der traditionellen Kräfte zur Verhinderung lepenistischer Bürgermeister. Dies kann aber nicht dauerhaft praktiziert werden und von Erfolg gekrönt sein, denn Entpolitisierung und Entpolarisierung wären vorgezeichnet. Parteipolitische Unterschiede müssen wahrnehmbar bleiben und damit wählbar sein. Dennoch können republikanische Gemeinsamkeiten unterstrichen werden: Sie bestehen Claude Julien zufolge darin, für nationale und internationale Gleichheit zu kämpfen. Dies "bildet den Kern des 'republikanischen Pakts'".

8.2. Lega Nord

Das Jahr 1989

1989 war das wichtigste Jahr für alle italienischen Ligen, die mit Ausnahme der Lega Lombarda nahe in den Bereich der Bedeutungslosigkeit gerückt waren. Bei den Wahlen zum Europäischen Parlament konnten sie aber erstmals wieder zulegen: Ergebnisse von etwa 2% in der Emilia und der Toskana, um 5% in Ligurien und im Piemont, knapp 10% im Veneto und schließlich die weit weniger überraschenden 15% in der Lombardei.

Industrialisierte und bevölkerungsreiche Städte wie Varese, Brescia, Bergamo, Monza, Cremona (weit weniger Mailand), aber auch Kommunen wie Pavia und Como entwickelten sich zu Hochburgen der Partei und die Bewohner dieser Gemeinden zu Anhängern der neoregionalistischen Teilungsforderung. Zwischen 1987 und 1990 konnte die Lega ihre Ergebnisse hier etwa verdreifachen, und 1990/91 wurde sie in Brescia, Varese und Monza sogar erste politische Kraft. Von der nun noch stärker aus den Zentren stammenden und gut gebildeten Wählerschaft wurden als wichtigste Wahlmotive das Nord-Süd-Problem, bürokratische Ineffizienz und außereuropäische Einwanderung genannt.

Ecco: La Lega Nord

Die Erfolge der Ligen nach 1989 hatten mehrere Konsequenzen: 1. Aus Gründen taktischer und politischer Effizienz wurden sie auf Bossis Druck im Februar 1991 zur Lega Nord zusammengeschlossen, wodurch die Macht des Lombarden noch größer wurde. Zwar existieren die Regionalparteien auch weiterhin. Mit der Gründung der Lega Nord wurde ihr Handlungs- und Präsentationsspielraum jedoch erheblich eingeschränkt. 2. Parallel zur Fusionierung mußte ein einheitlicher Apparat aufgebaut werden, der sich neben organisatorischen Angelegenheiten um die Anwerbung von Kandidaten, ihre rhetorisch-taktische und politische Schulung sowie postelektorale Anbindung zu kümmern hat. Dieser Apparat war in den ersten Jahren streng hierarchisch gegliedert,

wurde aber immer stärker demokratisiert. Rolf Uessler bezeichnet die Lega Nord unter diesem Aspekt heute als eine "nahezu ganz normale Massenpartei", während andere den im Wort "nahezu" artikulierten Entwicklungsoptimismus nicht teilen und die Lega eher skeptischer betrachten. 3. Neben zentralen Strukturen war eine Vereinheitlichung der Sprache nötig, die zunächst schärfer wurde und gemäß Bossis Ankündigungen auf der konstituierenden Sitzung in Mailand hauptsächlich gegen die partitocrazia und den unitarischen Staat zielte.

Der 1989 zur Lega Lombarda gestossene und schnell zum engsten Berater Bossis avancierte Gianfranco Miglio leistete einen wichtigen sprachvereinheitlichenden Beitrag: Er begründete die Teilungsforderung mit dem Vorhandensein von drei unterschiedlichen ökonomischen Makrostrukturen (Nord, Zentrum, Süd) und klagte eine dementsprechenden Zergliederung Italiens ein. Er würde aber nicht Chefideologe genannt, hätten sich seine Vorstellungen nur darauf beschränkt. Seine wichtigste Idee ist die Schaffung einer Föderation mit souveränen Einzelstaaten unter der Ägide eines plebiszitär gewählten Präsidenten, dessen potentiellen Kompetenzen bei Miglio aber ebenso nebulös bleiben, wie seine Vorstellung von der Verfaßtheit der Einzelstaaten. Die Tatsache, daß er sowohl für kleine Einzelstaaten als auch für ein supranationales Präsidentenamt eintritt, legt den Schluß nahe, daß ihm die alte Reichsidee auch als (europäisches) Zukunftsmodell vorschwebt.

Jedenfalls hat er sich die erstarkende Lega nicht zufällig als Instrument zur Förderung seiner Ziele ausgesucht, denen er bei den regionalen Wahlen 1990 durch die Vormachtstellung der Lega in einigen lombardischen Kommunen und ihr insgesamt hervorragendes Ergebnis von 18,9% näher zu kommen schien. Dieser breiten Legitimation folgte die Entscheidung, offensiv auf der nationalen Bühne mitzuwirken, um von Rom aus Druck auf die Politik ausüben zu können.

Die neu geschaffene Lega Nord konnte bei den Deputier-tenkammerwahlen 1992 vor allem in jenen Gebieten zulegen, in denen sie zuvor nur mäßig abgeschnitten hatte: Im Trentino, im Veneto, in der Emilia Romagna, in Ligurien, im Piemont und in der Toskana. In der Lombardei hingegen verbesserte sie sich nur noch leicht, war aber hier nach wie vor am stärksten verankert. Ihre aus dem Norden und aus der Toskana stammenden Stimmen ergaben national gerechnet 8,7% und machten sie hinter der Democrazia cristiana, dem Partito socialista und den im PDS vereinten Ex-Kommunisten zur vierten Kraft. Vor allem in den Hochburgen wiesen Bevölkerung und Wählerschaft ein fast identisches soziologisches Profil auf. Bis etwa 1992 konnte ein Überhang männlicher Wähler und peripherer Provinzen festgestellt werden, der allerdings immer geringer geworden ist.

Eppure si muove - der rapide Wandel der Republik

Bereits vor den Deputiertenkammerwahlen von 1992 war neben der ökonomischen die politisch-institutionelle Krise Italiens offensichtlich geworden: Der Aufwind der Ligen und der parallele Einbruch der alten Parteien bescherte den Ermittlungsrichtern genügend Selbstbewußtsein, ohne Furcht vor Repressionen gegen Korruption vorzugehen. Versetzung mißliebiger Richter sowie Hinhalte- und Verschleppungstaktiken bei begründeten Verdachtsmomenten waren Alltagserfahrungen italienischer Juristen, die ihre Ämter vielfach selbst durch Begünstigung erhalten haben. Wegen der veränderten

politischen Kräfteverhältnisse hatten sie nun die Möglichkeit, konsequent gegen Partei- und Staatseliten zu ermitteln. Sie brachten damit eine Lawine ins Rollen, die zum Zusammenbruch des alten Parteiensystems führte.

Das Jahr 1992 war für Italien ein tragisches Jahr mit zahlreichen Verhaftungen prominenter Personen aus Politik, Wirtschaft und Bürokratie, die nicht alle in der Lage waren, sich ihrer Verantwortung zu stellen: Einige sind wie Craxi ins Ausland geflohen, andere haben sich das Leben genommen, und wieder andere wurden von der Mafia ermordet, um bedrohliche Zeugenaussagen oder Ermittlungen zu verhindern. Beeindruckend waren die Ereignisse rund um die Beisetzungsfestlichkeiten für die beiden Anti-Mafia-Richter Falcone und Borsellino, deren Ermordung nicht nur ein Aufbegehren der (jungen) Südtaliener gegen die Mafia, sondern zugleich gegen Politiker auslöste, die im Bewußtsein der Bevölkerung verantwortlich für den Fortbestand des organisierten Verbrechens waren. Daß dies nicht lediglich Vermutungen waren, beweisen die vermehrten Mordanschläge der Mafia seit Anfang der 90er Jahre gegen potentielle Verhaftungskandidaten aus der Parteipolitik, um deren Zeugenaussagen zuvorzukommen.

Die alten Parteien waren schnell auf dem Tiefpunkt ihres Ansehens angelangt. Ihren Zusammenbruch besiegelte schließlich das per Referendum eingeführte Mehrheitswahlrecht, dessen Initiatoren den Exitus des angeschlagenen Parteiensystems beschleunigen und die Voraussetzung für eine Links-rechts-Polarität schaffen wollten. Dieses 1993 eingeführte Wahlrecht war für die weitere Entwicklung der Lega von entscheidender Bedeutung. Bei den (Teil-)Kommunalwahlen Mitte 1993 erzielte sie die Mandatsmehrheit in zahlreichen norditalienischen Städten und viele Bürgermeistersessel (darunter Mailand) noch aus eigener Kraft. Im Winter 1993 jedoch scheiterten ihre Bürgermeisterkandidaten etwa in Venedig, Genua und Triest am unterdessen gebildeten progressiven Bündnis rund um den PDS.

Das für die Lega wichtigste Ereignis fand jedoch in Rom statt, wo sich in der Stichwahl um das Bürgermeisteramt Francesco Rutelli (grüner Kandidat des Mitte-links-Bündnisses progressisti) und der MSI-Chef Gianfranco Fini gegenüberstanden, dessen Erstrundenergebnis von 35,8% auf die Schwäche des damals noch rekonvaleszierenden Zentrums zurückzuführen ist. Diese Abstimmung war erklärtermaßen eine Testwahl für Silvio Berlusconi, der im Interesse seines hochverschuldeten Imperiums einen Sieg der kartellfeindlichen Linken verhindern mußte. Seine für die Öffentlichkeit überraschende und skandalisierende Kampagne zugunsten Finis ("Wenn ich Römer wäre, würde ich für Fini stimmen") verfehlte jedoch knapp ihr Ziel, wodurch ein linker Sieg auch bei den Deputiertenkammerwahlen 1994 als sicher galt. Infolge dieser Einschätzung hoben Berlusconi und sein Fininvest-Stab den Wahl- und Jubelverein Forza Italia aus der Taufe, und sie konnten die föderalistische Lega ebenso in das Bündnis einbinden wie den etatistischen MSI, der es aus kosmetischen Gründen vorzog, sich als Alleanza nazionale zu präsentieren. Thematische Übereinstimmungen zwischen Fini, Bossi und Berlusconi beschränkten sich auf Randbereiche. Aber sie einte der Wille zur Macht und der Gedanke an eine italienische Präsidentialrepublik. Dieses ungleiche Bündnis zog bei den Wahlen an der geschockten Linken vorbei und bildete mit anderen rechten Kleinablegern die Berlusconi-Regierung.

Glücklich war Bossi damit nicht, denn trotz des Sieges hatte die Partei in mehrfacher Hinsicht verloren: die bequemen Oppositionseffekte und ehemaligen Hauptgegner DC und PSI, von deren

Nachkommenschaft pikanterweise Teile in der Regierung vertreten waren. Auch thematisch wurde es eng, nachdem die Mehrheit der norditalienischen Bevölkerung lediglich für einen "federalismo light", also für mehr Dezentralisierung optiert hatte. Dadurch verlor die Partei nicht nur argumentatives Terrain, sondern auch Gianfranco Miglio, der sich öffentlich darüber ärgerte, daß sich Bossi von maximalistischen Forderungen distanziert und dagegen auf andere Themen konzentriert hatte. Zudem war sein Stolz verletzt, weil er beim Ministerroulette leer ausgegangen und das von ihm anvisierte Ministeramt für staatliche Neugestaltung auf Bossis Betreiben an jemand anderen vergeben worden war. Am größten waren die Sorgen der Lega um ihre erst frisch erworbene Wählerschaft aus dem urbanen Arbeiter- und Angestelltenmilieu, die in weiten Teilen für Berlusconi gestimmt hatte.

All dies nahm Bossi Ende 1994 zum Anlaß, mit der Linken und dem DC-Nachfolger Partito popolare italiano (PPI) den Sturz der bis dahin stark imagegeschädigten Regierung auszuhandeln. Er wollte so seinen wichtigsten Konkurrenten neutralisieren und ein Bündnis mit der linken Mitte eingehen, in dem sich die Lega als neoliberale Kraft bestens hätte profilieren können. Die Rechnung ging jedoch nicht auf, denn Teile der Mitglieder wollten die Fortsetzung des rechten Pakts, zumindest aber keinen mit der Linken. Zugleich kam ihm der PPI-Chef Rocco Buttiglione in die Quere: Seine Partei hatte zwar gerade zum Sturz der Regierung beigetragen. Aber Buttiglione hatte es sich anders überlegt und wollte entgegen den Parteitagsbeschlüssen eine Koalition mit den gerade erst gestürzten Rechtsparteien (minus Lega) eingehen. Damit wurde die Führungskrise des PPI offengelegt, und Bossi war zum Abwarten gezwungen. Gegen den erbitterten Kampf Berlusconis ("sofort Neuwahlen") beauftragte Staatschef Scalfaro den bisherigen Finanzminister Lamberto Dini mit der Bildung einer Übergangsregierung. Sie wurde von der ehemaligen Mitte-links-Opposition und der Lega und in Einzelfragen auch von der Rifondazione comunista gestützt und beschränkte sich hauptsächlich auf finanzielle Sanierungsmaßnahmen.

Zahlreiche, auch prominente Austritte, erste (aber unterdessen gescheiterte) Gehversuche einer Art Gegenlega und die Drohung Bossis, fortan wieder gegen alle Parteien zu kämpfen, verdeutlichen die Fragilität einer Partei, die bei den Regionalwahlen im Frühjahr 1995 im Norden noch gut 6% der Stimmen geholt hatte. Ihre weitere Entwicklung wird in hohem Maße von elektoralen Erfolgen und der Integrationsfähigkeit Bossis abhängen. Und von ihren Themenangeboten. Endgültig verabschiedet hat sie sich nämlich nicht von ihren alten Ideen, wie der Parteitag vom Mai 1995 zeigte. Die dort von Bossi erhobene Drohung, entgegen der Verfassung eine norditalienische Kammer in Mantova zu etablieren, läßt Giorgio Bocca zufolge zwei Interpretationen zu: Sie ist entweder torschlußpanischer Profilierungsversuch oder ein bewußt eingesetztes Druckmittel in Richtung der Mitte-links-Parteien.

Die Lega steht mit ihnen in lockerem Kontakt und könnte nach den 1996er Wahlen mehrheitsstiftend wirken. Und die linke Mitte wiederum ist allein nicht mehrheitsfähig und deshalb äußerst druckempfindlich. Erstmals jedenfalls seit Ende des Krieges wird nach den vorgezogenen Wahlen von 1996 ein Mitte-links-Bündnis die Regierung bilden. Während den alliierten Parteien (PDS, PPI, Verdi, Rinnovamento italiano von Dini) im Senat nur eine Stimme zur absoluten Mehrheit fehlt, sind sie in der Deputiertenkammer weit stärker auf die Kooperation entweder der Rifondazione comunista oder der Lega angewiesen. Im Gegenzug hat der Premier Romano Prodi nach den Wahlen eine Föderalisierung des Landes in Aussicht gestellt. Die Lega Nord hat mit ihren landesweit gerechneten 10% ein

überraschend hohes Ergebnis erzielt, wobei sie insbesondere in der Lombardei und im Veneto erfolgreich war. Der von vielen erwartete Abwärtstrend ist damit erst einmal gestoppt.

Erst die weitere Stabilisierung des derzeit scheinbar endgültig neu formierten Parteiensystems wird zeigen, ob und wo es einen Platz für den shooting-star der Ersten Republik gibt. Eine Renaissance als Spaltpilz ist ebenso möglich wie die Profilierung als neoliberale Kraft mit föderalem Zungenschlag oder als thematisch sprunghafte Mehrheitsbeschafferin mit vermutlich begrenzter Haltbarkeit. Innerhalb einer Diskussionsveranstaltung an der Universität Duisburg hat Michael Braun hervorgehoben, daß der Tanz zwischen den beiden Blöcken die einzige Überlebenschance der Lega ist. Bossis viel beklagte Sprunghaftigkeit sei kein "Charakterzug", sondern eine bewußt eingesetzte Taktik, die sich gegen jede politische Einvernahme wehrt und von der Provokation der Gegner wie der Freunde lebt. Ob eine so handelnde Partei jedoch überlebensfähig ist, hängt nicht zuletzt von den Konzepten der übrigen Parteien und ihrer Polarisierungskompetenz ab.

8.3. Freiheitliche Partei Österreichs

Die Entwicklung der Haider-FPÖ zu einer urbanen, im Arbeitermilieu verankerten Partei vollzog sich wie in Italien und Frankreich schrittweise.

Erfolgsrausch nach 1986

Durch die Präsidentschaftskandidatur des bei den Wahlen später obsiegenden Kurt Waldheim herrschte 1986 ein innenpolitisch emotionalisiertes Klima. Diese aufgeheizte Stimmung hatte auch der deutschnationalen Fraktion innerhalb der FPÖ Auftrieb gegeben. Parallel dazu wurde von Vranitzky die kleine Koalition infolge des Stegersturzes aufgekündigt und die ursprünglich für 1987 terminierten Nationalratswahlen einige Monate vorgezogen. Die noch andauernden Auseinandersetzungen um die Vergangenheit Waldheims und die bis in sozialdemokratische Kreise hineinreichende Empörung über seine Suspendierung von der internationalen Bühne kam dabei auch jener Partei zugute, deren in jeder Hinsicht jüngster Obmann gerade "unter einem an faschistische Kundgebungen erinnernden Gejohle" gewählt worden war, während der "unterlegene Repräsentant des Liberalismus mit Erschießen und Vergasen bedroht wurde". Der Aufstieg der Haider-FPÖ wurde nicht zuletzt durch die Boulevard-Presse begünstigt, die nach dem Innsbrucker Parteitag eine Pro-Haider-Kampagne gestartet hat, die bis heute andauert. Die genannten Faktoren und das Vorhandensein eines beachtlichen Budgets, mit dem sich ein teurer Wahlkampf finanzieren ließ, waren wichtige Fundamente für den Erfolg der FPÖ.

Bereits vor den Nationalratswahlen hatte kein Zweifel darüber bestanden, daß eine große Koalition unmittelbar ins Haus steht. Ebenso unmittelbar haben Haider und seine Mannschaft das alte Image der FPÖ als Partei gegen "Proporz-, Parteibuch und Freundlerlwirtschaft" aufpoliert und gegen die sogenannten "Altparteien" agitiert und damit 9,7% der Stimmen erzielt. Das war fast eine Verdoppelung des Ergebnisses von 1983 (5%) und eine Vervielfachung dessen, was die FPÖ unter Stegers Anführung zu erwarten hatte, nämlich etwa zwei Prozent.

Für diesen Aufstieg ist eine Klientel verantwortlich, die sich von der FPÖ-Stammwählerschaft deutlich unterscheidet: Noch 1983 wies sie den relativ größten Mittelschicht-Sockel aller Parlamentsparteien auf, konnte stärker als andere Kräfte Männer an sich binden und war bei Wählern mit Pflichtschulabschluß unterrepräsentiert. Lediglich bei der altersmäßigen Verteilung existierten im Vergleich zu den übrigen Parteien keine Unterschiede. Zwar hatte die Mittelschicht auch 1986 in hohem Maß für die FPÖ gestimmt. Ihre Zusammensetzung änderte sich jedoch leicht in Richtung des jungen, sportlichen und karrierewilligen Yuppie, der sich vor allem durch Haiders jugendlich-dynamische und unkonventionelle Präsentation angesprochen fühlte. Aber auch bei den schlechter Ausgebildeten fand und findet Haider wachsenden Zuspruch. Interessanterweise stößt hier wie dort seine Kampfansage gegen Establishment, Sozialpartnerschaft und große Koalition auf großen Zuspruch. Seine NS-Anspielungen und die recht eigenwillige Interpretation historischer Ereignisse korrelierten hingegen kaum mit den weltanschaulichen Präferenzen des urbanen Aufsteigers oder Arbeiters. Lediglich der gezielte Tabubruch, die Tatsache, daß "sich der Haider was traut", kam bei diesen beiden Gruppen an.

Haiders deutschnationaler Diskurs ist daher immer auch instrumenteller Natur. Dies gilt sowohl für die Außen- als auch für die Innenrepräsentation, wo eine gut organisierte deutschnationale Strömung auf ein entsprechendes Auftreten ihres Zöglings wartete. Gleichwohl formuliert Armin Pfahl-Traugher zu Recht, "daß die These, es habe sich mit dem Führungswechsel eine Abkehr vom Liberalismus und eine Stärkung des nationalen Elementes vollzogen", relativiert werden muß. Denn erstens war die FPÖ zu keinem Zeitpunkt eine liberale Partei, und zweitens hat der harte deutschnationale Flügel nur scheinbar den Innsbrucker Richtungsstreit gewonnen. Haiders fortschreitende Distanzierung vom Landesverband Kärnten und seine Bemühungen, die FPÖ als Bewegung zu präsentieren, unterstreichen dies.

Der Durchbruch in Wien

Bei den Nationalratswahlen von 1990 hatte sich die FPÖ um weitere sechs Prozent verbessert (16,6%), und auch ihre Landtagswahlergebnisse stiegen proportional an. Parallel dazu änderte sich die Zusammensetzung ihrer Wählerschaft, die nicht mehr überwiegend von der ÖVP, sondern aus sozialdemokratischen Kernwählerschichten stammt. Der FPÖ-Kenner Fritz Plasser weiß, daß sich Haider nicht mit der Rolle des "populistischen Staubsaugers der Opposition" begnügen will, sondern selbst an die Macht strebt. Um dieses Ziel zu erreichen, mußte er sich um den Ausbau seiner Wählerschaft und gleichzeitig um die Schwächung des ideologischen Hauptgegners SPÖ kümmern. Seine "Strategie des Angriffs und der Attacke auf die SPÖ" scheint aufzugehen, denn bei den Wiener Gemeinderatswahlen 1991 kam die FPÖ schon auf 22,5% (1987: 9,7%) der Stimmen. Die immerwährende zweite ÖVP mußte sich dagegen mit 18,1% bescheiden, und erstmals seit 1949 fiel die SPÖ unter 50%. Sie sieht sich im "Roten Rathaus", wo auch die Grünen eingezogen sind, drei Oppositionsparteien gegenüber.

Wo liegen nun die Gründe für diesen signifikanten Wandel? Ende der 80er-, Anfang der 90er Jahre sind mehrere Faktoren zusammengetroffen, die Verunsicherung in der Gesellschaft auslösten: 1. Ein ausgesprochen wirtschaftsorientierter Kurs der Vranitzky-Regierung, mit dem das definitive Ende des Kreisky-Sozialismus besiegelt wurde. 2. Die Arbeitslosigkeit ist seit Anfang der 90er Jahre zwar nur leicht angestiegen; die Zahl der Langzeitarbeitslosen aber hat sich ebenso deutlich vermehrt wie die

Anzahl gefährdeter oder zeitlich begrenzter Stellen. 3. Mit dem Wandel in Osteuropa wurden die Ostgrenzen mit weitreichenden Folgen für den heimischen Arbeitsmarkt und Handel geöffnet. 4. Schließlich war die Sozialpartnerschaft infolge wachsender wirtschaftlicher Probleme und zunehmender Kompromißunlust der Unternehmer brüchig geworden. Vor allem bei verunsicherten Arbeitern war Haider mit seiner argumentativen Taktik erfolgreich, die Krise der Sozialpartnerschaft auf ihr Vorhandensein zurückzuführen. Seine verschwörungstheoretische Polemik zielte zugleich gegen Parteien, Regierung und die große Koalition, deren Politik nur die eigenen und nicht die Interessen des "kleinen Mannes" im Auge habe. Darüber hinaus stritt er gegen die seit der Ostöffnung steigende Arbeitsimmigration und gegen den EU-Beitritt, für den sich die beiden großen Parteien stark gemacht hatten. Zwar ist die FPÖ mit ihrem Volksbegehren gegen Einwanderung 1993 gescheitert; zwar hat sie mit dem Kreis um Heide Schmitt unmittelbar im Anschluß an dieses Volksbegehren ein wichtiges Repräsentationsstandbein verloren; zwar haben die österreichischen Bürger mehrheitlich für einen Beitritt des Landes zur Europäischen Union votiert und Haider eine deutliche Abfuhr erteilt. Meinungsforscher und Journalisten haben nach diesen Mißerfolgen stets das Ende des FPÖ-Aufwärtstrends diagnostiziert, dabei aber möglicherweise übersehen, daß die Mehrheit der Wähler in der Lage ist, zwischen einer turnusmäßigen Wahl und einem entscheidenden Referendum zu unterscheiden.

Das Ende einer Partei?

Wie falsch diese Niedergangsprognosen waren, zeigte sich bei den Nationalratswahlen von 1994, die unmittelbar im Anschluß an das EU-Beitrittsreferendum durchgeführt wurden: Die FPÖ konnte um weitere 6% zulegen und kam auf 22,6% der Stimmen. Diese Steigerung, die rund zweiprozentige Verbesserung der Grünen (7%) und der Einzug des Liberalen Forums (5,74%) um Heide Schmitt bedeuteten das Ende der großkoalitionären Zwei-Drittel-Mehrheit. Auch die Logik der Großen Koalition war dahin, denn die Oppositionsparteien kamen auf etwa 35% der Stimmen, wohingegen ÖVP und stärker noch die SPÖ beträchtliche Stimmeeinbußen haben hinnehmen müssen. Kaum verwunderlich, daß allenthalben der Taschenrechner gezückt wurde. Auf der Linken, zu der neben SPÖ und Grünen streng genommen auch das Liberale Forum gerechnet werden kann, reichten die Stimmen für eine kleine Koalition freilich nicht. Auf der Rechten hingegen sah die Sache anders aus. Der neue ÖVP-Chef Wolfgang Schüssel galt eigentlich als ein Gegner gesamtretcher Experimente. Aber immerhin hatte er den Bruch der großen Koalition im Herbst 1995 betrieben und damit Neuwahlen provoziert, die am 17. Dezember stattfanden.

Sein selbstgestecktes Ziel, Kanzler innerhalb einer neuen und von der ÖVP angeführten Regierung zu werden, hatte zu allerlei Spekulationen über ein schwarz-blaues Bündnis geführt. Zwar wollte vor den Wahlen niemand so recht daran glauben, daß sich die ÖVP mit Haider's Partei liieren würde. Vielmehr galt als sicher, daß er die Fortsetzung der großen Koalition unter anderer Kanzlerschaft im Blick hatte. Schüssel mußte Fragen nach möglichen koalitionären Modellen aber schon allein deshalb unbeantwortet lassen, weil er das SPÖ/ÖVP-Bündnis provokativ gekündigt hatte. Dadurch waren Spekulationen Tür und Tor geöffnet, in deren Folge dann aber die SPÖ zulegen konnte. Sie hatte einen dezidierten Anti-Haider-Wahlkampf geführt und gegen den von der ÖVP geforderten Abbau des Sozialstaates gestritten. Die Angst der Wähler vor koalitionären wie sozialen Experimenten und das aus Frankreich nach innen wirkende Klima rund um die großen Streiks haben den Abwärtstrend der SPÖ (vorerst) gestoppt. Ein

Großteil ihres Zuwachses ging zu Lasten der arg gebeutelten Grünen, wohingegen die FPÖ- und ÖVP-Ergebnisse in etwa gleich geblieben sind. Unter dem Strich hat sich bis auf die wiedergewonnene 2/3-Mehrheit der SPÖ/ ÖVP-Mandate wenig geändert: Die große Koalition wurde neu aufgelegt, und sie wird wieder von Vranitzky geführt. Haider ist es nicht gelungen, das FPÖ-Ergebnis erneut zu verbessern. Zudem ist er in Schwierigkeiten, seit sein Auftritt und seine Rede vor ehemaligen Waffen-SSlern in Kärnten publik wurde.

Aber alle Experten glauben, daß Haider's Siegerimage zwar "eine Delle" hat, daß seine Siegesserie aber nicht beendet ist. Der FPÖ-Chef wartet weiter ab und hat nach den Wahlen verkündet, einer Koalition mit der ÖVP nicht zur Verfügung zu stehen und dagegen offensive Oppositionspolitik zu betreiben.

Wahlsoziologisch interessanter als diese waren die 1994er Nationalratswahlen, bei denen es der FPÖ gelungen ist, in die sozialdemokratische Kernwählerschicht einzudringen und beträchtliche Teile der Arbeiterschaft zu sich herüberzuziehen. Im nationalen Durchschnitt liegt die FPÖ hier bereits bei 29% (SPÖ 47%). Damit hat sich die FPÖ-Anhängerschaft bei den Arbeitern seit 1986 verdreifacht. Haider's Absicht, aus der FPÖ eine lose Sammlungsbewegung zu machen, steht in unmittelbarem Zusammenhang mit ihrem neuen Profil als populäre und urbane Kraft. Ein erster Schritt in diese Richtung ist bereits gemacht: Die Abkürzung FPÖ gefällt den Parteistrategen nicht mehr, und sie haben sie durch ein schlankes, chic gestyltes F für Freiheitliche (Bewegung) ersetzt.

Ob die Partei mittelfristig tatsächlich zugunsten einer losen Bewegung aufgelöst wird, oder ob Haider die im Parteiengesetz vorgesehenen Vorteile für seinen Apparat nutzen, die Strukturen aber gleichzeitig einfrieren will, muß derzeit noch abgewartet werden. Brigitte Bailer spricht in diesem Zusammenhang von einer Doppelstrategie Haider's. Ein ähnlich doppeltes Spiel vermutet sie bei der erkennbaren ideologischen Ent-Radikalisierung der FPÖ. Wie immer sich Haider auch entscheiden mag: Innerparteilichen Widerstand dürfte er momentan kaum zu erwarten haben, selbst wenn er sich entschlösse, die Partei mit Hilfe einer Parteitagsmehrheit aufzulösen und in einen anderen Zusammenhang zu transformieren. Die dahinter stehenden Motive sind leicht zu identifizieren. Apparate, Strukturen, Mehrheitsfindungen und Beschlüsse sind aufwendige und aus der Sicht Haider's überflüssige Angelegenheiten. Bereits nach seiner Amtsübernahme hatte er mit einer schleichenden Demontierung demokratischer Strukturen begonnen; freilich keine kalte Demontage. Seine Personalpolitik und die Unzulänglichkeit der FPÖ-Statuten haben jedoch zu einer Machtkonzentration geführt, die Haider zementieren will, um seine Substituierung auszuschließen.

In seiner Wiener Erklärung von 1992 hat er gegen "pubertären Dogmatismus" und "ideologischen Fundamentalismus in unseren eigenen Reihen" Stellung bezogen und erklärt, die FPÖ sei "weder ein nationaler Geschichtsverein noch eine liberale Sekte pseudointellektueller Standpunktlosigkeit". Die einen haben die FPÖ mehr oder minder aus eigenem Antrieb verlassen und das Liberale Forum gegründet. Die anderen werden marginalisiert: Die Entlassung des Grundsatzreferenten Mölzer, der die Öffentlichkeit noch bis 1993 mit "Umvolkungs"szenarien erschrecken durfte, ist ein wichtiges Indiz für Haider's taktischen Wandel. Er will regierungstauglich werden, und daß ein äußerst rechtslastiges Image dabei hinderlich ist, dürfte außer Frage stehen. Unterdessen hat sich Haider sogar dazu durchgerungen, von Österreich als dauerhaft eigenständigen Staat zu reden und ihn nicht mehr als potentielle

Vereinigungsmasse zu betrachten. Damit hat er erhebliche Irritation innerhalb des rechtsextremen Lagers provoziert.

Die Präsentation der Partei als (freiheitliche) Bewegung dient mehreren Zielen:

1. Innerparteiliche Opposition wird durch den schwindenden Einfluß des Apparates weniger bedeutsam.
2. Wenn sich eine Partei als lose Sammlungsbewegung präsentiert, relativiert sich auch die Bedeutung innerparteilicher Strömungen, für deren Politik und Stärke Haider als Obmann die Letztverantwortung trägt.
3. Haiders Akzeptanz in der antifaschistisch sozialisierten Arbeiterschaft kann durch den Bedeutungsverlust der mit dem Stallgeruch des Rechtsextremismus behafteten Partei nur steigen.
4. Ein weiterer Vorteil dieser Taktik liegt darin, daß sich Haider als Anti-Parteien-Mann präsentieren kann, ohne diskret auf die vorhandene Kontradiktion, selbst Vorsitzender einer Partei zu sein, aufmerksam gemacht zu werden.
5. Haider ist wie viele seiner ideologischen Gefährten Anhänger plebiszitärer Entscheidungen. Als Anführer einer völlig auf ihn zugeschnittenen und gegen die traditionellen Parteien zielenden Wahlbewegung kann er sich bei gutem Ergebnis stärker als andere Spitzenkandidaten als plebiszitär legitimiert und als politischer Erneuerer betrachten. Es steht zu erwarten, daß er seinen Diskurs über die Direktwahl des Kanzlers oder die Stärkung des Präsidenten intensivieren wird (Stichwort: Dritte Republik).
6. Schließlich dient seine ganze Taktik dem Ziel, selbst ins Machtzentrum vorzustoßen.

8.4. Kurzprofile der Wählerschaft

Front National

Das nach wie vor größte Gefälle innerhalb der FN-Wählerschaft besteht zwischen Stadt und Land. Wähler der Le-Pen-Partei stammen überwiegend aus großen Städten und aus industrialisierten Ballungszentren: dem Elsaß, dem Großraum Paris, von der Cote d'Azur und dem Rhône-Gebiet. Noch bis Anfang der 90er Jahre waren männliche Wähler deutlich überrepräsentiert; seither ist die geschlechtermäßige Verteilung nahezu ausgeglichen. Ebenso hat der Anteil praktizierender Katholiken innerhalb der FN-Wählerschaft zugenommen. Zwischen 1986 und 1988 haben regelmäßig und nicht regelmäßig praktizierende Katholiken den FN signifikant seltener gewählt als Angehörige anderer Religionen bzw. Wähler ohne religiös motiviertes Engagement. Altersmäßige Unterschiede zu den Elektoraten der übrigen Parteien bestehen nicht. Mittelständler, einfache Arbeiter und Angestellte sind wesentlich häufiger vertreten als andere Berufsgruppen.

Bernd Mosebach hat nach einer Untersuchung des FN-Wahlkörpers konstatiert, daß sich die politische Herkunft der FN-Stimmen schwer ausmachen lasse. Allerdings ist seinen Analysen zu entnehmen, daß "sie sowohl von der Linken - und dabei besonders häufig von den Kommunisten - als auch von der traditionellen Rechten kommen. Dazu kommen natürlich die Stimmen aus dem rechtsextremen Lager, darunter Katholiken traditionalistischer Tendenz, Vichy-Anhänger und Nationalisten". Etwa 10% der FN-Wähler bezeichnen sich als weit rechts stehend, 20% als eher rechts und rund 30% als weder rechts noch links. Wähler des Front National sind überwiegend unzufrieden. Sie wenden sich gegen Gewerkschaften (75%), kritisieren die Justiz (62%) und die Verwaltung (56%) und schimpfen gleichermaßen auf Medien und Politik (je 54%). Ihre wichtigsten Themen sind Immigration und Sicherheit. Beispielsweise wollen 69% der FN-Wähler die Todesstrafe als strafrechtliches Instrument wieder einführen; immerhin noch gut 29% der übrigen Wähler sind der gleichen Auffassung. Die eigene und die Zukunft des Staates wird von den Anhängern des Front National äußerst skeptisch bewertet (43% bzw. 62%).

Lega Nord

Sowohl die Lega Nord als auch ihre Wählerschaft sind auf dem Links-rechts-Kontinuum schwer zu positionieren. Im Europäischen Parlament etwa arbeitet die norditalienische Partei in der Regenbogenfraktion mit, die aufgrund ihrer ideologischen Bandbreite selbst schwer zu klassifizieren ist. Auf der Basis etlicher Analysen kommt Rolf Uessler zu dem Schluß, daß es sich - "inzwischen auch weitgehend wissenschaftlich nachgewiesen" - bei der Lega "um eine nahezu ganz normale Massenpartei mit Schwerpunkt im Zentrum des parteipolitischen Spektrums" handelt. Bevor sie dies wurde, kamen ihre Stimmen vor allem von der Democrazia cristiana. Aber parallel zur ideologischen Erneuerung konnte die Lega ihre Stimmen aus allen politischen Milieus holen. Ihre Wähler positionieren sich überwiegend in der Mitte; dezidiert links wie rechts eingestellte Wähler finden sich hingegen kaum. Die wichtigsten Themen der zunächst vor allem aus dem Mittelstand, später auch aus der Arbeiterschaft stammenden Wähler waren staatliche bzw. bürokratische Ineffizienz, Protest gegen die römische Zentralregierung, Protest gegen die finanzielle Ungleichbehandlung des Nordens und Südens und Parteienherrschaft. Anti-Einwanderungsmotive waren nur kurzzeitig bedeutsam.

Wie erwähnt war die Wählerschaft auf dem Höhepunkt des Lega-Erfolgs mit der soziologischen Zusammensetzung der Bevölkerung nahezu deckungsgleich. Dies gilt vor allem für die eigenen Hochburgen der Partei, die während dieser Zeit ähnlich wie in Frankreich in den großen Städten und nahe der industrialisierten Zentren lagen. Nach dem Erfolg Berlusconi, der Bossi einen großen Teil der Ende der 80er, Anfang der 90er Jahre gewonnenen Arbeiter abgeworben hat, ist ihre größte Wählergruppe wieder im traditionellen (und nach wie vor verbreiteten) Mittelstand beheimatet. Konfrontationen zwischen einer eher konservativ eingestellten Wählerschaft und eine auf die Integration in das Mitte-links-Spektrum zielende Taktik Bossis sind daher nicht ausgeschlossen, bislang aber auch noch nicht belegt.

Freiheitliche Partei Österreichs

Nach 1986 ist die FPÖ sowohl in der Außen- als auch in der Innenwahrnehmung deutlich nach rechts gerückt. Und weil sich die gesamte Wählerschaft stärker als zuvor in der Mitte positioniert, fällt der konstatierte Rechtsruck der FPÖ noch deutlicher aus. Dieser Veränderung entspricht ein Wandel ihrer Wählerschaft, wobei deutliche Zuwächse vor allem in der Gruppe der Arbeiter, der Arbeitslosen und der Pensionäre zu verzeichnen sind. Mehr Stimmen erzielt die Haider-Partei zudem bei jungen Wählern, unqualifizierten Arbeitern und Pensionärinnen. Bis 1990 konnte die FPÖ ihre Stimmen vor allem von der ÖVP gewinnen; danach ist der Stimmenanteil ehemaliger SPÖ-Wähler in großem Umfang angestiegen. Darüber hinaus rekrutierte die Partei 1990 und 1994 erneut traditionelle FPÖ-Wähler, die während der Steger-Epoche anderweitig votiert haben. Den stärksten Zulauf hatte die FPÖ in Wien, wenngleich sie nach wie vor in Kärnten am besten verankert ist. Die Zuwachsraten in dieser deutschnationalen Hochburg fallen aber weit geringer aus als in der Hauptstadt, in der ein großer Teil österreichischer Arbeiter lebt. Kärnten weist derzeit die schwächste Steigerungsrate auf. Die FPÖ konnte vor allem in den Wahlbezirken überproportional zulegen, in denen große Industriezweige angesiedelt sind oder die in der Nähe der ehemaligen Warschauer-Vertrags-Länder und Ex-Jugoslawiens liegen. Als Wahlmotive werden Mißtrauen in Regierung und Verbände und seit Anfang der 90er Jahre auch das "Ausländerthema" genannt. Unzufriedenheit und Mißtrauen von FPÖ-Wählern ist signifikant stärker ausgeprägt als bei anderen Klientelen.

Ich halte es für wahrscheinlich, daß sich die Selbsteinschätzung der Partei, die ihrer Wähler und möglicherweise auch die Außenwahrnehmung mittelfristig in Richtung "politische Mitte" verschieben wird. Anzeichen dafür ist die Korrektur des vormals konstitutiven Deutschnationalismus und das damit verbundene verstärkte Eindringen der Partei in die SPÖ-Wählerschaft. Dadurch dürfte die FPÖ einen Teil ihrer explizit deutschnationalen Klientel sowie weitere dezidierte Rechtswähler verlieren.

8.5. Diskussion

Mehrere Sachverhalte lassen sich am Ende dieses Kapitels konstatieren:

1. Die drei Parteien verdanken ihre Erfolge einer von ihnen zuvor nicht erreichten Wählerschaft.
2. Organisatorische Modernisierung und elektoraler Durchbruch verlaufen parallel.
3. Desgleichen fallen Erfolg und ideologisch-thematischer Wandel zusammen. Dies gilt vor allem für die FPÖ und die Lega Nord.
4. Infolge dieses Wandels wurden die Profile der Parteien ähnlicher. Dazu gehören die erkennbaren Deideologisierungstendenzen und eine zunehmende Kongruenz auf thematischer Ebene: verstärkte Kampfansagen an das sogenannte Establishment, aber auch eine Konzentration auf Themen wie Armut bzw. Wohlstandssicherung.

Wien, Dreux, Marseille, Brescia oder Varese - diese und andere Hochburgen der drei Parteien sind ebenso bevölkerungsreich wie industrialisiert und weisen damit eine

Sozial- und Problemstruktur auf, die sich von den traditonellen Schwerpunkten der drei Parteien unterscheidet.

Ursprünglich haben sich der Front National, die Lega und die FPÖ mit unterschiedlichen Ergebnissen an eine konservative und traditionalistische und im Fall FN und FPÖ auch an eine Wählerschaft mit einer extremrechten Weltanschauung gewandt. Im Verlauf der 80er Jahre jedoch haben die Parteien begonnen, sich verstärkt auf eine urbane, aus dem Arbeiter- und Angestelltenmilieu stammende Wählerschaft zu konzentrieren. Während die Lega gezielt in den großen Städten geworben und Haider bewußt an die sozialdemokratische Wählerschaft appelliert hat, wurde der Front National erst durch die Taktik und den Erfolg Stirbois auf ein von ihm zuvor vernachlässigtes Potential gestoßen. Die programmatische und rhetorische Gesamtpräsentation des Front National wurde sozusagen im Nachhinein auf jene Wählerschaft zugeschnitten, die sich bei den Kommunalwahlen in Dreux und nach weiteren Effekten in den demographischen und industrialisierten Agglomerationen für die Partei ausgesprochen hatte. Die Veränderung der Wählerschaft geht mit der urbanen Etablierung einher, und die Wähler stammten immer stärker auch von den linken Parteien.

Parallel zu den Erfolgen vollzog sich ein innerparteilicher Wandel. Zur Lega und zum Front National stießen aufgrund dieses Erfolgs und des ihnen so zuteil gewordenen öffentlichen Interesses zahlreiche Mitglieder. Auch solche mit instrumentellen Motiven oder Karriere Wünschen. Aufgrund dieser Entwicklung waren die beiden Parteien zum Ausbau ihrer Strukturen gezwungen, ohne jedoch die Macht des Führungsapparates beschneiden zu wollen. Die FPÖ hingegen ist eine durchstrukturierte Partei, und sie ist derzeit sogar bemüht, ihr organisatorisches Gerüst zu beschneiden. Zumindest werden in diese Richtung gehende Überlegungen angestellt. Diese auf den ersten Blick gegenteilig aussehende Entwicklung ist aber keine. Denn auch hier geht es um die Zementierung von Machtpositionen. Immerhin ist die FPÖ eine demokratisch legitimierte Partei, in der Repräsentanten abgewählt werden können. Es widerspricht jedoch dem Haiderschen Selbstverständnis und Selbstbewußtsein, eine Führungsperson auf Abruf zu sein.

Zunächst hatte es den Anschein, als würden die Lega und die FPÖ ideologisch gefestigter bzw. stringenter. Haider als wichtige Symbolfigur der deutschnationalen Strömung wurde zum Obmann seiner Partei gewählt, und er hatte mit Andreas Mölzer einen weiteren Vertreter dieses Flügels zum Chefdenker gemacht. Der italienische Mölzer heißt Gianfranco Miglio, der sich bald nach seinem Eintritt eng an der Seite des ideologisch eher inkongruenten Bossi bewegte und damit großen Einfluß auf Sprache und inhaltliche Präsentation nehmen konnte. Schließlich hat auch der neurechte Club de l'Horloge entscheidenden Anteil an der Modernisierung des Front National gehabt. Damit haben sich deutliche Berührungspunkte zwischen den Parteien und Personen bzw. Strömungen der Neuen Rechten ergeben. Gleichwohl ist der Begriff Neue Rechte nicht eindeutig zu definieren.

Wolfgang Kowalsky macht auf die doppelte Bedeutung dieses Begriffs aufmerksam und unterscheidet zwischen einem modernisierten, sich vom historischen Faschismus abkoppelnden Rechtsextremismus einerseits und rechtsintellektuellen Denkzirkeln andererseits. Beide Definitionen lassen sich zweifellos auf den Uhrenclub anwenden. Auf dem Hintergrund seiner verfassungspolitischen Arbeit in dem rechtskonservativen Gruppo di Milano kann man sicher auch Miglio als einen Vertreter der Neuen Rechten bezeichnen. Schwieriger verhält es sich im Fall Mölzer. Allein die Tatsache, daß er von Haider zum Vordenker bestellt wurde, macht aus ihm noch keinen Vertreter der Neuen Rechten. Von ihm sind zahlreiche nationalsozialistisch gefärbte Beiträge sowie seine engen Kontakte mit der militanten rechten

Szene bekannt. Lediglich unter dem Aspekt einer überwiegend taktisch motivierten Modernisierung der FPÖ, an der ihm in seiner Eigenschaft als Grundsatzreferent gelegen war, kann man ihn der Neuen Rechten zuschlagen.

Jedoch wurden mit anhaltendem Erfolg und dem dadurch gewachsenen Machtanspruch die vormals wichtigen Unterstützer oder Förderer überflüssig: Andreas Mölzer ist nunmehr ehemaliger Grundsatzreferent der FPÖ, und der Einfluß der deutschnationalen Fraktion wurde von Haider zurückgedrängt. Gianfranco Miglio hat die Lega frustriert verlassen. Aber auch ohne freiwilliges Ausscheiden war die Beschränkung seines Einflusses vorgezeichnet (Vorenthaltung eines Ministeramtes). Der Uhrenclub allerdings konnte sich im Front National etablieren. Allerdings darf dabei nicht außer acht gelassen werden, daß Miglio und Mölzer in ihren Parteien stärker zu einer ideologischen Radikalisierung und die Vertreter des Uhrenclubs dagegen eher zu einer tendenziellen Moderation beigetragen haben.

Elektoraler Erfolg und innerparteilicher Wandel verlaufen synchron. Signifikant ist der Zusammenhang zwischen ideologischer Öffnung und wachsendem Erfolg in Italien, wohingegen sich das österreichische Beispiel etwas mühsamer liest: Der 1986 gewählte Jörg Haider war in erster Linie ein von der deutschnationalen Strömung promovierter Obmann und wurde von der Öffentlichkeit entsprechend wahrgenommen und einsortiert. Die auch von Haider studierten Wahlanalysen führen seinen Erfolg jedoch nicht auf seinen germanisierenden, sondern primär auf seinen Anti-Parteien- und Anti-Sozialpartnerschaftsdiskurs zurück. Der Wandel der FPÖ wurde dementsprechend eingeleitet.

Warum verhält es sich in Frankreich anders, wo der Front National erheblich zwischen radikaler und moderater Präsentation schwankt? Um diese Frage zu beantworten, will ich den Blick erneut auf die Lega richten. Obgleich sie bereits in einer Regierung vertreten war und sich von ihren fundamentalistischen Forderungen verabschiedet hatte, versucht auch sie sich wieder als separatistischer Sprengkörper zu profilieren. Dieser, im übrigen auch Miglio wieder geneigt machende Rückfall korreliert auffallend mit ihrer Standortsuche im Parteiensystem und der Gefahr, in der Deputiertenkammer eine Nebenrolle zu spielen. Der Front National hat aber parlamentspolitisch gesehen nicht einmal die Chance, mittelfristig jene von der Lega gefürchtete Nebenrolle zu besetzen. Daraus kann der Schluß gezogen werden, daß sich Protestparteien dann moderater präsentieren und einen Normalisierungsprozeß durchlaufen, wenn reale Chancen einer nationalen Etablierung bestehen. En passant sei darauf hingewiesen, daß die Lega parallel zu diesem Prozeß auch ihren Parteiapparat demokratisiert hat. Durch ihren Erfolg hat sie zudem den anderen Parteien ihre Themen aufzwingen können (was auch für Frankreich und Österreich gilt). Das Ministerium für staatliche Neugestaltung wurde geschaffen; PDS, PPI und andere diskutieren ernsthaft über praktikable Möglichkeiten einer Raumordnungsreform. Aber schließlich war es die Lega, die seit ihrer legislativen und exekutiven Partizipation von maximalistischen Forderungen abrückte.

Dieser Feststellung soll keinesfalls der Ratschlag folgen, Protestparteien aus Domestizierungsgründen den Weg in die Regierungsverantwortung zu ebnen. Hier soll nur ein Prozeß nachgezeichnet werden, der sich vermutlich auch in Österreich vollziehen wird. Erst einmal versucht sich die FPÖ "nur" von ihrem rechtsextremen Image zu lösen. Um aber an die Regierungsmacht zu gelangen, wird auch sie moderater,

kompromißbereiter und flexibler werden müssen. Aufschlußreich in diesem Zusammenhang ist die Tatsache, daß Jörg Haider im Herbst 1995 schließlich medienwirksam auf das deutschnationale Bekenntnis verzichtet hat; mehr noch: Er bezeichnet nunmehr den österreichischen Staat als dauerhaft eigenständig und nicht mehr wie noch vor Jahren als eine "ideologische Mißgeburt". Dies ist nichts anderes als ein, wenngleich zunächst taktisch motivierter, Kompromiß mit der umworbenen österreichischen Wahlbevölkerung, die von Haider nun als Gemeinschaft der Österreicher angesprochen wird.

Wenn Claus Leggewie den lepenistischen Wahlkörper als radikale Protestpopulation zwischen links und rechts bezeichnet und in diesem Sinne von einem Extremismus der Mitte spricht, so darf nicht außer acht gelassen werden, daß sich der FN (etwas) und in weitaus stärkerem Umfang die anderen Parteien sukzessive vom radikalen Rand entfernt haben und damit selbst ein Stück (!) in die politische Mitte gerückt sind. Insofern koinzidieren zwei soziale Phänomene: Bislang gemäßigte Wähler werden radikaler bzw. rücken stärker nach rechts, und bislang extreme Parteien verlassen ihre exponierte Randposition. Oder präziser formuliert: Bislang gemäßigte Wähler neigen unter bestimmten Bedingungen verstärkt zu einer isolierten Weltanschauung, und Parteien mit bislang geschlossenem Weltbild öffnen sich tendenziell. Damit meine ich keinesfalls, daß sie handzahn werden. Öffnen heißt in diesem Fall das Abrücken von ursprünglich konstituierenden bzw. sinnstiftenden politischen Inhalten wie etwa Deutschnationalismus, Ethnoregionalismus, Antisemitismus. Dies könnte gleichbedeutend sein mit einer schrittweisen Anerkennung demokratisch-parlamentarischer Regeln, die sich zunächst in Abwehr artikuliert, aber letztlich auf Teilnahme zielt.

Der Systemantagonismus (Einheitsstaatlichkeit, Österreich-Nation, parlamentarische Demokratie) scheint durch einen Parteienantagonismus substituiert zu werden. Da aber die moderne bürgerliche Gesellschaft Westeuropas durch das Vorhandensein von Parteien gekennzeichnet ist, und diese Parteien Trägerinnen des Systems sind oder seine Konstrukteurinnen waren, stellt sich die Frage nach der Bedeutung dieser Oppositionismen. Es stellt sich mit anderen Worten die Frage, ob die hier im Zentrum stehenden Organisationen stärker republikanische Antiparteien oder antirepublikanische Parteien sind. Darauf eine Antwort zu geben, ist nicht ganz einfach, da die Präsentation und die Radikalität drei Parteien stark von ihren jeweiligen Erfolgen bzw. Mißerfolgen abhängt. Wenn unter antirepublikanisch weniger eine Haltung oder Ideologie, sondern die Ablehnung eines konkreten Staatsgefüges verstanden wird, dann fällt die Antwort in Bezug auf die Lega Nord jedoch eindeutig aus: Denn unabhängig von präsentationsbezogenen Schwankungen gilt ihre Aversion in erster Linie dem italienischen Staat in seiner Gesamtheit.

Abschließend noch einige Bemerkungen zur inhaltlichen Präsentation: Parteienantagonismus und Xenophobie bzw. kulturelle Ressentiments waren die beiden wichtigsten Standbeine der drei Parteien vor und zwischen den Wahlkämpfen. Die leghistische Rhetorik zielt hauptsächlich gegen Süditaliener. Ressentiments treten dabei nicht isoliert, sondern kontextuell auf: Kammern, Parteien und Institutionen sind meridionalisiert und der Süden von der Mafia durchsetzt. Folglich stehen Parteien und Mafia in einem engen Verhältnis, und die im Norden erbrachten Steuergelder werden in dunkle Kanäle gelenkt. Ebenso verhält es sich in Österreich und Frankreich, wo sich das xenophobische Ressentiment auch unter anderen Stichwörtern - etwa wachsende Kriminalität, Arbeitslosigkeit - aufspüren läßt. Bei allen

drei Parteien finden sich neben den Ressentiments gegen Paßausländer auch jene gegen Paßinländer.

Kaum zu unterscheiden ist der Anti-Establishment-Diskurs. Le Pen polemisiert gegen die Viererbande, Haider redet verächtlich von Altparteien und Bossi von der partitocrazia. Dieser Protest entwickelte sich vor allem in den Parteienstaaten Italien und Österreich als mobilisierend.

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Editors:

C.A.F.M. Grütters

J.A.P.J. Breuker

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A.H.J. Schmidt

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Mr. C.N.J. de Vey Mestdagh
University of Groningen, Faculty of Law
Oude Kijk in 't Jatstraat 26
P.O. Box 716
9700 AS Groningen
Tel: +31 50 3635790/5433
Fax: +31 50 3635603
Email: sesam@rechten.rug.nl

AI-TOOLS, POLITICS AND LEGAL THEORY

A.H.J. SCHMIDT

Department of Law and Computer Science and Leiden Institute for Law & Public Policy, Leiden,
The Netherlands

J. VAN BESOUW

Icim (Informatics Centre for Infrastructure and Environment), Rijswijk, The Netherlands

Summary

This paper discusses a few of the questions that the use of computer-based tools in administrative practice poses to politics and to legal theory. Two of these tools will be presented as case studies. Hard political and legal-theoretical questions may need reconsideration since some of the delicate balances, vital to the constitutional state are being challenged by information-technological developments. Our analysis focuses on the identification of those topoi where leverage is already felt or where it is to be expected in the near future. The potential of information-technological tools is immense but are we ready to face the consequences?

1. Introduction

The last decennia have shown the applicability of computer-based tools to be virtually without any limit. Some applications within the legal practice have proven possible. We describe two examples of such applications. One system (JES) is already in use, the other (CIS) has by now been on the planning board for four months. Status, background, chosen solutions and foreseeable pitfalls of these systems will be discussed in Sections 2 and 3. Further analysis of the case studies reveals that the growth of knowledge will provide a serious cause for political debate and for revisiting some well-known legal-theoretical issues: the relations between what is known to be possible and what ought to be done about it. In Section 4 we discuss these relations and conclude that the role played by information technology requests serious democratic attention and debate. In Section 5 we take part in the debate, anchoring our argumentation at the foremost equilibria that have proven to be useful for (democratic) political and legal-theoretical stability. We mention (a) egalitarianism vs. individualism, (b) checks & balances and (c) perfectionism vs. liberalism. In Section 6 we present our conclusions.

2. JES

As a first case study we examine an expert system supporting the process of providing licences for the discharge of effluent on the Dutch surface waters. The expert system is called JES, standing for "Juridisch Expert Systeem". It has been developed by Rijkswaterstaat (Ministry of Transport and Public Works) and Icim (Informatics Centre for Infrastructure and Environment). By now JES is a system in full operation.

2.1. Background

One of the assignments of Rijkswaterstaat is the granting of licences prescribed in the Water Pollution Act (Wet verontreiniging oppervlaktewateren, WVO). The object of the Act is to oppose and prevent the pollution of water. To achieve this the discharge of effluent is regulated by licences. Discharging into open water without a licence is forbidden, for domestic as well as commercial waste water. Indirect discharge via sewers

is also regulated by way of licences. The drafting of a specific licence depends on a combination of disciplines. On the one hand juridical expertise is needed to ensure that the licence is juridically correct. On the other hand technical knowledge, i.e., knowledge of the substances and techniques used in households and in industrial processes, is necessary to be able to assess the pollution and countermeasures to be taken.

The authorities aim at adapting the services to the needs of the citizens and at rendering high quality services. For the granting of licences this means procedural correctness and insight into the enforcement of the procedures, correct licences and rapid processing of the requests. The current licence-granting practice does not fulfill these goals due to two problems: (1) legal verification and (2) regionally diverging licence-granting policies.

1. The greater part of the licences is granted by technical experts exclusively. It is mainly based on precedents (notably on similarities in processes and substances used). In some cases the outcome is legally incorrect because technical experts do not always possess the required juridical expertise. Verification by professional jurists is therefore necessary, but not comprehensively performed due to governmental expenditure restrictions.
2. Rijkswaterstaat is divided into regions. Discrepancies between regional licence-granting policies have emerged. Uniformity in licensing policy between the regions is a goal set by the competent administration (Rijkswaterstaat itself). This goal has proven hard to be achieved by conventional means.

2.2. The solution

2.2.1. Legal verification

One of the main problems that leads to the lack of verification is the workload of the jurists. Their capacity does not allow the verification of all licences. Taking on extra jurists is not possible because of the restrictions in governmental expenditure. The solution chosen provides for standardization of relatively simple licences in such a way that only the complex licences remain to be verified by jurists. (The distinction between standard cases and hard case is non-standard, consequently the preliminary categorization is performed by the jurists).

Standardization of relatively simple licences is achieved by JES [Van Adrichem, 1992]. JES consists of two distinguishable parts, a reasoning part and a presentation part. The reasoning part is an expert system in which rules lead to conclusions. All kinds of procedural and technical aspects are considered. Per request a communication session is necessary in which all relevant data of the request are being asked. The questions are the same as those on the application form. The data are used to derive conclusions, of which the most important one is whether or not a licence can be granted. The expertise realized in JES, both juridical and technical, is elicited from the experts of Rijkswaterstaat. The presentation part is a separate program which communicates with the knowledge base. The program decides, depending on data retrieved from the knowledge base, which texts are to be used. JES produces text models of licences for standard cases in word-processing format; they only need to be printed and signed. However, the word-processing format allows the users to append and edit the text, using a standard wordprocessor. This feature may in the future prove useful to prepare the standard parts of complex licences, and to append the more complex articles.

2.2.2. Discrepancies in policies

Standardization makes it possible to speed up the correct processing of the simple licences, thereby creating capacity for the processing and the legal verification of complex

licences. As an added bonus, it concurrently solves, for standardized cases, the problem of discrepancies in licence-granting policies between the different regions. We do not see a problem regarding diverging policies in hard, complex or non-standard cases. For these cases there is, *qualitate qua*, no policy available at all (cf. for the elaboration of an analogous problem Section 3.1).

2.3. The pitfalls

2.3.1. User friendliness

The WVO is a fairly broad law. To represent the complete law at once is impossible. The first selection of subdomains has been made in mutual agreement between Rijkswaterstaat and Icim. The restriction to a subdomain made it possible to show results in an early stage of the project, enhancing the acceptance by users. In a later stage other, more complex, parts were added to the knowledge base. The choice for a user friendly system (combining Nexpert Object and WordPerfect under MS Windows) further helped to facilitate the acceptance by potential users. The complexity of the system does not show, and does not make the system's behaviour incomprehensible.

2.3.2. Knowledge elicitation

The knowledge of the experts is not easy to obtain. Most of the technical knowledge is implicit. The explanation of technical features to non-technicians is very difficult. The explanation of implicit technical knowledge, derived from experience, to non-technicians is an even harder problem. The same goes for explaining juridical knowledge to software engineers. These processes bear in themselves the risk of building an invalid expert system. The communication between the experts and the developers is therefore the most important factor in a successful realization of such a project. Moreover, in creating the knowledge base we found that reflections that should play a part in the granting process are often left out, because of miscommunication between experts. Relevant rules known to experts of one of the disciplines proved to be totally unknown to the other.

The juridical correctness of the system depends on the information the jurists provide during knowledge acquisition. They are responsible for interpreting the law and incorporating jurisprudence. This also holds for the technical correctness, it depends on the skills of the technicians. Consequently, the responsibility for assessing the correctness of the granted licences remains with Rijkswaterstaat because it is the competent governmental body, as well as the provider of the expertise.

2.3.3. High-quality aims and perfection

The interpretation of the law by machine needs to be pragmatic. The law is designed to be suitable to all conceivable circumstances. We find the law to describe exceptions on normal ruling, and possibly exceptions on the exceptions, etcetera. Although this allows us to use a well-known and straightforward representation formalism (production rules), exceptions on exceptions can make a system unworkable while it takes a large amount of effort to incorporate all these exceptions (Oskamp, 1990). The solution we chose is to find a compromise between the high quality aimed at and the available law-modelling capacity by not incorporating exceptions that hardly ever occur (according to our experts). High quality does not equal perfection. Consequently, we may rely on JES to handle correctly simple cases that occur frequently. All other cases are considered to be non-standard and should be recognized as such during the preliminary categorization mentioned earlier.

2.3.4. The pitfalls of the tool being used

The actual use of the system may lead to pitfalls of a different kind which will be discussed more generally in later sections. Here we provide a few JES-related examples. The WVO requires that the quality of the water is considered in the process of granting the licence. The discharge should consequently be balanced against the quality of the receiving water. This could mean that the first ten companies that request a licence receive one because the water-pollution level is still acceptable, and the eleventh company is denied a licence. The competition issues arising between applicants is something that should be considered.

Another complicating factor is "sustainable development", a concept adopted by the policy makers. The leading thought being that environmental factors can be expressed in economic terms, thus providing the means for hopeful discussions on simultaneous economical growth and environmental preservation. The latter aims at sustaining future society on an acceptable level. The concepts involved should be considered in an expert system such as JES. But since guidelines and practical applications of those guidelines are not yet available and since such an approach would need more data on waterways and interregional effects, political instructions cannot be incorporated in JES at the moment.

3. CIS

The second case study looks into the supply of information and the information interrelationships within the judiciary, in particular with respect to the sentencing of courts in criminal cases. A research project on this subject is defined by an ad hoc project team in which judges, scientists and software engineers participate. Preliminary analyses have revealed the development of a Communication Infrastructure for the registration, provision and development of common Sentencing knowledge as main objective. Hence we refer to the project as CIS.

3.1. Background

Empiricists frequently observe the occurrence of differences between Dutch courts in sentences adjudicated in comparable criminal cases [e.g., Berghuis, 1992]. These differences are unwanted and can contribute to a growing distrust in the legal system by the general public. Although Dutch judges are independent and have considerable freedom in choosing type and weight of punishment, they have to take into account the seriousness of the criminal act and the circumstances of the accused - not their personal taste in these matters.

The differences in sentencing can be explained by looking at the knowledge that is available to judges for sentencing. We distinguish three categories:

- a. *Individual expertise.* This is sentencing knowledge derived from personal experience by a professional judge. With regard to the identification and assessment of personal circumstances of the accused and to the veracity of his motives and intentions this type of knowledge is indispensable. For the greater part this knowledge is intuitive. The personal conviction of the judge plays a decisive role. The same goes for the interpretation of statements of experts and social workers. Ambiguous interpretations are sometimes unavoidable.
- b. *Professional knowledge.* This is knowledge that is generally acknowledged by the professional group of judges as common knowledge. As any professional common legal knowledge, it should be accessible in handbooks, jurisprudence and precedent. Professional knowledge on sentencing is not available in any of these media.

- c. *Knowledge about legal principles.* Knowledge about legal principles is widely published in the traditional media. Judges often have to decide hard cases [Dworkin, 1978] where neither professional knowledge nor individual expertise is available. These decisions are to be taken and with responsibility. The most important criterium for these decisions is normative and involves taking into account the well-known principles regarding the role of judges within the constitutional state, and the social and legal structures which form it. Responsible judgments in hard cases are acknowledged to be based on legal principles of a very general nature which hardly allow straightforward answers.

Individual expertise and knowledge about principles are available in the present day sentencing practice. Professional sentencing knowledge is not. Prerequisite for the possible development of acknowledged professional sentencing knowledge is the case-law publication of relevant circumstances, applied sentences and explicit reasons. However, in published cases, argumentation of sentences is generic and extensionally void: "(...) is in accordance with the gravity of the criminal act and with the circumstances of the accused (...)" has become the cliché argument which is generally approved of by the Dutch High Court. The actual discussion of assessments in sentencing is in Dutch legal practice restricted to the council meeting of the judges, that judge a particular case. The proceedings of these meetings are secret. Accordingly, the exchange of assessments between courts, the debating of cases amongst professional judges is severely limited. This prevents autopoiesis [Witteveen, 1992] of appropriate professional knowledge. Thus, the first and foremost conditions for the development of professional sentencing knowledge are currently not met in Dutch legal tradition.

Consequently, each individual sentencing decision constitutes a hard case and is based on (a) individual expertise regarding assessment of the circumstances of the case and on (b) vague normative principles regarding the adjudication of punishment to assessed circumstances.

3.2. A possible solution

It is expected that the availability of professional knowledge will enhance the rationality of sentencing. The professional knowledge that has to be made available to the judges are records of previous sentences and the assessments and argumentations which motivate the specific sentence. These records can be used by the judges as a tool to study viable assessments and common sentences in later cases.

The first step towards a solution is a database with restricted access in which the sentencing information as revealed in secret council meetings about cases will be stored in text format. This database should be accessible to all (secret) council meetings, thus providing an infrastructure for communication between courts and a medium for the professional debating of sentencing knowledge. It is to be noted that information technology has only very recently come up with tools to realize such an infrastructure.

Since there is no professional sentencing knowledge available as yet, the database will initially lack structure. Therefore, the second step is to gain professional sentencing knowledge from the database. The goal of the research program is to analyze the sentencing information and to find (or create) commonly acknowledged sentencing knowledge in the debate between courts and judges. The outcome of this study can be used for initial modelling and formalization in a knowledge base that can access the database. The resulting system will be used for enhanced study programs and further discussion on the theory and application of the sentencing knowledge.

With changing insights into the professional knowledge the database and the knowledge base have to be adaptable and extendable. Knowledge-representation formalisms will have to be appropriate in this respect. Based on our experience with JES we assume that

the target knowledge will conceptually be structured in the rule-exception format which may be represented in production rules. Knowledge-maintenance tasks will concentrate on handling refinement of exceptions and conflict resolution between them.

3.3. The foreseeable pitfalls

3.3.1. Knowledge elicitation

The most alluring pitfall of the CIS project for knowledge engineers is to assume that professional sentencing knowledge actually exists and to venture it into a model. This attitude is prone to the modelling of an individual judge's expertise that will prove not to be generally acceptable. It has been adopted in an earlier project [Vollbeh, 1991].

Many other pitfalls are for a large part similar to those faced in the JES project. The broadness of the sentencing cases requires that a selection is made narrowing the domains. The communication between the jurists and the developers will, especially at the start, cause misunderstanding and stress. The different teams will have to do their utmost to remain on 'speaking terms'.

The problem of exceptions plays a different role than it did in JES. Here, the exceptions in assessments are essential to the system - nevertheless, how do we notice the exceptions, and to which rules are they exceptions? Another way of looking at this pitfall is that shared professional knowledge may not actually emerge when using and developing the system.

3.3.2. The pitfalls of the tool being used

Assuming the system to be successful, we can foresee its use to lead to pitfalls of a different kind. We mention a few.

By making more data available to judges a situation is created that, whilst they can take notice of professional sentencing knowledge, judges have the responsibility to do so. In other words: a system as proposed could make their task more complex. Therefore, much consideration has to be given to the search mechanisms and to a conceptually transparent knowledge representation.

The basis of sentencing is the notion that there is a choice in every case that can do justice to the personal circumstances and still lead to equality in the sentencing. Of course, the choices are supposed to be made by capable judges. If all assessments can be monitored, judgements can become questionable. This questioning can undermine the credibility of judgements and judges. As a result they may undermine the base of our sentencing. Systems such as CIS may thus save us from the frying pan into the fire. After all, the urge behind the project is the current undermining of our trust in the legal system due to differences in sentencing.

4. Is and ought revisited

Further analysis of the case studies reveals the growth of knowledge to provide a serious cause for a political debate and for the revisiting of age-old legal-theoretical and practical issues: the relations between what is and what ought to be.

Knowledge about what is and about what ought to be is closely interrelated. This interrelationship is bidirectional (a) from what is known towards what ought to be and (b) from what ought to be towards what is known.

4.1. From what is known to be to what ought to be

Legal and political theory agree that no logical relationship can be established between what ought to be and what is known to be. Nevertheless, we seem to generate strong feelings on what we should (not) do, as soon as we find ourselves able to accomplish something due to newly acquired empirical knowledge. Consequently, other, more practical methods for generating normative knowledge have been created, notably democratic procedures. If we know how to destroy the ozone layer we may thus (democratically) answer the question whether we ought to do so. As long as we do not know the ozone layer to be impaired, normative questions regarding the ozone layer are nonexistent. As a matter of consequence, we suggest that the more we know empirically, the more normative questions we have to answer.

4.2. From what ought to be to what is known to be

Legal and political theory also agree that there are limits to the norm-issued constructability of reality by administration. If we have collectively decided that we ought not destroy it, there seem to remain a few problems to be solved in order to reach a state in which the empirical world shows an unimpaired ozone layer. For an effective administration we should, for instance, monitor the production (and use) of all matter that may contribute to changes in the ozone layer. As a matter of consequence we suggest that the more we know about what ought to be, the more empirical knowledge has to be made available in order to procure an appropriate state of affairs.

The relationships between empirical and normative knowledge may provide a vicious circle, where additional empirical knowledge creates a need for additional norms and where additional norms create a need for additional empirical knowledge. An equilibrium in this process will be reached, according to the law of diminishing returns; an equilibrium will be upset if the marginal needs are increasing. Our impression is that especially the communication and registration potential of information technology upsets the existing equilibria because they drastically increase the possible growth of empirical knowledge.

To illustrate our point we present two scenarios, which can easily reduce our promising case studies into nightmares:

JES The development of JES was inspired partly by efficiency needs (which have been met and which we leave outside the discussion) and partly by the normative need to coordinate policies between granting bodies. Consequently, empirical knowledge about the amounts of allowed pollutants has become available. This, in its turn, may pose the question of how much pollutants will be allowed in the environment. After any answer, additional normative knowledge has to be generated with respect to the actions to be taken when the limit has been reached (or has been overshot). The administration will need additional empirical knowledge to decide on the resulting questions regarding, for instance, commercial competition. Eventually an equilibrium (for instance, around the concept of sustainable development) may be reached. Somewhere during this process, however, it will become clear that the empirical information available can be used for several different purposes, say, by the Revenue Administration. This circumstance may induce the upset of another equilibrium, etcetera. We are confronted with a domino effect.

CIS The development of CIS was inspired by a normative need: the decrease of differences in sentencing in comparable cases. The research for empirical knowledge regarding sentencing policy is induced, which may lead to the increase of normative knowledge regarding sentencing. Here, an equilibrium may be reached. However, the additional empirical knowledge may lead to additional normative questions which could be answered, using the continued

CIS empirical data. It might even be used to judge judges, and accordingly to destroy a particularly delicate balance in a democratic society.

We have directed our scenarios towards the envisionment of serious damage to society caused by vicious norm-knowledge circles. However, we feel that the scenarios mentioned might as easily have been egged on towards utopian results. We have shown that serious practical questions are being posed to democratic societies by the potential of information-technological tools. These problems need democratic attention and solutions, which are traditionally being reached in debate.

5. Equilibria

We briefly review the foremost equilibria that have proven to be useful in a (democratic) political and legal-theoretical debate and suggest the possible upsets issued by information-technological tools. We mention (a) egalitarianism vs. individualism, (b) checks & balances and (c) perfectionism vs. liberalism.

5.1. Egalitarianism vs. individualisation

Equality and individualism are fundamental legal issues. They are institutionalized in the (independent) legislative and judicatural powers, respectively. One of the foundations for these distinct powers is to be found in the amount of practical knowledge available. Legislative generality is based on an assumption of equality that does not actually exist. Appropriate individualization is performed by the judicature, instantiating individual cases to general rules. They are supposed to know the individual circumstances that the legislator cannot possibly take into account.

The emergence of information-technological tools makes the development of common individualization knowledge possible (cf. the CIS project). This type of knowledge may be used by the legislator, again suggesting a shift from judicatural to legislative power. However, the legislator will never be able to predict developments in society and will consequently seldom be tempted to be overspecific in his legislation. We do not see serious dangers needing discussion in this area, provided that the administration and the legislator refrain from using information-technological tools to control the judicature.

5.2. Checks & balances

In the Netherlands, the discussions about the impacts of information-technological tools have for a considerable time been focused on questions relating to registration and privacy. We consider the privacy-registration discussion to be a symptom of marginal trust of the public in administration and vice versa. As such, the discussion has read mistrust in the public's opposition to registration as well as in the administrations picking at the public's privacy. This type of (regularly justified) mutual mistrust has made the democratic society dependent on an elaborate system of checks and balances, most notably explicitated in the traditional distinction of the powers of state (legislator, judicature and administration) and in the positions of the Public Prosecutor and the accused.

Van Gunsteren [1972] has argued severe limits to exist for the effective pursuit of administrative goals. These limits seem, however, to have been stretched by information-technological tools. Extensive registration in itself is considered to be politically neutral. It will facilitate effective administration as readily as administrative abuse of power. Nonetheless, extensive registration suggests a big, simultaneous power shift towards administration as soon as information-technology driven, knowledge-based effectuation is realized. We suggest that these shifts are most likely to be brought about by short-term,

ad hoc problems in society (cf. the current debate on the integration of tax administrations and social welfare administrations in the Netherlands in relation to controlling welfare abuse and illegitimate immigration).

We also suggest that the simultaneous power shifts should neither be discussed ad hoc nor be forgotten in the heat of the moment. It is not immediately clear, however, in what way the administrative power could be checked. Perhaps it can be done by redirecting the emerging registration potential towards the administration itself. Again, a vicious circle seems to emerge. Where and how this will reach (or should be brought to) a stable equilibrium is an existential challenge to today's political and legal theory (and practice).

5.3. Perfectionism vs. liberalism

A perfectionist ethical theory claims universal morality, its scope reaching into the most private of individual actions. Perfectionist ethical theory knows any of our actions to be good or bad, anywhere and all the time. A famous and extremely influential example is provided by Aristotle. Opposed to perfectionist ethical theories are those, that only claim validity for actions that may affect the freedom of others. Perfectionist and liberal ethical theories have bred perfectionist and liberal political parties, who, in their turn, have provided societies with hybrid perfectionist-liberal legal systems.

Prima facie it seems more natural for perfectionist-oriented legal systems to strive for comprehensive registration than for more liberal-oriented systems. History bears out this intuition if we classify the communist systems amongst the perfectionist-oriented and notice their inherent huge administrative overhead. We allow the comprehensive registration in these systems to have brought about an anti-democratic upset compared with our traditional equilibria of power, thus yielding possibilities for abuse that have not been checked by knowledge-based, public discussions of the behaviour of administration itself. We think this bears out our observations in the last subsection. We maintain, however, that extensive registration is in itself politically neutral. It may be effectively used in the pursuit of liberal as well as in the pursuit of perfectionist goals.

6. Conclusions

The growth of empirical knowledge issues the demand of additional normative knowledge and the growth of normative knowledge issues the demand for empirical knowledge. An equilibrium between empirical and normative knowledge demands may be reached. However, recent information technological developments have disturbed the existing equilibrium or will soon do so. As a consequence, power shifts in the *trias politica*, organic to the constitutional state, will occur. These shifts need serious democratic attention.

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Daniela Raschhofer EU-Spitzenkandidatin der FPÖ

Das richtige Gespür für die Entwicklungen in der EU

Daniela Raschhofer hat bereits in ihrer bisherigen Tätigkeit als freiheitliche Europaabgeordnete das richtige Gespür für Entwicklungen in der EU gezeigt.

Nur zwei Beispiele

- Im Zuge des BSE-Skandals hat Daniela Raschhofer als eine der Ersten im EU-Parlament die Initiative ergriffen.
- Als Umfang der Mißwirtschaft und Korruption der EU-Kommission festgestanden sind, hat Daniela Raschhofer bereits am 15. Jänner 1999 versucht, durch die Mitwirkung beim Mißtrauensantrag gegen die Kommission, ein eindeutiges Signal gegen Korruption, Vetternwirtschaft und Mißwirtschaft zu setzen. Als Delegationsleiterin der freiheitlichen EU-Parlamentarier wollte sie der Kommission bereits am 15. Jänner 1999 die rote Karte zeigen. Bekanntlich haben damals die Abgeordneten von SPÖ und ÖVP gegen den Mißtrauensantrag gestimmt.

Ihre Ziele:

- Kontrolle und in der Wahrung der österreichischen Interessen im Europäischen Parlament
Die lange Chronologie des Mißbrauchs und der Korruption in der EU beweisen, daß Österreich eine starke Kontrolle in Brüssel braucht.
- Aufbrechen des Systems der rot- schwarzen Packelei auf Europäischer Ebene
Was für Österreich gilt, gilt noch viel mehr für Europa. Beim europäischen Postenschacher bleibt der Bürger endgültig auf der Strecke. Wie die Skandalchronik um den Rücktritt der EU-Kommission beweist, mauern und vertuschen die roten und schwarzen Fraktionen im Europaparlament und geben nur das zu, was wirklich nicht mehr zu verheimlichen ist.

Im Gegensatz dazu können sich die Österreicher auf die Freiheitlichen verlassen. Daniela Raschhofer nach ihrer Nominierung: **„Wir Freiheitlichen werden unser Gewissen nicht wie die anderen in der Abflughalle in Schwechat abgeben. Am 13. Juni muß gelten: Wahltag ist Zahltag, Zahltag für Korruption, Mißwirtschaft und Postenschacher - in Österreich und in der EU.“**

Kurz-Lebenslauf der freiheitlichen EU-Spitzenkandidatin Daniela Raschhofer

Geboren am 19. Juni 1960 in Braunau
Höhere Bundeslehranstalt für wirtschaftliche Frauenberufe (HBLA), Abschluß mit Matura
Einjähriger Auslandsaufenthalt in Paris
Absolvierung der Pädagogischen Akademie in Salzburg, Lehramtsprüfung für Volksschule
Absolvierung der Berufspädagogischen Akademie in Linz, Lehramtsprüfung für Berufsschulen
Oktober 1991 - November 1996: Abgeordnete zum Oberösterreichischen Landtag
11. November 1996: Abgeordnete zum Europäischen Parlament
ab Jänner 1998: Delegationsleiterin

Das Wahlergebnis vom 13. Oktober 1996

| Partei | Prozent | Mandate |
|--------|---------|---------|
| ÖVP | 29,7 | 7 |
| SPÖ | 29,2 | 6 |
| FPÖ | 27,5 | 6 |
| Grüne | 6,8 | 1 |
| LiF | 4,3 | 1 |

Am 13. 10. 1996 hat die FPÖ bundesweit das beste Ergebnis in ihrer Geschichte erreicht.

Unser Wahlziel für den 13. Juni: Wir wollen das historische Ergebnis von 1996 wieder erreichen und nach Möglichkeit überspringen.

Um das zu verhindern, werden uns SPÖVP mit allen Mittel bekämpfen.

SPÖVP werden behaupten:

Eine Stimme für die FPÖ ist eine verlorene Stimme, weil wir Freiheitlichen im Europaparlament in keiner Fraktion sind.

Wahr ist:

Die Freiheitlichen Abgeordneten im Europaparlament verfügen über die größtmögliche Unabhängigkeit und Eigenständigkeit. **Sie entscheiden immer im Interesse Österreichs.** Die anderen Parteien sind in festen Fraktionen und unterliegen einem europäischen Klubzwang.

Beispiel 1: Das Mißtrauensvotum gegen die EU-Kommission wegen erwiesener Korruption und Mißwirtschaft.

Die ÖVP stimmt dagegen, „weil der Antrag von radikalen Europegnern eingebracht wurde!“ (Ursula Stenzel am 15. Jänner 1999).

Das beweist: Die Interessen der europäischen Fraktion stehen über den Interessen der Österreicher.

Beispiel 2: Liberalisierung des Drogenkonsums

Am 14. 1. 1998 verlangt die SPE – die Fraktion der Sozialisten im EU-Parlament - mit andern linken Gruppierungen den Konsum illegaler Drogen international straffrei zu stellen, den Handel und die Herstellung weicher Drogen zu regulieren und die ärztliche Verschreibung von Heroin und Methadon zuzulassen.

Das beweist: Linke Drogenliberalisierung über die Brüsseler Hintertür. Die SPÖ-Delegation denkt nicht daran, dagegen aufzutreten.

Beispiel 3: Ampelkoalition bei Homosexuellengesetzgebung

Hannes Swoboda, Maria Berger (beide SPÖ), Friedhelm Frischenschlager (LiF) und Johannes Voggenhuber (Grüne) bringen am 17. September 1998 für ihre europäischen Fraktionen einen Antrag „zur Gleichberechtigung von Homosexuellen und Lesben“ im Europaparlament ein.

Das beweist: Die Ampel ist in Brüssel in der Gesellschaftspolitik Trittbrettfahrer gegen österreichische Interessen.

SPÖVP werden behaupten:

Nur in einer Fraktion können die Österreichischen Interessen vertreten werden. Außerhalb können nicht einmal Anträge gestellt werden.

Wahr ist:

Wir Freiheitlichen vertreten die Anliegen Österreichs in Europa. SPÖ, ÖVP, Grüne und Liberale exekutieren die Beschlüsse und die Interessen ihrer europäischen Fraktionen im Europaparlament. Ohne Rücksicht auf Österreich. **Jede Stimme für die FPÖ ist tatsächlich eine Stimme für Österreich.**

Beispiel 4: Anti-Atompolitik

Die FPÖ fordert im Februar 1997 alle österreichischen EU-Abgeordneten auf, im EP geschlossen gegen das Atomkraftwerk Temelin aufzutreten. Die ÖVP-Abgeordnete Fleming verweigert im Namen ihrer Kollegen die Unterstützung mit dem Hinweis, daß sie selbst einen diesbezüglichen Antrag einbringen wird. Nach Ablauf der Einbringungsfrist gibt es keinen Antrag.

Die Fraktion der europäischen Volkspartei hat der ÖVP die Unterstützung versagt.

SPÖPVP werden behaupten:

Nur durch die SPÖ und die ÖVP wurden Korruption und Mißwirtschaft in der EU aufgedeckt.

Wahr ist:

Wir Freiheitlichen haben am 15. 1. 1999 den Rücktritt der EU-Kommission wegen erwiesener Mißwirtschaft und Korruption verlangt. SPÖ und ÖVP haben im Europaparlament einer Kommission, die Monate später selbst geschlossen zurückgetreten ist, die Mauer gemacht und gegen den Rücktritt gestimmt.

Das beweist:

Die Regierungsparteien, allen voran Kanzler Klima und Vizekanzler Schüssel haben während des österreichischen EU-Vorsitzes nichts unternommen, obwohl alle Fakten seit Monaten auf dem Tisch gelegen sind.

Die SPÖ wird behaupten:

Die österreichische Neutralität ist das beste Sicherheitssystem, bis es ein eigenes europäisches Sicherheitssystem gibt.

Wahr ist:

Mit dem Beitritt zur Europäischen Union hat sich Österreich zur gemeinsamen europäischen Sicherheits- und Außenpolitik verpflichtet. Damit ist die Neutralität obsolet geworden. Um die Sicherheit der österreichischen Bevölkerung auch hinkünftig gewährleisten und finanzieren zu können, ist nach einer Volksabstimmung ein Beitritt Österreichs zur NATO notwendig.

Österreich kann sich durch einen Alleingang vor seiner internationalen Verantwortung nicht drücken. Außerdem ist ein Alleingang entweder sicherheitspolitisch unverantwortlich – Beweis: aktueller Zustand des Bundesheeres – oder nicht finanzierbar.

Die Lawinenkatastrophe von Galtür und die Probleme beim versuchten humanitären Einsatz im Kosovo/ in Albanien haben gezeigt, daß das österreichische Bundesheer so ausgehungert ist, daß es nicht einmal mehr zur Katastrophenhilfe mittlerer Größe in der Lage ist. Und die Entwicklung im Kosovo beweist neuerlich, daß die NATO das funktionierende europäische Sicherheitssystem ist.

Am 13. Oktober 1996 hat die FPÖ bundesweit das beste Ergebnis in ihrer Geschichte erreicht.

Unser Wahlziel für den 13. Juni 1999:

Wir wollen das historische Ergebnis von 1996 wieder erreichen und nach Möglichkeit überspringen.

SPÖVP werden behaupten:

Eine Stimme für die FPÖ ist eine verlorene Stimme, weil die Freiheitlichen im Europaparlament in keiner Fraktion sind.

Wahr ist:

Die Freiheitlichen Abgeordneten im Europaparlament verfügen über die größtmögliche Unabhängigkeit und Eigenständigkeit. Sie entscheiden immer im Interesse Österreichs. Die anderen Parteien sind in festen Fraktionen und unterliegen einem europäischen Klubzwang.

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Nur in einer Fraktion können die österreichischen Interessen vertreten werden. Außerhalb können nicht einmal Anträge gestellt werden.

Wahr ist:

Wir Freiheitlichen vertreten die Anliegen Österreichs in Europa. SPÖ, ÖVP, Grüne und Liberale exekutieren die Beschlüsse und die Interessen ihrer europäischen Fraktionen im Europaparlament. Ohne Rücksicht auf Österreich. Jede Stimme für die FPÖ ist tatsächlich eine Stimme für Österreich.

SPÖVP werden behaupten:

Nur durch die SPÖ und die ÖVP wurden Korruption und Mißwirtschaft in der EU aufgedeckt.

Wahr ist:

Wir Freiheitlichen haben bereits am 15. Jänner 1999 den Rücktritt der EU-Kommission wegen erwiesener Mißwirtschaft und Korruption verlangt. SPÖ und ÖVP haben im Europaparlament gegen den Rücktritt gestimmt.

Die Regierungsparteien, allen voran Kanzler Klima und Vizekanzler Schüssel haben während des österreichischen EU-Vorsitzes nichts unternommen, obwohl alle Fakten seit Monaten auf dem Tisch liegen.

Die SPÖ wird behaupten:

Die österreichische Neutralität ist das beste Sicherheitssystem, bis es ein eigenes europäisches Sicherheitssystem gibt.

Wahr ist:

Mit dem Beitritt zur Europäischen Union hat sich Österreich zur gemeinsamen europäischen Sicherheits- und Außenpolitik verpflichtet. Damit ist die Neutralität obsolet geworden. Um die Sicherheit der österreichischen Bevölkerung auch hinkünftig gewährleisten und finanzieren zu können, ist nach einer Volksabstimmung ein Beitritt Österreichs zur NATO notwendig.

Ursula Stenzel, ÖVP, zwei markante Aussagen:

15. Jänner 1999:

Stenzel mauert für eine korrupte EU-Kommission: „Die ÖVP lehnt das Mißtrauensvotum gegen die EU-Kommission ab, weil der Antrag von radikalen Europagegnern eingebracht wurde!“

17. März 1999:

Stenzel verliert drei Monate vor dem Wahltermin erstmals die Nerven: „Heftige Kritik übt Stenzel im KURIER-Gespräch an der FPÖ: „Haider wird eine Volksverblödungskampagne machen“, sagte sie wörtlich. Und: „Der einzige EU-Abgeordnete der FP, der Hirn hat, ist Professor Gerhard Hager.“

Hans Peter Martin, SPÖ: Als Spiegel-Redakteur Mitglied der Waldheim-Jagdgesellschaft. Höhepunkt seiner Anti-Österreich-Hetze im Zeitraffer:

29. Jänner 1988:

Das Nachrichtenmagazin **„Der Spiegel“** veröffentlicht ein Dokument, mit dem die Zeitschrift dem damaligen österreichischen Bundespräsidenten Kurt Waldheim die Mittäterschaft bei Kriegsverbrechen nachweisen will. Laut Spiegel soll Waldheim 1942 die Deportation von mehr als 4.000 Bewohnern der bosnischen Ortschaft Kozara befohlen haben.

30. Jänner 1988:

Der für die Veröffentlichung der Dokumente über Bundespräsident Waldheim verantwortliche „Spiegel“-Redakteur Hans-Peter Martin bestreitet, daß es sich dabei um eine Fälschung handelt. Das Dokument, dessen Original sich in Belgrad befinde, ist genau auf seine Echtheit geprüft worden, erklärte Martin gegenüber der Nachrichtenagentur AP. Dabei haben sich „überhaupt keine Zweifel ergeben.“ Martin: „Wir hätten das nicht gedruckt, wenn wir irgendeinen Anhaltspunkt für eine Fälschung gefunden hätten.“

Der **„Spiegel“** veröffentlicht außerdem ein Photo, das Waldheim zwischen dem Führer des faschistischen Ustascha-Staates Kroatien, Ante Pavelic, und dem deutschen Befehlshaber von Massakern im Kozara-Gebirge, Generalmajor Friedrich Stahl, zeigt.

3. Februar 1988

Die Dokumente stellen sich als Fälschung heraus. Und: Neben dem Hamburger **„Stern“** und der Zürcher **„Weltwoche“** hatte auch die Illustrierte **„Quick“** ein Angebot des jugoslawischen Journalisten Danko Vasovic ausgeschlagen, Dokumente über Waldheims Wehrmachtsvergangenheit zu kaufen. In einer Presseerklärung heißt es, **die im Spiegel veröffentlichten Dokumente seien für „mindestens 100.000 Mark“ (700.000 Schilling) angeboten worden.** Es handle sich unter anderem um Fotos, die Waldheim zusammen mit dem Ustascha-Führer Pavelic zeigen.

7. April 1999:

Die SPÖ belohnt Hans Peter Martin für seinen „Kampf an vorderster Front in der Waldheim-Jagdgesellschaft“ mit dem Spitzenplatz ihrer EU-Liste.

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De Binnenlandse Veiligheidsdienst

vanaf 1 januari 1999

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties
Binnenlandse Veiligheidsdienst
Dokter van der Stamstraat 1, Leidschendam
Postbus 20010, 2500 EA Den Haag
Telefoon (070) 3178610
Telefax (070) 3200733
Internet: <http://www.minbzk.nl/>



Vanaf 1 januari 1999 werkt de Binnenlandse Veiligheidsdienst volgens een aangepaste organisatiestructuur. Op die manier is de BVD beter in staat tot het vervullen van zijn taak: het leveren van informatie en advies met het oog op de nationale veiligheid. De verandering is ook noodzakelijk omdat de in februari 1997 ingevoerde Wet veiligheidsonderzoeken (WVO) en de voorbereidingen op de herziening van de Wet op de inlichtingen- en veiligheidsdiensten (WIV) gevolgen hebben voor de inrichting van het werkproces en de organisatie.

■ Een nieuwe organisatiestructuur

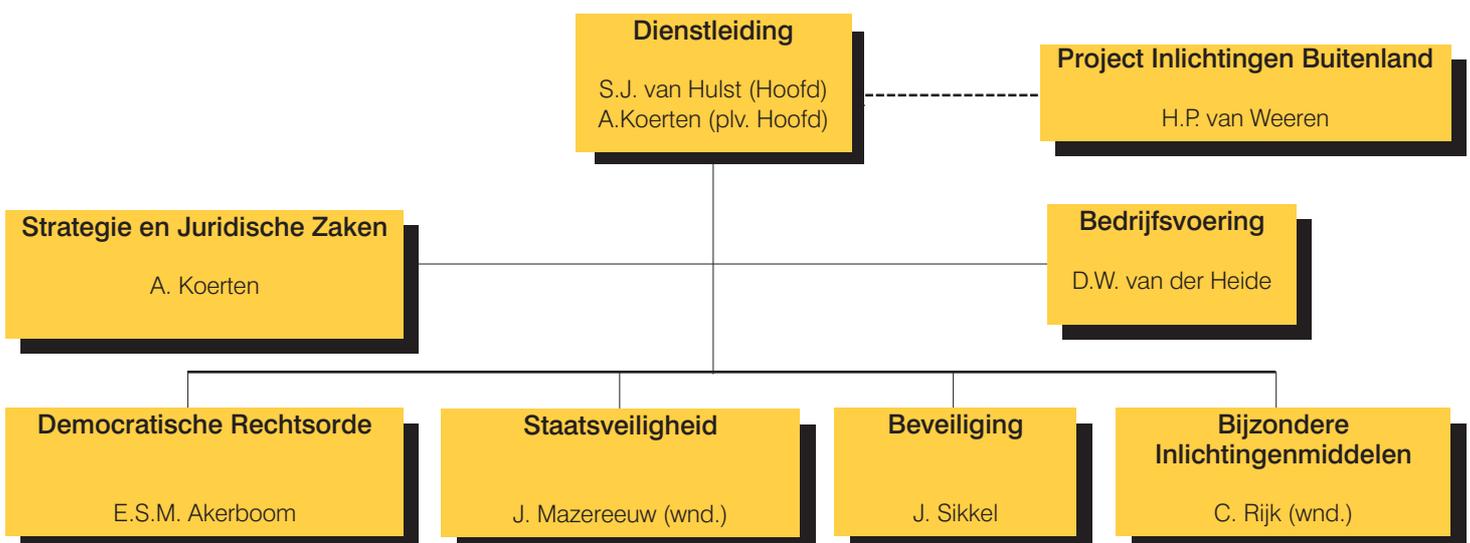
Een van de meest in het oog springende veranderingen is de directie Beveiliging. In deze directie zijn de beveiligingstaken gebundeld die eerst waren ondergebracht bij afzonderlijke directies.

De verandering van de organisatiestructuur brengt voorts met zich mee dat de drie oude directies Democratische Rechtsorde, Staatsveiligheid en Maatschappelijke en Economische Belangen worden opgeheven. De directies Democratische Rechtsorde en Staatsveiligheid komen in een andere vorm opnieuw in de nieuwe organisatie terug.

Ter voorbereiding op een nieuwe wettelijke taak is het project Inlichtingen Buitenland in het leven geroepen.

Tenslotte worden van drie directies de namen geactualiseerd. De directie Strategie en Planning wijzigt haar naam in directie Strategie en Juridische Zaken. De directie Operationele Informatievergaring wordt omgedoopt in de directie Bijzondere Inlichtingenmiddelen en de directie Management Advies en Centrale Faciliteiten krijgt de naam directie Bedrijfsvoering.

■ De nieuwe organisatie vanaf 1 januari 1999



■ Toelichting op de nieuwe organisatiestructuur

Dienstleiding

Het hoofd van de BVD, de heer S.J. van Hulst geeft leiding aan de BVD. Zijn plaatsvervanger is de heer A. Koerten (tevens directeur Strategie en Juridische Zaken). Samen vormen zij de dienstleiding.

Directie Strategie en Juridische Zaken (SJZ)

Directeur: A. Koerten

De directie Strategie en Juridische Zaken is verantwoordelijk voor de ondersteuning van de dienstleiding en het managementteam van de BVD, het ontwikkelen en bewaken van de strategische koers, juridische en parlementaire aangelegenheden en de interne en externe communicatie.

Directie Bedrijfsvoering (BV)

Directeur: mr. D.W. van der Heide

De directie Bedrijfsvoering geeft managementadvies en levert centrale faciliteiten op de terreinen personeel, automatisering en organisatie, financiën, veiligheid, kwaliteitsmanagement, registratie en archivering en facilitair bedrijf.

Directie Democratische Rechtsorde (DRO)

Directeur: drs. E.S.M. Akerboom

De directies Democratische Rechtsorde en Staatsveiligheid verrichten onderzoek naar personen en organisaties die een bedreiging kunnen vormen voor de democratische rechtsorde, de veiligheid van de staat of andere gewichtige belangen van de staat.

De directie richt zich op:

- schending van grondrechten;
- ontregeling politieke besluitvorming;
- terrorisme en ander politiek geweld.

De directie is opgebouwd uit teams die inhoudelijk worden ondersteund door een afdeling Beleid en Expertise.

Directie Staatsveiligheid (SV)

Directeur: J. Mazereeuw (wnd.)

De directies Democratische Rechtsorde en Staatsveiligheid verrichten onderzoek naar personen en organisaties die een bedreiging kunnen vormen voor de democratische rechtsorde, de veiligheid van de staat of andere gewichtige belangen van de staat.

De directie richt zich op:

- activiteiten van buitenlandse inlichtingendiensten;
- proliferatie van massavernietigingswapens;
- fenomenenonderzoek georganiseerde misdaad;
- ongewenste handel in conventionele wapens.

De directie is opgebouwd uit teams die inhoudelijk worden ondersteund door een afdeling Beleid en Expertise.

Directie Beveiliging (BC)

Directeur: drs. J. Sikkel

De directie Beveiliging heeft als taken:

- het bevorderen van de beveiliging van gegevens waarvan de geheimhouding door het belang van de staat wordt geboden;
- het bevorderen van de beveiliging van onderdelen van overheid en bedrijfsleven die van vitaal belang zijn voor de instandhouding van het maatschappelijk leven;
- het verrichten van veiligheidsonderzoeken naar personen die vertrouwensfuncties (gaan) vervullen bij overheid en bedrijfsleven.

Ook de werkzaamheden van de BVD met het oog op de beveiliging van NAVO-informatie worden binnen deze directie verricht. Verder is een meldpunt integriteitsaantastingen met betrekking tot de Nederlandse overheid bij de directie ondergebracht.

De directie kent een afdeling Beveiligingsbevordering, twee afdelingen voor het verrichten van veiligheidsonderzoeken en een afdeling Beleid en Expertise.

Directie Bijzondere Inlichtingenmiddelen (BI)

Directeur: C. Rijk (wnd.)

De directie Bijzondere Inlichtingenmiddelen levert bijzondere operationele informatie en diensten en verzorgt de relaties met buitenlandse zusterdiensten.

Project Inlichtingen Buitenland (IB)

Directeur: mr. drs. H.P. van Weeren

Het project Inlichtingen Buitenland heeft tot doel voorbereidingen te treffen voor de inlichtingentaak met betrekking tot het buitenland. Deze taak is voorzien in de thans bij de Staten-Generaal in behandeling zijnde nieuwe Wet op de inlichtingen- en veiligheidsdiensten.

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LEITANTRAG des ao. Bundesparteitages
der Freiheitlichen Partei Österreichs
am 29. Oktober 1998 in Linz

Faire Steuern

Arbeit schaffen – Steuern senken

ALLGEMEINES

Die große Koalition hat Österreich in den letzten Jahren zu einem Hochsteuerland gemacht, und die Abgabenquote von 41,9 % im Jahr 1989 auf rund 45 % des Bruttoinlandsproduktes gesteigert. Das ist eine der höchsten effektiven Belastungen innerhalb der OECD. Die von der Bundesregierung angekündigten Steuerreformen stellen sich als Täuschungsmanöver heraus, da sie lediglich den Grenzsteuersatz abgesenkt, die tatsächliche steuerliche Belastung für den Steuerzahler aber gesteigert haben. So haben sich z.B. die steuerlichen Einnahmen Lohnsteuerpflichtiger von ÖS 88 Milliarden im Jahre 1989 auf voraussichtlich mehr als ÖS 190 Milliarden im Jahre 1998 mehr als verdoppelt. Die Leidtragenden dieser Entwicklung waren vor allem Familien sowie Bezieher niedriger bzw. mittlerer Einkommen.

Da SPÖ und ÖVP in den letzten Jahren die durch die überwuchernde Bürokratie verursachte Ausgabendynamik nicht einbremsen konnte, unternimmt die Koalition, trotz stetig steigender Einnahmen, ständig den Versuch, den braven Steuerzahler weiter zur Kasse zu bitten. Die in diesem Rahmen entwickelten Steuerreformpakete werden aber von den Steuerzahlern als ungerecht und unfair empfunden, weshalb sie legale bzw. illegale Steuervermeidungsstrategien entwickeln. Dadurch sind in den letzten zehn Jahren die Schattenwirtschaft um sagenhafte 230 % auf ca. ÖS 233 Milliarden und die Steuerrückstände von rund ÖS 36 Milliarden auf knapp ÖS 90 Milliarden Ende Oktober 1997 angestiegen.

Eine Folge dieser Entwicklung war, daß die Steuergesetze ständig novelliert, angepaßt und rückwirkend geändert wurden. Die Gesetze wurden daher immer komplizierter. Es müssen umfangreiche Verordnungen erlassen und diese wiederum mit noch umfangreicheren Erlässen kommentiert werden.

Die Gesetzestexte werden in vielen Fällen sowohl qualitativ als auch quantitativ durch Erlässe überlagert. Der Wortlaut des Gesetzes spielt oft in der Anwendung keine Rolle mehr, so daß es dem Steuerpflichtigen trotz zu Hilfenahme des Gesetzestextes nicht mehr möglich ist, zu erkennen, in welcher Höhe und in welcher Form sich ein Besteuerungstatbestand konkret sich für ihn auswirken wird. Am Beispiel des Arbeitszimmererlasses (Erlaß des BMF vom 28. Feber 1997) ist zu ersehen, daß für eine fünfzeilige gesetzliche Regelung ein Erlaß von 4 Seiten erforderlich ist, der außerdem äußerst umständlich, verwaltungsaufwendig und für den Steuerpflichtigen kaum leserlich verfaßt wurde.

Um der Blamage einer Aufhebung durch den Verfassungsgerichtshof wegen Verfassungswidrigkeit bzw. Gesetzswidrigkeit zu entgehen, wird in diesem und in zahlreichen anderen Erlässen ausdrücklich ausgeführt, daß „über die gesetzlichen Bestimmungen hinausgehende Rechte und Pflichten daraus nicht abgeleitet werden können“.

Im genannten Arbeitszimmererlaß wird den Finanzbeamten auch noch die delikate Aufgabe übertragen, zu überprüfen, ob die Tätigkeit des Steuerpflichtigen „notwendigerweise zeitmäßig zu mehr als 50 % im Arbeitszimmer ausgeübt wird“.

Dieser chaotische Zustand des österreichischen Steuerrechtes wurde von anerkannten Experten immer wieder kritisiert:

Die schlechte Qualität der Gesetze veranlaßte den Präsidenten des Verfassungsgerichtshofes Professor Adamovich jüngst zu deutlicher Kritik: „Die Probleme hätten sich durch die zunehmende Tendenz zu Sammelgesetzen mit Änderungen zu sehr verschiedenen Materien verstärkt. Die Frage sei, wo die Kompliziertheit notwendig und wo sie überflüssig sei. Daß Gesetze als Kompromiß bewußt mehrdeutig gestaltet würden, sei wohl eine Unterstellung. Es gebe im

Hintergrund aber tatsächlich divergierende Interessen, es gehe über das Unvermögen hinaus“. Prof. Adamovich kritisierte mehrfach auch die zunehmende Tendenz, die Bundesverfassung durch Verfassungsbestimmungen in den einfachen Gesetzen auszuhöhlen. Er sprach in diesem Zusammenhang sogar von einer schleichenden Gesamtänderung der Bundesverfassung.

Der Verfassungsrichter Professor Korinek erklärte dazu bei einer Tagung der Österreichischen Juristenkommission, das Problem der Unklarheit der Gesetze habe „eine Dimension erreicht, die man sich nicht mehr vorstellen könne. Die zum Teil aufgehobene Werkvertragsregelung sei dafür nur ein Beispiel von vielen.“

Der Verfassungsrichter Professor Ruppe betonte bei derselben Tagung, daß das Einkommensteuergesetz im Jahr 1996 gleich siebenmal geändert worden sei, Unsicherheit und Unverständlichkeit seien enorm. Vielfach seien die Gesetze nur noch mit Hilfe der mündlich tradierten Privatmeinung von Beamten anzuwenden.

Wie wenig die Steuergesetzgebung der Koalitionsparteien auf das Erfordernis der Rechtssicherheit und den Grundsatz von Treu und Glauben bedacht nimmt zeigt alleine die Entwicklung des Investitionsfreibetrages von 1992 bis 2000. Dabei ist besonders auf die jährlichen Änderungen der Höhe des Investitionsbeitrages und auf die verschiedenen Stichtage des Spatenstiches hinzuweisen.

Allein für die Vollziehung der im Strukturanpassungsgesetz 1995 (BGBl.Nr. 297/1995) im Bereich des Investitionsfreibetrages vorgesehenen Änderungen, nämlich die Absenkung des Investitionsfreibetrages auf 9 % bzw. 6 % und ein besonderes Vorauszahlungsmodell war wiederum ein Erlaß im Umfang von ca. 8 Seiten erforderlich, dessen Vollziehung für den Steuerpflichtigen aber auch für die Finanzverwaltung äußerst verwaltungsaufwendig ist.

Der Verfasser des Leitfadens des österreichischen Einkommensteuerrechtes, Fritz Korntner, führt zu den oben angeführten Änderungen des Investitionsfreibetrages kritisch an, daß der Investitionsfreibetrag lediglich in Kombination mit der Investitionsrücklage ein kompaktes und sinnvolles Investitionsinstrumentarium war. Durch die Abschaffung der Investitionsrücklage mittels Steuerreformgesetz 1993 sprechen manche Kritiker vor einer katastrophalen Entwicklung im Abgabenrecht.

Darüber hinaus merkt der Autor zu den befristeten Sonderregelungen für den Investitionsfreibetrag noch an, daß die von der Koalition gewählte Verfassungsbestimmung beim § 8 Abs. 2 (Rückwirkung ab der Veranlagung 1996) wie in den zahlreichen anderen Fällen juristisch kaum vertretbar sei.

Als weiteres Beispiel für den mangelnden Mut der Koalitionsparteien, klare, zielgerichtete und den Erfordernissen entsprechende Regelungen zu schaffen, sind die Änderungen im Zusammenhang mit der Geltendmachung von Sonderausgaben anzuführen. Die Änderungen im Bereich der Sonderausgaben zeigen insbesondere auch die Verlogenheit der Koalition im Zuge der Streichung von Begünstigungen auf, welche einen massiven Verwaltungsaufwand in Kauf nimmt, dem auf der anderen Seite eine kaum spürbare Begünstigung für Steuerpflichtige gegenübersteht.

Die Forderung, die Eigenkapitalbasis der Unternehmen zu stärken, wird auch vom Verfasser des Handbuches „Bemerkungen zur Entwicklung des Unternehmenssteuerrechtes, Franz Helbich“, erkannt und unterstützt. Indem dieser ausführt, daß eine elementare Erfahrung der letzten Jahrzehnte die Einsicht ist, wie sehr Unternehmen eines hohen Anteiles an Eigenkapital bedürfen. Helbich spricht auch davon, daß auf dem Gebiet der Unternehmensbesteuerung (Innenfinanzierung) eine weitere tendenzielle Absenkung der Spitzensteuersätze erforderlich ist. Jede kleinste Prozentsatzabsenkung unter 50 % bei der Einkommensteuer oder unter 34 % bei der Körperschaftssteuer bedeutet Zuwachs an Eigenmitteln, betriebswirtschaftlich einen Anreiz auf Verringerung der Ausgaben und Druck auf die Kosten. Stärkung der Eigenkapitalbasis verlangt aber auch auf dem Gebiet der Unternehmensbesteuerung einen besseren Verlustausgleich zu ermöglichen als bisher und auch die Einführung des Verlustrücktrages, wie in anderen westlichen Ländern.

Prof. Dkfm. Dr. Heidinger spricht auch von der enormen Bedeutung des Eigenkapitals als Risikopolster für Innovation und zum Abfangen vorübergehender Rezession. Auch für ihn ist die steuerliche Entlastung der Gewinne, insbesondere auch für die Erhaltung von Arbeitsplätzen im Inland, von größter Wichtigkeit.

Im folgenden eine kleine Auswahl weiterer kritischer Expertenmeinungen:

Die österreichische Einkommensteuer ist kompliziert, unverständlich, unfair und ineffizient – sie verletzt alle Grundsätze, auf denen ein vernünftiges Steuersystem basieren soll.

(Alvin Rabushka – US-Steuerexperte)

In Betrachtung der Steuerwirklichkeit spricht Prof. Tipke von Steuerwirrwarr, Steuerchaos und Steuergestrüpp.

(Prof. Tipke – Nestor der deutschsprachigen Steuerjuristen)

Lang spricht von einem Scherbenhaufen des komplizierten, undurchschaubaren Steuerrechts.

(Prof. Lang – Steuerexperte)

Fritz Kortner weist auf den mangelnden Mut des Gesetzgebers hin, klare steuerliche Regelungen zu schaffen was dazu führt, daß ein Verwaltungsaufwand in einem nicht bescheidenem Maße weiter hingenommen wird.

**(Fritz Kortner – Verfasser des Leitfadens
des Österreichischen Einkommensteuerrechts)**

Es ist dies die Tatsache, daß unser Steuersystem bis zur Unerträglichkeit unfair und ungerecht geworden ist. Man kasziert nur mehr einfach drauf los. Mutig wäre, Neues zu überlegen.

(Herbert Kohlmaier – ÖVP, ehem. Volksanwalt)

Normen im Steuerrecht sind so gestaltet, daß sie - im Steuerrecht kann ich zahllose Beispiele liefern – nur unter Zuhilfenahme der Privatmeinungen von Ministerialbeamten auslegbar sind.

**(Univ. Prof. DDr. Ruppe – Herausgeber des Grundrisses des
Österreichischen Steuerrechts)**

Univ. Prof. Dr. Kofler spricht im Zusammenhang mit dem Steuerrecht vom prinzipienlosen Recht, welches im Laufe der Zeit so kompliziert und unübersichtlich wird, daß es selbst von Fachleuchten nicht mehr beherrscht werden kann.

„Steuern nähren die Fiskalillusion, deren Abbau ist ein Gebot der Stunde.“

(Univ. Prof. Dr. Herbert Kofler – Universität Klagenfurt)

Die Steuern bezahlen die anderen mit weniger Vermögen und geringem Einkommen; sie sind dem Finanzminister eine Steuerbefreiung nicht wert.

Warum so kompliziert, wenn es auch einfach geht? Wir ersparen uns die Stiftungen und schreiben gleich in den § 3 EStG: Wer 20 Mio. Schilling oder mehr Vermögen hat, wird von der Einkommensteuer befreit. Das wäre wenigstens ein einfaches und zugleich ehrliches System. In diesem Sinne: Bleiben sie bitte bescheiden und verdienen sie nicht zuviel. Der Staat braucht sie als Steuerzahler.

(Univ. Prof. Dr. Doralt – in RDW 1998/8 b)

Das Existenzminimum des wirtschaftenden, arbeitenden Bürgers darf keinesfalls niedriger sein als dasjenige eines Bürgers, der Sozialhilfe empfängt. Insofern beinhaltet der aktuelle Steuertarif einschließlich der Transferzahlungen erhebliche Ungerechtigkeiten und Unabgestimmtheiten.

(Studie des Fachsenates SWK-Heft 19, 1. Juli 1998)

Es muß ein gemeinsames Ziel von Finanzverwaltung, Beratern und Steuerbürgern sein, die geradezu unüberschaubare Zahl von permanenten steuerlichen Änderungen (so wurde z.B. das EStG 1988 seit seiner Entstehung von 10 Jahren mehr als 40-mal – pro Jahr daher durchschnittlich 4-mal – geändert!) einzuschränken und die vor allem in den letzten Jahren überproportional angestiegene Kompliziertheit des Steuerrechts auf das unbedingt notwendige Ausmaß zurückzuführen.

(Memorandum der Wirtschaftstrehänder zur Steuerreform 2000)

Anstatt die Kritik der Experten zu beachten und daran zu arbeiten, die Steuergesetze zu vereinfachen und fairer zu gestalten sowie gleichzeitig die Effizienz der öffentlichen Verwaltung zu steigern, um die Ausgabendynamik einbremsen zu können, überlegen SPÖ und ÖVP lediglich, wie sie neue Einnahmenquellen erschließen können, wie z.B. die Anhebung der Einheitswerte auf die Verkehrswerte als Besteuerungsbasis oder die Anhebung der Mineralölsteuer für Diesel unter dem Deckmantel der Ökologisierung.

Die Koalitionsparteien haben es auch zugelassen, daß das österreichische Steuerrecht weiterhin Steuerschlupflöcher aufweist, die es insbesondere Beziehern großer Einkommen sowie großen Unternehmen erlaubt, ansehnliche Steuervorteile zu Lasten der übrigen Steuerzahler zu kassieren. So sind etwa nach den Strukturverbesserungsgesetz nach wie vor Gewinnverschiebungen möglich oder werden im Wege der Privatstiftungen hohe Einkommen faktisch steuerfrei gestellt und Abschreibungsgesellschaften mit Verlustzuweisungen in mehrfacher Höhe des eingesetzten Kapitals und sogenannte Hausherrenmodelle nach wie vor als besonders effiziente Möglichkeiten der Steuervermeidung angepriesen. So wird etwa von der CA-Gruppe zur Zeichnung einer atypischen stillen Beteiligung an der C.I.M. Unternehmensbeteiligungs- und Anlagenvermietungs GmbH mit einem Mindestzeichnungsbetrag von ÖS 600.000,- eingeladen, wobei eine Steuerrückerstattung aus Verlustzuweisung in Höhe des Kapitaleinsatzes versprochen wird.

Auch aus der bisherigen Debatte zur angekündigten Steuerreform ist zu ersehen, daß die Koalitionsparteien nicht wirklich bereit sind, neue Wege zu beschreiten. Anstatt einer echten Entlastung der Steuerzahler durch ein neues einfacheres Steuersystem sollen die Steuerlasten nur neu verteilt werden; anstatt die Unternehmen, die privaten Haushalte und die Verwaltung von bürokratischem Aufwand zu entlasten, werden laufend neue komplizierte Ausnahmeregelungen erfunden. Anstatt echter Sparsamkeit mit dem Geld des Steuerzahlers sind fortgesetzte Verschwendung und weitere Aufblähung der Bürokratie angesagt. Dem Gesetz des Steuerzyklus folgend werden die Bemessungsgrundlagen laufend verringert und die Steuersätze hochgehalten; es ist nicht verwunderlich, daß dies wiederum Steuerwiderstand zur Folge hat, was zu neuen Korrekturen führt.

Die derzeit bestehende außerordentlich hohe Steuerlast und die damit verbundene Bürokratie werden von den Österreicherinnen und Österreichern nicht länger akzeptiert. Es ist auch leicht einzusehen, daß der sorglose Umgang mit dem Geld des Steuerzahlers zu Recht den Steuerwiderstand verstärkt. Dieser Entwicklung hin zum Steuerstaat muß Einhalt geboten werden.

FAIRE STEUERN

Wir Freiheitlichen treten hingegen für ein Steuersystem ein, welches die Familien begünstigt, vor allem die Bezieher kleiner und mittlerer Einkommen entlastet und die klein- und mittelständischen Unternehmen fördert. Durch diese Steuerreform soll der Wirtschaftsstandort Österreichs gestärkt, die Kaufkraft der Österreicherinnen und Österreicher erhöht und durch eine vermehrte Inlandsnachfrage die Arbeitslosigkeit wirksam bekämpft werden. Um diese Zielsetzungen zu erreichen, haben wir in den letzten Monaten intensiv mit nationalen und internationalen Experten zusammengearbeitet und konnten ein neues zukunftsweisendes Modell „FAIRER STEUERN“ erarbeiten.

Dieses Modell „FAIRER STEUERN“ baut auf Einfachheit, Transparenz, Fairneß, Ehrlichkeit, Wirksamkeit, Unternehmertum, Wachstum und Bürokratieabbau auf, wobei folgende Grundsätze Anwendung finden:

1. alle Einkommen sollen nur einmal zur Besteuerung herangezogen werden,
2. alle Einkunftsarten sollen nach Abzug der jeweiligen Freibeträge mit demselben Steuersatz belastet werden,
3. einkommensschwache Familien sollen bis zu einem bestimmten Niveau von der Besteuerung gänzlich ausgenommen werden,
4. Steuererklärungen müssen einfach, transparent und leicht administrierbar sein und
5. die „FAIREN STEUERN“ ersetzen die bisherige Lohnsteuer, Einkommensteuer, Körperschaftsteuer und Kapitalertragssteuer.

Wir Freiheitlichen erachten dieses Modell als die Grundlage für ein faires Steuersystem, welches Arbeit schafft und Leistung belohnt, wobei der lineare Steuersatz und die Freibeträge für Erwachsene und Kinder so festzulegen sind, daß Familien, kleine bzw. mittlere Einkommensbezieher sowie klein- und mittelständische Unternehmungen gegenüber dem derzeitigen System begünstigt werden. Darüber hinaus werden Problemfälle, so wie im Modell selbst vorgesehen, durch Übergangsfristen weitestgehend gelöst.

Um Österreich wieder auf die Überholspur zu bringen, ist eine Steuerreform unabdingbar, welche den Wirtschaftsstandort Österreich stärkt, die Kaufkraft der Österreicherinnen und Österreicher erhöht und durch eine erhöhte Inlandsnachfrage die Arbeitslosigkeit bekämpft.

Die bisherige Lohnsteuer, Einkommensteuer, Körperschaftsteuer und Kapitalertragsteuer müssen daher ehestmöglich durch „FAIRE STEUERN“ abgelöst werden, die die genannten Grundsätze erfüllen.

Das Modell der „Fairen Steuern“ stellt sich wie folgt dar:

Alle Einkommen werden nach Abzug der jeweiligen Freibeträge mit einem einheitlichen Steuersatz von 23 % besteuert. Die „Fairen Steuern“ ersetzen die bisherige Einkommensteuer, Lohnsteuer, Körperschaftsteuer und Kapitalertragsteuer.

Alle Steuerpflichtigen erhalten einen jährlichen Freibetrag von ÖS 150.000 pro Erwachsenen und von ÖS 75.000 pro Kind. D.h., daß eine Familie mit zwei Kindern ein steuerfreies Einkommen in der Höhe von ÖS 450.000 beziehen kann. Ein von einem Ehepartner nicht konsumierter Freibetrag ist aliquot beim anderen Ehepartner anrechenbar.

Pro Familie steht ein maximaler Freibetrag von ÖS 450.000 zur Verfügung. Die Freibeträge werden zwischen ÖS 600.000,- und ÖS 900.000,- der laufenden Bezüge mit Ausnahme der Kinderfreibeträge auf Null eingeschliffen.

Das 13. und 14. Monatsgehalt bleiben unangetastet.

Sämtliche Investitionen können im ersten Jahr zu 100 % steuerlich geltend gemacht werden. Investierte nicht entnommene Gewinne sind daher steuerfrei.

Sämtliche Ausnahmebestimmungen, Absetzbeträge sowie sonstige Freibeträge (ausgenommen ÖS 8.500 bei den sonstigen Bezügen) und Steuer-schlupflöcher werden gestrichen.

Sozialversicherungsbeiträge können im Rahmen der Freibeträge steuermindernd geltend gemacht werden.

Die Höchstbeitragsgrundlagen in der Krankenversicherung werden auf-gehoben (Arbeitnehmer derzeit ÖS 42.000,-, Selbständige ÖS 49.000,-).

Kleinverdiener mit einem Einkommen bis zu ÖS 250.000,- erhalten jährlich einen einkommensabhängigen Zuschlag zur Familienbeihilfe in der Höhe von max. ÖS 9.600,- pro Kind.

Arbeitnehmer mit niedrigem Einkommen bis ÖS 200.000,- erhalten jährlich eine einkommensabhängige zusätzliche Beihilfe in Höhe von max. ÖS 2.000,-.

Die Steuererklärungen werden einfach und verständlich.

Durch unser Modell wird der österreichische Steuerzahler steuerlich in der Höhe von ca. 52 Mrd. Schilling entlastet. Dies deshalb, da die Steuerbelastung aus den in Punkt 1 angeführten Steuern von 11,6 % des BIP im Jahr 1998 auf 9,6 % des BIP des Jahres 1989 zurückgeführt wird.

BEDECKUNG

Die Einführung der „Fairen Steuern“ wird für die Steuerzahler im Endeffekt eine jährliche Entlastung in Höhe von ca. 52 Mrd. ÖS bringen. Diese Entlastung wird für die Lohnsteuerzahler sofort wirksam werden, während sie im Bereich der Einkommensteuer erst schrittweise erfolgen wird. Dies deshalb, weil das gegenwärtige Steuerrecht in Folge des Veranlagungszyklus noch einige Zeit wirksam sein wird.

Auch die positiven Auswirkungen der „Fairen Steuern“, nämlich die Stärkung des Wirtschaftsstandortes Österreich, die Stärkung der Kaufkraft sowie die vermehrte Inlandsnachfrage werden schrittweise innerhalb weniger Jahre voll wirksam werden.

Daraus folgt, daß auch der Steuerausfall für das Budget nicht sofort voll wirksam wird. In den ersten beiden Jahren ist daher mit einem Einnahmehausfall in Höhe von ca. 30 Mrd. ÖS zu rechnen. Dieser bzw. der volle Steuerausfall ist aber durch eine Reihe von u.a. nachstehenden kurz- bzw. mittelfristigen Maßnahmen leicht finanzierbar:

KURZFRISTIG WIRSAME MASSNAHMEN:

| | |
|---|------------|
| Auflösung freier OeNB-Rücklagen | |
| in den ersten zwei Jahren jeweils | 20 Mrd. ÖS |
| Raschere Einhebung von Steuerrückständen | |
| derzeit 90 Mrd. ÖS Rückstand | |
| in den ersten beiden Jahren jeweils | 10 Mrd. ÖS |
| Subventionskürzungen | |
| u.a. auch Parteienförderung, Presseförderung usw. | 20 Mrd. ÖS |

MITTELFRISTIG WIRKSAME MASSNAHMEN:

Zurückdrängung der Schattenwirtschaft, Eindämmung des Steuerbetruges

| | |
|---|------------|
| niedrige Steuersätze erhöhen den Anreiz
zu legaler Beschäftigung | 10 Mrd. ÖS |
| Bürokratieabbau | |
| Entlastung der Verwaltung z.B. durch
einfacheres Steuersystem, neues Gewerberecht,
Zusammenlegung der Sozialversicherungsträger | 10 Mrd. ÖS |
| Mehreinnahmen durch höhere Beschäftigung | |
| laut BMAS kostete bereits 1993 jeder Arbeitslose
jährlich mehr als 250.000,- ÖS | 15 Mrd. ÖS |
| Reduzierung der Wohnbauförderung | |
| Wohnbauförderung im Jahre 1997
ca. 25 Mrd. ÖS | 8 Mrd. ÖS |

Aufhebung der Höchstbeitragsgrundlage
in der Krankenversicherung

9 Mrd. ÖS

Die beispielshafte Aufzählung der kurz- und mittelfristigen Maßnahmen zeigt, daß die Einführung der „Fairen Steuern“ ohne zusätzliche Belastung für das Budget leicht finanzierbar ist. Dieses Ergebnis wird auch durch zahlreiche in- und ausländische Experten bestätigt.

ARGUMENTE

| UNSERE GEGNER SAGEN: | DIE WAHRHEIT IST: |
|---|---|
| ist unsozial | Die Fairen Steuern bewirken, daß alle Steuerpflichtigen in Zukunft weniger Steuern zahlen als bisher. Unser Modell sieht vor, daß darüber hinaus Kleinverdiener durch Freibeträge keine Steuern zahlen und Familien bis zu einem Einkommen von jährlich ÖS 250.000,- einen Zuschlag zur Familienbeihilfe erhalten. |
| belastet Einkommensschwache | Die Fairen Steuern sehen für Einkommensschwache nicht nur Freibeträge, sondern auch zusätzliche Zahlungen durch den Staat vor. |
| ist veraltet | Die „Flat Tax“ wurde bereits in manchen Ländern eingeführt. Derzeit wird die Einführung in einigen europäischen und mittelamerikanischen Ländern sowie in den USA ernsthaft erwogen. Das US-Wirtschaftswunder wurde erst durch die Diskussion über die „Flat Tax“ möglich, die zu einer massiven Absenkung der Steuersätze geführt hat. |
| Erhöht das Budgetdefizit | Die Fairen Steuern, das Wirtschaftswachstum und die Kaufkraft des Einzelnen schaffen zusätzliche Arbeitsplätze und fördern Betriebsansiedlungen. Darüber hinaus zwingen sie die Regierung zu mehr Sparsamkeit. |
| ist leistungsfeindlich | Die Fairen Steuern erhöhen das verfügbare Einkommen und steigern die Investitionsfreudigkeit und schaffen dadurch Arbeitsplätze. |
| Gefährdet den Wirtschaftsstandort | Fairen Steuern mit niedrigen Steuersätzen fördern unternehmerische Initiativen, ziehen ausländische Investoren an, wodurch ebenfalls neue Arbeitsplätze geschaffen werden. |
| Begünstigt die Reichen | Die Fairen Steuern beseitigen Steuergeschenke und Steuerbefreiungen. Derzeit brauchen Reiche durch die Nutzung legaler Steuerschlupflöcher (z.B. Privatstiftungen) nahezu keine Steuern zahlen. |
| Verhindert die Umverteilung | Die Fairen Steuern sehen hohe Freibeträge vor, die insbesondere für Einkommensschwache und Familien eine erhebliche Umverteilungswirkung erzielen. Diese ist wirksamer als bisher, da laut Umverteilungsbericht 1996 des WIFO die Umverteilungseffizienz der derzeitigen Abgaben als relativ gering erachtet wurden. |
| bestraft die Einkommensschwachen | Die Fairen Steuern begünstigen Einkommensschwache durch Freibeträge und zusätzliche Zahlungen. Das derzeitige Steuersystem ist zur Unerträglichkeit unfair und ungerecht geworden, in dem kleine Einkommen heute übermäßig belastet, und der Vorteil derer, die vermögend sind, wächst (Dr. Kohlmaier, ehemaliger Volksanwalt, ÖVP). |
| Beseitigt die Progression | Die Fairen Steuern erhöhen durch die vorgesehenen Freibeträge die Progression. So würde z.B. eine Familie mit zwei Kindern bei einem Einkommen von ÖS 300.000,- für die laufenden Bezüge 0 % und bei einem Einkommen von ÖS 700.000 für die laufenden Bezüge 23 % Steuern zahlen. |
| führt zu einem radikalen Abbau von Sozialleistungen | Die Fairen Steuern ersetzen lediglich die direkten Steuern (z.B. Einkommen-, Lohn- und Körperschaftsteuer) und lassen Sozialleistungen unberührt. Richtig ist aber, daß beabsichtigt ist, die Höchstbeitragsgrundlage von derzeit ÖS 42.000,- in der Krankenversicherung aufzuheben. |
| Zerstört Arbeitsplätze | Die „Fairen Steuern“ senken Verwaltungskosten, fördern Investitionen, erhöhen die Kaufkraft, forcieren Unternehmensgründungen (neues Unternehmertum) und schaffen dadurch Arbeitsplätze, durch die Möglichkeit, daß Investitionen bereits im ersten Jahr zu 100 % abgeschrieben werden können. Die Begünstigung von eigenkapitalbildenden Maßnahmen schafft laut Univ. Prof. Dr. Schneider in vier bis sechs Jahre 50.000 Arbeitsplätze (Gründerwelle). |

| | |
|---|--|
| verhindert wirtschaftsfördernde Maßnahmen | Die „Fairen Steuern“ geben die Möglichkeit, daß Investitionen im ersten Jahr zu 100 % abgeschrieben werden können, beseitigen die Scheingewinnbesteuerung und forciert dadurch die Eigenkapitalquote der Unternehmungen. |
| führt zu einer Umverteilung von unten nach oben | Die „Fairen Steuern“ verbessern die Situation der Einkommensschwachen und der Familien durch Freibeträge und zusätzliche Zahlungen. |
| führt zu keiner Vereinfachung | Die „Fairen Steuern“ kann man auf einem Formular in Postkartengröße berechnen. |

ANTRAG

Der Bundesparteitag hat am 29.10.1998 auf Antrag des Bundesparteivorstandes der Freiheitlichen Partei Österreichs folgenden

ANTRAG

beschlossen:

Die Funktionäre der Freiheitlichen Partei Österreichs werden ersucht, umgehend Schritte zur Einführung der „Fairen Steuern“ zu setzen, durch welche die österreichischen Steuerzahler massiv steuerlich entlastet werden. Die „Fairen Steuern“ orientieren sich nach folgenden Grundsätzen:

1. Alle Einkommen werden nach Abzug der jeweiligen Freibeträge mit einem einheitlichen Steuersatz von 23 % besteuert. Die „Fairen Steuern“ ersetzen die bisherige Einkommensteuer, Lohnsteuer, Körperschaftsteuer und Kapitalertragsteuer.
2. Alle Steuerpflichtigen erhalten einen jährlichen Freibetrag von ÖS 150.000 pro Erwachsenen und von ÖS 75.000 pro Kind. D.h., daß eine Familie mit zwei Kindern ein steuerfreies Einkommen in der Höhe von ÖS 450.000 beziehen kann. Ein von einem Ehepartner nicht konsumierter Freibetrag ist aliquot beim anderen Ehepartner anrechenbar.
3. Pro Familie steht ein maximaler Freibetrag von ÖS 450.000 zur Verfügung. Die Freibeträge werden zwischen ÖS 600.000,- und ÖS 900.000,- der laufenden Bezüge mit Ausnahme der Kinderfreibeträge auf Null eingeschliffen.
4. Das 13. und 14. Monatsgehalt bleiben unangetastet.
5. Sämtliche Investitionen können im ersten Jahr zu 100 % steuerlich geltend gemacht werden. Investierte nicht entnommene Gewinne sind daher steuerfrei.
6. Sämtliche Ausnahmebestimmungen, Absatzbeträge sowie sonstige Freibeträge (ausgenommen ÖS 8.500 bei den sonstigen Bezügen) und Steuer-schlupflöcher werden gestrichen.
7. Sozialversicherungsbeiträge können im Rahmen der Freibeträge steuermindernd geltend gemacht werden.
8. Die Höchstbeitragsgrundlagen in der Krankenversicherung werden aufgehoben (Arbeitnehmer derzeit ÖS 42.000,-, Selbständige ÖS 49.000,-).
9. Kleinverdiener mit einem Einkommen bis zu ÖS 250.000,- erhalten jährlich einen einkommensabhängigen Zuschlag zur Familienbeihilfe in der Höhe von max. ÖS 9.600,- pro Kind.
10. Arbeitnehmer mit niedrigem Einkommen bis ÖS 200.000,- erhalten jährlich eine einkommensabhängige zusätzliche Beihilfe in Höhe von max. ÖS 2.000,-.
11. Die Steuererklärungen werden einfach und verständlich.

SPECIAL REPORT

1200 17th Street NW, Suite 200 • Washington, DC 20036-3011 • VOX 202.457.1700 • FAX 202.429.6063

ABOUT THE REPORT

Political violence remains a serious threat to life in much of the world, and it can have a corrosive effect on the political processes that contribute to domestic and international peace. On

April 12, 1999, the United States Institute of Peace, together with the British-based Airey Neave Trust, convened a working group meeting on the subject "How Terrorism Ends." The workshop, which attracted the participation of academic experts, current and former government officials, and security consultants, was conducted as an activity of the International Research Group on Political Violence, which the Institute co-sponsors with the Airey Neave Trust and which is chaired by the Rt. Hon. Sir Adam Butler.

Panelists at the workshop included Professor Martha Crenshaw of Wesleyan University, Professor Paul Wilkinson of St. Andrews University, Jon B. Alterman of the Institute, and Ambassador Teresita Schaffer of the Center for Strategic and International Studies.

Institute President Richard H. Solomon moderated the meeting, which was attended by some forty authorities in the field of political violence. This report, written by Dr. Alterman with the help of former research assistant Sara Simon, summarizes the points made by the panelists.

The views expressed in this report do not necessarily reflect those of the United States Institute of Peace, which does not advocate specific policies.

May 25, 1999

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How Terrorism Ends

Briefly...

- The nature of the grievance matters. Ethnically based terrorist campaigns can be harder to end decisively than politically based ones, because they often enjoy broader support among a population they seek to represent.
- Political violence by itself can rarely achieve its aims, but it can sometimes do so in conjunction with less violent political action.
- By the same token, deterring terrorism and prosecuting terrorists may be insufficient to end terrorism, especially when a large population supports the terrorists' cause. In such situations, negotiated settlements may provide the only solutions.
- In Sri Lanka, the government appears to have concluded from its victory over the Maoist JVP that law enforcement and compulsion can end a terror campaign. However, the LTTE has a much broader base of support than the JVP ever did, and the LTTE is unlikely to go away simply through government-applied force.
- One of the most effective strategies at governments' disposal may be to split off pragmatists from radical rejectionists. Such efforts can diminish public support for the terrorists and deny them a strong base from which to operate.
- In the cases of the IRA and the PLO, the initiation of political negotiations has not conclusively ended terrorism, but it has swung public support behind a peaceful solution and helped diminish popular support for the terrorists.
- Making concessions to causes espoused by terrorists can arouse hostility from those who believe that terrorism is "being rewarded." Weak governments find it difficult to make such concessions.
- Peace overtures must be well-timed. Ideally, they should come at a time when the government is strong and the terrorist organization is undergoing a period of introspection. Good intelligence can make a difference in these cases.

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In an attempt to better understand what governmental actions can hasten the end of political violence, the workshop began with an overview of the problem by Martha Crenshaw. Her presentation was followed by three case studies. In the first, Paul Wilkinson of St. Andrews University discussed the Irish Republican Army (IRA), and in the second, Jon B. Alterman of the United States Institute of Peace discussed the Palestine Liberation Organization (PLO). Both were considered “successful” case studies, because the organizations in question have embraced political dialogue instead of violence to pursue their aims. In the third case study, Teresita Schaffer of the Center for Strategic and International Studies discussed the Liberation Tigers of Tamil Eelam (LTTE), who have been fighting for autonomy for Tamil-populated areas in Sri Lanka for almost two decades. The LTTE was considered a “failed” case because government actions have been unable to end the violence.

Martha Crenshaw on How Terrorism Ends

As we try to create governmental policies aimed at ending terrorism, it is useful to enumerate some of the variables that distinguish different situations.

The first set of variables involves the terrorist groups themselves.

- **Internal factors.** How does the organization make decisions? How does the organization perceive its environment? What are the internal psychological dynamics? Is the organization divided internally? All of these things are important to know but often difficult to ascertain.
- **External factors.** How does the relative strength of the terrorist organization compare with that of the government it opposes? Are the terrorists ideologically or ethnically motivated? What kinds of ties do they have to outside groups who may support them? Is the conflict best characterized as a secessionist movement's civil war, or does the conflict involve a battle over civil society and representation?

The second set of variables involves the tools that a government uses to respond to terrorism. Many of these options can be pursued simultaneously.

- **Deterrence.** Governments can use their coercive capacity to make terrorism too costly for those who seek to use it. They can do this by military strikes against terrorist bases, assassinations of key leaders, collective punishment, or other methods. There are several drawbacks to this approach, however. On the one hand, it can lead to unacceptable human rights violations. In addition, groups may not come to government attention until movements are so well developed that efforts to contain them through deterrent methods are insufficient.
- **Criminal justice.** Governments can treat terrorism primarily as a crime and therefore pursue the extradition, prosecution, and incarceration of suspects. One drawback to this approach is that the prosecution of terrorists in a court of law can compromise government efforts to gather intelligence on terrorist organizations. In addition, criminal justice efforts (like deterrent efforts) are deployed mostly after terrorists have struck, meaning that significant damage and loss of life may have already occurred.
- **Enhanced defense.** Governments can make targets harder to attack, and they can use intelligence capabilities to gain advance knowledge of when attacks may take place. As targets are hardened, however, some terrorist groups may shift their sights to softer targets. An example is the targeting of U.S. embassies in Kenya and Tanzania in August 1998 by truck bombs. Although the attacks are strongly believed to have been coordinated by individuals with Middle Eastern ties, targets

in Africa were chosen because of their relatively lax security compared with targets in the Middle East.

- **Negotiations.** Governments can elect to enter into negotiations with terrorist groups and make concessions in exchange for the groups' renunciation of violence. While governments are often reluctant to do so at the beginning of terror campaigns, negotiations may be the only way to resolve some long-standing disputes.

Given the above sets of variables, the end of terrorism may result from one or more of the following situations:

- **Success.** The terrorists may have accomplished their objectives, such as the overthrow of a government or the end of an occupation. Terrorism per se cannot achieve long-term goals such as revolution or independence, but it can sometimes do so in conjunction with less violent political action.
- **Preliminary success.** A corollary to achieving objectives is having at least achieved public recognition for an organization and the cause it espouses. In this case, continued terrorist actions may alienate supporters, sponsors, or key third-country actors for whom continued violence is unacceptable.
- **Organizational breakdown.** Terrorist organizations, like any organizations, must constantly work to maintain themselves. If recruiting dries up, or if funding becomes unavailable, the organization may be unable to sustain itself. On the other hand, self-preservation may in fact force organizations to continue terrorist activities even if the leadership otherwise wishes to give them up. It may be that the only way for the organization to continue to attract new recruits and financial support is to continue to gain publicity for its terrorist actions.
- **Dwindling support.** Organizations may lose the support of their various constituencies—the populations they seek to represent or the governments or other organizations that support them. They can do so for reasons of ideological or strategic differences, personality clashes, or simple fatigue. Terrorist actions can also provoke moral outrage and undermine support.
- **New alternatives.** At times, other options for political change emerge. They can include more traditional forms of warfare or revolution, mass protests, or political negotiations.

As suggested above, many of the factors and consequences outlined above may occur simultaneously. Both governments and terrorist organizations can pursue many tracks at once, and organizations may confront a wide series of challenges simultaneously.

Governmental decisions about how to confront terrorism are made more difficult by the frequently high degree of uncertainty governments have about the nature of terrorist organizations, their motivations, and the effects of government actions on those organizations. The need for understanding terrorist organizations is highlighted by the fact that such groups' calculations are based on the groups' perceptions of costs and rewards, not those of the authorities confronting them or of objective observers.

So called "get-tough" measures against terrorist groups can have unintended consequences. Trying to "decapitate" a movement may radicalize the whole movement or some splinter faction. Assassinations and military force can provoke a desire for revenge, and raids and arrests can reinforce martial images, create mythologies of martyrdom, or feed paranoia and secretiveness (which makes the movements even harder to penetrate for reasons of either understanding motivations or foiling actions).

In the event that organizations are primarily motivated by a desire for recognition, how should policymakers respond? Should the government recognize the organizations and eliminate their motivation for terrorism? Since terrorist actions most often are con-

Both governments and terrorist organizations can pursue many tracks at once

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One effective tactic against many terrorist organizations may be to promote their disintegration from the inside.

sidered newsworthy events by media organizations, it is beyond governments' control whether the actions garner attention or not. Governments can play an effective role, however, in influencing how terrorist events are portrayed to the public, and thus influence (but not control) how the public interprets those events.

Public opinion is important because it strongly affects the amount of financial and operational support the terrorists enjoy. In some cases, support comes from abroad and is difficult for governments to control. In other cases, however, governments have control over populations sympathetic to the terrorists. In this event, they must walk a difficult line. On the one hand, repressive measures can encourage antigovernment hostility and support for the terrorists. On the other, fear of punishment for the terrorists' excesses can undermine a population's willingness to support terrorist activities. In this balance, the terrorists have two weapons on their side. The first is their own ability to mete out punishment against those who do not support their actions, and the second is their ability to build on group solidarity to overcome reservations about their methods.

One effective tactic against many terrorist organizations may be to promote their disintegration from the inside. Governments can demonstrate to groups that their support among the populations those groups supposedly represent is waning. Even if such allegations are true, however, groups may be resolute in believing they enjoy support even after that support has dissipated. Governments can also split off members from a group, either by offering large rewards for information that undermines group solidarity or by making promises of leniency for imprisoned group members. Finally, governments can unilaterally enact reforms that reduce public support for the terrorists without rewarding the terrorists directly, or even negotiating with them.

Another tactic may be to put pressure on states sympathetic to a terrorist group's goals, even if the states are not outright sponsors of the group. Expulsion from a haven often causes financial pressures or logistical difficulties and can sometimes end a group's viability. In many cases, however, affected countries lack the necessary ties to effect such pressure, or laws governing free expression make it very difficult to crack down on an organization's activities.

If efforts to eliminate a terrorist group through compulsion fail, however, governments are left trying to reach a peaceful settlement with that group. In civil conflicts, such a settlement will entail negotiations for amnesty on both the individual and group levels.

Governments must confront opposition on two fronts: among rank-and-file members, who may be more disposed toward violence than the leadership, and among their own populations, who may oppose the government's sitting down with killers and "rewarding violence." Groups opposed to a peaceful reconciliation at that time will act to undermine the peace, often by undertaking terrorist actions of their own. In this event, governments that have only a precarious grip on power will find it difficult to move decisively toward peace.

In addition, governments must time their peace overtures carefully, first by making such gestures when their ability to reward good behavior and punish bad is strong, and second, by making them when the terrorist organization is going through some period of internal questioning. In such situations, effective intelligence can be crucial, since it can both identify auspicious times for a peaceful gesture and help inform the nature of that gesture.

Paul Wilkinson on the IRA

Of Martha Crenshaw's models presented above, we can discount three with regard to the IRA.

- We cannot let the terrorists win on their own terms. The prospect of conceding the future of Northern Ireland to those who have shown little regard for democratic processes is simply horrifying.
- We cannot wait for the terrorists to discount themselves. The idea of the IRA just "withering away" in the medium term or even the long term is highly unlikely because through a long process of socialization, predilections toward extreme violence are deeply embedded in some elements of society in Northern Ireland.
- State use of "draconian military force" is unacceptable because it suspends democratic rights and allows terrorist groups a victory at the expense of democratic institutions.

These options eliminated, three main areas for maneuver remain. The first is what might be called "politics, diplomacy, and prophylaxis." That is, to use democratic processes to address the underlying grievances of various groups in the region. Such a response is an important tool for any democratic government. In fact, a democratic government should be responding to the kinds of grievances that lead to violent conflict before that conflict turns violent at all. That being said, once violence has broken out, it is possible for a democratic system to address the causes of violence and reduce the violence that results from people's grievances.

Along these lines, the example of the Basque population in Spain is instructive. The new democratic government in Spain in the late 1970s made a bold and farsighted decision to grant autonomy to the Basque regions. Consequently, popular support for the Basque terror group ETA (Euskadi Ta Askatasuna, or Basque Fatherland and Liberty) has been reduced enormously. ETA has become so fragile in recent years that it has decided to investigate following the Northern Ireland example. The Spanish government is understandably cautious about negotiating, but negotiating may represent a way forward in that conflict.

It is important to remember, however, that political rapprochement cannot end violence entirely. It is unrealistic to expect that, after decades of violence, a single document can put an end to every violent act. A political agreement can, however, attract the support of a large segment of a population, and that support can be a very important component in ending a cycle of violence.

The second model to be considered involves criminal justice and law enforcement. The United States and other democratic countries reach for this model almost instinctively, and rightly so, for terrorist actions are crimes. The criminal justice system is an important weapon in both reducing and deterring violence, and it remains an important tool to combat terrorism in Northern Ireland.

As part of its execution, the criminal justice model may have to include military aid to the civilian power if the civilian police are unable to maintain order on their own. In such a case, it is important that the military assistance remain under the firm authority of the civilian police, because, if unchecked, the military power threatens to destroy democratic rights and processes.

The third model is enhanced international cooperation against terrorism. Even though many terrorist groups carry out their actions in a narrowly defined geographical area, groups waging violence have developed increasingly sophisticated international support structures. Such support may be in terms of political and diplomatic support abroad but could also include significant fund-raising and arms procurement activities.

A democratic government should be responding to the kinds of grievances that lead to violent conflict before that conflict turns violent at all.



AP Photo/Alastair Grant

John Dillon carries one of his son's coffins in Rasharkin Tuesday, July 14, 1998, as the three coffins of Richard, Mark, and Jason Quinn, are moved to the Catholic church at Rasharkin, Northern Ireland. The three brothers were killed in a sectarian arson attack on their home on July 12. Their deaths shocked the province and led to serious soul-searching about the future of Northern Ireland's shaky peace. Their funeral highlighted the emotional distress that more than 20 years of violence have wrought on individual families.

Even localized terrorism can have a crucial international element, and it takes international cooperation to diminish the terrorist threat.

In the case of Northern Ireland, all three of these models are being used. Since the Downing Street declaration and the start of the Northern Ireland peace process, there has been a very heavy stress on prophylaxis and politics. The Good Friday Agreement worked out by George Mitchell expresses well the fears of both sides in the Northern Ireland conflict, and it enjoys overwhelming support in the communities affected by it.

Nonetheless there remain threats to the Good Friday Agreement. The most important is neglect of the key relationship between peace and security. A broadly inclusive political settlement must include groups with a long and brutal terrorist past that lack a genuine commitment to democratic principles. In the case of the IRA, its political wing, Sinn Fein, is highly experienced and committed to making political progress. But its military wing, especially at the grass roots, is much more skeptical about progress through a political process and has wanted to keep its traditional weapon—force—ready and waiting if politics does not gain it the results it wants.

Consequently, there has been deadlock over the issue of decommissioning weapons. The IRA maintains a large stockpile of highly destructive weapons, including the explosive Semtex, mortars, and machine guns. While perhaps not numerically larger than the stockpiles of the Loyalists, the IRA stockpiles contain more destructive weapons. The Good Friday Agreement provides a two-year time frame for decommissioning forces, but more than one year into the agreement, not a single weapon has been handed in on either side. The IRA argues that giving up any weapon is an act of surrender. Still, decommissioning of weapons is the litmus test of the Agreement, not only for its practical effects but also for its psychological effects on the parties.

Given the present state of affairs, the respective governments may wish to link various events in the Northern Ireland peace process to increase the incentive for terrorists' cooperation. For example, the original agreement does not link the release of large numbers of prisoners to the decommissioning of weapons. This strategy may bear revisiting.

Another way out may be to try to split Sinn Fein off from the IRA. Sinn Fein may decide that progress at the political level is important enough that it will distance itself from the armed wing of the IRA and sever links with that wing if it refuses to cooperate with the political process. Such an outcome occurred with the Basques.

Whatever the IRA, Sinn Fein, or the Loyalist terrorists decide, democratic parties must continue the political process. The political framework must function even if some factions remain attached to terrorist groups. Along these lines, it is hard to imagine one terrorist group completely making the transition to a political party; perhaps a split is the best we can hope for.

Some groups are not on board in this peace process, so we have not eliminated the problem of terrorist groups. Therefore, our best option now may be to use public opinion to marginalize the terrorists while using the criminal justice system to punish those who continue to pursue terrorism.

Jon Alterman on the PLO

Although originally established in 1964 by the Arab League, the PLO absorbed a number of other movements in the aftermath of the 1967 war and has been an umbrella organization dominated by Fateh in general and Yasser Arafat in particular. Arafat's constant effort to build coalitions between Fateh and other organizations has made the PLO something of a less rational actor on the one hand, but more responsive to changes in Palestinian public opinion on the other hand.

A second characteristic of the PLO is that since an early period it has resembled a government, with a large resource base (perhaps exceeding \$1 billion per year in the late 1980s), its own bureaucracy and entitlement programs, and the recognition of at least some world governments.

A third characteristic is that it has been able to rely on sympathetic regional governments for logistical support. Moving from Jordan to Lebanon to Tunisia (and with fighters in an even wider array of countries), the PLO has been able to rebound from setbacks.

The decision to abandon armed struggle has not been unanimous, but the idea has garnered increasing support within the organization since it first surfaced in the early 1970s. Several developments accelerated that move:

- **Soviet policy.** The Soviet Union was a strong ally of the PLO for many years, but Mikhail Gorbachev made it clear to Arafat in the late 1980s that Soviet support for Palestinian armed struggle was diminishing (as indeed were the larger fortunes of the Soviet Union).
- **Intifada.** The Palestinian uprising against the Israeli occupation occurred without PLO coordination and forced the PLO leadership to move quickly to reassert their centrality to Palestinian life. In so doing, they were forced to choose between those favoring a violent solution to the Arab-Israeli conflict (many of whom were in exile) and those favoring a negotiated one. They chose the latter (in the process incorporating such local leadership as Hanan Ashrawi and Faisal Husseini) but have been careful not to crack down too hard on the former, especially Hamas.
- **Gulf war.** By all accounts, the PLO's embrace of Saddam Hussein following the latter's invasion of Kuwait was a horrible miscalculation that led to the expulsion of huge numbers of Palestinian workers from the wealthy Gulf monarchies and a dramatic cut in those countries' subsidies to the PLO.
- **Madrid.** In exchange for Arab support in Desert Storm, the Bush Administration orchestrated a conference in Madrid to find a permanent solution to the Arab-Israeli conflict. While the Madrid Conference itself did not produce progress, it created an environment in which the Oslo Accords could be struck.

While many of the factors in the PLO's turn to diplomacy are specific to that case, there appear to be several generalizable lessons.

- The PLO had an **unusually rich resource** base to draw on. It was not merely a terrorist organization but also a government in exile, a business conglomerate, and a source of significant patronage—it had durability.
- The PLO was a **responsive organization**. As a loose confederation of nationalist organizations, it often had to (and did) shift policy to reflect the opinions of its constituency or rebound from changes in the international environment.
- **U.S. diplomacy** played an important role. As early as the 1970s, PLO leaders began to understand that they could not achieve their goals without at least tacit

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support from the United States. American conditions for a dialogue shaped to some degree PLO behavior in the 1980s and even 1990s.

Israeli law enforcement measures appear to have played little role in the PLO's decision to turn toward a negotiated solution to the Arab-Israeli conflict. Broader strategies such as the village council plan of 1980-81 were ineffectual, and Israel's widely reported support for Hamas in its earliest phases appears to have backfired.

Two Israeli decisions have played a crucial role in the PLO's transformation, however. The first was the Israeli invasion of Lebanon, which at one stroke denied the PLO territoriality and removed it from Israel's borders. Although Lebanon has turned into a quagmire for Israel, it marked a decisive end to any PLO illusions about victory through force. Second, the government of Israel was willing to negotiate when the opportunity presented itself at Oslo. Despite having ignited a political backlash at home, it helped pave the way for an as yet to be achieved negotiated end to the Arab-Israeli conflict.

Teresita Schaffer on the LTTE

Sri Lanka has the distinction of having had two civil wars going on at the same time; and in a number of ways, Sri Lanka's two different experiences with terrorist organizations have complicated the task of dealing with its terrorist problems. One of Sri Lanka's terrorist experiences has happened two times. The government has twice put down a majority Sinhalese group called the JVP (Janatha Vimukthi Peramuna, or National Liberation Front) using police action verging on military force. The government has also battled for a decade and a half with the LTTE, although that effort has been markedly less successful.

Of the Sri Lankan population of 18 million, 75 percent are Sinhalese and 19 to 20 percent are Tamil. The two groups are ethnically and linguistically distinct, and Sinhalese are predominantly Buddhist while the Tamils are predominantly Hindu. More than half of the Tamils live in the North and East, with smaller concentrations in major cities such as Colombo. Other Tamils are plantation workers whose ancestors were brought over from India about 100 years ago by the British to work on the tea plantations; they are known as "Hill Tamils" or "Estate Tamils." The remainder of the population consists primarily of Tamil-speaking Muslims who tend to oppose the Tamil militants.

The experience of twice putting down a group with extreme political views has left an unfortunate legacy of allowing people in the Sri Lankan government to think that they know how to deal with terrorism. First founded in the 1960s, the Maoist JVP had ties to the Chinese Communist Party but was philosophically closer to Peru's "Shining Path." The organization was avowedly revolutionary, and its support in the early years came mainly from university students and frustrated high school graduates. In the late 1960s these youth mobilized politically and also armed themselves. In the 1970 Sri Lankan election, they threw their support to the Sri Lankan Freedom Party, which was victorious. By April 1971, however, they had grown disaffected with mainstream politicians, and one night they coordinated simultaneous attacks on five police stations, followed by a series of political killings. The JVP was put down by military action supported by India, Pakistan, China, and the United States. Members were either jailed or killed, and the group virtually ceased to exist.

In 1977, politicians seeking to show that the JVP could not survive in the political arena allowed the party to reestablish itself legally. The experiment appeared to work; in a 1981 election the group registered less than 5 percent of the vote nationally, and in its strongest district received just 13 percent of the vote. In university elections, however, the group enjoyed significant support.

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The experience of twice putting down a group with extreme political views has left an unfortunate legacy of allowing people in the Sri Lankan government to think that they know how to deal with terrorism.

In 1987 the Indian government sent 100,000 troops to Sri Lanka to enforce a peace agreement following four years of Sinhalese-Tamil armed strife. The presence of Indian troops on Sri Lankan soil agitated members of the ferociously nationalist JVP, and the organization's militant opposition to those troops helped it gain support among many Sri Lankan nationalists.

By the late 1980s, the JVP's membership was almost completely different than it had been twenty years before. Although Rohana Wijeweera still led the JVP, most of its old members had gone on to more mainstream political affiliations, and a new crop of young, unemployed graduates once again comprised the rank and file. The group's first actions were a series of general strikes, but in late 1988 the JVP began to target the families of police officers. In response, the government closed ranks behind the police and attacked the JVP mercilessly. At the height of the conflict, the weekly death toll topped 300 people. By early 1990, the entire JVP leadership had been killed and the organization was destroyed.

Almost a decade later, the legacy of the JVP remains. Many Sri Lankans lost friends or relatives in the violence, and memories of those days remain fresh in many people's minds. In addition, many Sri Lankans harbor resentment over what they perceived to be lectures by Western officials demanding that they respect human rights in their deadly battle against the JVP. Finally, many Sri Lankans have concluded that the government did what it had to do against the JVP and that they now understand how to counter terrorist campaigns.

In fact, the government's campaign against the JVP succeeded in part because the JVP lacked a broad constituency. Put quite simply, the JVP's grievances did not capture the imagination of any major concentrations of people. Even at the height of its popularity, there was no district in which the JVP would have won an election. As a consequence, the JVP's campaign of terror got it more attention and influence than it would have gotten through political means. At the same time, the JVP failed because there was never a huge reservoir of people who said, "We don't like their methods but at least they've gotten us on the map." It makes a difference how much resonance the underlying grievance has.

The LTTE has been a different phenomenon. Ethnic rivalry has a long history in Sri Lanka, but the roots of the present-day ethnic conflict lie in the period after its independence from Britain in 1948. For centuries, intercommunal ties between Tamils and Sinhalese have been close at the elite level, but Sri Lanka's first post-independence government made a catastrophic decision. In a blatant attempt to tighten the Sinhalese grip on power, the government wrote a nationality law that effectively disenfranchised the Hill Tamils, who constitute almost half of the Tamil population. The error was compounded in 1956 when a prime ministerial candidate, S.W.R.D. Bandaranaike, decided to campaign on a call for the primacy of Sinhalese language, culture, and religion in Sri Lanka. The two moves served to heighten intercommunal tension and led first to Tamil militancy and later to separatist sentiments.

The first Tamil militant groups were founded in the 1960s, and they took as their goal greater rights for the Tamil population. By 1976, the Tamil United Liberation Front (TULF) had emerged as the first political group calling for a separate Tamil state. In 1983, however, the Sri Lankan government adopted a constitutional amendment criminalizing advocacy of a separate state within Sri Lankan territory and requiring that all members of parliament swear an oath not to support separatism in any way. That decision forced the TULF out of the parliament and deepened the alienation between the Tamil population and the government. As a result, support for the LTTE increased.

The government's campaign against the JVP succeeded in part because the JVP lacked a broad constituency.

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In the 1990s, the [LTTE's] trend toward youth has accelerated... many of these younger members are fanatical.

In the early years, much of the support for Tamil independence came from individuals in their thirties who were primarily motivated by the language issue. Starting in the 1970s, the cause of Tamil independence began to attract a younger crowd, in part because of quotas on university admissions aimed at limiting the number of Tamils with access to higher education. In the 1990s, the trend toward youth has accelerated. Some members are as young as thirteen or fourteen years old. Many of these younger members are fanatical; they are issued a cyanide capsule on completion of their basic training with the LTTE, and they have been engaged in suicide bombing.

The LTTE's first acts of terrorism were directed against Tamils who opposed the LTTE's policies; LTTE leader Velupillai Prabhakaran got his start assassinating the mayor of the predominantly Tamil city of Jaffna in the mid-1970s. Since 1985, the four targets of frequent terrorism have been

- VIPs, such as Indian Prime Minister Rajiv Gandhi in 1991 and Sri Lankan President Ranasinghe Premadasa in 1993;
- Tamil rivals;
- isolated Sinhalese and Muslim populations on the borders of Tamil-majority areas;
- civilian population centers, such as mosques and the Temple of the Tooth Shrine.

In combating the LTTE, the Sri Lankan government has employed three strategies.

- **Law enforcement efforts** have placed constraints on the LTTE and have imprisoned a number of their followers and sympathizers, but at the same time have alienated many Tamils.
- **Military efforts** have been inconclusive, in part because the Sri Lankan military has not proven particularly competent, and in part because it does not appear to possess a clear strategy. The military has never been able to hold the main Tamil population centers in the North and East of the country simultaneously.
- **Efforts to negotiate a political settlement** have generally been cases of too little, too late. A 1995 peace proposal started out with great promise but is now moribund.

The Sri Lankan government has not tried three strategies that may hold out the promise of ending the long-running conflict.

- **Engage in public diplomacy.** The Sri Lankan government could launch a major "hearts and minds" campaign to win the support of large segments of the Tamil population away from LTTE sympathy. The present government mounted a limited effort along these lines in the so-called "White Lotus" campaign, but a major campaign has yet to be tried.
- **Demonstrate that autonomy can work.** The Sri Lankan government could mount a major effort to show that autonomy can work. Constitutional amendments introduced in 1987 provided for a degree of decentralization of power. This could have been an opportunity to show that the Sri Lankan government was capable of allowing local authorities, including Tamil-dominated ones, to run their own affairs effectively. The near-normalization of life in the East in 1994 and the government's taking control of Jaffna in 1995 could have led to similar "demonstration projects" in devolution. In each case, the opportunity slipped away, reinforcing the concerns of skeptics in the Tamil community about whether devolution could work.
- **Conclude a peace settlement.** The Sri Lankan government could reach a peace agreement with the LTTE. There have, of course, been a whole series of negotiating efforts, which thus far have come to naught.

The chief lesson to be learned here is that if we focus only on the criminal side of terrorism, then we will fail to solve even that side of terrorism. In the Sri Lankan case, resolving the terrorism arising out of the ethnic conflict will require at least two approaches: a political negotiation and an integrated military strategy. This government understood the importance of the political part of the package but was unable to deliver on it. It then turned to the military arm as a separate response but, despite its success in capturing the LTTE's stronghold in Jaffna, was not able to put the military and political parts of its strategy together. The LTTE, of course, had by then lost interest in the negotiation, leaving the conflict in a new and bloodier stalemate.

Success in the initial political negotiations might not have eliminated terrorism. When one is dealing with hard-bitten adversaries, some of whom see little personal advantage in a peaceful settlement, the risk is high that extremist elements will continue to use terrorism even if the mainstream has settled. However, under these circumstances, terrorism would be reduced to its criminal element. With the underlying grievances at least headed for resolution, the terrorism problem would assume manageable proportions.

Conclusions

One of the hardest problems facing government officials dealing with terrorism is deciding when to employ what strategy. Negotiations with those perpetrating violence are not the solution to every problem; by the same token, many terrorist campaigns cannot be stopped by law enforcement actions alone. Many participants suggested a decisive factor determining the sufficiency of law enforcement activities is the support that the terrorist groups have among the populations in which they are based. Narrowly based terrorist groups can be rooted out, but groups that rely on a broad base of support (some of which can come from beyond a nation's borders) have a durability that may defy such efforts. For that reason, ethnically based groups may be harder to eliminate through force than class-based groups, since ethnicity has proven a stronger tie than class in most cases.

If negotiations are pursued, two conditions should be present. The first is that the government should enjoy a strong popular mandate. Political opponents often portray negotiating with terrorists as "giving in to terrorism." Such an attack can topple weak governments or, short of that, stymie whatever agreement has been reached through negotiations.

The second condition is that the terrorist organization is going through a period of self-evaluation. In such circumstances, the government may be able to successfully split off pragmatists from hard-line terrorists, bring the population along with the pragmatists, and dry up popular support for those continuing to pursue violence.

Throughout, participants stressed the importance of intelligence. In confronting terrorism, the nature of the grievance does matter, and the nature of the organization putting forth the grievance matters as well. Intelligence is important not only to prevent terrorist attacks but also to understand how the organization works and how its decision making processes can be affected.

A consistent theme in all of the presentations was the extent to which terrorism is an international problem. Money and weapons flow across borders, and supporters of terrorism (if not the terrorists themselves) often have established bases in other countries. Increasingly, law enforcement efforts aimed at stemming terrorism have an international component, and such a strategy will require more international cooperation in the future.

About the Panelists

Jon B. Alterman is a program officer in the United States Institute of Peace's Research and Studies Program, where he covers the Middle East. His most recent book is *New Media, New Politics? From Satellite Television to the Internet in the Arab World*.

Martha Crenshaw is John E. Andrus Professor of Government at Wesleyan University in Middletown, CT. She is the author of a number of works on political violence and terrorism and was co-editor of *The Encyclopedia of World Terrorism*.

Teresita Schaffer is director of the South Asia Program at the Center for Strategic and International Studies. She is a thirty-year veteran of the Foreign Service and served as U.S. Ambassador to Sri Lanka from 1992 to 1995.

Paul Wilkinson is a professor of international relations and chairman of the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews in Scotland. He is the author of several authoritative works on terrorism and political violence. His book most recent book, *Terrorism and Liberal Democracy*, will be published shortly.

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- the government should enjoy a strong popular mandate.***
- the terrorist organization [should be] going through a period of self-evaluation.***

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Het jaarverslag 1997 van de Binnenlandse Veiligheidsdienst (BVD) geeft inzicht in de aandachtsgebieden waarop de BVD zich in het afgelopen jaar heeft gericht en zich in 1998 in ieder geval zal richten. Achterwege blijft de vermelding van gegevens waarvoor de geheimhoudingsverplichting van de BVD geldt. Daarbij gaat het om gegevens over de middelen die de BVD inzet, bronnen die door de BVD worden aangewend en het actuele kennisniveau van de dienst. Deze gegevens worden wel ter kennis gebracht van de commissie voor de Inlichtingen- en Veiligheidsdiensten van de Tweede Kamer.

Het afgelopen jaar is de voorbereiding afgerond van het voorstel voor een nieuwe Wet op de inlichtingen- en veiligheidsdiensten. Het wetsvoorstel, dat zowel betrekking heeft op de BVD als op de Militaire Inlichtingendienst (MID), is inmiddels aan de Tweede Kamer aangeboden. Het voorstel bevat een taakomschrijving en een regeling van de bevoegdheden van de twee diensten. Tevens wordt voorzien in een regeling voor de inzage van gegevens die bij de diensten berusten. Tenslotte wordt voorgesteld een onafhankelijke commissie in te stellen die toeziet op de taakuitvoering van de diensten, in aanvulling op de bestaande voorzieningen. De nieuwe wettelijke regeling moet de BVD in staat stellen zijn taken ook in de toekomst naar behoren te vervullen. Tegelijk is de nieuwe wetgeving er op gericht de rechtmatigheid van het werk van de BVD blijvend te waarborgen.

Dit jaarverslag maakt duidelijk dat radicale organisaties en stromingen, proliferatie van massavernietigingswapens en de kwetsbaarheid van organisaties voor aantasting van hun integriteit ook in 1997 de aandacht bleven vragen van de BVD. Mede dankzij de inspanningen van de dienst hield de Nederlandse overheid zicht op de ernst van deze verschijnselen en konden waar nodig maatregelen worden genomen.

Het hoofd van de BVD is sinds september 1997 de heer S.J. van Hulst.

*De minister van Binnenlandse Zaken,
H.F. Dijkstal*

HOOFDSTUK 1

In dit hoofdstuk wordt ingegaan op de taakuitvoering van de BVD in het afgelopen jaar en wordt een vooruitblik gegeven op 1998. Na het algemene gedeelte wordt de wet- en regelgeving die voor de BVD van belang is aan de orde gesteld. Vervolgens wordt ingegaan op de politieke en ambtelijke sturing en op de parlementaire controle. Het hoofdstuk eindigt met een passage over de inlichtingenmiddelen van de dienst.

1.1 Algemeen

In 1997 besteedde de BVD, evenals in voorgaande jaren, aandacht aan aantastingen van grondrechten, georganiseerde criminaliteit van nationale en internationale oorsprong, gewelddadige politieke groeperingen, proliferatie van massavernietigingswapens, handel in conventionele wapens, spionage en beveiligingsbevordering. Deze onderwerpen zullen ook in 1998 de agenda blijven bepalen.

Op het gebied van de aantasting van grondrechten werd onderzoek gedaan naar conflicten binnen en tussen groepen in de Nederlandse samenleving van politieke, etnische of religieuze aard. Ook kregen de bemoeienissen van vreemde mogendheden met in ons land aanwezige bevolkingsgroepen de aandacht. De BVD vergrootte zijn inzicht in de doelbewuste verstoring door misdaadorganisaties van vitale functies in de samenleving, zoals het functioneren van het openbaar bestuur en van het apparaat voor opsporing en vervolging. Aan de opkomst van de Russische georganiseerde criminaliteit werd gericht aandacht besteed. Over deze onderwerpen verstreekte de BVD informatie aan de verantwoordelijke instanties. In internationaal verband werd bijgedragen aan de bestrijding van terroristische groeperingen. De aandacht voor

andere gewelddadige politieke groeperingen kon beperkt blijven en spitste zich toe op radicale groeperingen van buitenlandse komaf. Aan de internationale samenwerking bij het tegengaan van proliferatie van massavernietigingswapens leverde de BVD regelmatig een bijdrage. De aandacht van de dienst spitste zich toe op de landen en de bedrijven die hun verwervingsactiviteiten in of via Nederland bedrijven. Het onderzoek naar de handel in conventionele wapens richtte zich vooral op het vergroten van het inzicht in transacties naar spanningsgebieden en regio's waar mensenrechten worden geschonden. Op beide terreinen van wapenhandel -conventionele en massavernietigingswapens- werd bijgedragen aan het internationale beleid van wapenbeheersing.

Op het terrein van de beveiligingsbevordering nam het preventieve optreden van de BVD toe. Naast het uitbrengen van beveiligingsadviezen aan instellingen en bedrijven, werden op verzoek bijdragen geleverd bij het opzetten van algemene integriteitsonderzoeken ter vaststelling van de kwetsbaarheid van overheidsorganisaties. Het uitvoeren van veiligheidsonderzoeken naar personen die een vertrouwensfunctie (gaan) bezetten, kreeg met de op 1 februari 1997 in werking getreden Wet veiligheidsonderzoeken een geactualiseerde en nader uitgewerkte wettelijke basis.

Het beveiligen van informatie en het waarborgen van de rechtmatige toegang tot gegevens vergde in toenemende mate aandacht in verband met de ontwikkelingen op het terrein van de informatie- en telecommunicatietechnologie.

Internationale samenwerking neemt in belang toe wegens het grensoverschrijdend karakter van de hedendaagse veiligheidsbedreigingen. Het Nederlandse voorzitterschap van de Europese Unie bood de BVD de mogelijkheid om bij te dragen aan het nader vorm geven van de internationale samenwerking op het terrein van de terrorismebestrijding. Voorts kwamen de onderwerpen racisme/xenofobie en cryptografie hoog op de internationale agenda. De beschikking van de BVD over vaste en reizende liaisons bewijst in toenemende mate zijn nut. De bilaterale contacten met de veiligheidsdiensten in Midden- en Oost-Europa werden voortgezet en waar nuttig uitgebreid. Met enkele veiligheidsdiensten van landen in het Midden-Oosten en Noord-Afrika had een oriënterend contact plaats. Met de veiligheidsdiensten van westerse landen werd collegiaal samengewerkt.



1.2 Wettelijk kader

Op 17 september 1997 bracht de Raad van State advies uit over het wetsvoorstel tot herziening van de Wet op de inlichtingen- en veiligheidsdiensten, dat in december 1996 om advies aan de Raad werd voorgelegd. Begin 1998 is het wetsvoorstel aan de Tweede Kamer aangeboden. De Wet veiligheidsonderzoeken (Stb. 1996, 525) is op 1 februari 1997 in werking getreden. Deze wet regelt het aanwijzen van vertrouwensfuncties en het uitvoeren van veiligheidsonderzoeken.

1.3 Sturing

1.3.1 *De minister van Binnenlandse Zaken*

De BVD is een onderdeel van het ministerie van Binnenlandse Zaken. De minister van Binnenlandse Zaken is derhalve politiek verantwoordelijk voor de Binnenlandse Veiligheidsdienst (BVD). De minister bespreekt periodiek de ontwikkelingen op de verschillende aandachtsgebieden van de BVD met het hoofd van de BVD. Onder verantwoordelijkheid van de minister is in de afgelopen kabinetsperiode een algehele herziening van het wettelijk kader van de BVD in gang gezet.

1.3.2 *Ministeriële Commissie voor de Inlichtingen- en Veiligheidsdiensten (MICIV)*

De MICIV vergadert onder voorzitterschap van de minister-president en bestaat verder uit de ministers van Binnenlandse Zaken, Buitenlandse Zaken, Defensie, Justitie, Economische Zaken en Financiën. De vaste ambtelijke deelnemers aan het overleg zijn de voorzitter en leden van het CVIN-plus (zie hieronder). De MICIV coördineert de politieke sturing aan de BVD en de MID en maakt afspraken over afstemming van werkzaamheden tussen BVD en MID.

In 1997 kwam de commissie éénmaal bijeen. De belangrijkste gespreksobjecten waren: bijzondere informatiebeveiliging, operationele cryptografie, het onderscheppen van telecommunicatie (interceptie) en het inlichtingenplan BVD voor 1997. Naast deze objecten werd ook aandacht besteed aan ontwikkelingen in Turkije, aan Rusland en de overige landen van het GOS, in relatie tot mogelijke veiligheidsrisico's voor Nederland.

1.3.3 *Comité Verenigde Inlichtingendiensten Nederland (CVIN)*

Het CVIN is het ambtelijk voorportaal van de MICIV en coördineert de uitvoering van de taken van BVD en MID. Het comité bestaat uit de coördinator van de inlichtingen- en veiligheidsdiensten en diens adviseur, beiden werkzaam bij het ministerie van Algemene Zaken, de hoofden van de BVD en de MID, alsmede vertegenwoordigers van de ministeries van Buitenlandse Zaken en Justitie. Afhankelijk van het onderwerp zijn ook vertegenwoordigers van het ministerie van Economische Zaken en het ministerie van Verkeer en Waterstaat aanwezig.

Met uitzondering van de maand juli kwam het CVIN maandelijks bijeen. In 1997 stonden onder andere de onderwerpen operationele cryptografie, interceptie en bijzondere informatiebeveiliging op de agenda. Naast deze onderwerpen kregen de ontwikkelingen in Turkije en Rusland en de overige landen van het GOS, voor zover sprake is van een mogelijk veiligheidsrisico voor Nederland, de nodige aandacht. Ter voorbereiding op de MICIV-vergadering was er een CVIN-plus bijeenkomst. Hieraan wordt, naast de leden van de CVIN, deelgenomen door de secretarissen-generaal van de ministeries die in de MICIV participeren.

1.4 Parlementaire controle

De vaste commissie voor Binnenlandse Zaken besprak op 5 november 1997 tijdens een algemeen overleg het jaarverslag van de BVD over 1996 en het verslag van de commissie voor de Inlichtingen- en Veiligheidsdiensten van de Tweede Kamer over hetzelfde jaar. Bij dit overleg kwam ook het eindrapport van het project Hermandad aan de orde. Met dit project werd beoogd de samenwerking tussen de BVD, de politie, het Openbaar Ministerie, de Koninklijke marechaussee en enkele bijzondere opsporingsinstanties te verbeteren. Voorts heeft de Tweede Kamer bij verschillende gelegenheden gesproken over de BVD-invalshoek bij onderwerpen als de integriteit van de openbare sector, extreem rechts en de Grijsse Wolven. Bovendien werd over een groot aantal onderwerpen schriftelijke vragen gesteld. Zie voor een overzicht bijlage 1 van dit jaarverslag.

De staatssecretaris van Onderwijs, Cultuur en Wetenschappen heeft mede namens de minister van Binnenlandse Zaken op 5 december 1997

de Tweede Kamer schriftelijk informatie verstrekt over in het verleden uitgevoerde vernietigingen van BVD-dossiers. In deze brief werd de Kamer ook geïnformeerd over de stand van zaken betreffende de nog uit te voeren vernietigingen van BVD-dossiers. Overeenkomstig de afspraak met de Kamer werd in oktober 1997 een selectielijst voor de BVD vastgesteld. De Centrale Archief Selectiedienst heeft op basis van deze lijst een proefbewerking uitgevoerd. Over de resultaten van deze proef brengt de Raad voor Cultuur advies uit. Eerst nadat hierover overleg met de Kamer heeft plaatsgevonden wordt tot het daadwerkelijk vernietigen van BVD-dossiers overgegaan.

Volledigheidshalve wordt tenslotte vermeld dat op 17 december 1997 nog een algemeen overleg plaatsvond over de vernietiging van dossiers van inlichtingen- en veiligheidsdiensten met de vaste commissies voor Binnenlandse Zaken, Defensie en Onderwijs, Cultuur en Wetenschappen. De nadruk bij dit overleg lag op het vernietigen van Defensie-dossiers.

In het verlengde van het overleg besloten de vaste commissies tot het instellen van een werkgroep Archieven die tot taak kreeg onderzoek te doen naar het beleid en beheer met betrekking tot archieven van inlichtingen- en veiligheidsdiensten. Op 13 mei 1998 presenteerde de werkgroep haar onderzoeksrapport. Ten aanzien van de BVD concludeerde de werkgroep dat er, voorzover waarneembaar, gesproken kon worden van een professioneel archiefbeheer. Verder bevestigde de werkgroep de eerder door de Rijksarchiefdienst gemelde bevinding dat de BVD in het verleden vernietigingen heeft uitgevoerd terwijl er geen op de juiste wijze tot stand gekomen vernietigingslijst was. De werkgroep tekende daarbij aan dat het niet waarschijnlijk is dat de feitelijke vernietigingen veel anders zouden zijn geweest indien de lijst wel op wettelijk juiste wijze was vastgesteld.

1.4.1 Commissie voor de Inlichtingen- en Veiligheidsdiensten

Over BVD-aangelegenheden, die om redenen van staatsveiligheid niet openbaar gemaakt kunnen worden, werd met de commissie voor de Inlichtingen- en Veiligheidsdiensten van de Tweede Kamer twee keer vertrouwelijk overleg gevoerd. Ook is de commissie een aantal malen schriftelijk geïnformeerd.

Tijdens het overleg op 10 april 1997 kwamen de brandstichtingen tegen Turkse doelen en de gewelddadigheden tussen Turken en Koerden op Nederlands grondgebied uitgebreid aan de orde. Daarnaast werd

gesproken over veiligheidsrelevante ontwikkelingen op Aruba.

De commissie werd geïnformeerd over de procedure rond de opvolging van het hoofd van de BVD.

De Grijze Wolven vormde het belangrijkste gespreksonderwerp van het op 22 oktober 1997 gevoerde overleg. Op verzoek van de commissie zegde de minister toe, ook de Tweede Kamer als geheel schriftelijk te informeren over dit onderwerp. In november 1997 vond die informatieverstrekking plaats. Verder is tijdens dit overleg gesproken over de geheime versie van het BVD-jaarverslag 1996. Hierin zijn de operationele bijzonderheden opgenomen die omwille van de staatsveiligheid niet openbaar kunnen worden gemaakt. Tot slot is een uiteenzetting gegeven over een aantal actuele operationele aangelegenheden. De commissie brengt over haar werkzaamheden een afzonderlijk schriftelijk verslag uit aan de Tweede Kamer.

1.5 Inlichtingenmiddelen

De interceptie van telecommunicatie -in combinatie met andere bij de wet toegestane inlichtingenmiddelen- blijft een belangrijk inlichtingenmiddel. De BVD leverde een bijdrage aan de beleidsontwikkeling om het gebruik van dit middel ook in de toekomst mogelijk te blijven maken. De verdergaande liberalisering van de Europese markt en de snel veranderende technologie maken dat een achterstand dreigt te ontstaan bij het voorzien in de inlichtingenbehoefte van de betrokken overheidsdiensten. In het voorstel voor de nieuwe Telecommunicatiewet is voorzien dat nieuwe systemen en diensten structureel aftapbaar moeten worden gemaakt. Dit wetsvoorstel is in maart 1998 door de Tweede Kamer aanvaard.

Ter beveiliging van elektronisch berichtenverkeer wordt steeds meer gebruik gemaakt van cryptografie. In het voorstel voor een nieuwe Wet op de inlichtingen- en veiligheidsdiensten is de verplichting opgenomen om mee te werken aan het decrypteren, daar waar de nationale veiligheid in het geding is (zie ook paragraaf 2.7.1 Informatiebeveiliging).

De activiteiten gericht op de verbetering van de samenwerking op het terrein van de operationele crypto- en interceptie-problematiek worden voortgezet. Het ministerie van Justitie geeft leiding aan dit proces. Een van de prioriteiten is het realiseren van een efficiënt en effectief beheer

van informatiestromen tussen het toenemende aantal marktpartijen en de
behoeftestellende instanties.

In de tweede helft van 1997 was er een nieuwe marktontwikkeling,
namelijk de mobiele telefoon-kaart (pre paid card). Hiermee werd het
voor gebruikers mogelijk om volledig anoniem en niet traceerbaar te
communiceren. Overleg met de marktpartijen heeft ertoe geleid, dat een
oplossing is gevonden voor die bijzondere situaties dat communicatie
met een mobiele telefoon-kaart toch gecontroleerd moet worden.

HOOFDSTUK 2

Dit hoofdstuk geeft inzicht in de verschillende aandachtsgebieden van de BVD. Het eerste gebied is de aantasting van grondrechten. De verschillende organisaties die onderwerp van onderzoek zijn, passeren de revue. Daarnaast wordt in deze paragraaf ingegaan op de bemoeienis van vreemde mogendheden met bevolkingsgroepen in ons land.

Het tweede aandachtsgebied is (internationaal) georganiseerde criminaliteit. In de paragraaf over terrorisme en ander politiek geweld komen de verschillende gewelddadige politieke groeperingen aan bod die voor Nederland van belang zijn.

Vervolgens wordt ingegaan op de onderwerpen proliferatie van massavernietigingswapens en conventionele wapenhandel. Dat het verschijnsel spionage nog altijd actueel is, blijkt uit de daarop volgende passages. De integriteit van de openbare sector is eveneens een aandachtsgebied, evenals de beveiligingsbevordering die gestalte krijgt in beleidsontwikkeling, beveiligingsadvies en veiligheidsonderzoeken.

Tenslotte wordt ingegaan op enkele overige aandachtsgebieden.

2.1 Aantasting van grondrechten

In het kader van de bescherming van grondrechten besteedt de BVD aandacht aan extremistische politieke groeperingen. Daarnaast onderzoekt de BVD de bemoeienis van vreemde mogendheden. Islamitische organisaties krijgen de aandacht van de BVD voor zover sprake is van ontwikkelingen die zich niet verdragen met de beginselen van de Nederlandse rechtsstaat.

2.1.1 *Extreem rechts*

Extreem rechtse organisaties hebben in 1997 minder vaak -via demonstraties of anderszins- de openbaarheid gezocht dan in 1996. Ook in dat jaar was al sprake van een afname van het aantal publieke acties vergeleken met 1995.

De Centrum Partij '86 (CP'86), restant van de NVP/CP'86 die eind 1996 uiteen viel, is in 1997 onmiskenbaar in neo-nazistisch vaarwater geraakt. De belangrijkste bestuursleden van de partij namen enkele keren deel aan samenkomsten en demonstraties van neo-nazi's in België en Denemarken. Zij werken samen met geestverwanten van de FAP-arbeiderspartij, de Nederlandse Volksunie en het Aktiefront Nationale Socialisten en onderhouden regelmatig contact met gelijkgezinden in België en Duitsland. CP'86 is gebrekkig georganiseerd en telt niet meer dan enkele tientallen leden, die voornamelijk woonachtig zijn in het Rijnmondgebied. Het totaal aantal georganiseerde neo-nazi's in ons land in en buiten CP'86 wordt geschat op minder dan vijftig.

In het publieke debat over extreem rechts wordt de omvang van het verschijnsel wel eens overschat. De BVD gaf ook in 1997 voorlichting aan politici, bestuurders en andere betrokkenen om verkeerde beeldvorming tegen te gaan. Voorts werd meegewerkt aan de eerste uitgave van de Monitor Racisme en Extreem Rechts die in opdracht van het ministerie van Binnenlandse Zaken is samengesteld door het Leids Instituut voor Sociaal Wetenschappelijk Onderzoek (LISWO) en in het najaar verscheen. In deze publicatie wordt vermeld dat het aantal bij de BVD gemelde inter-etnische incidenten, in vergelijking met 1996, niet is toegenomen.

2.1.2 *Bemoeienis van vreemde mogendheden*

Activiteiten van Zuid-Slavische staten gericht op Nederland

De aanwezigheid van het Joegoslavië-tribunaal van de Verenigde Naties in Nederland is de belangrijkste aanleiding voor activiteiten van Zuid-Slavische inlichtingendiensten in ons land. Deze diensten probeerden de rechtsgang te beïnvloeden, bijvoorbeeld door in een vroeg stadium de identiteit van getuigen te achterhalen. De BVD heeft met name een toename geconstateerd van de activiteiten van Kroatische inlichtingendiensten.

Op de ambassade van Bosnië-Herzegovina is de meerderheid van de ambassadestaf het VN-tribunaal behulpzaam bij de opsporing en berechting van oorlogsmisdadigers. Daartoe werkt die ambassadestaf nauw samen met de Bosnische veiligheidsdienst AID.

De Bosnische ambassade heeft enige malen verzuimd zich te houden aan de regels die in het normale diplomatieke verkeer tussen bevriende landen gangbaar zijn. Het ministerie van Buitenlandse Zaken heeft in dit kader een aantal keren geweigerd visa te verstrekken aan beoogde tijdelijke medewerkers van deze ambassade.

In 1997 is contact gelegd met de Bosnische veiligheidsdienst AID. Dit is gebeurd vanuit de verwachting dat de AID hierdoor wordt aangezet zich te houden aan de gangbare regels. De AID dreigt echter uiteen te vallen in diverse facties die door het hoogste staatsgezag van Bosnië-Herzegovina niet meer kunnen worden gecontroleerd.

Vertegenwoordigers van de Federale Republiek Joegoslavië en van de Servische gemeenschap in Bosnië-Herzegovina probeerden -zoals in het verleden- met behulp van informatie en desinformatie de beeldvorming in de Nederlandse media over de Servische politiek te beïnvloeden.

Binnen de Zuid-Slavische gemeenschappen in Nederland deden zich weinig verontrustende ontwikkelingen van politieke aard voor. De diverse schietpartijen en liquidaties in deze kringen hadden namelijk geen politieke achtergronden. Te verwachten valt dat de groeiende onvrede in Kosovo zich in de nabije toekomst zal weerspiegelen in de Kosovaarse gemeenschap in Nederland.

Irak

De Iraakse gemeenschap in Nederland is de laatste jaren toegenomen tot ruim twintigduizend personen. Het betreft voornamelijk vluchtelingen en asielzoekers, deels van Koerdische afkomst. De Iraakse algemene inlichtingendienst (Jihaz al-Mukhabarat al-'Amma, kortweg Mukhabarat) verzamelt gegevens over deze gemeenschap, en vooral over mogelijke opposanten van het regime van Saddam Hussein.

In het najaar van 1997 is twijfel ontstaan over de herkomst en achtergronden van een aantal personen dat zich als Iraaks vluchteling meldde bij de asielzoekerscentra.

Iran

In de loop van het jaar werden de diplomatieke betrekkingen met Iran weer hersteld. Deze waren bekoeld als gevolg van het 'Mykonos-proces' in Duitsland waarbij de Iraanse overheid schuldig werd geacht aan een moordaanslag op vier Iraans-Koerdische leden van de oppositie.

De houding van de Iraanse autoriteiten ten aanzien van oppositie-groeperingen is niet wezenlijk veranderd ten opzichte van voorgaande jaren. De Iraanse inlichtingendienst is in Nederland dan ook nog onverminderd actief. Deze dienst richt zich op het lokaliseren en registreren van oppositieleiden in Nederland met de bedoeling deze oppositie te destabiliseren. De inlichtingendienst doet ook pogingen om leden van de Iraanse gemeenschap in ons land tot medewerking te dwingen door middel van intimidatie.

2.1.3 Islamitische organisaties

De ontwikkelingen in Turkije, waar de deelname van de orthodox-islamitische Refah-partij aan de regering met een 'stille coup' werd beëindigd, zijn niet zonder gevolgen gebleven voor de Turkse moslim-gemeenschap in Europa. Door het verbod van Refah in Turkije is de aan haar gelieerde Islamitische Gemeenschap Milli Görüş (IGMG), met het hoofdkwartier in Keulen, weer meer in de rol gedrukt van politiek-religieuze oppositie in ballingschap, net als in haar beginjaren na de staatsgreep van 1980. Niettemin kan gesteld worden dat in de West-Europese moskeeën beheerst gereageerd is op het ingrijpen van het Turkse leger en dat het nergens tot felle protesten of tegenacties is gekomen.

Ook in Europa heeft het zelfvertrouwen van de Refah-aanhanger een forse deuk opgelopen. De teleurstelling over de wijze waarop voorman en oud-premier Necmettin Erbakan moest buigen voor de militairen is groot. Bij sommigen heeft dit de overtuiging doen postvatten dat een islamitische staat nimmer langs democratische weg gerealiseerd kan worden en dat andere wegen bewandeld moeten worden. Bij anderen heeft de behandeling die de moslimbeweging ten deel is gevallen geleid tot berusting en lethargie.

Het gevolg is dat Milli Görüş als grootste van de niet aan de Turkse staat gebonden islamitische organisaties te kampen heeft met een teruglopend ledental en een afnemende motivatie bij de aanhang. Met name jongeren, die Milli Görüş in het verleden altijd in groten getale aan zich

wist te trekken, voelen zich steeds minder aangesproken door partij-retoriek. Hun organisaties hebben te maken met leegloop of leiden een kwijnend bestaan. De toeloop naar weekendkampen en eigen internaten stagneert. De organisatie blijkt voor veel jongeren niet het antwoord te bieden op vragen waarmee zij in de Nederlandse context worstelen. Een gedeelte belandt in a-religieuze jongerencircuits, waar zij soms een groter risico lopen met criminaliteit in aanraking te komen. Anderen blijken in toenemende mate ontvankelijk voor Turks-nationalistische sentimenten, die aan intensiteit hebben gewonnen als gevolg van de gebeurtenissen in Turkije en de afwerende houding van Europa. In de aloude worsteling tussen de islamitische en de Turkse identiteit, lijkt ook binnen de Turkse gemeenschap in Nederland het nationalisme weer eens aan de winnende hand.

De nauwe verwevenheid van staat en religie in Turkije zorgt er echter voor dat de slinger nimmer geheel naar één zijde doorslaat. Ook de huidige regering in Ankara blijft zich sterk maken voor een gematigde en gecontroleerde (staats)islam binnen de kaders van het wettelijk voorgeschreven laïcisme. Het wordt in dit licht noodzakelijk geacht om ook de islamitische organisatievorming onder Turken in het buitenland onder controle te houden, waarbij initiatieven die afbreuk (kunnen) doen aan dit streven te maken kunnen krijgen met tegenwerking.

Ook andere dan Turkse moslimorganisaties staan soms gereserveerd of zelfs afwijzend tegenover op integratie gerichte initiatieven. Vaak betreft het religieuze motieven, die tevens verband houden met de angst voor het verlies van eigen culturele identiteit en onafhankelijkheid. Deze angst wordt niet zelden gevoed door orthodox-islamitische landen en groeperingen, die organisatorisch en financieel een dam pogen op te werpen tegen wat gezien wordt als verwatering en teloorgang van de islamitische cultuur en religie.

Het vermoeden van het bestaan van relaties tussen criminele bendes en moskeebesturen heeft het afgelopen jaar in brede kring bezorgdheid gewekt, omdat dergelijke banden een zeer schadelijke uitwerking zouden kunnen hebben op het integratieproces van de moslims in de Nederlandse samenleving. De behoefte was dan ook groot om het waarheidsgehalte van dergelijke in de media geuite beschuldigingen te onderzoeken, temeer omdat steeds meer overheden en instanties juist in islamitische organisaties een bondgenoot hopen te vinden in het

uitdragen van normbesef en het terugdringen van criminaliteit onder allochtonen. Om die reden werd besloten om in het kader van het interdepartementale project Criem (Criminaliteit en integratie van etnische minderheden) onderzoek te doen naar de kwetsbaarheid van islamitische organisaties.

Vastgesteld moest worden dat de weerbaarheid van met name Marokkaanse moskee-organisaties tegen ongewenste inmenging op belangrijke punten tekort schiet. Zij kampen met onvoldoende financiën, gebrek aan bestuurskracht en administratieve onvolkomenheden als gevolg van een niet-professionele bedrijfsvoering. De meeste Turkse organisaties daarentegen worden gekenmerkt door een hoge organisatiegraad, de beschikbaarheid van gekwalificeerd kader, een over het algemeen gezonde financiële huishouding en een redelijke mate van toezicht hierop. Dit rechtvaardigt de conclusie dat ten aanzien van de Turks-islamitische organisaties sprake is van een geringe kwetsbaarheid voor criminele organisaties of buitenlandse mogelijkheden.

In het algemeen lijken de mogelijkheden en de bereidheid van islamitische organisaties om door de Nederlandse overheid betrokken te worden bij het terugdringen van en het weerbaar maken tegen criminaliteit beperkt. Bestuurders -hoofdzakelijk behorend tot de eerste generatie- en imams zijn nog onvoldoende toegerust om antwoorden aan te reiken op vragen over de ernstige sociaal-maatschappelijke problemen waarmee grote groepen geloofsgenoten worstelen.

De volop florerende neutraliseringstechnieken, in het bijzonder de neiging om de verantwoordelijkheid voor de problemen volledig neer te leggen bij de Nederlandse overheid of politiek-extremistische groeperingen vormen een belemmering voor samenwerking. Complicerende factor in het geheel vormt de invloed die vanuit de moederlanden (door overheid, politieke partijen, geestelijke leiders) wordt uitgeoefend op de organisaties in Nederland. De belangen van deze buitenlandse actoren in het binnenlandse krachtenveld sporen lang niet altijd met die van de Nederlandse samenleving in het algemeen of van de etnische minderheidsgroepen hier te lande in het bijzonder.

2.2 (Internationaal) georganiseerde criminaliteit

De BVD onderzoekt in hoeverre activiteiten van criminele organisaties afbreuk doen aan de integriteit van staat en samenleving. Daarbij gaat het niet alleen om een (mogelijke) verstrengeling van onderwereld en bovenwereld in Nederland. De grensoverschrijdende effecten van de georganiseerde criminaliteit nopen de BVD ook tot het bestuderen van ontwikkelingen rond criminele organisaties in het buitenland, die direct of indirect hun weerslag kunnen hebben op de Nederlandse situatie. Onverminderd wordt daarbij vastgehouden aan het uitgangspunt dat de opsporing en vervolging van criminelen de verantwoordelijkheid is van het Openbaar Ministerie, de politie en de bijzondere opsporingsdiensten.

2.2.1 Onderzoek naar vormen van criminaliteit

Unit Synthetische Drugs (USD)

In september 1996 kondigde de Nederlandse regering in de 'Voortgangsrapportage drugbeleid' de formatie aan van een aparte eenheid voor de landelijke coördinatie en de uitvoering van de opsporing inzake de productie van en handel in XTC en andere synthetische drugs. De eenheid Unit Synthetische Drugs (USD) werd samengesteld uit vertegenwoordigers van bijzondere opsporingsdiensten, zoals de Koninklijke marechaussee en politie. Omdat de BVD geen opsporingsdienst is, zal hij niet in de eenheid participeren, maar uitsluitend een bijdrage leveren aan de informatievoorziening.

De USD heeft de eerste helft van 1997 benut voor het verrichten van voorbereidende activiteiten. De BVD heeft in die periode verkennende gesprekken gevoerd met de USD om te komen tot een eerste afbakening van de rol die de BVD ten behoeve van de USD kan spelen. De BVD zal zich met name toeleggen op het verzamelen van informatie van buitenlandse zusterdiensten over gesignaleerde trends en ontwikkelingen en andere strategische informatie over de productie van synthetische drugs in het buitenland en de aanvoer van grondstoffen naar Nederland.

Contra-strategieën

Op basis van informatie van het Openbaar Ministerie en de politie is de BVD enkele zelfstandige onderzoeken gestart naar gevallen van (offensieve) contra-strategieën door criminele organisaties. In algemene zin worden

hieronder verstaan: pogingen van criminele organisaties om het proces van opsporing en vervolging te verstoren door middel van contra-observatie, corruptie, intimidatie en andere vormen van bedreiging van politie en justitie. In deze onderzoeken staat de vraag centraal of en op welke wijze de (mogelijk) betrokken criminelen bereid zijn door de toepassing van geweld de strafrechtelijke aanpak van criminele activiteiten te ondermijnen. Voorts moet het onderzoek het bevoegd gezag in staat stellen zondig passende tegenmaatregelen te nemen.

Naast enkele concrete onderzoeken is de BVD tegen het einde van 1997 ook een algemene inventarisatie gestart van recente gevallen van contra-strategieën van criminele organisaties. De inventarisatie vindt plaats aan de hand van gesprekken met vertegenwoordigers van het Openbaar Ministerie, de politie, bijzondere opsporingsdiensten en andere materie-deskundigen, waar mogelijk aangevuld met dossieronderzoek. De uitkomsten van de inventarisatie dienen meer inzicht te verschaffen in contra-strategieën als fenomeen en de daarbij betrokken criminele organisaties. Daarnaast moet de inventarisatie licht werpen op de ernst en de omvang van de bedreiging van een ongestoord verloop van de normale rechtsgang.

Taskforce mensensmokkel

Op 24 oktober 1997 besloot het kabinet tot de oprichting van een taskforce voor het tegengaan van georganiseerde mensensmokkel onder leiding van het Openbaar Ministerie en de Immigratie- en Naturalisatiedienst. In het besluit worden bijdragen voorzien van het ministerie van Buitenlandse Zaken, het Korps Landelijke Politiediensten, de Koninklijke marechaussee, de politie en de BVD. Bij de formatie van de taskforce is nader bepaald dat de BVD met de andere participanten zitting zal nemen in het Afstemmingsoverleg Mensensmokkel (AOM), dat de uitwisseling en de uitwerking van informatie verzorgt.

De BVD zal zijn onderzoek naar georganiseerde vormen van mensensmokkel vooral concentreren op de activiteiten van de (internationale) georganiseerde criminaliteit, buitenlandse inlichtingendiensten en politiek of religieus extreme organisaties. Daarnaast zal de BVD zijn contacten intensiveren met buitenlandse zusterdiensten die ook actief zijn bij het tegengaan van mensensmokkel. Dit om informatie te verwerven die van belang kan zijn voor de taskforce als geheel of de daarin participerende organisaties.

Russische georganiseerde criminaliteit

Het uiteenvallen van de voormalige USSR en het verdwijnen van de daarmee verbonden gezagsstructuren is in Rusland (en in andere GOS-republieken) gepaard gegaan met een explosieve groei van de georganiseerde criminaliteit. Van de economische hervormingen, waarbij op grote schaal privatisering plaatsvond, blijken de oude communistische nomenklatura en de criminele organisaties te hebben geprofiteerd. Zij hebben hun posities geconsolideerd en waar mogelijk versterkt. Er is sprake van connecties tussen de politiek, het bedrijfsleven en de criminaliteit.

De economische problemen, die ook gepaard gaan met een toenemende destabilisering van de samenleving, bieden criminele organisaties een klimaat waarin zij hun activiteiten en invloed steeds verder kunnen uitbreiden. De (al tijdens het communistisch regime) bestaande cultuur van corruptie in de Russische samenleving en het tekort aan financiële middelen maken dat de organen die met misdaadbestrijding zijn belast grote problemen hebben om deze ontwikkeling het hoofd te bieden.

De expansie van de georganiseerde criminaliteit doet zich in toenemende mate ook in het buitenland gevoelen, omdat Russische criminele organisaties steeds vaker grensoverschrijdend opereren. Voor de BVD was dit in 1997 aanleiding een verkennend onderzoek te starten naar de Russische georganiseerde misdaad in Nederland. Dit onderzoek concentreert zich met name op de vermeende verwevenheid tussen de Russische overheid en de Russische georganiseerde misdaad, alsmede op mogelijke integriteitsaantasting van de Nederlandse samenleving.

Criminaliteit en etnische minderheden (Criem)

De participatie van de BVD in het project van de ministeries van Justitie en Binnenlandse Zaken, dat de relatie heeft onderzocht tussen criminaliteit en etnische minderheden, is in 1997 afgerond. In het kader van het project richtte de aandacht van de BVD zich vooral op de (mogelijke) kwetsbaarheid van (leden van) islamitische organisaties in Nederland voor internationale beïnvloeding en infiltraties door criminele organisaties en personen. De BVD heeft een bijdrage geleverd aan de eindrapportage van Criem, die inmiddels met de Tweede Kamer is besproken (zie ook paragraaf 2.1.3).

2.3 Terrorisme en ander politiek geweld

2.3.1 Radicale islamitische organisaties

Iran: Mujahedin-e Khalq

De Iraanse gewapende oppositiegroepering Mujahedin-e Khalq (MEK) is in oktober 1997 in de Verenigde Staten tot verboden organisatie verklaard wegens vermeende terroristische activiteiten. De MEK is daarop in de VS ondergronds gegaan. Als reactie op de gebeurtenissen in de VS, hebben ook in Nederland partijbijeenkomsten van de MEK plaatsgevonden.

Algerije: GIA en FIS

Mede verantwoordelijk voor de voortgaande terreur in Algerije is de extremistische Groupe Islamique Armé (GIA), die iedere vorm van dialoog met de Algerijnse machthebbers afwijst en zich niet gebonden acht aan het vredesinitiatief van het Front Islamique du Salut (FIS). Hoewel in Frankrijk en België menige GIA-cel werd ontmanteld, worden in Europa nog steeds actieve GIA-aanhangers -onder meer vanuit Londen- aangestuurd om hun bijdrage aan de strijd in Algerije te continueren. Ook in Nederland onderhouden Noord-Afrikaanse GIA-sympathisanten nauwe banden met geestverwanten in en buiten Nederland.

De staakt-het-vurenverklaring van het FIS heeft overigens tot onenigheid en afsplitsingen geleid binnen het FIS-leiderschap in Europa. De verklaarde tegenstanders koesteren sympathieën voor en onderhouden banden met de Algerijnse GIA.

Egypte: al-Jama'a al-Islamiyya

Ook in Egypte werd, in juli 1997, door zes in gevangenschap verkerende 'historische' leiders van de extremistische groepering al-Jama'a al-Islamiyya (AJAI) een staakt-het-vuren afgekondigd. Dit initiatief leidde tot afwijzende reacties van in het buitenland verblijvende leiders van de groepering, de zogenoemde Afghanistan-veteranen. Daarmee leken de eerste tekenen van een splitsing binnen de AJAI-gelederen zichtbaar te worden. De bloedige aanslag op (buitenlandse) toeristen in Luxor, in november 1997, werd desondanks in verklaringen van AJAI-leiders in Egypte en in het buitenland vrijwel unaniem veroordeeld.

Een in ons land verblijvende representant van AJAI verklaarde dat de aanslag een eigen initiatief was van de AJAI-broeders in Egypte en dat niemand van de leiders in het buitenland opdracht had gegeven tot de uitvoer ervan. De verklaring was mede bedoeld als reactie op de door de Egyptische president Mubarak geuite beschuldigingen aan het adres van landen als Groot-Brittannië, Afghanistan en ook Nederland, asiel en bewegingsvrijheid te bieden aan 'terroristen'.

2.3.2 *Revolutinaire Volksbevrijdingspartij-Front (DHKP-C, Devrimci Halk Kurtulus Partisi-Cephesi)*

Het afgelopen jaar is het relatief rustig geweest rondom de Turkse linkse groepering DHKP-C. De reeds enige jaren geconstateerde afname van politieke activiteiten zette zich verder door. Voornamelijk oorzaak daarvan is het uiteenvallen van de voormalige moederorganisatie Dev Sol in twee elkaar beconcurrerende vleugels waarvan in Nederland slechts één, de DHKP-C, vertegenwoordigd is. Er zijn aanwijzingen dat de DHKP-C in het kader van de fondsenwerving contacten onderhoudt in het Turkse criminele milieu.

Alhoewel de dreiging van geweldadige acties de afgelopen jaren sterk is afgenomen, blijft de BVD gelet op het onvoorspelbare karakter van de groepering alert op signalen die duiden op een wederopleving van deze organisatie.

2.3.3 *Koerdische Arbeiderspartij (PKK, Partiyê Karkerên Kurdistan)*

In het voorjaar van 1997 deden zich enkele incidenten voor die zorgden voor een snel oplopende spanning tussen de Turkse en Koerdische bevolkingsgroepen in ons land.

Voornaamste katalysator van deze spanningen vormde een drietal brandstichtingen in Den Haag in maart 1997. Twee brandaanslagen werden gepleegd door personen waarvan kon worden vastgesteld dat zij sympathiseerden met de PKK. De derde zaak, waarbij zes doden vielen, betrof een familievete. De aanslagen veroorzaakten in de weken erna veel onrust in de Turkse gemeenschap en slechts door ingrijpende bestuurlijke maatregelen kon worden voorkomen dat het tot een gewelddadig treffen kwam tussen Turken en Koerden.

De BVD heeft door het verstrekken van informatie een bijdrage kunnen leveren aan het beheersen van de tegenstellingen binnen de Turkse gemeenschap. Die informatie diende als ondersteuning, zowel bij de opheldering van de achtergronden rond de aanslagen, als bij het

preventief optreden van de bestuurlijke en justitiële autoriteiten in de periode daarna.

Evenals in 1996 heeft de PKK in West-Europa in 1997 veel aandacht gegeven aan diplomatieke en politieke activiteiten. Daarnaast waren er ook negatieve signalen betreffende het (dreigen met) gebruik van geweld jegens dissidenten en jegens onwillige contribuanten in de jaarlijkse financiële campagne. Ook dit jaar waren er onmiskenbare aanwijzingen dat de PKK profiteert van de opbrengst van handel in verdovende middelen. Tot dusverre ontbreken echter aanwijzingen dat de organisatie direct verantwoordelijk is voor handel en doorvoer van narcotica uit Turkije.

2.3.4 Turks extreem-nationalisme

De afgelopen jaren lieten zien dat de rechterzijde van het Turkse politieke spectrum, die extreem-nationalistisch van karakter is, zich hergroepeerde en meer naar buiten wenste te treden. De eerste indicaties daarvan waren de felle en massale reacties van nationalistisch ingestelde Turken ten tijde van de oprichting van het Koerdisch parlement in ballingschap in Den Haag (april 1995). Uit de gebeurtenissen die volgden op de brandaanslagen in Den Haag in maart 1997 bleek verder dat Turks extreem-nationalistische elementen op soms provocatieve wijze inspeelden op de onlustgevoelens binnen de Turkse gemeenschap. Daarmee dreigde de aanwezigheid van een extreem-nationalistische stroming binnen de Turkse gemeenschap uit te groeien tot een zelfstandige polariserende factor binnen deze gemeenschap. De, weliswaar niet openlijk beleden, doelstelling van onder andere de nationalistische Grijze Wolven staat haaks op het integratiebeleid van de Nederlandse overheid. Naar aanleiding van alle commotie rondom het verschijnen van het door twee journalisten geschreven boek 'Grijze Wolven. Een zoektocht naar Turks extreem rechts', heeft de minister van Binnenlandse Zaken benadrukt dat de BVD alert zal zijn op alle strevingen van politieke-extremistische aard die de rechtsorde en de cohesie van de samenleving kunnen bedreigen. Het is om bovenstaande redenen dat de BVD ook de komende jaren de ontwikkelingen binnen de Turkse extreem-nationalistische stroming nauwlettend blijft volgen.

2.3.5 Noord-Ierse terreurorganisaties

Na de hervatting van haar gewelddadige acties in 1996 legde de IRA in 1997 opnieuw de wapens neer. In september werd de IRA door Sinn

Fein vertegenwoordigd bij de onderhandelingen met de loyalistische tegenstanders over de toekomstige status van Noord-Ierland. Kleine splinterpartijen van zowel republikeinse als loyalistische origine trachtten eind 1997, begin 1998 door bloedige moordaanslagen de besprekingen te laten mislukken en zo een terugkeer van het geweld af te dwingen. Dat was aanleiding tot verscherpte beveiligingsmaatregelen. Ook in Nederland, dat in het verleden vaker heeft gediend als uitvalsbasis voor acties tegen Britse doelen in Duitsland, werden extra maatregelen getroffen.

2.3.6 Terrorismedreiging in de Europese Unie

Met betrekking tot de dreiging van terrorisme in de Europese Unie wordt kortheidshalve verwezen naar paragraaf 3.4.

2.3.7 Gewelddadig activisme

In het begin van 1997 kwam het tot een definitieve breuk binnen de gelederen van RaRa. Daardoor kwam het niet tot enige vorm van activiteit. Andere activisten maakten zich op om de Eurotop van 16 en 17 juni in Amsterdam te verstoren. De BVD heeft ruim van te voren een risico-analyse vervaardigd en doen uitgaan. Vervolgens is aan de lokale autoriteiten geadviseerd.

Acties van de kant van milieu-activisten waren in 1997 in hoofdzaak ludiek. Bij enkele gelegenheden werden vreedzame bezettings- en blokkade-acties uitgevoerd.

De eerder verwachte radicalisering binnen de milieubeweging heeft zich tot op heden niet doorgezet. De twee 'Earth Nights', de door het Earth Liberation Front (ELF) uitgeroepen actieweken, leverden enkele kleinschalige vernielingen op. Het ELF behoudt vanwege de politieke en ideologische onderbouwing van zijn acties de aandacht van de BVD.

2.4 Proliferatie van massavernietigingswapens en conventionele wapenhandel

De proliferatie van massavernietigingswapens en de illegale handel in conventionele wapens vormen een bedreiging van de internationale vrede en veiligheid en staan daarom hoog op de internationale politieke agenda. De BVD levert door onderzoek en informatieverstrekking een bijdrage aan wapenbeheersing. In dit kader wordt nauw samengewerkt met de MID.

2.4.1 Proliferatie van massavernietigingswapens

De BVD ondersteunt het Nederlands beleid gericht tegen de verdere verspreiding van massavernietigingswapens en hun overbrengingsmiddelen. De BVD-activiteiten omvatten het onderkennen van pogingen om in of via Nederland technologie, materiaal of kennis te bemachtigen ten behoeve van dergelijke wapenprogramma's. Daarnaast worden gegevens uitgewisseld met buitenlandse partners.

De BVD voorziet het ministerie van Buitenlandse Zaken van informatie over landen die streven naar het opbouwen van een nucleair, biologisch en/of chemisch wapenarsenaal met bijbehorende raketssystemen. Die kennis draagt mede bij tot de Nederlandse standpuntbepaling in internationaal overleg op het terrein van wapenbeheersing, of de opstelling van Nederland naar individuele landen. Aan het ministerie van Economische Zaken verstrekt de BVD niet alleen algemene, beleids-ondersteunende informatie, maar wordt ook advies uitgebracht met het oog op concrete besluitvorming over de afgifte van exportvergunningen. Daar waar de BVD stuit op vermoedelijke overtredingen van de exportwetgeving worden de justitiële instanties ingelicht. Ook worden daar waar nodig Nederlandse bedrijven en de wetenschappelijke wereld gealerteerd.

Het groeiende bewustzijn van de proliferatieproblematiek leidde tot verscherpte exportcontrole in de vorm van adequatere wetgeving, uitgebreidere lijsten van onder controle staande goederen en een versterking van het controle-apparaat. (Non-) proliferatie werd een van de voornaamste taakvelden voor veel inlichtingen- en veiligheidsdiensten.

Naar aanleiding van de Golfoorlog en hetgeen bekend werd over leveringen uit het Westen ten behoeve van de aanmaak van massavernietigingswapens in Irak, is de controle op de export van apparatuur en grondstoffen aanzienlijk aangescherpt. Tevens werd meer aandacht geschonken aan de overdracht van essentiële kennis voor de aanmaak van dergelijke wapens, de zogeheten immateriële technologie-overdracht.

De BVD richtte de aandacht in 1997 primair op de meest actieve landen die in Nederland goederen verwerven ten behoeve van programma's voor massavernietigingswapens, te weten Iran, Irak, Libië en Pakistan.

Daarbij verloor de BVD de in Nederland ontplooiden activiteiten van andere potentiële risicolanden in het Midden-Oosten, Noord-Afrika en Azië (waaronder India) overigens niet uit het oog.

Irak

Irak was dankzij de leveringen van apparatuur en grondstoffen uit de geïndustrialiseerde wereld in staat een omvangrijk productie-apparaat op te bouwen voor de aanmaak van onder meer chemische en biologische wapens.

De Iraakse massavernietigingswapens zijn voor het grootste deel vernietigd, dankzij het werk van UNSCOM, de speciale commissie van de VN die op de ontmanteling van de Iraakse programma voor massavernietigingswapens toeziet.

Helaas is UNSCOM door tegenwerking van Irak er tot dusver niet in geslaagd ook de laatste resten van dat programma op te ruimen. In de afgelopen twee jaar is daardoor de spanning tussen Irak en UNSCOM hoog opgelopen. Maar zelfs wanneer UNSCOM er in slaagt alle voorraden en productie-apparatuur op te sporen en te vernietigen, beschikt het Iraakse regime nog steeds over de kennis om opnieuw massavernietigingswapens te maken. De VN tracht dat te voorkomen door toezicht op relevante locaties in Irak en controle van de import in dat land. Beide zullen overigens ook na opheffing van de huidige sancties voortduren.

De ervaringen met betrekking tot Irak maken zichtbaar, dat de overdracht van kennis een bijzonder risico op proliferatierrein is. Veel van de kennis waarover Irak op het terrein van massavernietigingswapens beschikt, is afkomstig uit de geïndustrialiseerde wereld. In de jaren zeventig en tachtig studeerden veel Irakezen in met name Groot-Brittannië en de Verenigde Staten. Ook in de voormalige Sovjet-Unie werd veel kennis vergaard. Terwijl de levering van allerlei hardware aan banden is gelegd, zijn op het terrein van de immateriële technologie-overdracht ('intangible technology transfer') nog onvoldoende maatregelen getroffen. Het onderwerp is wel steeds vaker onderwerp van gesprek in allerlei internationale gremia, onder meer in EU-verband.

De BVD verricht nader onderzoek naar relevante kennisoverdracht vanuit Nederland naar de diverse risicolanden.

Iran

Iran gaat onverminderd verder met de op- en uitbouw van het potentieel van massavernietigingswapens. Daarnaast werkt Iran aan de ontwikkeling van ballistische raketten om deze wapens naar het doel te kunnen voeren. Ook in en via Nederland stelt Iran pogingen in het werk kennis en goederen voor deze wapenprogramma's te vergaren en naar verwachting zal Iran deze activiteiten voortzetten. De BVD zal daarom ook in 1998 zijn aandacht hierop gericht houden.

Libië

Alhoewel Libië internationaal wordt gerekend tot de meest actieve landen op proliferatieterrein, lijken de activiteiten gericht op verkrijging van goederen in Nederland enigszins te zijn afgenomen. Desalniettemin blijft de BVD waakzaam voor een mogelijk hernieuwde intensivering van Libische verwervingsactiviteiten in Nederland.

Pakistan

Pakistan intensiveerde de ontwikkeling van ballistische raketsystemen, waarmee de bestaande nucleaire potentie extra kracht kan worden gegeven. Ook in Nederland probeerde Pakistan materiaal te bemachtigen voor het raketprogramma. Verwacht wordt dat Pakistan deze activiteiten zal continueren. De BVD blijft alert op Pakistaanse verwervingspogingen in Nederland.

Internationaal

Vanwege het internationale karakter van de proliferatieproblematiek zette de BVD zijn samenwerking met daarvoor in aanmerking komende zusterdiensten voort. Naast regulier contact met de traditionele samenwerkingspartners, had voor het eerst overleg over non-proliferatie plaats met specialisten van inlichtingen- en veiligheidsdiensten van Jordanië, Marokko, de Russische Federatie, Oekraïne en Turkije.

2.4.2 Ongewenste handel in conventionele wapens

De Nederlandse regering hanteert als uitgangspunt dat bij de uitvoer van conventionele wapens terughoudendheid moet worden betracht. Voorts wordt gestreefd naar grotere transparantie van internationale wapenstromen. Illegale wapenstromen, met name naar politiek ongewenste bestemmingen, krijgen eveneens de aandacht. De BVD ondersteunt de werkzaamheden van de verantwoordelijke ministeries van Economische Zaken en Buitenlandse Zaken door het verzamelen van

informatie over de betrokkenheid van Nederlandse handelaren en bedrijven bij ongewenste handel in conventionele wapens. Daarnaast onderzoekt de BVD de (mogelijke) Nederlandse betrokkenheid bij de wapenvoorziening aan politiek extremistische groeperingen.

Internationale samenwerking

Om de handel in conventionele wapens te beperken en transparant te maken, participeert Nederland in diverse internationale samenwerkingsverbanden. Een belangrijk forum is het 'Wassenaar Arrangement' (WA). Het WA kwam in december 1995 tot stand en vulde een leemte die was ontstaan door de opheffing in 1994 van internationale afspraken die nog uit de tijd van de Koude Oorlog stamden. Het WA heeft als doel destabiliserende accumulaties van conventionele wapens en dual use goederen te voorkomen en zo internationale veiligheid en stabiliteit te bevorderen. Het WA-overleg telt momenteel 33 deelnemende landen, waaronder de Verenigde Staten, de Russische Federatie, het Verenigd Koninkrijk en Frankrijk.

Waar mogelijk voorziet de BVD de ministeries van Economische Zaken en Buitenlandse Zaken van informatie die van belang kan zijn voor de Nederlandse standpuntbepaling in WA-verband en bij ander internationaal overleg op dit terrein.

2.5 Spionage

Verschillende buitenlandse inlichtingendiensten zijn in Nederland actief en hun handelen verdraagt zich niet met Nederlandse belangen. In paragraaf 2.1.2 is aandacht besteed aan de bemoeienis van buitenlandse inlichtingendiensten met in Nederland verblijvende bevolkingsgroepen van buitenlandse afkomst. In deze paragraaf wordt ingegaan op de 'klassieke' spionage van de Russische inlichtingendiensten en op het verschijnsel economische spionage dat wereldwijd opgeld doet.

2.5.1 Russische inlichtingendiensten

De BVD richt zich evenals de MID -en waar nodig gezamenlijk- op het tegengaan van activiteiten van Russische inlichtingen- en veiligheidsdiensten in ons land die een risico vormen voor Nederlandse en bondgenootschappelijke belangen. Naast conflicterende zijn er echter ook gemeenschappelijke belangen met de Russische diensten,

bijvoorbeeld als het gaat om het tegengaan van internationale wapenhandel en internationaal georganiseerde criminaliteit. Op een aantal terreinen is een basis gelegd voor samenwerking (zie ook paragraaf 3.3.2).

De Russische inlichtingen- en veiligheidsdiensten staan voor het grootste deel onder gezag en controle van de president en vervullen deels overlappende taken. Van de diensten die belast zijn met het bewaken van de binnenlandse veiligheid is de Federale Veiligheidsdienst FSB de grootste. Naast contraspionage wordt vooral aandacht besteed aan de bestrijding van de georganiseerde misdaad en terrorisme. De FSB beschikt over ruime executieve bevoegdheden. De dienst neemt een offensieve houding aan tegenover de vertegenwoordigingen van westerse inlichtingendiensten en westerse gouvernementele en niet-gouvernementele organisaties in Rusland. Deze worden regelmatig beschuldigd van aantasting van Ruslands nationale belangen. In dit kader deed de FSB een oproep in de Russische media aan Russische agenten van buitenlandse inlichtingendiensten om zich te melden bij de FSB als dubbel-agent. De betrokkenen zouden als beloning hun financiële vergoedingen van buitenlandse diensten mogen behouden en niet worden vervolgd of strafvermindering krijgen.

Van de diensten met een buitenlandse inlichtingentaak manifesteren zich in het buitenland met name de buitenlandse inlichtingendienst SVR en de militaire inlichtingendienst, het GRU. De SVR speelt een belangrijke rol bij de beleidsvorming op het gebied van de buitenlandse politiek. De dienst heeft tot taak inlichtingen in te winnen op politiek, economisch en technisch-wetenschappelijk gebied. Het GRU heeft als primaire taak informatievergaring op militair terrein. Daarnaast richt deze dienst zich eveneens op het vergaren van politieke, technisch-wetenschappelijke en economische informatie.

2.5.2 Economische spionage

In de loop van 1997 begonnen in de Verenigde Staten de eerste economische spionage-processen. De aangeklaagden worden ervan verdacht gespioneerd te hebben ten behoeve van Taiwan.

Deze procedures zijn mogelijk geworden door de goedkeuring door het Amerikaanse Congres van de Economic Espionage Act eind 1996. In navolging van landen als de Verenigde Staten zagen ook kleinere landen aanleiding over te gaan tot bijstelling van wetgeving, alsmede

van het takenpakket van hun veiligheidsdienst teneinde beter het hoofd te kunnen bieden aan economische spionage.

Tegelijk kregen inlichtingendiensten de taak om ook in offensieve zin informatie te verzamelen, met het oog op de economische positie van het eigen land. Ook hier volgen kleinere landen meer en meer het voorbeeld van de grote. Zo verwacht de BVD bijvoorbeeld dat de valuta- en beurscrises in Azië tijdens de tweede helft van 1997 voor menige inlichtingendienst uit die regio aanleiding zullen zijn tot verhoogde activiteit op economisch terrein.

In de loop van het jaar sprak de BVD met enkele Nederlandse bedrijven, die bij hun optreden in het buitenland herhaaldelijk geconfronteerd worden met diefstal van beschermde informatie.

Ook in 1997 werd met het ministerie van Economische Zaken overleg gepleegd over de aandacht die de BVD aan dit onderwerp dient te besteden. Het overleg zal in 1998 worden voortgezet.

2.6 Integriteit van de openbare sector

Bij het waarborgen van de integriteit van de openbare sector heeft de BVD vooral een preventieve taak. De dienst geeft advies en ondersteuning aan overheidsinstanties die hun weerbaarheid tegen fraude, corruptie en dergelijke willen vergroten. Daarnaast beschikt de BVD over een meldpunt voor aantastingen van de integriteit. Naar aanleiding van zo'n melding kan de BVD een onderzoek instellen.

2.6.1 Integriteitsonderzoek

In 1997 werden bij tal van overheidsorganisaties projecten opgezet, die ten doel hebben de integriteit van de organisatie te bevorderen. In een belangrijk aantal gevallen werd daarbij gebruik gemaakt van de handleiding 'Een beetje integer kan niet' die in 1996 door de BVD werd gepubliceerd. De grote belangstelling voor de handleiding heeft ertoe geleid dat in 1997 de tweede en derde druk zijn uitgebracht. Op verzoek kan de BVD in beginsel de opzet en eventueel de uitvoering van het project begeleiden.

In 1997 is de BVD op deze wijze bij de volgende overheidsinstanties betrokken (geweest) bij dergelijke integriteitsonderzoeken:

het ministerie van Buitenlandse Zaken, de provincies Overijssel, Limburg en Drenthe, de gemeenten Hellevoetsluis, Spijkenisse, Rotterdam (dienst Sociale Zaken en Werkgelegenheid) en Amsterdam.

Het integriteitproject 'Correct of corrupt?' van de gemeente Amsterdam omvat risico-inventarisaties bij alle stadsdelen en diensten. Het project, dat ruim vijftig organisatie-onderdelen van de gemeente Amsterdam omvat, is gestart op 1 november 1997 en duurt twee jaar. De gemeente Amsterdam heeft voor de duur van het project een pool van intern geworven adviseurs samengesteld. Deze adviseurs zijn in 1997 door de BVD opgeleid in het hanteren van de onderzoeksmethodiek en zij ontvangen gedurende het project ondersteuning van BVD-medewerkers. De begeleiding door de BVD vindt derhalve plaats door tussenkomst van de (interne) projectadviseurs.

In 1997 heeft de BVD lezingen verzorgd over aspecten van het onderwerp integriteit. Dit gebeurde tijdens het integriteitscongres van de VNG in Ede, het Congres 'Lokaal Bestuur versus criminele beïnvloeding' op de Erasmus Universiteit in Rotterdam en de startconferenties van de integriteitsprojecten van de gemeenten Amsterdam en Rotterdam, en het ministerie van Buitenlandse Zaken.

Daarnaast is met het oog op integriteitspreventie deelgenomen aan de departementale werkgroep Integriteit van het ministerie van Binnenlandse Zaken, de interdepartementale werkgroep Antecedentenonderzoek, het interdepartementaal overleg Contactpersonen Integriteit en de interdepartementale werkgroep Vertrouwensfuncties Politie.

In 1998 zal de BVD ook bij de gemeente Rotterdam assistentie en begeleiding verlenen bij een gemeentebrede risico-inventarisatie in het kader van het project 'Integer handelen'. Deze activiteit sluit aan bij het begeleidingstraject dat reeds in 1997 is gestart bij de dienst Sociale Zaken en Werkgelegenheid van de gemeente Rotterdam.

2.6.2 Meldpunt voor integriteitsaantastingen

Het meldpunt voor integriteitsaantastingen bij de BVD ontving vierentwintig meldingen. Hiervan waren aan het eind van 1997 negen meldingen nog in onderzoek. Net als het voorgaande jaar hadden de meldingen voornamelijk betrekking op (vermoedelijke) integriteitsaantastingen bij semi- en rijksoverheid. Hierbij ging het

Figuur 1 Herkomst meldingen integriteit

| Herkomst meldingen | 1996 | 1997 |
|--------------------|-----------|-----------|
| Overheid | 8 | 4 |
| Politie | 3 | 5 |
| Burgerij | 12 | 14 |
| Bedrijfsleven | - | - |
| Anoniem | 1 | 1 |
| Anders | 1 | - |
| | ----- | ----- |
| Totaal | 25 | 24 |

veelal om fraude, corruptie, andere strafbare gedragingen en onoorbaar gedrag. Naar tien meldingen werd door de BVD geen nader onderzoek verricht omdat zij reeds in behandeling waren (geweest) bij een justitiële opsporingsdienst, het niet de openbare sector betrof of omdat de afhandeling behoorde tot de competentie van de leiding van de betreffende instantie. De overige vijf meldingen gaven voldoende aanleiding voor het instellen van een feitenonderzoek.

Uit bovenstaande tabel blijkt dat het totaal aantal meldingen vrijwel hetzelfde is gebleven. Het aantal meldingen door burgers is enigszins toegenomen, terwijl het aantal vanuit de overheid is gehalveerd. Dit laatste lijkt een gevolg van het feit dat steeds meer overheidsinstanties overgaan tot het zelf benoemen van meldpunten en vertrouwenspersonen.

2.7 Beveiligingsbevordering

De BVD heeft tot taak de beveiliging te bevorderen. In deze paragraaf wordt ingegaan op de verschillende sectoren waarop deze taak zich richt en op de veiligheidsonderzoeken die de BVD in dit kader uitvoert.

2.7.1 Informatiebeveiliging

De BVD heeft zowel in nationaal als in internationaal verband veel energie gestoken in de ontwikkelingen rond 'Trusted Third Parties' (TTP's), betrouwbare organisaties die cryptografische beveiligings-

diensten aanbieden. Met de opkomst van 'electronic commerce' (het handeldrijven via Internet) ontstaat een groeiende behoefte aan veilig berichtenverkeer. Cryptografie speelt hierbij een belangrijke rol, zowel als het gaat om de bescherming van de integriteit en de authenticiteit als om de bescherming van de vertrouwelijkheid van de gegevens. Het gebruik van cryptografie ter bescherming van de vertrouwelijkheid kan de nationale veiligheid schaden, indien de inlichtingen- en veiligheidsdiensten bij de uitvoering van hun taak geen toegang zouden kunnen krijgen tot versleutelde gegevens.

De inspanningen van de BVD zijn gericht op het vinden van een balans tussen de belangen van privacybescherming en geheimhouding van kwetsbare gegevens enerzijds en die van rechtshandhaving en nationale veiligheid anderzijds. TTP's kunnen hierop een antwoord zijn als betrouwbare organisaties die gebruikers diverse cryptografische diensten aanbieden, maar zo nodig, en op basis van een wettelijke last, moeten meewerken bij het decrypteren (ontsleutelen) van berichtenverkeer. Gezien het internationale karakter van 'electronic commerce' is internationale samenwerking en afstemming over het te voeren beleid meer en meer noodzakelijk.

De BVD adviseert over het beleid voor de beveiliging van informatie in twee interdepartementale commissies: het Informatiebeveiligingsberaad en het Bijzonder Informatiebeveiligingsberaad (in oprichting). Het Informatiebeveiligingsberaad richt zich op de algemene informatiebeveiliging. Het Bijzonder Informatiebeveiligingsberaad richt zich op de beveiliging van die informatie die van belang is voor de democratische en justitiële rechtsorde, dan wel voor de veiligheid of voor andere gewichtige belangen van de staat.

In 1997 heeft het Bijzondere Informatiebeveiligingsberaad een daadwerkelijke aanvang gemaakt met een beleidsmatige aanpak van de bijzondere informatiebeveiliging. De BVD heeft daaraan een bijdrage geleverd. In het Informatiebeveiligingsberaad vervult de BVD een brugfunctie tussen de twee gebieden van de informatiebeveiliging. De ontwikkelingen op deze twee gebieden moeten elkaar immers waar mogelijk versterken.

Naast voornoemde activiteiten die voornamelijk beleidsmatig van karakter zijn, werden beveiligingsadviezen verstrekt aan organisaties die over staatsgeheimen of anderszins kwetsbare informatie beschikken.

Tevens werd gestart met het ontwikkelen van een methodiek waarmee de effectiviteit van beveiligingsmaatregelen van een organisatie in de praktijk kan worden getoetst.

2.7.2 Vitale sectoren

De BVD participeert in het interdepartementale proces, dat wordt geleid door het Nationaal Coördinatiecentrum bij het ministerie van Binnenlandse Zaken, om te komen tot actualisering van de lijst van vitale ondernemingen en instellingen. Een conceptlijst nadert zijn voltooiing. Vooruitlopend hierop beraadt de BVD zich over de invulling van zijn beveiligingsbevorderende taak bij de bedrijven en instanties op de nieuwe lijst.

Het vitale karakter van de burgerluchtvaart komt onder meer tot uitdrukking in een aanzienlijk aantal vertrouwensfuncties, met als gevolg dat in die sector ook een aanzienlijk aantal veiligheidsonderzoeken moet worden ingesteld. Voor de uitvoering hiervan zijn in de loop van 1997 met de Koninklijke marechaussee nadere procedure-afspraken gemaakt.

In het kader van het projectprogramma Crisisbeheer van het ministerie van Economische Zaken vindt overleg plaats over het vitale karakter van de energieproductie- en distributiebedrijven. Inmiddels is een concrete aanzet gegeven voor een herijking van de aanpak van beveiligingsbevordering binnen deze sector.

2.7.3 Overheidsinstanties en (defensie-order) industrie

De BVD treedt op als National Security Authority (NSA) voor de NAVO en WEU. In dit kader zijn in 1997 NAVO- en WEU-inspecties uitgevoerd bij het ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer en bij het ministerie van Buitenlandse Zaken (inclusief de Nederlandse diplomatieke vertegenwoordigingen in Washington, Parijs, Wenen en bij de NAVO).

Indien gerubriceerde informatie (staatsgeheimen of NAVO- en WEU-gerubriceerde informatie) buiten de overheid moet worden gebracht, bijvoorbeeld in het kader van een defensie-opdracht, dan dienen waarborgen aanwezig te zijn dat die informatie op de juiste wijze wordt behandeld. De BVD adviseert, in geval van een defensie-opdracht in nauwe samenwerking met het bureau Industrieveiligheid van de MID, de betreffende bedrijven en instellingen over het treffen van de vereiste

beveiligingsmaatregelen. Voorts stelt de BVD naar de betrokken medewerkers in die bedrijven en instellingen veiligheidsonderzoeken in (zie paragraaf 2.7.5). In 1997 zijn, gedeeltelijk in samenwerking met de MID, inspecties uitgevoerd bij HSA Hengelo, Koninklijke Schelde Maritiem BV, TNO Preventie en Gezondheid, TNO Fysisch Elektronisch Laboratorium, TNO Prins Maurits laboratorium, TNO Defensie Onderzoek, TNO Technische Menskunde en de Distributie Autoriteit TNO.

In 1997 heeft de BVD in samenwerking met de MID voor circa 115 defensie-orderbedrijven drie voorlichtings- en informatiedagen georganiseerd over actuele ontwikkelingen op het gebied van internationale veiligheid en beveiligingsaangelegenheden.

Met het oog op een goede coördinatie van en informatie-uitwisseling over beveiligingsaangelegenheden woont de BVD de vergaderingen bij van de Contactkring van Beveiligingsambtenaren. Als NSA neemt de BVD, in samenwerking met de MID, deel aan de vergaderingen van het WEU Security Committee, NATO Security Committee en de Multi-national Industrial Security Working Group. Voorts vond op bilateraal niveau overleg plaats met de NSA's van Duitsland, het Verenigd Koninkrijk en Italië.

2.7.4 Internationale instellingen

De BVD verstrekt beveiligingsadviezen aan in Nederland gevestigde internationale instellingen. In het afgelopen jaar werden adviezen verstrekt aan onder meer het Joegoslavië-tribunaal en aan de Organization for the Prohibition of Chemical Weapons (OPCW), beide gevestigd in Den Haag.

Bij het Joegoslavië-tribunaal waren de toegenomen risico's voor de veiligheid het gevolg van de komst naar Nederland van een groot aantal verdachten. Ook het gebruik van geweld bij sommige arrestaties verhoogde de risico's.

De risico's voor Nederland zijn niet alleen een gevolg van het feit dat Nederland gastheer is van het VN-tribunaal, maar ook van de aanwezigheid van Nederlandse militairen in Bosnië-Herzegovina. De beslissing van het Openbaar Ministerie om zelfstandig oorlogsmisdadigers uit voormalig Joegoslavië te vervolgen kan eveneens risicoverhogend werken. Deze opeenstapeling van factoren kan niet alleen gevolgen hebben voor de veiligheid van het VN-tribunaal,

maar mogelijk ook voor de veiligheid van Nederlandse vertegenwoordigers in binnen- en buitenland. In 1997 zijn diverse bedreigingen geuit tegen personen die direct of indirect bij het VN-tribunaal zijn betrokken. Daarbij is geen daadwerkelijk geweld gebruikt.

2.7.5 Overige beveiligingsaangelegenheden

Ten aanzien van Urenco Nederland BV vervullen zowel het ministerie van Economische Zaken (afdeling Economische Controledienst/ Nucleaire Beveiliging en Safeguards) als de BVD een beveiligingsbevorderende taak. Dit houdt verband met de aanwezigheid van staatsgeheimen bij dit bedrijf. In de loop van 1997 is overleg gestart teneinde te komen tot een betere afstemming van deze beveiligingszorg.

Voor de organisatorische en fysieke beveiliging van het innameproces van overtollige blanco paspoorten werden aanbevelingen gedaan aan het ministerie van Binnenlandse Zaken.

2.7.6 Veiligheidsonderzoeken

De BVD stelt veiligheidsonderzoeken in naar kandidaten voor vertrouwensfuncties bij de overheid en in het bedrijfsleven. Op 1 februari 1997 trad de Wet veiligheidsonderzoeken in werking. Een van de belangrijke wijzigingen als gevolg van de wet is de besluitvorming over het al dan niet aanstellen van een kandidaat-vertrouwensfunctionaris. De verantwoordelijkheid voor die besluitvorming ligt nu bij de minister van Binnenlandse Zaken, terwijl die voorheen bij de werkgever lag. Verder schrijft de nieuwe wet voor dat besluitvorming binnen acht weken na aanvraag van het onderzoek dient plaats te vinden.

Een overzicht van de aantallen vertrouwensfuncties en ingestelde veiligheidsonderzoeken in 1996 en 1997 is opgenomen in de tabel op de volgende pagina (figuur 2).

Op basis van de verrichte veiligheidsonderzoeken werd in de meeste gevallen een verklaring van geen bezwaar afgegeven. In 397 gevallen leidde de uitkomst van het veiligheidsonderzoek tot de beslissing een verklaring van geen bezwaar niet af te geven. De meeste weigeringen betroffen kandidaten voor een vertrouwensfunctie bij de Luchthaven Schiphol. Van de mogelijkheid, om hun persoonlijke visie te geven op een voornemen tot weigering van een verklaring van geen bezwaar, maakten 48 personen gebruik.

Figuur 3 Resultaten veiligheidsonderzoeken 1997

| | Aantal veiligheidsonderzoeken | Verklaring van geen bezwaar | Negatieve uitkomst | Gebruik hoor en wederhoor door kandidaat ^{2]} | Aantal bezwaarschriften ^{3]} | Aantal niet-geplaatst |
|-------------------------|-------------------------------|-----------------------------|--------------------|--|---------------------------------------|-----------------------|
| A-functie ^{1]} | 797 | 796 | 1 | - | - | 1 |
| B-functie | 25.857 | 25.464 | 396 | 48 | 6 | 393 |
| C-functie | 1.030 | 1.030 | - | - | - | - |
| ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| Totaal | 27.684 | 27.290 | 397 | 48 | 6 | 394 |

1] Er zijn drie categorieën vertrouwensfuncties: A, B en C. In deze vertrouwensfuncties kan de veiligheid van de staat zeer grote schade (A-functie), schade (B-functie) of nadeel (C-functie) berokkend worden. De diepgang van het veiligheidsonderzoek is gerelateerd aan de zwaarte van de vertrouwensfunctie.

2] Alvorens te besluiten tot het weigeren van een verklaring van geen bezwaar wordt een voorname tot weigering aan de kandidaat-vertrouwensfunctionaris voorgelegd. Vervolgens wordt een eventuele reactie meegewogen bij de definitieve besluitvorming.

3] De ingediende bezwaarschriften worden behandeld door de Hoorcommissie Veiligheids-
onderzoeken.

Uitvoering nieuwe Wet veiligheidsonderzoeken

Voorafgaand aan de invoering van de Wet veiligheidsonderzoeken zijn maatregelen genomen om de uitvoering van de wet soepel te laten verlopen. Zo werd de personele bezetting door middel van interne re-allocatie uitgebreid en het werkproces aangepast. In de loop van 1997 bleken deze maatregelen niet voldoende voor een adequate aanpak. De onverwachte stijging van veiligheidsonderzoeken voor A-vertrouwensfunctionarissen, en het invoeren van de maximum-termijn van acht weken waarbinnen een besluit dient te worden genomen, leidden tot achterstand bij de afhandeling van de onderzoeks aanvragen.

Er is nog geen gebruik gemaakt van de in de Wet veiligheidsonderzoeken geboden mogelijkheid, om periodiek herhaalonderzoeken in te stellen naar zittende vertrouwensfunctionarissen. De hierboven geschetste problematiek ligt hieraan ten grondslag. Er is wel een aantal herhaalonderzoeken ingesteld op grond van gebleken relevante feiten en omstandigheden.

Uitbreiding van de personele capaciteit en verdergaande automatisering van het werkproces zullen gedurende het komende jaar voor de noodzakelijke verbetering moeten zorgen.

2.8 Overige aandachtsgebieden

2.8.1 Suriname

De vervolging van de in april 1997 tot Adviseur van Staat benoemde NDP-voorzitter Bouterse wegens 'betrokkenheid bij handel in drugs' en het daarmee samenhangende internationale verzoek tot aanhouding zorgden voor spanningen in de relatie tussen Suriname en Nederland.

De verhouding tussen Suriname en Nederland moet worden aangemerkt als een gewichtig politiek belang. De BVD besteedt aandacht aan de eventuele gevolgen die spanning in de relatie met zich mee zou kunnen brengen.

2.8.2 Molukkers

De vanaf 1995 gesignaleerde ontwikkeling, waarbij een gedeelte van de derde generatie Molukkers zich nadrukkelijker is gaan interesseren voor de wijze waarop het RMS-ideaal gerealiseerd zou moeten worden, heeft zich ook in het afgelopen jaar voortgezet. Vooral nog heeft dat echter niet of nauwelijks geleid tot ongeregelheden. De demonstraties van Molukkers tegen het Indonesische bewind kenden een rustig verloop. Ook op de voor aanhangers van een onafhankelijke republiek der Zuid-Molukken gedenkwaardige data bleef het in het afgelopen jaar over het algemeen rustig. Alleen op 25 april 1997, na afloop van de jaarlijkse manifestatie in de Haagse Houtrusthallen, richtten Molukse jongeren vernielingen aan in Scheveningen. Overigens blijkt dat de RMS-aanhangers onder de Molukkers in Nederland van mening zijn dat de strijd -in de breedste zin van het woord- voor de Molukse republiek op de Molukken zelf dient te worden gevoerd. De BVD blijft alert op ontwikkelingen die de Nederlandse veiligheidsbelangen zouden kunnen schaden.

De BVD werkt bij de uitvoering van zijn taak nauw samen met andere instanties die een rol spelen op het terrein van de nationale veiligheid, in Nederland zelf, in Koninkrijksverband en op het internationale vlak.

3.1 Samenwerking in Nederland

De samenwerkingsrelatie in Nederland betreft een aantal ministeries, met name die van Economische Zaken, Buitenlandse Zaken en Financiën. Daarnaast wordt nauw samengewerkt met de Militaire Inlichtingendienst (MID), de politie, het Openbaar Ministerie en bijzondere opsporingsinstanties.

3.1.1 *Ministerie van Economische Zaken*

Met de directie Handelspolitiek en Investeringsbeleid van het ministerie van Economische Zaken vindt overleg plaats over het tegengaan van de proliferatie van massavernietigingswapens. Op uitvoerend vlak vindt geregeld overleg plaats met de Economische Controledienst. Op strategisch niveau vindt overleg plaats over economische spionage (zie paragraaf 2.5.2).

3.1.2 *Ministerie van Buitenlandse Zaken*

De samenwerking met onderdelen van het ministerie van Buitenlandse Zaken is in 1997 onverminderd voortgezet. Evenals voorgaande jaren ging het daarbij om de veiligheidsaspecten van visumaangelegenheden en het toelatingsbeleid. Inzake het visumbeleid is gewerkt aan de vereenvoudiging van de procedure voor de beoordeling van aanvragen vanuit Rusland. Hierdoor kan de afgifte van visa door Nederland worden versneld. Ook aantasting van grondrechten, spionage, proliferatie en illegale wapenhandel hebben opnieuw de aandacht opgeëist.

Informatie afkomstig van Buitenlandse Zaken is in 1997 wederom een wezenlijk bestanddeel van analyses van de BVD geweest.

3.1.3 De Grote Evaluatiedriehoek en de Technische Evaluatie Commissie (TEC)

De BVD is vertegenwoordigd in de Grote Evaluatiedriehoek en de Technische Evaluatiecommissie, interdepartementale adviesorganen voor bewakings- en beveiligingsaangelegenheden. Naast de BVD zijn in deze organen de ministeries van Justitie, Binnenlandse Zaken en Defensie vertegenwoordigd. Het ministerie van Buitenlandse Zaken vervult een permanent adviseurschap in de Grote Evaluatiedriehoek. Ten behoeve van de Technische Evaluatie Commissie (TEC) maakt de BVD dreigingsanalyses. Gebaseerd op de bevindingen van de TEC stelt de Grote Evaluatiedriehoek bewakings- en beveiligingsadviezen op namens de ministers van Justitie en Binnenlandse Zaken. De adviezen hebben betrekking op de beveiliging en/of bewaking van personen, objecten en gebeurtenissen waarvoor de rijksoverheid een bijzondere verantwoording draagt, zoals grote manifestaties en demonstraties.

In het eerste half jaar van 1997 zijn vele analyses gemaakt in het kader van het Nederlandse voorzitterschap van de Europese Unie. Daarnaast werden frequent analyses gemaakt in verband met de komst van verdachten en getuigen naar het Joegoslavië-tribunaal dat in Den Haag is gevestigd. Ook hebben incidenten elders in de wereld niet zelden tot gevolg dat een analyse dient te worden gemaakt van mogelijke gevolgen voor in Nederland gevestigde vertegenwoordigingen van landen die bij incidenten zijn betrokken.

3.1.4 Militaire Inlichtingendienst

De Binnenlandse Veiligheidsdienst en de Militaire Inlichtingendienst werken op tal van terreinen nauw samen. Zo vindt regelmatig afstemmingsoverleg plaats waar het gaat om de taakuitvoering van de twee diensten in algemene zin. Ook is er nauw contact met het oog op de voorbereiding van de nieuwe Wet op de inlichtingen- en veiligheidsdiensten en de uitvoering van de Wet veiligheidsonderzoeken. De samenwerking op het gebied van de contraspionage, de proliferatie van massavernietigingswapens en de handel in conventionele wapens is verder geïntensiveerd. De Nederlandse militaire aanwezigheid in voormalig Joegoslavië en op de Nederlandse Antillen en Aruba noopt eveneens tot een goede informatie-uitwisseling.

In het kader van de samenwerking tussen de BVD en MID op het terrein van industrieveiligheid is de plaatsing van de contactfunctionaris bij het bureau Industrieveiligheid van de MID gecontinueerd. Ook de werkzaamheden met betrekking tot de zogenaamde bezoekaanvragen voor de Nederlandse industrie in het bij de BVD gesitueerde Netherlands Industrial Visit Control Office (NIVCO) is voortgezet. De samenwerking op dit terrein is in 1997 geïntensiveerd door het gezamenlijk plannen en uitvoeren van bezoeken aan defensie-orderbedrijven.

3.1.5 Politie

Het project Hermandad, dat ten doel had de relatie tussen BVD en politie te verbeteren, is in 1997 afgerond. In de afgelopen vijf jaar is dankzij intensieve samenwerking met de politie een goede werkverhouding gerealiseerd tussen de BVD en de Regionale Inlichtingendiensten (RID'en).

Ook op tactisch en strategisch niveau zijn de relaties met de politie verder aangehaald. Op tactisch niveau spreken leidinggevenden van politie en BVD met elkaar over raakvlakken en de daarbij gewenste samenwerking. Bovendien organiseert de BVD met regelmaat stage-activiteiten voor deze doelgroep. Op strategisch niveau vinden contacten plaats tussen de dienstleiding van de BVD en korpsleidingen. Daarnaast zijn met vrijwel alle regionale korpsen en het Korps Landelijke Politiediensten (KLDPD) samenwerkingsprotocollen afgesloten.

In het afgelopen jaar is op specifieke terreinen nauw samengewerkt met de CRI, in het bijzonder met de Dienst Bijzondere Recherche Zaken. Regelmatig heeft afstemmingsoverleg plaatsgevonden op uitvoerend niveau, onder andere over het onderwerp terrorisme.

Verder is veel aandacht besteed aan informatie-uitwisseling tussen de politie en de BVD. Een werkgroep onder leiding van de Landelijk Officier van Justitie (LOvJ) voor de bestrijding van terroristische misdrijven, tevens landelijk coördinator voor het voorkomen en opsporen van andere misdrijven waarop de BVD in zijn taakuitvoering stuit, heeft aanbevelingen gedaan aan het hoofd van de BVD tot verdere verbetering in de informatie-uitwisseling. Dit betekent niet alleen waar nodig het bevorderen van informatie-uitwisseling, maar ook de zorg dat dit verantwoord gebeurt, met inachtneming van ieders verantwoordelijkheden en bevoegdheden. Onder het motto vasthouden wat goed is en uitbouwen wat beter kan, zal de BVD voortgaan op de ingeslagen weg.

3.1.6 Openbaar Ministerie

Wanneer daartoe aanleiding bestaat, overlegt het hoofd van de BVD met het College van Procureurs-Generaal. Overeengekomen is dat, in de uitvoering van het dagelijkse werk, BVD-leidinggevenden overleggen met de LOvJ. In de komende tijd verdient de relatie met het Openbaar Ministerie meer aandacht. In het kader van wederzijdse informatie-uitwisseling zal het OM nadrukkelijker een rol vervullen. Gezamenlijke initiatieven van BVD en OM dienen deze informatie-uitwisseling waar nodig verder te bevorderen.

3.1.7 Koninklijke marechaussee, Douane, FIOD en Rijksrecherche

Op tal van terreinen is ook in het afgelopen jaar samengewerkt met de Koninklijke marechaussee. Vier maal is een beleidsoverleg gehouden, waarin diverse samenwerkingsaangelegenheden aan de orde zijn geweest. In het komende jaar gaan BVD en Koninklijke marechaussee op de ingeslagen weg verder.

Met de Rijksrecherche zijn werkafspraken in voorbereiding die in 1998 van kracht zullen worden. De afspraken hebben betrekking op afstemming, consultatie en informatie-uitwisseling. Een toename van raakvlakken tussen BVD en Rijksrecherche maakt het vastleggen van dergelijke werkafspraken nodig.

Op basis van samenwerkingsprotocollen vindt met de FIOD en de Douane op ad hoc basis overleg plaats over onderwerpen die van gemeenschappelijk belang zijn. Het ligt in het voornemen de contacten verder te structureren en te verdiepen. Vanuit de betrokken organisaties worden hiertoe reeds initiatieven genomen.

3.2 Samenwerking binnen het Koninkrijk

In 1997 is de samenwerking tussen de BVD en de Veiligheidsdienst van de Nederlandse Antillen (VNA) en de Veiligheidsdienst van Aruba (VDA) voortgezet. Deze samenwerking kreeg vorm in de uitwisseling van informatie, het vervaardigen van een BVD-VNA-rapportage en het waar mogelijk wederzijds verlenen van bijstand. Voorts bood de BVD de mogelijkheid van stages en/of opleidingen voor personeel van VDA en VNA.

Eind 1997 heeft overleg plaatsgevonden tussen BVD, VNA en VDA, waarbij de mogelijkheden zijn besproken om de bestaande samen-

werking verder te intensiveren en te optimaliseren. Daarnaast is afgesproken voortaan ieder half jaar een tripartite overleg te houden.

3.3 Internationale samenwerking

Gezien het grensoverschrijdende karakter van veiligheidsproblemen op diverse terreinen, is een goede internationale samenwerking tussen inlichtingen- en veiligheidsdiensten van essentieel belang. De BVD hecht daarom grote waarde aan het ontwikkelen en onderhouden van relaties met zusterdiensten in het buitenland, zowel op bilateraal niveau als in grotere samenwerkingsverbanden. De BVD-liaisons in het buitenland hebben daarbij een belangrijke schakelfunctie.

Vanuit Washington wordt een uitgebreid relatienetwerk in Noord-Amerika onderhouden. Bij diverse bezoeken van BVD-delegaties aan de Verenigde Staten en Canada kon hiervan gebruik worden gemaakt.

De in Ankara geplaatste BVD-liaison kon in het afgelopen jaar het relatienetwerk van de BVD uitbreiden met de zusterdiensten in Oman en Bahrein. De samenwerking met de Jordaanse dienst GID werd geïntensiveerd.

Azië werd in 1997 getroffen door een ernstige economische crisis, hetgeen in verscheidene landen leidde tot politieke instabiliteit en sociale onrust. Alles wijst erop dat deze regionale crisis in 1998 zal voortduren. De BVD-liaison in Singapore kon in 1997 zijn relatienetwerk consolideren en verder uitbouwen, waarmee hij de BVD een goed zicht op de situatie in de regio kon verschaffen.

3.3.1 West-Europese inlichtingen- en veiligheidsdiensten

De BVD maakt deel uit van het samenwerkingsverband van hoofden van 17 West-Europese inlichtingen- en veiligheidsdiensten, de zogenaamde Club de Berne. Dit richtte zich in 1997 op onderwerpen van gemeenschappelijk belang, zoals activiteiten van buitenlandse inlichtingendiensten en radicaal islamitisch fundamentalisme.

3.3.2 Oost-Europese inlichtingen- en veiligheidsdiensten

De contacten van de BVD met de inlichtingen- en veiligheidsdiensten van Rusland werden in 1997 zowel formeel als inhoudelijk verder

uitgebouwd. De inlichtingendienst (SVR) plaatste een liaison in Nederland, terwijl een (reizende) BVD-liaison regelmatig bezoeken aan Moskou bracht. De relatie met de veiligheidsdienst (FSB) bevindt zich nog in een verkennende fase.

Een BVD-delegatie bezocht Moskou in januari, waarbij met zowel de inlichtingendienst als met de veiligheidsdienst werd gesproken. In november ontving de BVD een delegatie van SVR-specialisten op het gebied van georganiseerde misdaad en proliferatie van massavernietigingswapens. In 1998 zal een soortgelijke BVD-delegatie Moskou bezoeken. Het overleg op deze terreinen betekent een verdieping van de feitelijke samenwerking.

Ook de banden met de veiligheidsdienst van de Oekraïne SBU werden verstevigd. Tijdens bezoeken van het waarnemend hoofd van de BVD aan Kiev en van het hoofd van de SBU aan de BVD werden afspraken gemaakt voor delegatie-uitwisselingen. Het hoofd van de BVD heeft een uitnodiging aanvaard om in de loop van 1998 een bezoek aan de Oekraïne te brengen.

3.3.3 Midden-Europese inlichtingen- en veiligheidsdiensten

Tijdens de jaarlijkse bijeenkomst van de zogenaamde Midden-Europa Conferentie (MEC), een samenwerkingsverband van diensthoofden uit enkele Midden- en West-Europese landen, werd besloten tot het organiseren van enkele themabijeenkomsten voor ter zake deskundigen van de deelnemende diensten. In oktober vond een bespreking plaats over de problematiek van de interceptie van telecommunicatie. Een tweede bijeenkomst in november was gewijd aan de ontwikkelingen in het voormalig Joegoslavië en Albanië en de effecten daarvan op de veiligheidssituatie in Europa. Als internationaal forum, dat een waardevolle bijdrage kan leveren aan de veiligheid in Europa, neemt de MEC door deze bijeenkomsten aan belang toe.

In het afgelopen jaar werd voor het eerst contact gelegd met de inlichtingen- en veiligheidsdiensten in Roemenië. Dit contact heeft inmiddels geleid tot de stationering van een liaison van de Roemeense inlichtingendienst SIE in Den Haag.

In maart werd contact gelegd met de Estlandse zusterdiensten. Hiermee is de relatie met alle inlichtingen- en veiligheidsdiensten in het Balticum

een feit geworden en kan een aanvullend beeld worden verkregen over onder meer het fenomeen georganiseerde misdaad in de Baltische regio.

Ten behoeve van de beveiliging van het Joegoslavië-tribunaal zijn de eerste stappen gezet op weg naar een mogelijke samenwerking met de Bosnische veiligheidsdienst AID.

Met betrekking tot in de voorbereiding zijnde integratie in de NAVO en de EU is aan enkele MEC-partners bijzondere ondersteuning gegeven bij ontwikkelingen op het terrein van de democratische inbedding van inlichtingen- en veiligheidsdiensten en op het terrein van beveiliging van confidentiële gegevens.

3.3.4 Noord-Afrika/Midden-Oosten

Op uitnodiging van het hoofd van de Jordaanse inlichtingendienst GID bracht het plaatsvervangend hoofd van de BVD in maart een bezoek aan Jordanië. Gesproken werd onder andere over het vredesproces in het Midden-Oosten en de situatie in Syrië en Irak. Het hoofd van de Jordaanse dienst werd uitgenodigd voor een tegenbezoek aan de BVD en tevens werd afgesproken delegaties uit te wisselen. In oktober bezocht een eerste delegatie uit Jordanië de BVD. Bij die gelegenheid werd van gedachten gewisseld over terrorisme geïnspireerd vanuit het Midden-Oosten en in het bijzonder over de activiteiten van radicaal islamitisch fundamentalistische groeperingen. Het contact met de GID zal gecontinueerd worden.

3.3.5 NAVO en WEU

De voorziene uitbreiding van de NAVO met drie nieuwe leden heeft geleid tot een eerste overleg met de tot die landen behorende veiligheidsdiensten, teneinde de uiteindelijke toetreding tot reguliere bijeenkomsten van het NATO Special Committee voor te bereiden. Aandacht is ook besteed aan de invulling van de bijzondere relatie die de NAVO met Rusland is aangegaan. Ook met de andere landen van de Euro-Atlantic Partnership Council (EACP) zal overleg in meer gestructureerde vorm gaan plaatsvinden.

3.4 Europese Unie

De eerste helft van 1997 stond in het teken van het Nederlands voorzitterschap van de Europese Unie. Voor de BVD betekende dit een extra inspanning in de EU-werkgroepen Terrorisme. Naast terrorismebestrijding zelf waren de onderwerpen racisme/xenofobie en cryptografie van belang. In de tweede helft van 1997 werd ook nog enige extra inspanning geleverd in troika-verband ter ondersteuning van het Luxemburgs voorzitterschap.

Halfjaarlijks maakt de werkgroep Terrorisme, die onderdeel is van de samenwerking in Unie-verband op het terrein van Binnenlandse Zaken en Justitie (JBZ-pijler) een terrorisme-dreigingsdocument. De twee overzichten die vorig jaar zijn opgemaakt, geven aan dat van het separatisme in Europa nog steeds de grootste terroristische dreiging uitgaat. Groepen als de IRA, de ETA en het FNLC op Corsica namen de meeste terroristische aanslagen in Europa voor hun rekening. Van de groepen, die uit landen buiten de Europese Unie stammen, ging de meeste dreiging uit van de Turkse DHKP-C (voormalig Dev Sol), de Koerdische PKK en islamitisch fundamentalistische groepen als de Algerijnse GIA en de Egyptische al-Jama'a al-Islamiyyah.

Met betrekking tot de bestrijding van terroristische groepen werd onder meer aandacht besteed aan de manier waarop deze groepen zich financieren en aan de manier waarop zij gebruik maken van moderne informatietechnologie.

Tijdens het Nederlands voorzitterschap van de Europese Unie werd de samenwerking tussen de werkgroep Terrorisme in de JBZ-pijler en die in de pijler voor het gemeenschappelijk buitenlands- en veiligheidsbeleid (GBVB-pijler) aangehaald. Hierdoor konden vanuit twee invalshoeken maatregelen genomen worden tegen Iran naar aanleiding van de zogenaamde Mykonos-proces (betrokkenheid van de Iraanse overheid bij een moordaanslag op Koerden in Berlijn). Ook werden dialogen over terrorismebestrijding met andere landen als de Verenigde Staten en de met de EU geassocieerde landen door beide werkgroepen gezamenlijk gevoerd.

Voor de inmiddels afgeronde onderhandelingen over een nieuw VN-verdrag over terroristische bomaanslagen (UN-terrorist bombings convention) werd materiaal geleverd door beide werkgroepen.

HOOFDSTUK 4

In dit hoofdstuk wordt ingegaan op de informatieverstopping door de BVD en op de behandeling van klachten.

4.1 Verzoeken in het kader van de Wet openbaarheid van bestuur

Jurisprudentie

Op 1 augustus 1997 gaf de hoogste Nederlandse bestuursrechter, de Afdeling bestuursrechtspraak van de Raad van State, een positief oordeel over het beleid bij het geven van inzage in BVD-dossiers, het zogenoemde contextenbeleid. Met alle onderdelen daarvan werd onverkort ingestemd. Dit beleid houdt in dat geen antwoord wordt gegeven op de algemene en ongeclausuleerde vraag of iemand een dossier bij de BVD heeft en of hij/zij dat mag inzien. Alleen als het verzoek om informatie betrekking heeft op gegevens die zijn vastgelegd in relatie tot een maatschappelijke context die met het oog op de taakuitvoering van de BVD niet langer actueel is, kunnen die gegevens mogelijk openbaar worden gemaakt. Daarom worden verzoekers in de gelegenheid gesteld aan te geven in welke context zij denken in de aandacht van de BVD te zijn gekomen, of hun verzoek tenminste te beperken tot niet-actuele informatie.

Verschuiving in aanpak werklast

De werklast die samenhangt met de te behandelen zaken in het kader van de Wet openbaarheid van bestuur (Wob) was opnieuw hoog. Naast een gemiddelde werkvoorraad van ruim zestig verzoeken om inzage moest een groot aantal bezwaarschriften in behandeling worden genomen. Alleen al van de Vereniging Voorkom Vernietiging (VVV) en de vereniging Steunpunt inzage PID Nijmegen (SIP) werden er zo'n tweehonderd ontvangen. Geconstateerd is dat tegen vrijwel alle

beschikkingen, die naar aanleiding van de verzoeken van de leden van de genoemde verenigingen zijn afgegeven, bezwaar wordt gemaakt en vervolgens beroep wordt ingesteld. Aan het einde van het verslagjaar waren ruim veertig beroepen ingediend bij de bestuurskamers van de diverse Arrondissementsrechtbanken. Daarnaast was er een viertal hoger beroepszaken aanhangig bij de Afdeling bestuursrechtspraak van de Raad van State. Verwacht mag worden dat dit aantal in 1998 zal toenemen. Het gebruiken van de bezwaar- en beroepsmogelijkheden legt een zware claim op de juridische capaciteit van de BVD.

Termijnoverschrijding

Een en andermaal is geconstateerd dat het niet mogelijk is verzoeken om inzage binnen de in de Wob gestelde termijn af te doen. Niet alleen het grote aantal verzoeken, bezwaren en beroepszaken is daar debet aan, ook de complexiteit van de behandeling speelt een belangrijke rol. De wijze van behandeling van inzageverzoeken en de moeite die wordt gedaan om toch zoveel als mogelijk is tegemoet te komen aan de wensen van de desbetreffende verzoekers, is meer specifiek beschreven in het BVD-jaarverslag 1996.

Ondanks het feit dat in de meeste gevallen niet aan termijnoverschrijding valt te ontkomen, wordt aan een vlotte afhandeling veel zorg en aandacht besteed. Een verdergaande inzet van mensen en middelen zou echter niet in verhouding staan tot de benodigde capaciteit ten behoeve van de taakuitvoering op basis van de Wet op de inlichtingen- en veiligheidsdiensten. Overigens mag in vrijwel alle gevallen op begrip van de zijde van verzoekers worden gerekend; verzoekers/bezwaarden worden tijdig geïnformeerd waardoor klachten kunnen worden voorkomen. In de nieuwe Wet op de inlichtingen- en veiligheidsdiensten is een beslistermijn opgenomen die meer is toegesneden op de complexiteit van de hier bedoelde verzoeken en de daarvoor benodigde behandelingsduur.

4.2 Klachten

De Nationale ombudsman bracht in 1997 vijf rapporten uit die betrekking hadden op klachten over de BVD. Drie van deze klachten waren in 1996 ingediend. De rapporten 97/081 en 97/499 hebben beide betrekking op klachten over vermeend onterecht ingestelde onderzoeken

door de BVD. In beide gevallen komt de Nationale ombudsman tot de conclusie dat de klachten ongegrond zijn. Dit is anders in rapport 97/89 waarin de Nationale ombudsman een klacht over het uitblijven van een antwoord op een verzoek om inzage van een dossier en een schriftelijk rappel gegrond verklaart. Ook in rapport 97/342 komt de ombudsman tot de conclusie dat een klacht over het uitblijven van een reactie op een brief gegrond is. Deze klacht heeft ook betrekking op het door de BVD aanleggen van een dossier over klager. Dit onderdeel van de klacht is volgens de ombudsman evenwel ongegrond. Rapport 97/155 betreft een klacht over de bejegening van klager door medewerkers van de BVD toen hij werd benaderd voor een gesprek. De Nationale ombudsman komt tot de conclusie dat de klacht ongegrond is, behoudens voor wat betreft het door de BVD'ers te laat verschijnen op een afspraak voor een gesprek met klager. Op dat punt is de klacht gegrond. Het onderzoek dat uitmondde in dit rapport heeft ook betrekking op een gedraging van de Immigratie- en Naturalisatiedienst van het ministerie van Justitie (IND). Klager had namelijk ook geklaagd over het door de IND aan de BVD verstrekken van gegevens over diens asiolverzoek, zonder daartoe eerst diens toestemming te vragen. De Nationale ombudsman oordeelt deze gedraging evenwel behoorlijk.

Naast de hiervoor genoemde klachten ontving de ombudsman in het verslagjaar nog een klacht. Het naar aanleiding daarvan ingestelde onderzoek werd door de ombudsman beëindigd, omdat de BVD naar het oordeel van de Nationale ombudsman terecht niet inhoudelijk had gereageerd op een brief die over hetzelfde onderwerp handelde waarover al eerder uitvoerig was gecorrespondeerd.

Bij het hoofd van de BVD en de minister van Binnenlandse Zaken werden in 1997 zeven klachten ingediend. Drie daarvan zijn nog in behandeling. De andere vier klachten bleken na onderzoek niet gegrond te zijn.

HOOFDSTUK 5

In dit hoofdstuk komen de onderwerpen personeel, organisatie-ontwikkeling, informatievoorziening en financieel kader aan de orde.

5.1 Personeel

Op 31 december 1997 waren 559 medewerkers in dienst, te weten 164 vrouwen en 395 mannen. De instroom in 1997 bedroeg 39 medewerkers. Daartegenover stond een uitstroom van 32 medewerkers.

Evenals voorgaande jaren is en blijft personeelsontwikkeling, met daarin een belangrijke plaats voor mobiliteit, een speerpunt van personeelsbeleid voor de BVD. Intern is mobiliteit een permanent aandachtspunt bij functioneringsgesprekken en bij het opmaken van loopbaanadviezen. Extern is verder gewerkt aan het opbouwen van een mobiliteitsnetwerk met organisaties die door de aard van hun werkzaamheden in redelijke mate aansluiten bij de kennis en ervaring van BVD-medewerkers. Dit heeft ertoe geleid dat een aantal medewerkers op basis van interim-functievervulling (IF) bij andere organisaties tewerk is gesteld. Aldaar kan ervaring worden opgedaan die de 'employability' van de medewerkers vergroot.

Het ARBO-beleid stond in het teken van de uitvoering van de in 1996 gehouden risico-inventarisatie en -evaluatie. Op het gebied van veiligheid, gezondheid en welzijn van medewerkers zijn verschillende activiteiten ondernomen. Deze bestonden uit aanpassingen van werkomgeving, voorlichtingen en instructies. Tevens is een ARBO-jaarverslag en een -jaarplan uitgebracht.

De evaluatie van de invoering van de 36-urige werkweek over het eerste halfjaar heeft niet geleid tot extra aandachtspunten of aanpassingen. Over het algemeen werd wel een stijging van de werkdruk ervaren en ook de individuele bereikbaarheid is, zoals ook elders binnen het departement, iets teruggelopen. Met een strakke planning van het bedrijfsproces en de bezettingsgraad zal dit naar verwachting geen verdere problemen opleveren.

In 1997 is, net als in 1996, onverminderd aandacht gegeven aan verzuimbegeleiding. Ondanks het feit dat het verzuimpercentage van de BVD erg laag blijft -in 1997 ruim een procentpunt lager dan in 1996- ten opzichte van het gemiddelde bij de rijksoverheid, is de preventieve en curatieve aandacht niet verslapt. Het periodieke overleg tussen het management, de bedrijfsarts en de afdeling personeelszaken (sociaal medisch team) blijkt in dit opzicht een goed en effectief instrument voor zowel organisatie als medewerkers.

Ter voorbereiding op de uitvoering van een aantal dienstbrede organisatieveranderingen en ontwikkelingen is bezien in hoeverre het instrument vorming en opleiding een nog effectievere bijdrage aan dit proces zou kunnen leveren.

Voorts zal er meer en gericht aandacht worden besteed aan de inwerkperiode van nieuwe medewerkers. Automatisering blijft een gebied waar nieuwe ontwikkelingen zich in een hoog tempo voltrekken en dus ook een relatief grote opleidingsinspanning vergen.

5.2 Organisatie-ontwikkeling

Het voornemen tot een reorganisatie van de BVD werd nader uitgewerkt. Besloten is tot een hergroepering van taken en een gewijzigde organisatiestructuur. De reorganisatie-inspanningen hebben voorts betrekking op het stroomlijnen van een aantal werkprocessen, het verbeteren van de geheugenfunctie, het invoeren van integraal management en de toekomstige inbedding van de inlichtingentaak. De nieuwe organisatie zal naar verwachting begin 1999 zijn beslag krijgen.

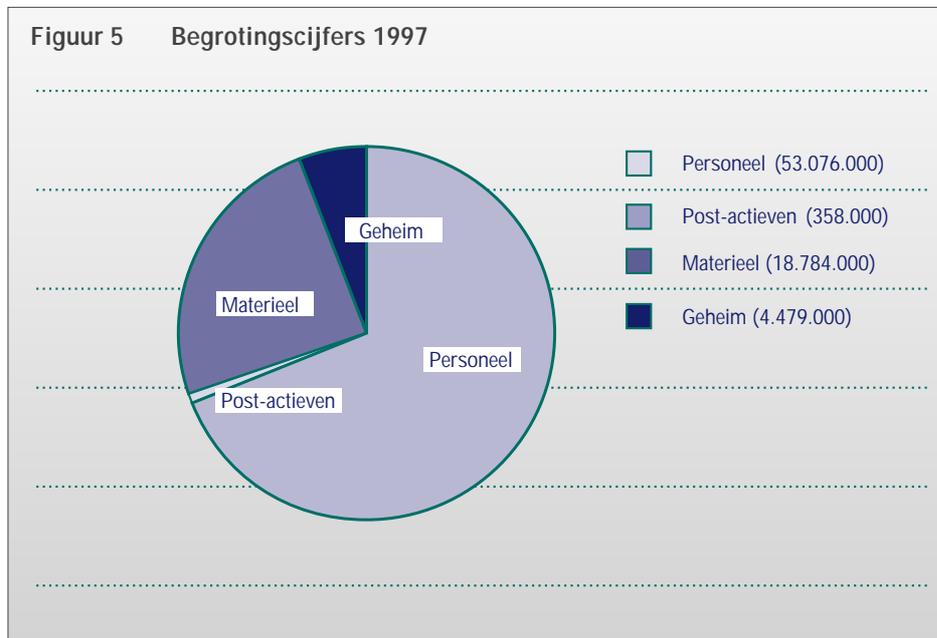
5.3 Informatievoorziening

In 1997 is goede voortgang gemaakt met de bouw en de invoering van het nieuwe documentair-informatiesysteem. Een groot aantal medewerkers kan inmiddels ter ondersteuning van hun dagelijkse werk gebruik maken van dit documentatiesysteem in combinatie met workflowmanagement. Het systeem is ook geschikt gemaakt voor het werkproces dat voortvloeit uit de Wet veiligheidsonderzoeken; begin januari 1998 is het in productie genomen.

Ook de BVD kent in de geautomatiseerde systemen een millennium-probleem. In 1997 zijn alle objecten geïnventariseerd en aan een risicoanalyse onderworpen. Testfaciliteiten zijn inmiddels geïnstalleerd. De BVD kiest ervoor om minimaal te investeren in het millenniumproof maken van bestaande applicaties; zoveel mogelijk zullen nieuwe versies of producten worden aangeschaft. Daarmee wordt tegelijk een noodzakelijke vernieuwing van verouderde systemen gerealiseerd.

Op het gebied van de beveiligde communicatie is goede voortgang gemaakt met de uitbreiding van het zogenaamde Riddle-netwerk. Thans is met dertien Regionale Inlichtingendiensten veilige informatie-uitwisseling mogelijk. In de eerste helft van 1998 volgen de overige diensten.

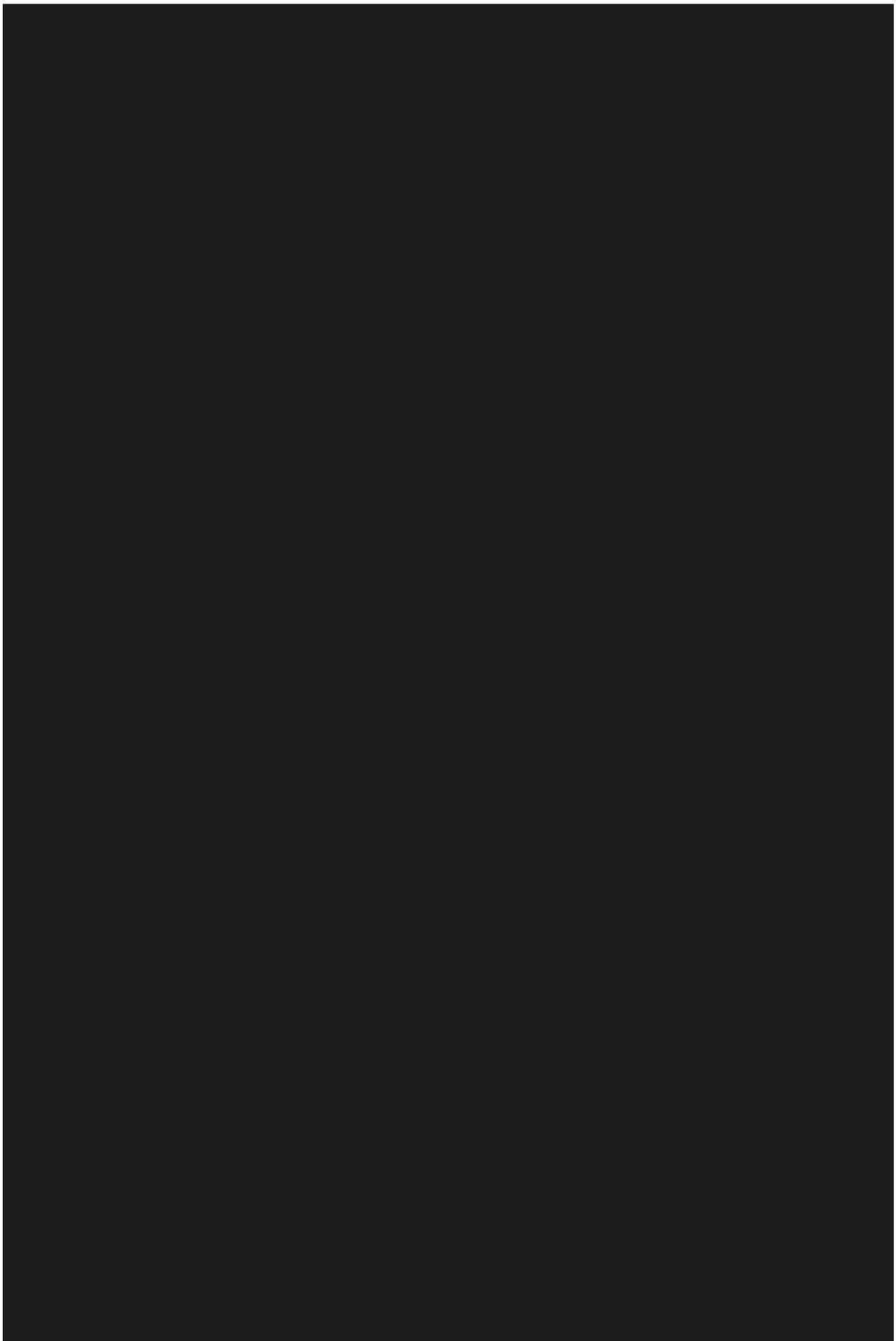
Om beter en/of op moderne manier gebruik te kunnen gaan maken van de mogelijkheden die externe databanken en Internet bieden, is het open bronnen-netwerk geheel vernieuwd.



5.4 Financieel kader

De BVD heeft in 1997 extra middelen uitgetrokken voor informatie-technologie en in het bijzonder voor de verbetering en uitbreiding van het computernetwerk. Vanaf 1997 draagt de BVD zelf zorg voor de financiering van post-actieven.





Bijlage nr. 1

Kamerstukken c.a. inzake de BVD 1997

Bijlage nr. 2

Overzicht Personeelsbezetting

Bijlage nr. 1 Kamerstukken c.a. inzake de BVD 1997**1 Commissie voor de inlichtingen- en veiligheidsdiensten**

- 25418** **Verslag van de commissie voor de Inlichtingen- en Veiligheidsdiensten over haar werkzaamheden in het jaar 1996**
- nr. 1 Verslag (vastgesteld 24 juni 1997)
- nr. 2 Verslag van overleg vaste commissie voor Binnenlandse Zaken op 5 november 1997 over de jaarverslagen van de commissie voor de Inlichtingen- en Veiligheidsdiensten
- 22036** **Verwijdering en vernietiging van dossiers van de Binnenlandse Veiligheidsdienst**
- nr.14 Brief van de staatssecretaris van OCW d.d. 5 december 1997 bij het rapport van de Rijksarchiefdienst over het onderzoek naar vernietiging bij de BVD, tevens mededeling dat de selectielijst is vastgesteld.

2 De Rijksbegroting**Begrotingsbehandeling 1997;**

o.a. afwijsgesvallen veiligheidsonderzoeken,
wijziging WIV naar Raad van State.
Handelingen Eerste Kamer d.d. 21 januari 1997
(mn. 14-563-564)

Begroting 1998;

o.a. liaisons in het buitenland en overleg met
voorzitters van de vijf grote politieke partijen over
integriteit van het openbaar bestuur.
TK 1997-1998 25600 VII nr. 8

3 Overige (Kamervragen e.d.)

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 520, nr. 614 en nr. 753

Antwoord op vragen van de leden Remkes en Blaauw over mogelijke handel in nucleaire technologie.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 707 en nr. 844

Antwoord op vragen van het lid O.S. Varma over het ontslag van dhr. Francis Bonsu.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 950

Antwoord op vragen van het lid Verkerk over toezicht op moskeeën.

Aanhangsel handelingen Tweede kamer 1996-1997 nr. 976

Antwoord op vragen van het lid Mateman over het in het openbaar komen van staatsgeheime documenten en vertrouwelijke brieven.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1184

Antwoord op vragen van het lid Dittrich over extremistische groeperingen van buitenlandse oorsprong.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1378

Antwoord op vragen van diverse leden over het BVD-rapport over Aruba.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1386

Antwoord op vragen van de leden v.d. Heijden en Verhagen over het mogelijk vervolgen van een van de verdachten van de aanslag in de Frans Halsstraat door de BVD.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1408

Antwoord op aanvullende (AH TK 1996-1997 nr. 1407) vragen van het lid van Oven aan Minister-president, mede namens de Minister van Binnenlandse Zaken over de IDB.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1426

Antwoord op vragen van het lid O.S. Varma over het registreren van gegevens van individuele CPN-leden.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1427

Antwoord op vragen van het lid O.S. Varma over het geschil tussen A.I. van Baggum en de Minister van Binnenlandse Zaken.

Aanhangsel handelingen Tweede Kamer 1996-1997 nr. 1481

Antwoord op vragen van het lid Poppe over het mogelijk inwinnen van inlichtingen door de PvdA over zijn volksvertegenwoordigers bij de BVD.

Brief van de minister van Binnenlandse Zaken d.d. 29-9-97 aan de Tweede Kamer nr. AD/U842

Voortgangsrapportage Integriteit van het Openbaar Bestuur.

Aanhangsel handelingen Tweede Kamer 1997-1998 nr. 194

Antwoord op vragen van het lid O.S. Varma over het bespioneren van de CPN.

Aanhangsel handelingen Tweede Kamer 1997-1998 nr. 208

Antwoord op vragen van de leden van Oven en Valk over de aanslag op de Rainbow Warrior.

Aanhangsel handelingen Tweede Kamer 1997-1998 nr. 239 en 240

Antwoord op vragen van de leden O.S. Varma en Marijnissen over een extreem rechtse groepering.

Aanhangsel handelingen Tweede Kamer 1997-1998 nr. 325

Antwoord op vragen van het lid Sipkes over een incident tussen Iraanse diplomaten en Iraanse demonstranten.

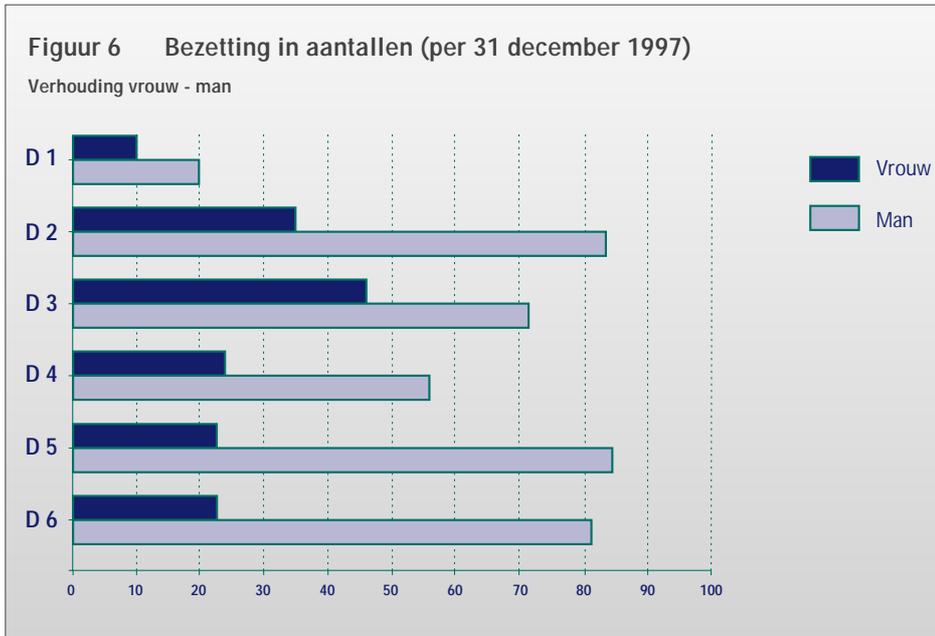
Tweede Kamer 1997-1998, 25 801 nr. 1

Brief d.d. 20 november 1997 over de Grijze Wolven.

Tweede Kamer 1997-1998, 25 802 nr. 2

Verslag overleg d.d. 26 november 1997 over de ontwikkelingen rond de organisatie 'de Grijze Wolven'.

Bijlage nr. 2 Overzicht Personeelsbezetting



| | |
|------------|--|
| Directie 1 | Strategie en planning |
| Directie 2 | Democratische Rechtsorde |
| Directie 3 | Staatsveiligheid |
| Directie 4 | Maatschappelijke en Economische belangen |
| Directie 5 | Operationele informatievergaring |
| Directie 6 | Management Advies en Centrale Faciliteiten |

Colofon**Uitgave**

Binnenlandse Veiligheidsdienst
Afdeling Interne en Externe Betrekkingen
Postbus 20010
2500 EA Den Haag

Ontwerp

H. Slingerland bNO Grafische Vormgeving en Art Direction,
Vlaardingen

Druk

Drukkerij De Bink bv, Leiden

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THE NATO HANDBOOK CHRONOLOGY

**A Companion Volume to
the 50th Anniversary Edition
of the NATO Handbook**

1998

*Office of Information and Press
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CHRONOLOGY

1945-1998

This Chronology traces the principal developments in the evolution of NATO against the background of significant world events. It reflects the intensity of diplomatic contacts and exchanges in the early years following the end of the Cold War and the high level consultations which take place on a continuous basis in relation to key areas of Alliance policy. Numerous additional events which have taken place in the framework of Partnership for Peace and the Euro-Atlantic Partnership Council, including seminars and conferences, training courses, military and crisis management exercises, additional visits and exchanges and other activities are not recorded for reasons of space. Information about such events may be found in communiqués and press releases listed in NATO's Integrated Data Service on the Internet (<http://www.nato.int>).

Note : The NATO Handbook - Chronology is published as a companion volume to the 50th Anniversary Edition of the NATO Handbook. A further volume in the series, entitled The NATO Handbook - Documentation, is also in preparation.

Copies of each of these volumes can be obtained from the Distribution Unit, Office of Information and Press, NATO-1110 Brussels, Belgium. Each volume will also be published on NATO's web site (<http://www.nato.int>).

1945

- 26 June The United Nations Charter is signed at San Francisco.
6 August Explosion of Hiroshima atomic bomb.

1946

- 5 March Winston Churchill's 'Iron Curtain' speech at Fulton, Missouri.

1947

- 19 January The Soviet-sponsored Communist "Lublin-Committee" monopolises power in Poland.
12 March President Truman urges the United States "to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressure" (Truman Doctrine).
5 June United States Secretary of State, George C. Marshall, announces plans for the economic rehabilitation of Europe (Marshall Plan).
22-27 Sept. Establishment of Cominform, the organisation for the ideological unity of the Soviet bloc, following rejection of Marshall Aid by the Soviet Union and its allies.

1948

- 22 January Ernest Bevin, United Kingdom Secretary of State for Foreign Affairs, speaking in the House of Commons, proposes a form of Western Union. The Western Union Defence Organisation is subsequently established by the Defence Ministers of the Brussels Treaty Powers on 27-28 September 1948.
22-25 February The Communist Party of Czechoslovakia gains control of the government in Prague through a coup d'Etat.
17 March Signature of the Brussels Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence by the Foreign Ministers of Belgium, France, Luxembourg, the Netherlands and the United Kingdom.
11 June The United States Senate adopts the "Vandenberg Resolution", establishing the basis for future US association with regional and other collective arrangements for security.

- 24 June Beginning of the Berlin blockade by the Soviet Union.
 28 June Formal expulsion of Yugoslavia from Cominform.
 6 July Talks on North Atlantic defence begin in Washington between the United States, Canada and the Brussels Treaty Powers.
 25-26 October The Consultative Council of the Brussels Treaty Powers announces “complete agreement on the principle of a defensive pact for the North Atlantic”.
 10 December Negotiations on the North Atlantic Treaty open in Washington between the representatives of the Brussels Treaty Powers, Canada and the United States.

1949

- 15 March The negotiating powers invite Denmark, Iceland, Italy, Norway and Portugal to adhere to the North Atlantic Treaty.
 2 April The governments concerned repudiate Soviet assertions that the North Atlantic Treaty is contrary to the United Nations Charter.
 4 April The North Atlantic Treaty is signed in Washington by Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States.
 8 April The Brussels Treaty Powers, Denmark, Italy and Norway request United States military and financial assistance.
 4 May The London Ten-Power Agreement sets up the Council of Europe. Inaugural meeting of the Council at Strasbourg takes place on 10 August.
 9 May The Berlin blockade is lifted.
 24 August The North Atlantic Treaty enters into force.
 17 September First session of the North Atlantic Council in Washington.
 6 October Mutual Defence Assistance Act of 1949 is signed by President Truman.

1950

- 27 January President Truman approves the plan for the integrated defence of the North Atlantic area, releasing US\$ 900,000,000 of military aid funds.

- 9 May The French Government proposes the creation of a single authority to control the production of steel and coal in France and Germany, open for membership to other countries (Schuman Plan).
- 25 June North Korean Forces attack the Republic of South Korea.
- 25 July First meeting of NATO Council Deputies in London. Ambassador Charles M. Spofford, United States Representative to the North Atlantic Council, is elected Permanent Chairman.
- 24 October French Prime Minister, Rene Pleven, outlines his plan for a European unified army, including German contingents, within the framework of NATO.
- 19 December The North Atlantic Council appoints General Dwight D. Eisenhower to be the first Supreme Allied Commander Europe (SACEUR).
- 20 December The Brussels Treaty Powers decide to merge the military organisation of the Western Union into the North Atlantic Treaty Organisation.

1951

- 15 February Conference convened by French Government on the setting up of a European Army opens in Paris.
- 2 April Allied Command Europe becomes operational with Supreme Headquarters Allied Powers Europe (SHAPE) located at Roquencourt, near Paris.
- 18 April Setting up of the European Coal and Steel Community by Belgium, France, Italy, Luxembourg, the Netherlands, and the Federal Republic of Germany.
- 3 May Incorporation of the Defence Committee and the Defence Financial and Economic Committee into the North Atlantic Council.
- 19 June The parties to the North Atlantic Treaty sign an agreement on the status of their forces.
- 20 September The member countries sign an agreement in Ottawa on the Status of NATO, National Representatives and International Staff (Civilian Status Agreement).
- 9-11 October First meeting of the Temporary Council Committee (TCC) in Paris, established by the North Atlantic Council to reconcile the requirements of collective security

with the political and economic capabilities of the member countries.

17-22 October Signature in London of the protocol to the North Atlantic Treaty on the accession of Greece and Turkey.

19 November Inauguration of the NATO Defense College, Paris (transferred to Rome on October 10, 1966).

1952

30 January Appointment of Vice-Admiral Lynde D. McCormick (United States) to be the first Supreme Allied Commander Atlantic (SACLANT).

18 February Greece and Turkey accede to the North Atlantic Treaty.

20-25 February The North Atlantic Council meeting in Lisbon reorganises the structure of the Alliance and NATO becomes a permanent organisation with its headquarters in Paris.

21 February The Council establishes a Channel Command, and appoints Admiral Sir Arthur John Power as the first Commander-in-Chief Channel (CINCHAN).

12 March Lord Ismay (United Kingdom) is appointed Vice-Chairman of the North Atlantic Council and Secretary General of the North Atlantic Treaty Organisation.

10 April Allied Command Atlantic (ACLANT) becomes operational, with headquarters at Norfolk, Virginia, USA.

16 April NATO opens its provisional headquarters at the Palais de Chaillot, Paris.

28 April First meeting of the North Atlantic Council in permanent session in Paris.

27 May Signature in Paris of the Treaty setting up the European Defence Community by Belgium, France, Italy, Luxembourg, the Netherlands and the Federal Republic of Germany. (Following the decision of the French National Assembly on 29 August 1954, the Treaty did not come into force).

28 August Signature in Paris by member nations of the Alliance of a Protocol on the Status of International Military Headquarters.

1953

5 March Death of Stalin.

- 23 July Korean Armistice signed at Panmunjon.
- 20 August USSR issues a communiqué of its possession of the hydrogen bomb.
- 4-8 December Conference in Bermuda of the Heads of Government of France, the United Kingdom and the United States, attended by Lord Ismay as observer for NATO.

1954

- 25 Jan./18 Feb. Abortive Four-Power Conference in Berlin on German reunification.
- 7 May The United Kingdom and the United States reject the USSR's bid to join the North Atlantic Treaty Organisation.
- 17-18 June Meeting at The Hague of the Constituent Conference of the Atlantic Treaty Association sponsored by the International Atlantic Committee.
- 29 August The French National Assembly decides against ratification of the Treaty setting up the European Defence Community (EDC).
- 6 September Opening of Manila Conference which culminates in the signing of the treaties setting up SEATO (South-East Asia Treaty Organisation)¹.
- 28 Sept.-3 Oct. Meeting in London of the Conference of Nine to seek an alternative to the EDC. (Participating countries: Belgium, Canada, France, Federal Republic of Germany, Italy, Luxembourg, the Netherlands, United Kingdom and the United States.)
- 23 October Signature of the Paris Agreements. The Federal Republic of Germany is invited to join NATO, and Italy and the Federal Republic of Germany accede to the Western European Union (WEU).

1955

- 6 May The Federal Republic of Germany becomes a member of NATO.
- 14 May The USSR concludes the Warsaw Treaty with Albania, Bulgaria, Czechoslovakia, East Germany, Hungary,

¹ Member countries: Australia, France, New Zealand, Pakistan, Philippines, Thailand, United Kingdom and United States.

- Poland and Romania.
- 18-23 July First Conference of NATO Parliamentarians (since November 1966, the North Atlantic Assembly) in Paris.
- 30 December The USSR signs a treaty with the régime in East Germany, granting it the prerogatives of a State.

1956

- 24 February At the 20th Congress of the Soviet Communist Party, Khrushchev denounces Stalin in a “secret” speech.
- 18 April Dissolution of Cominform.
- 28 June Anti-régime riots erupt at Poznan in Poland.
- 26 July Egypt nationalises the Suez Canal.
- 4 November Soviet suppression of Hungarian people’s rebellion.
- 13 December The North Atlantic Council approves the recommendations contained in the Report of the Committee of Three on Non-Military Cooperation in NATO.

1957

- 25 March Signature of the Rome Treaties setting up Euratom and the European Economic Community.
- 2-3 May Ministerial meeting of the North Atlantic Council in Bonn. The Council decides to intensify its efforts in favour of German reunification by means of free elections.
- 16 May Paul-Henri Spaak (Belgium) succeeds Lord Ismay as Secretary General of NATO.
- 29 July Signing in Berlin of a declaration by the governments of France, the Federal Republic of Germany, the United Kingdom and the United States, affirming the identity of their policies with regard to the reunification of Germany and to European security.
- 14 September The General Assembly of the United Nations condemns the Soviet intervention in Hungary.
- 4 October The first Soviet Sputnik is launched.
- 31 October Franco-British intervention in the Suez Canal area.
- 16-19 Dec. At a meeting of the North Atlantic Council in Paris, Heads of Government reaffirm the principles and purposes of the Atlantic Alliance.

1958

- 1 January Entry into force of the Treaty of Rome setting up the

- European Economic Community.
- 26-29 March First meeting of NATO Science Committee.
- 15-17 April Defence Ministers of the NATO countries meeting in Paris reaffirm the defensive character of the NATO strategy.
- 10 November Khrushchev announces that the USSR wishes to terminate the Four-Power Agreement on the status of Berlin. (The Plan was rejected by the Western Powers on December 31).
- 16-18 Nov. December Ministerial meeting of the North Atlantic Council. The Council associates itself with the views expressed by the governments of France, the United Kingdom and the United States on Berlin and on the right of the Western Powers to remain there.

1959

- 1 January Overthrow of the Batista regime in Cuba by Fidel Castro.
- 11 June Opening of Four-Power Meeting of Foreign Ministers in Geneva (France, the United Kingdom, the United States and the USSR) on the German question.
- 19 August The Baghdad Pact signed on 24 February 1955 becomes the Central Treaty Organisation (CENTO). Full members: Iran, Iraq, Pakistan, Turkey and the United Kingdom. Associate member: United States. Its headquarters is set up in Ankara. (Dissolved, 26 September 1979).
- 20 November Austria, Denmark, Norway, Portugal, Sweden, Switzerland and the United Kingdom initial the Stockholm Convention establishing the European Free Trade Association (EFTA)².
- 15-22 Dec. Inauguration of the new NATO Headquarters at the Porte Dauphine in Paris.

1960

- 15 March Opening of the United Nations Ten-Power Disarmament Committee negotiations in Geneva. Communist states withdraw on 27 June.

² Finland became an associate member of EFTA in 1961. Iceland joined in 1970. Denmark and the United Kingdom withdrew from EFTA on joining the EEC on 1 January 1973. Portugal withdrew from EFTA on 1 January 1986.

- 1 May American U2 aircraft is shot down over Soviet territory.
- 19 May French, United Kingdom and United States Foreign Ministers report to the North Atlantic Council on the breakdown of the Paris Summit meeting with the participation of the USSR on 16 May.
- 27 May Military coup d'Etat in Turkey
- 23 September Khrushchev attends the General Assembly of the United Nations in New York.
- 10 November Summit meeting in Moscow of the Communist leaders of 81 countries. Approval of Khrushchev's concept of peaceful co-existence.
- 14 December Convention for the Establishment of the Organisation for Economic Cooperation and Development (OECD) in place of the OEEC signed by 18 European countries and the United States and Canada. Australia, New Zealand and Japan subsequently join the Organisation.

1961

- 12 April Soviet Major Yuri Gagarin becomes the first man orbited in space.
- 21 April Dirk U. Stikker (Netherlands) succeeds Paul-Henri Spaak as Secretary General of NATO.
- 13 August Erection of the Berlin Wall.
- 13-15 Dec. At a Ministerial meeting of the North Atlantic Council in Paris, the Alliance reaffirms its position on Berlin, strongly condemning the building of the Wall, and approves the renewal of diplomatic contacts with the Soviet Union to determine whether a basis for negotiation can be found. It also announces the establishment of a mobile task force.

1962

- 8-20 January The "Alliance Convention" of citizens of NATO countries meets and endorses the "Declaration of Paris" in favour of strengthening the Alliance and the Atlantic Community.
- 18 March The Evian agreements establish an independent Algeria.
- 29 March Establishment of the European Organisation for the Development and Construction of Space Vehicle Launchers (ELDO). Member countries: Australia, Belgium,

- Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom.
- 10 April Macmillan and Kennedy appeal to Khrushchev for agreement on a test ban treaty.
- 4-6 May Foreign Ministers and Defence Ministers of the North Atlantic Alliance review the circumstances in which the Alliance might be compelled to have recourse to nuclear weapons (Athens Guidelines).
- 14 June Establishment of the European Space Research Organisation (ESRO). Member countries: Belgium, Denmark, France, Federal Republic of Germany, Italy, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom. (ELDO and ESRO merged to become the European Space Agency (ESA) on 31 May 1975.)
- 22 Oct.-20 Nov. Partial blockade of Cuba by the US following revelation of Soviet construction of missile bases on the island; lifted following Soviet agreement to dismantle the bases.
- 18-20 Dec. President Kennedy and Prime Minister Macmillan confer at Nassau, Bahamas. They agree to contribute part of their strategic nuclear forces to NATO.

1963

- 16 January Following a statement by the French Representative, the Council notes that insofar as the former Algerian Departments of France are concerned, the relevant clauses of the North Atlantic Treaty became inapplicable as of 3 July 1962.
- 20 June Agreement on a 'hot line' between Washington and Moscow is signed in Geneva by the United States and the Soviet Union.
- 15-25 July The United States, the United Kingdom and the Soviet Union initial an agreement banning nuclear tests in the atmosphere, in outer space and underwater.
- 10 October The Moscow Treaty on a partial nuclear test ban, signed on 5 August, comes into force.
- 22-23 October In a military exercise (Operation "Big Lift"), 14,500 American soldiers are flown from the United States to Germany to demonstrate the ability of the United States to reinforce NATO forces in Europe rapidly in an emergency.

22 November President Kennedy is assassinated in Dallas, Texas.

1964

1 August Manlio Brosio (Italy) succeeds Dirk Stikker as Secretary General of NATO.

14 October Khrushchev is removed from office. He is replaced by Leonid Brezhnev as General Secretary of the CPSU and by Alexei Kosygin as Prime Minister.

16 October China explodes its first atomic bomb.

1965

6 April The world's first commercial satellite "Early Bird" is launched by the United States. Successfully tested as first global communications system for telephone, TV and telegraphic communications.

7 April Soviet and East German authorities block land access to Berlin at intervals for one week when the Parliament of the Federal Republic of Germany holds its plenary session in West Berlin's Congress Hall.

23 April Soviet Union launches its first communications satellite.

31 May-1 June Meeting of NATO Defence Ministers in Paris pays special attention to the defence problems of Greece and Turkey, and agrees to consider a proposal for improving consultation and extending participation in the planning of nuclear forces.

9 September At a press conference President de Gaulle announces that French military integration within NATO would end by 1969.

20 October The North Atlantic Council approves the revised missions of the Major NATO Commanders and the Canada-US Regional Planning Group.

14-16 Dec. The North Atlantic Council meeting in Ministerial session in Paris accepts new procedures designed to improve the annual process of reviewing the defence efforts of member countries and agreeing upon their force contributions.

1966

10 March President de Gaulle formally announces France's inten-

tion of withdrawing from the integrated military structure of the Alliance.

14 December The Defence Planning Committee establishes the Nuclear Defence Affairs Committee and the Nuclear Planning Group.

1967

18 January Inauguration of NATO Defense College in Rome.

31 March Official opening ceremony of SHAPE at Casteau, near Mons, Belgium.

6-7 April First meeting of the Nuclear Planning Group in Washington.

21 April Military régime takes over power in Greece.

14 June The North Atlantic Council meeting in Luxembourg reviews the Middle East situation following the Six-Day War between Israel and its Arab neighbours.

16 October Official opening of new NATO Headquarters in Brussels.

12 December The Nuclear Defence Affairs Committee holds a meeting in Brussels to examine the Report of the Nuclear Planning Group on strategic nuclear forces, antiballistic missiles, the tactical use of nuclear weapons, and national participation in nuclear planning.

13-14 Dec. The North Atlantic Council approves the Harmel Report on the Future Tasks of the Alliance. The Defence Planning Committee adopts NATO's new strategic concept of flexible response and approves the establishment of a Standing Naval Force Atlantic (STANAVFORLANT).

1968

19 January The United States and the Soviet Union table a draft nuclear non-proliferation treaty at the Geneva Disarmament Conference.

24-25 June The Ministerial meeting of the North Atlantic Council in Reykjavik, Iceland reviews current measures affecting access routes to Berlin and issues a Declaration on Mutual and Balanced Force Reductions.

20-21 August Soviet, Polish, East German, Bulgarian and Hungarian troops invade Czechoslovakia.

- 12 September Albania renounces its membership of the Warsaw Treaty Organisation.
- 13-14 Nov. Formation of the Eurogroup.
- 15-16 Nov. The North Atlantic Council denounces Soviet actions in Czechoslovakia as contrary to the basic principles of the United Nations Charter and issues a warning to the USSR.

1969

- 28 May Establishment of the naval on-call force in the Mediterranean (NAVOCFORMED).
- 8-10 December First meeting of the Committee on the Challenges of Modern Society (CCMS), established by the North Atlantic Council on 6 November, on the basis of a proposal by recently elected US President Nixon.

1970

- 5 March Nuclear Non-Proliferation Treaty signed on 1 July 1968 comes into force.
- 20 March First NATO communications satellite launched from Cape Kennedy.
- 16 April Opening in Vienna of US-USSR negotiations on strategic arms limitations (SALT).
- 11 June The Defence Planning Committee in Ministerial session discusses the continuing expansion of the Soviet presence in the Mediterranean and welcomes the activation of the naval on-call force for the Mediterranean.
- 2-4 December At Ministerial meetings of the Council and Defence Planning Committee (DPC) in Brussels the United States announces that it will not reduce US forces in Europe except in the context of reciprocal East-West action. The DPC adopts the study on "Alliance Defence in the '70s." Ten European countries adopt a special European Defence Improvement Programme.

1971

- 2 February Second NATO communications satellite launched from Cape Kennedy.
- 1 October Joseph Luns (Netherlands) succeeds Manlio Brosio as Secretary General of NATO.

5-6 October Former NATO Secretary General, Manlio Brosio is appointed to conduct exploratory talks on mutual and balanced force reductions with the Soviet and other interested governments.

1972

26 May Signature in Moscow of interim agreement on strategic arms limitations (SALT) and anti-ballistic missile systems (ABM).

30-31 May At its Ministerial meeting in Bonn, the North Atlantic Council agrees to start multinational preparatory talks for a Conference on Security and Cooperation in Europe (CSCE). Multilateral explorations on mutual and balanced force reductions (MBFR) are proposed by the countries participating in NATO's integrated military structure.

3 June Quadripartite Agreement on Berlin signed by Foreign Ministers of France, United Kingdom, United States and the USSR.

21 November Opening of SALT II negotiations in Geneva.

22 November Opening in Helsinki of multilateral preparatory talks on a CSCE.

21 December Signature in East Berlin of the "Basic Treaty" between the Federal Republic of Germany and the German Democratic Republic.

1973

1 January Denmark, Ireland and the United Kingdom join the European Economic Community (EEC).

31 Jan.-29 June Multilateral exploratory talks on MBFR in Vienna.

11 May Inauguration of Standing Naval Force Channel (STANAVFORCHAN).

3-7 July Opening of Conference on Security and Cooperation in Europe (CSCE) in Helsinki.

6-24 October Arab-Israeli Yom Kippur War.

30 October Negotiations on Mutual and Balanced Force Reductions (MBFR) open in Vienna.

1974

25 April Military coup d'Etat in Portugal.

- 26 June NATO Heads of Government meeting in Brussels sign a Declaration on Atlantic Relations approved and published by the North Atlantic Council in Ottawa on 19 June.
- 23 July Konstantinos Karamanlis becomes Prime Minister of Greece following the resignation of the military government.
- 14 August Withdrawal of Greek forces from integrated military structure of NATO.
- 23-24 Nov. President Ford and General Secretary Brezhnev, meeting in Vladivostok, agree on steps towards limitation of US-USSR strategic nuclear arms.

1975

- 31 May ELDO and ESRO merge to become the European Space Agency (ESA). Member countries: Belgium, Denmark, France, Federal Republic of Germany, Italy, Ireland, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom.
- 31 July-1 Aug. The Heads of State and Government of the 35 participating states sign the CSCE Helsinki Final Act.

1976

- 21-22 January At the meeting of the Nuclear Planning Group (NPG) in Hamburg, NATO Defence Ministers discuss the continuing increase in Soviet strategic nuclear capabilities and review prospects for stabilisation through SALT.
- 2 February Establishment of the Independent European Programme Group with the participation of all European member countries of NATO to provide cooperation in the research, development and production of equipment.
- 20-21 May At the North Atlantic Council in Oslo, Foreign Ministers review East-West relations and progress towards implementation of Final Act of CSCE and discuss prospects for MBFR.
- 9-10 December The North Atlantic Council rejects proposals by Warsaw Treaty countries to renounce first use of nuclear weapons and to restrict Alliance membership and calls for all CSCE states to renounce the threat or use of force including all types of weapons in accordance with the UN Charter and Helsinki Final Act.

1977

- 10-11 May North Atlantic Council meeting in London with participation of newly elected US President Carter and other Heads of State and Government. Initiation of a long-term defence programme.
- 4 October CSCE Follow-up Meeting in Belgrade (4 October 1977-9 March 1978).
- 12 October Establishment of NPG High Level Group on theatre nuclear force modernisation.

1978

- 30-31 May Meeting of the North Atlantic Council with participation of Heads of State and Government in Washington.
- 31 Oct.-11 Dec. CSCE Experts' Meeting on the Peaceful Settlement of Disputes, Montreux.
- 18 November Third NATO communications satellite launched from Cape Canaveral, Florida.
- 5-6 December Approval of Airborne Early Warning and Control System (AWACS).

1979

- 13 Feb.-26 Mar. CSCE Experts' Meeting on Mediterrean Cooperation, Valleta.
- 11 April Establishment of Special Group to study arms control aspects of theatre nuclear systems. (The Special Group concluded its work on 11 December 1979).
- 18 June SALT II agreement signed in Vienna by President Carter and General Secretary Brezhnev. (The agreement was not ratified by the United States).
- 4 November Seizure of the United States Embassy in Teheran and 53 hostages by Islamic revolutionaries.
- 12 December Special Meeting of Foreign and Defence Ministers in Brussels. "Double-track" decision on theatre nuclear force modernisation including the deployment in Europe of US ground-launched Cruise and Pershing II systems and a parallel and complementary arms control effort to obviate the need for such deployments.
- 25-26 December Soviet invasion of Afghanistan.
- 29 December Special meeting of North Atlantic Council following Soviet invasion of Afghanistan on 25-26 December.

1980

- 24 January Members of the Alliance participating in the 12 December 1979 Special Meeting establish the Special Consultative Group on arms control involving theatre nuclear forces.
- 18 Feb.-3 Mar. CSCE Forum on Scientific Cooperation, Hamburg.
- 4 May Death of President Tito of Yugoslavia.
- 31 August Gdansk Agreements, leading to establishment and official recognition of independent Polish trade union "Solidarity".
- 12 September Turkish military leadership takes over the administration of the country.
- 22 September War breaks out between Iraq and Iran.
- 20 October Reintegration of Greek forces into the integrated military structure of the Alliance.
- 11 November Opening of CSCE Follow-up Meeting in Madrid.
- 9-12 December Ministerial meetings of the Council and Defence Planning Committee reflect concern over the situation with regard to Poland and the continuing Soviet occupation of Afghanistan.

1981

- 1 January Greece becomes the 10th member of the European Economic Community.
- 23 February Abortive attempt by rebel civil guards to overthrow Spanish caretaker government.
- 6 October Assassination of Egyptian President Sadat.
- 27 October Soviet submarine grounded in Swedish territorial waters.
- 18 November President Reagan announces new arms control initiatives including intermediate-range nuclear force (INF) negotiations and strategic arms reduction talks (START).
- 30 November The United States and the Soviet Union open Geneva negotiations on intermediate-range nuclear forces (INF).
- 10-11 Dec. Signature of the Protocol of Accession of Spain to the North Atlantic Treaty.
- 13 December Imposition of martial law in Poland.

1982

- 11 January Special Ministerial Session of the North Atlantic Coun-

cil issues a Declaration on Events in Poland.

- 2 April-14 June The Falklands Conflict.
- 30 May Spain becomes the 16th member of the North Atlantic Treaty Organisation.
- 10 June Summit Meeting of the North Atlantic Council in Bonn. Heads of State and Government issue the Bonn Declaration setting out the Alliance Programme for Peace in Freedom.
- 30 June Opening of Strategic Arms Reduction Talks (START) in Geneva.

1983

- 23 March President Reagan announces a comprehensive research programme aimed at eliminating the threat posed by strategic nuclear missiles (Strategic Defence Initiative).
- 22 July Ending of martial law in Poland. New laws reinforce government controls.
- 1 September A South Korean airliner with 269 people on board is shot down by Soviet air defence off the coast of Sakhalin.
- 9 September Conclusion of CSCE Follow-up Meeting in Madrid.
- 25 October Military intervention in Grenada by United States and East Caribbean forces.
- 25 Oct.-11 Nov. Preparatory meeting in Helsinki for Stockholm Conference on Security and Confidence Building Measures and Disarmament in Europe (CDE).
- 27 October The Montebello Decision. Defence Ministers meeting in the NATO Nuclear Planning Group in Montebello, Canada announce their decision to withdraw a further 1,400 warheads from Europe, bringing the total of such withdrawals since 1979 to 2,400.
- 23 November Deliveries of Ground-Launched Cruise Missile components to the United Kingdom mark the beginning of NATO's intermediate range nuclear force deployments (INF). Decision by the Soviet Union to discontinue the current round of negotiations in Geneva on intermediate-range nuclear forces (INF).
- 8 December Conclusion of the current round of US-Soviet Geneva negotiations on Strategic Arms Reductions (START) without a date being set by the Soviet side for their resumption.

- 8-9 December Foreign Ministers meeting in the Ministerial Session of the North Atlantic Council issue the Declaration of Brussels expressing their determination to seek a balanced and constructive relationship with the East and calling on the Soviet Union and other Warsaw Treaty countries to respond.
- 13 December Formation of a civilian government in Turkey following parliamentary elections under a new constitution.

1984

- 17 January Opening of the Stockholm Conference on Security and Confidence Building Measures and Disarmament in Europe (CDE).
- 21 Mar.-30Apr. CSCE Experts' Meeting on the Peaceful Settlement of Disputes, Athens.
- 31 May NATO Foreign Ministers issue the Washington Statement on East-West Relations.
- 7-9 June Summit meeting in London. Heads of State and Government of the seven major industrialised countries issue a declaration on East-West Relations and Arms Control.
- 12 June Foreign Ministers of the seven countries of the Western European Union meeting in Paris decide to reactivate the WEU.
- 25 June Lord Carrington (United Kingdom) succeeds Joseph Luns as Secretary General of NATO.
- 16-26 October CSCE Seminar on Economic, Scientific and Cultural Cooperation in the Mediterranean, Venice.
- 26-27 October Foreign and Defence Ministers of the member countries of the Western European Union publish the "Rome Declaration" announcing their decision to increase cooperation within the WEU.
- 7 December Presentation by the Secretary General of NATO of the first Atlantic Award to Per Markussen (Denmark), for his contribution over many years to the objectives of the Atlantic Alliance.

1985

- 11 March Mikhail Gorbachev becomes General Secretary of the Communist Party of the Soviet Union following the death

- of Konstantin Chernenko.
- 12 March The United States and the USSR begin new arms control negotiations in Geneva, encompassing defence and space systems, strategic nuclear forces and intermediate-range nuclear forces.
- 26 April The 1955 Treaty of Friendship, Cooperation and Mutual Assistance, establishing the Warsaw Treaty Organisation, is extended for 20 years by leaders of the seven member states.
- 7 May-17 June CSCE Experts' Meeting on Human Rights, Ottawa.
- 15 Oct.-25 Nov. CSCE Cultural Forum in Budapest.
- 12 November Professor van der Beugel (Netherlands) becomes the second recipient of NATO's Atlantic Award for outstanding services to the Atlantic Alliance.
- 19-21 Nov. At the Geneva Summit, United States President Ronald Reagan and Soviet leader Mikhail Gorbachev agree in principle on a reduction of strategic nuclear forces by 50 per cent and on an interim INF agreement.
- 21 November President Reagan reports on his Geneva talks with Soviet leader Mikhail Gorbachev at a special meeting of the North Atlantic Council with the participation of Heads of State and Government and Foreign Ministers.

1986

- 1 January Portugal and Spain become members of the European Economic Community (EEC).
- 12 March In a referendum organised by Prime Minister Felipe Gonzalez, Spanish voters support the continued membership of Spain in the Atlantic Alliance without participation in NATO's integrated military structure.
- 15 April In response to terrorist attacks attributed to Libya, United States forces attack targets in Tripoli and Benghazi.
- 15 Apr.-26 May CSCE Experts' Meeting on Human Contacts, Berne.
- 26 April Nuclear accident at the Chernobyl power station in the Soviet Union.
- 29-30 May Foreign Ministers issue a Statement on the Ministerial meeting of the North Atlantic Council in Halifax, Canada, calling on the Soviet Union to join them in taking "bold new steps" to promote peace, security and a productive

- East-West dialogue. Ministers establish a High-Level Task Force on Conventional Arms Control.
- 22 September End of Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe (CDE). Concluding document (dated 19 September) includes mandatory measures for notification, observation and on-site inspection of military manoeuvres of participating countries.
- 13 October At a special session of the North Atlantic Council attended by Foreign and Defence Ministers in Brussels, US Secretary of State Schultz briefs the Council on the negative outcome of the Reykjavik Summit 11-13 October.
- 21-22 October Ministerial meeting of NATO's Nuclear Planning Group in Gleneagles, Scotland. Defence Ministers express support for President Reagan's arms control programme.
- 4 November The third CSCE Follow-up Conference opens in Vienna.
- 24 November Prof. Karl Kaiser (Federal Republic of Germany) receives the third Atlantic Award for services to the Alliance.
- 11 December NATO Foreign Ministers issue the Brussels Declaration on Conventional Arms Control calling for negotiations on conventional stability, aimed at eliminating existing disparities from the Atlantic to the Urals and establishing conventional stability at lower levels; and on further confidence and security building measures.

1987

- 26 January Spain resumes negotiations with its NATO partners on the future role of Spanish forces with the Alliance.
- 17 February Talks open in Vienna between NATO and Warsaw Treaty countries on a mandate for negotiations on conventional forces in Europe from the Atlantic to the Urals.
- 27 March NATO Secretary General Lord Carrington, following an emergency meeting of the North Atlantic Council, offers to use his good offices to help to resolve the dispute in the Aegean between Greece and Turkey.
- 4 June The parliament of the Federal Republic of Germany formally endorses a proposal calling for the elimination of intermediate-range (INF) and shorter-range (SRINF) missiles in Europe.

- 5 June The Canadian Government announces its decision to redirect its commitment to the reinforcement of Europe from the Northern to the Central Region.
- 19 June Chancellor of the Federal Republic Helmut Kohl proposes the formation of a joint Franco-German brigade as the first step towards a joint European fighting force.
- 22 July Soviet leader Mikhail Gorbachev announces Soviet readiness to eliminate all intermediate-range nuclear weapons including those deployed in the 1987 Asian part of the Soviet Union in the context of a United States-Soviet INF treaty.
- 23 July Soviet negotiators present a proposal at the United States-Soviet Geneva arms control negotiations accepting the principle of a 'double-zero option' eliminating Soviet and US land-based intermediate range (LRINF and SRINF) missiles on a global basis.
- 20 August Western European Union experts meeting in The Hague consider joint action in the Gulf to ensure freedom of navigation in the oil shipping lanes of the region.
- 28-30 August United States inspectors attend military manoeuvres near Minsk, the first such inspection to take place under the provisions of the September 1986 Stockholm Document.
- 5-7 October Soviet inspectors attend NATO exercises in Turkey, the first such inspection to take place in an Alliance country under the provisions of the September 1986 Stockholm Document.
- 27 October Foreign and Defence Ministers of the seven member countries of the Western European Union adopt "The Hague Platform on European Security Interests".
- 25 November Presentation of NATO's annual Atlantic Award to Pierre Harmel (Belgium), author of the 1967 Harmel Report.
- 8 December US President Reagan and Soviet Leader Mikhail Gorbachev, meeting at the beginning of their three-day summit talks, sign the Washington Treaty on Intermediate Range Nuclear Forces (INF), eliminating on a global basis land-based intermediate-range nuclear missiles.
- 9 December The United States and the Soviet Union reach agreement on measures allowing the monitoring of nuclear explosions at each other's test sites.

- 10 December At the end of their 3-day summit meeting in Washington, US President Reagan and Soviet Leader Mikhail Gorbachev pledge deep cuts in strategic arms and instruct negotiators in Geneva to draft an agreement in line with the 1972 ABM Treaty.
- 11 December The North Atlantic Council marks the 20th anniversary of the Harmel report. The Secretary of State of the United States and the Foreign Ministers of Belgium, Federal Republic of Germany, Italy, the Netherlands and the United Kingdom sign bilateral agreements relating to the implementation of the INF Treaty and its on-site inspection and verification procedures.

1988

- 22 January Establishment of a Joint Security Council by the Governments of the Federal Republic of Germany and of France. The two Governments also sign an agreement relating to the formation of a joint Franco-German Army Brigade.
- 2-3 March Summit meeting of the North Atlantic Council in Brussels emphasises Allied unity and reasserts the common objectives and principles and the continuing validity of Alliance policies. A Statement on Conventional Arms Control is issued calling for significant steps to bring about progress in eliminating conventional force disparities through negotiations on conventional stability.
- 15 May Beginning of Soviet troop withdrawals from Afghanistan.
- 26-27 May NATO Defence Ministers commission the Executive Working Group to conduct a review of roles, risks and responsibilities shared by member nations in the context of their efforts to sustain the credibility and effectiveness of collective security and defence.
- 31 May During a five-day Summit meeting in Moscow, President Reagan and General Secretary Gorbachev exchange documents implementing the recently ratified December 1987 INF Treaty and sign bilateral agreements on nuclear testing and in other fields.
- 9-10 June At the first Ministerial meeting of the North Atlantic Council to be held in Madrid, Foreign Ministers review

- the positive progress in East-West relations registered at the Moscow Summit meeting, and welcome the evolution of the Spanish contribution to the common defence.
- 24 June Announcement of the formation of a NATO Composite Force to reinforce Northern Norway in periods of tension or hostility, to replace the Canadian CAST Brigade which will be reassigned to the Central Region in accordance with the plans of the Canadian Government.
- 28 June-1 July The 19th CPSU Conference in Moscow sets in train a programme of political, constitutional and legal reforms.
- 1 July Manfred Woerner, former Minister of Defence of the Federal Republic of Germany, succeeds Lord Carrington as Secretary General of NATO.
- 20 August Entry into force of a ceasefire in the Gulf War between Iran and Iraq, in the framework of UN Security Council Resolution 598.
- 14 November Portugal and Spain sign the Treaty of Accession to the Western European Union.
- 5 December Paul Nitze, Special Adviser on Arms Control to President Reagan, receives the 1988 Atlantic Award.
- 7 December President Gorbachev, in the course of a major address to the UN General Assembly, announces unilateral Soviet conventional force reductions. A major earthquake in Armenia devastates several cities and causes massive loss of life.
- 8 December Alliance Foreign Ministers welcome Soviet reductions in conventional forces and publish a statement outlining the Alliance's proposals for forthcoming negotiations on conventional stability and further confidence and security building measures.

1989

- 7-11 January 149 countries participate in an international Conference on Chemical Weapons in Paris.
- 18 January President Gorbachev provides further details of intended reductions in Soviet armed forces referred to in his address to the United Nations on 7 December 1988, announcing cuts of 14.2 per cent in Soviet defence expenditure and 19.5 per cent in the production of arms and military equipment.

- 19 January Conclusion of the Vienna CSCE Follow-up Meeting and adoption of a Concluding Document including mandates for new negotiations on Conventional Armed Forces in Europe (CFE) and new negotiations on Confidence and Security Building Measures (CSBMs).
- 23-27 January Future reductions in conventional forces and military budgets are announced by the German Democratic Republic, Poland, Hungary, Czechoslovakia, and Bulgaria. They are welcomed by Alliance countries as contributions to the reduction of conventional force imbalances in Europe.
- 2 February Final meeting of the Vienna negotiations on Mutual and Balanced Force Reductions.
- 11 February The Central Committee of the Hungarian Communist Party endorses “gradual and steady” transition to a multi-party political system.
- 15 February The Soviet Union completes the withdrawal of military forces from Afghanistan in accordance with the schedule announced by President Gorbachev.
- 6 March Foreign Ministers of CSCE states meet in Vienna to mark the opening of new negotiations on Conventional Armed Forces in Europe (CFE) among the 23 members of NATO and the Warsaw Treaty Organisation and on Confidence and Security Building Measures among all 35 CSCE participating States.
- 26 March The first multi-candidate elections to the new USSR Congress of People’s Deputies result in major set-backs for official Party candidates in many constituencies.
- 4 April The fortieth anniversary of the signing of the North Atlantic Treaty is marked by a special session of the North Atlantic Council and other ceremonies at NATO and in capitals.
- 5 April Agreements signed in Warsaw by Government and opposition negotiators on measures leading to political reforms in Poland including free elections and registration of the banned trade union movement Solidarity.
- 18 Apr.-23 May CSCE Information Forum, London.
- 12 May President Bush proposes “Open Skies” régime to increase confidence and transparency with respect to military activities. The proposal envisages reciprocal opening of

- airspace and acceptance of overflights of national territory by participating countries.
- 29-30 May Summit Meeting of the North Atlantic Council in Brussels attended by Heads of State and Government. Announcement by President Bush of major new initiatives for conventional force reductions in Europe. Adoption of the Alliance's Comprehensive Concept of Arms Control and Disarmament and publication of a Summit Declaration.
- 30 May-23 June First meeting of the CSCE Conference on the Human Dimension (CDH) in Paris.
- 31 May During a visit to the Federal Republic of Germany President Bush outlines proposals for promoting free elections and pluralism in Eastern Europe and dismantling the Berlin Wall.
- 3-4 June Chinese leaders use armed forces in Peking to suppress unarmed student-led popular demonstrations in favour of democracy, causing large-scale loss of life and leading to major unrest in other cities, purges and infringements of basic rights.
- 4 and 18 June Free elections for the Polish Senate and partial elections involving 35 per cent of seats in the Sejm result in major electoral success for Solidarity.
- 8-9 June Ministerial Meeting of the Defence Planning Committee. Defence Ministers consider implications for defence planning of Western proposals for reduction of conventional forces in Europe.
- 16 June Imre Nagy, leader of the 1956 Hungarian revolution who was hanged in 1958, is reburied with full honours in Budapest.
- 19 June Re-opening of Strategic Arms Reduction Talks (START) in Geneva.
- 2 July Death of veteran Soviet Foreign Minister and former President Andrei Gromyko.
- 9 August A statement is issued by NATO's Secretary General on behalf of the Allies concerning the situation of ethnic Turks in Bulgaria, calling upon the Bulgarian government to respond positively to appeals to meet its responsibilities in accordance with CSCE commitments.

- 24 August Tadeusz Mazowiecki becomes Prime Minister of the first non-communist led government in Poland in 40 years. The Polish United Workers' (Communist) Party retains four ministries.
- 10 September Hungary opens its Western border, enabling large numbers of East German refugees to leave the country for destinations in the West.
- 3 October Following the exodus of 6,390 East German citizens from Western embassies in Prague on 1 October under arrangements made by the East German Government, some 20,000 East German emigrants congregate in the Prague and Warsaw embassies of the Federal Republic of Germany.
- 6-7 October Mikhail Gorbachev, attending 40th Anniversary Parade in East Berlin, urges reforms in the GDR.
- 16 October CSCE Meeting on Environmental Protection in Sofia.
- 18 October Erich Honecker, General Secretary of the Socialist (Communist) Unity Party since 1971, is replaced by Egon Krenz as leader of the German Democratic Republic as East German citizens demonstrate for political reform and large numbers of refugees continue to leave the German Democratic Republic through Prague and Budapest.
- 23 October The new constitution adopted by the Hungarian Parliament on 18 October brings into being the Republic of Hungary as a "free, democratic, independent legal state" and opens the way for multiparty elections in 1990.
- 7 November Resignation of the East German Cabinet following rallies in many cities calling for free elections and the abolition of the Communist monopoly on power and calls from within the Party for major changes at the highest level. The move is followed the next day by the joint resignation of the ruling Politburo.
- 9-10 November Opening of the Berlin Wall. In an atmosphere of political uncertainty and a crisis of authority in East Berlin, East and West Berliners tear down the wall and celebrate the beginning of the process of unification. Following widespread demonstrations and demand for political reform, the government of the German Democratic Republic announces the lifting of travel restrictions to the West and sets up new crossing points.

- 10 November Removal of Todor Zhivkov, Bulgarian Communist Party leader since 1954, followed by further sweeping changes in the party leadership.
- 14 November East German Parliament elects Hans Modrow as Prime Minister.
Portugal and Spain sign the Treaty of Accession to the Western European Union.
- 17 November Violent dispersal of Prague student demonstrations triggers popular movement against the government. Emergence of Civic Forum, led by Vaclav Havel.
- 20 November Mass demonstrations in Leipzig voice popular call for German unification.
- 24 November Resignation of the Czechoslovak Party leadership. Karel Urbanek becomes General Secretary and invites dialogue with Civic Forum.
- 3 December Resignation of new East German Politburo and Central Committee amid revelations of Communist leadership's misrule and corruption.
- 4 December NATO Summit Meeting in Brussels. US President George Bush briefs NATO leaders on his talks with Soviet President Gorbachev at the US-Soviet Summit Meeting in Malta on 2-3 December. The Summit Meeting of leaders of the Warsaw Treaty Organisation in Moscow publishes a joint statement denouncing the 1968 invasion of Czechoslovakia by Warsaw Pact forces and repudiates the Brezhnev Doctrine of limited sovereignty.
- 7 December Resignation of President Gustav Husak and formation of coalition government in Czechoslovakia. NATO's Atlantic Award for 1989 is bestowed on Sir Michael Howard, President and co-founder of the International Institute for Strategic Studies (IISS).
- 11 December Popular demonstrations in Bulgaria lead to the promise of free elections and renunciation of the leading role of the Communist Party.
- 14-15 December Ministerial Meeting of the North Atlantic Council in Brussels. Foreign Ministers review accelerating political change in Central and Eastern Europe.
- 19 December Soviet Foreign Minister Eduard Shevardnadze visits NATO Headquarters for talks with NATO Secretary General Manfred Woerner and Permanent Representa-

- tives of NATO countries the first such visit by a Minister of a Central or Eastern European government.
- 20 December Troops and police open fire on thousands of anti-government protesters in the Romanian town of Timisoara.
- 22 December Fall of Ceausescu regime. Nicolai Ceausescu is arrested by the Romanian armed forces and executed on 25 December. The National Salvation Front headed by Ion Iliescu takes control and promises free elections.
- 29 December The Polish Parliament abolishes the leading role of the Communist Party and restores the country's name as the Republic of Poland. Vaclav Havel is elected President of Czechoslovakia.

1990

- 15 January Bulgarian government abolishes the Communist Party's 44-year monopoly on political power.
- 16 Jan.-5 Feb. 35-nation Seminar on Military Doctrines in Vienna in the framework of the CSCE.
- 6 February In an unprecedented speech to the Plenary Session of the Central Committee of the Communist Party of the Soviet Union, Mikhail Gorbachev addresses major aspects of his reform programme including the abandonment of the leading role of the Communist Party and the introduction of political pluralism.
- 12-14 February Foreign Ministers of NATO and Warsaw Treaty Organisation countries, with observers from other CSCE states, meet in Ottawa at the opening of the "Open Skies" Conference.
- 13 February On the margins of the "Open Skies" Conference in Ottawa, agreement is reached by the Foreign Ministers concerned to hold discussions on external aspects of the establishment of German unity in a "Two Plus Four" framework. NATO and Warsaw Treaty Organisation Foreign Ministers also agree on steps to enable a CFE agreement to be concluded in 1990.
- 3 March Czechoslovak Foreign Minister Jiri Dienstbier visits NATO Headquarters for discussions with NATO Secretary General Manfred Woerner.
- 8 March At a meeting attended by Chancellor Helmut Kohl,

- consultations take place in the North Atlantic Council on the position of the Government of the Federal Republic on developments in Germany and related security matters.
- 11 March The Lithuanian Parliament votes to break away from the Soviet Union and regain its independence.
- 17 March Warsaw Treaty Organisation Foreign Ministers meeting in Prague support the continuation of both NATO and the Warsaw Pact.
- 18 March In their first free elections in 40 years the citizens of the German Democratic Republic give an overwhelming majority to the conservative “Alliance for Germany”, marking a further key step in the process of the unification of Germany.
- 19 Mar.-11Apr. CSCE Conference on Economic Cooperation in Europe, Bonn.
- 21 March Krzysztof Skubiszewski, Foreign Minister of Poland, visits NATO Headquarters for discussions with Secretary General Manfred Woerner and Permanent Representatives of NATO countries.
- 26 March The Czechoslovak Government orders border installations along its frontiers with Austria and the Federal Republic of Germany to be dismantled.
- 27 March Formal entry of Portugal and Spain to the WEU on completion of the ratification process.
- 7 April Elections in Hungary result in a decisive victory for the Hungarian Democratic Forum (centre-right party).
- 12 April The coalition government of the German Democratic Republic pronounces itself in favour of unification with the Federal Republic of Germany on the basis of Article 23 of the Basic Law and the membership of the unified country in the North Atlantic Alliance.
- 3 May President Bush announces the cancellation of modernisation programmes for nuclear artillery shells deployed in Europe and for a “follow-on” to the LANCE short-range nuclear missile. He calls for negotiations on US and Soviet short-range nuclear missiles to begin shortly after a CFE treaty is signed.
- 4 May The Latvian Parliament declares the independence of the Baltic Republic.

- 8 May The Estonian Parliament modifies the Republic's name and constitution and restores its pre-war flag and national anthem.
- 9-10 May NATO Defence Ministers, meeting in the Nuclear Planning Group in Kananaskis, Canada, discuss the implications of political changes taking place in Europe for NATO's security policy.
- 20 May Following elections in Romania, former Communist Government member Ion Iliescu is elected President despite opposition accusations of electoral irregularities. The National Salvation Front obtains a majority in Parliament.
- 22-23 May NATO Defence Ministers, meeting in the Defence Planning Committee, assess the implications for NATO security policy of the changes taking place in Europe and initiate a review of NATO's military strategy. Hungary's new Premier, Josef Antall, announces his government's intention to withdraw from the Warsaw Treaty Organisation following negotiations.
- 30 May Boris Yeltsin is elected President of the Russian Republic in the third round of elections.
- 30 May-2 June US-Soviet Summit Meeting in Washington.
- 5 June Foreign Ministers of the 35 countries participating in the second CSCE Conference on the Human Dimension (CHD2) in Copenhagen agree to accord observer status to Albania.
- 7-8 June At the Ministerial Meeting of the North Atlantic Council at Turnberry in Scotland, Alliance Foreign Ministers publish a "Message from Turnberry" in which they express their determination to seize the opportunities resulting from the changes in Europe and extend to the Soviet Union and all other European countries the hand of friendship and cooperation.
- 8 June Parliamentary elections in Czechoslovakia. Civic Forum and allied parties win a majority in the Federal Assembly.
- 10 and 17 June Elections in Bulgaria result in a parliamentary majority for the Bulgarian Socialist Party.
- 18 June NATO announces the award of 70 research fellowships for 1990/91 including 55 fellowships for research on

- democratic institutions awarded for the first time to citizens of both NATO and Central and Eastern European countries.
- 28 June At the Copenhagen CSCE Conference on the Human Dimension, Eastern European countries (excluding Albania, which joined the CSCE process in June 1991) commit themselves to multiparty parliamentary democracy and to the rule of law.
- 29 June Geza Jeszensky, Foreign Minister of Hungary, is received at NATO Headquarters by Secretary General Manfred Woerner.
- 2 July Monetary union is established between the Federal Republic of Germany and the German Democratic Republic. Taro Nakayama, Foreign Minister of Japan, is received by Secretary General Manfred Woerner at NATO Headquarters.
- 6 July NATO Heads of State and Government meeting in London publish the "London Declaration" on a Transformed North Atlantic Alliance. The Declaration outlines proposals for developing cooperation with the countries of Central and Eastern Europe across a wide spectrum of political and military activity, including the establishment of regular diplomatic liaison between those countries and NATO.
- 10 July The Foreign Minister of the German Democratic Republic, Markus Meckel, visits NATO.
- 13-17 July NATO Secretary General Manfred Woerner visits Moscow at the invitation of Foreign Minister Shevardnadze for talks with the Soviet leadership following publication of the London Declaration.
- 16 July Chancellor Kohl and President Gorbachev agree on measures enabling Germany to regain full sovereignty and to exercise its right to remain a full member of the North Atlantic Alliance.
- 17 July Conclusion of the "Two Plus Four" Conference in Paris on the unification of Germany.
- 18 July Hungarian Prime Minister Josef Antall visits NATO Headquarters.
- 2 August Iraqi troops invade Kuwait following a dispute between the two countries on exploitation of oil rights in the Gulf.

- 6 August The UN Security Council agrees unanimously on wide-ranging sanctions against Iraq and demands Iraqi withdrawal from the occupied territory of Kuwait.
- 8 August The UN Security Council declares the Iraqi announcement of its de facto annexation of Kuwait null and void.
- 10 August Special Meeting of the North Atlantic Council at the level of Foreign Ministers for consultations and exchange of information on developments in the Gulf.
- 22 August The legislature of the German Democratic Republic votes in favour of the unification of the GDR with the Federal Republic of Germany on 3 October 1990 and agrees to hold elections in the unified country on 2 December 1990.
- 4 September The nine member countries of the Western European Union agree on guidelines for the coordination of their naval operations in the Gulf region in order to reinforce the international embargo against Iraq. A number of WEU and other countries send forces to the area.
- 5-8 September NATO Secretary General Manfred Woerner visits the Czech and Slovak Federal Republic for discussions with the President, Prime Minister and President of the Parliament.
- 7 September Consultations continue in the North Atlantic Council on political, military and economic developments in the Gulf in the framework of the harmonisation of allied policies and the commitment of the Allies to work for the application of United Nations resolutions in relation to the Gulf crisis.
- 10 September The United States Secretary of State James Baker briefs a special meeting of the North Atlantic Council in Ministerial session on the outcome of the US-Soviet summit meeting on the Gulf crisis.
- 12 September In a statement issued on the occasion of the signing of the "Two Plus Four" Treaty in Moscow, the Alliance welcomes this historic agreement which paves the way for the unification of Germany and its return to full sovereignty.
- 13-15 Sept. NATO Secretary General Manfred Woerner on his first visit to Poland addresses the Sejm on the historic opportunities for creating a durable order of peace and prosperity in Europe based on cooperation and friendship.

- 14 September Initiation of Allied consultations in NATO's Special Consultative Group on future negotiations on short-range nuclear forces as called for in the London Declaration. In a statement condemning the forced entry by Iraqi soldiers into the residences of NATO embassies in Kuwait, the Alliance calls upon Iraq to free those seized and to refrain from further aggressive acts.
- 24 Sept.-19 Oct. CSCE Meeting on the Mediterranean, Palma de Mallorca.
- 1-2 October CSCE Conference of Foreign Ministers in New York passes resolution condemning Iraqi aggression against Kuwait.
- 3 October On the day of German unification the North Atlantic Council marks the occasion by a special meeting and welcomes the united country as a full member of the Alliance.
- 15 October Mikhail Gorbachev is awarded the 1990 Nobel Peace Prize.
- 23 October Mr. Petre Roman, Prime Minister of Romania, is received at NATO Headquarters by Secretary General Manfred Woerner.
- 25-26 October Visit to NATO by First Deputy Minister of Defence and Chief of the Soviet General Staff, General M.A. Moiseyev.
- 26 October Dr. Lajos Fur, Defence Minister of the Republic of Hungary, visits NATO.
- 15 November Mr. Luben Gotsev, Foreign Minister of Bulgaria, is received at NATO Headquarters by Secretary General Manfred Woerner.
- 17 November CSCE negotiators adopt the "Vienna Document" on Confidence and Security Building Measures (CSBMs).
- 19 November In the framework of the CSCE Summit Meeting in Paris, the 22 member states of NATO and the Warsaw Treaty Organisation sign a major Treaty on Conventional Armed Forces in Europe and publish a Joint Declaration on non-aggression.
- 21 November CSCE Heads of State and Government publish the Charter of Paris for a New Europe and endorse the adoption of the Vienna Document on Confidence and Security Building Measures (CSBMs).
- 22-25 Nov. NATO Secretary General Manfred Woerner visits Hungary.

- 26-28 Nov. The North Atlantic Assembly meeting in London accords associate delegate status to parliamentarians from the Soviet Union, Bulgaria, Czechoslovakia, Hungary and Poland.
- 6-7 December Ministerial meeting of the Defence Planning Committee and the Nuclear Planning Group in Brussels. Defence Ministers support UN Resolution 678 demanding that Iraqi forces withdraw from Kuwait by January 1991. They review progress in developing a new strategic concept for NATO and other steps being taken to adapt NATO forces to the new strategic environment in Europe.
- 9 December Lech Walesa is elected President of Poland.
- 11 December Albania's Communist Party announces the legalisation of political opposition parties after 45 years of one-party dictatorship.
- 13 December Romanian Secretary of State for Defence, General Vasile Ionel visits NATO.
- 15 December At a Summit Meeting in Rome EC leaders open Intergovernmental Conferences on Economic and Monetary Union and Political Union.
- 17-18 Dec. Ministerial meeting of the North Atlantic Council in Brussels. Foreign Ministers review progress made since the July Summit Meeting in fulfilling the objectives of the London Declaration and issue a statement on the Gulf Crisis.
- 20 December Soviet Foreign Minister Edouard Shevardnadze resigns, warning of the risks of renewed dictatorship in the Soviet Union.

1991

- 2 January NATO deploys aircraft of the ACE Mobile Force (AMF) to south-east Turkey in an operational role.
- 8 January Soviet troops are deployed around the Lithuanian capital to enforce mandatory conscription.
- 9 January At a Geneva meeting between the US and Iraqi Foreign ministers, Iraq maintains its refusal to withdraw its forces from Kuwait.
- 11 January NATO issues a statement urging Soviet authorities to

- refrain from using force and intimidation in the Baltic Republics.
- 15 Jan.-8 Feb. CSCE Experts' Meeting on Peaceful Settlement of Disputes in Valetta proposes establishment of Dispute Settlement Mechanism.
- 17 January Coalition forces launch air attacks against Iraq at the beginning of the Gulf War, following Iraq's refusal to withdraw from Kuwait in accordance with UN Security Council Resolutions.
- 9 February Eighty-five per cent of those voting in a Lithuanian plebiscite favour moves towards independence.
- 18 February WEU Secretary General Wim van Eekelen visits NATO for discussions with NATO Secretary General Manfred Woerner in the framework of ongoing consultations on the development of the European Security and Defence Identity and cooperation between NATO and the WEU.
- 19 February An eleventh-hour Soviet peace plan for averting the Gulf War falls short of Allied demands for an unconditional withdrawal of Iraqi forces.
- 24 February Coalition forces begin ground offensive into Kuwait.
- 25 February Representatives of the six countries of the Warsaw Pact convene in Budapest to announce the dissolution of its military structure. The Warsaw Pact Committee of Defence Ministers, its Joint Command, and its Military, Scientific and Technical Council are disbanded.
- 27 February Czechoslovak Foreign Minister Jiri Dienstbier visits NATO.
- 28 February Coalition forces liberate Kuwait. US President George Bush suspends allied coalition combat operations. Iraq accepts unconditionally all 12 UN resolutions relating to the withdrawal of its forces from Kuwait.
- 3 March In referendums held in Estonia and Latvia, votes favour independence by 77 per cent and 73 per cent, respectively.
- 4 March The Soviet legislature ratifies the Treaty permitting German unification, formally ending the authority of the quadripartite arrangements concerning Germany introduced after World War II.
- 5 March NATO's Allied Mobile Force is withdrawn from Turkey following the end of the Gulf War.

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| 13 and 26 March | Completion of United States withdrawal of missiles) from Europe in accordance with the INF Treaty. |
| 21 March | Visit to NATO by the President of the Czech and Slovak Federal Republic, Vaclav Havel. In a historic speech, President Havel addresses the North Atlantic Council. |
| 31 March | Formal dissolution of the military structures of the Warsaw Pact. |
| 5 April | Inauguration in London of the European Bank for Reconstruction and Development (EBRD), established to assist Eastern European countries and the Soviet Union in developing democracy and a market economy. |
| 23-24 April | Visit by the Chairman of NATO's Military Committee, General Vigleik Eide, to the Czech and Slovak Federal Republic. |
| 25-26 April | Conference on The Future of European Security in Prague sponsored jointly by the Foreign Minister of the Czech and Slovak Federal Republic and the Secretary General of NATO. |
| 29 April | NATO's annual Atlantic Award is presented posthumously to Senator Giovanni Malagodi of Italy. |
| 30 April | Visit to NATO Headquarters by Bulgarian Prime Minister, Dimitar Popov and Colonel General Mutafchiev, Minister of Defence. |
| 7 May | The Yugoslav Defence Minister declares that his country is in a state of civil war. |
| 12 May | Elimination by the Soviet Union of remaining SS20 missiles in accordance with the INF Treaty. |
| 21 May | The US House of Representatives calls for a reduction of US troop strength in Europe from 250,000 to 100,000 by 1995. The Supreme Soviet passes a bill liberalising foreign travel and emigration. |
| 23 May | Visit to NATO by Poland's Defence Minister, Piotr Kolodziejczyk. |
| 28-29 May | Ministerial Meetings of NATO's Defence Planning Committee and Nuclear Planning Group. Ministers agree inter alia on the basis of a new NATO force structure. |
| 28 May-7 June | CSCE Cultural Heritage Symposium, Cracow. |
| 1 June | US and Soviet officials report resolution of outstanding differences on the CFE Treaty. |
| 6-7 June | NATO Foreign Ministers meeting in Copenhagen issue |

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| | Statements on Partnership with the Countries of Central and Eastern Europe, NATO's Core Security Functions in the New Europe, and the Resolution of Problems Concerning the CFE Treaty. |
| 12-14 June | NATO Secretary General Manfred Woerner pays an official visit to the Republic of Bulgaria. |
| 19 June | Albania becomes 35th CSCE participating State. |
| 19-20 June | Meeting of CSCE Council, Berlin. Foreign Ministers create a CSCE Emergency Mechanism allowing for meetings of Senior Officials to be called at short notice subject to agreement by 13 States, and endorse the Valetta Report on the Peaceful Settlement of Disputes. |
| 20 June | German legislators vote to reinstate Berlin as the country's official capital. |
| 25 June | Parliaments of Slovenia and Croatia proclaim independence. |
| 28 June | Dissolution of COMECON. |
| 1 July | The Warsaw Treaty Organisation is officially disbanded in accordance with a protocol calling for a "transition to all-European structures." |
| 1-19 July | CSCE Experts' Meeting on National Minorities, Geneva. |
| 3 July | Polish President Lech Walesa visits NATO. |
| 4-5 July | NATO's Secretary General Manfred Woerner visits Romania. |
| 30 July | Russian President Boris Yeltsin signs a treaty with Lithuania recognising its independence. |
| 30-31 July | US and Soviet Presidents proclaim their two-day summit as opening a new era in bilateral relations and sign START Treaty reducing strategic nuclear weapons. |
| 19 August | Soviet President Gorbachev is removed from office in a coup and replaced by an "emergency committee". Meeting in emergency session, the NATO Council warns the Soviet Union of "serious consequences" if it abandons reform. Western aid programmes are suspended. Russian President Boris Yeltsin calls for a general strike while loyalist tanks flying Russian flags position themselves near the Russian parliament building. |
| 21 August | Ministerial meeting of the North Atlantic Council. Foreign Ministers review the political situation in the |

- Soviet Union and publish a statement condemning the unconstitutional removal of President Gorbachev and calling for the restoration of democratic reform. President Gorbachev returns to Moscow as the 19 August coup collapses and its leaders are arrested. Western leaders praise President Yeltsin's role in resisting the coup and lift a freeze on aid to the Soviet Union. Romanian Foreign Minister Adrian Nastase visits NATO.
- 25 August The Soviet Union announces a wholesale purge of the Military High Command. President Gorbachev proposes that the Communist Party be disbanded and resigns as its General Secretary.
- 26 August President Gorbachev indicates that the demands of secession-minded republics for independence can no longer be resisted. EC countries agree to establish diplomatic ties with the three Baltic states.
- 28 August President Gorbachev appoints Boris Pankin, former Ambassador to Czechoslovakia, as Foreign Minister, strips the KGB of its troops and orders an investigation of its activities.
- 29 August Soviet legislators vote to suspend all activities of the Communist Party.
- 5 September The Soviet Congress of Peoples Deputies, before disbanding, agrees to hand over key powers to the Republics.
- 10 Sept.-4 Oct. Third CSCE Meeting of the Conference on the Human Dimension, in Moscow. Estonia, Latvia and Lithuania become participating CSCE States.
- 17 September Estonia, Latvia and Lithuania are admitted to the UN.
- 27 September US President Bush announces sweeping cuts in US nuclear weapons and calls upon the Soviet Union to do likewise. The US cuts include the destruction of all US ground-launched tactical nuclear missiles and the removal of nuclear cruise missiles from submarines and warships.
- 6 October Meeting in Cracow, the Foreign Ministers of Poland, Hungary and Czechoslovakia state their wish for their countries to be included in NATO activities. President Gorbachev announces the abolition of Soviet short-range nuclear weapons and the removal of all tactical nuclear

- weapons from ships, submarines and land-based naval aircraft.^c
- 17 October NATO Defence Ministers meeting in Taormina, Italy, announce reductions in the current NATO stockpile of sub-strategic nuclear weapons in Europe by approximately 80 per cent.
- 21 October Visit to NATO by Soviet Deputy Foreign Minister Deryabin
- 24-25 October Seminar on Civil/Military Coordination of Air Traffic Management at NATO with participation from NATO and Central and Eastern European countries.
- 28 October Hungarian Prime Minister Josef Antall visits NATO.
- 30 October The first Peace Conference on the Middle East opens in Madrid under the joint chairmanship of the United States and the Soviet Union.
- 4-15 November CSCE Experts' Seminar on Democratic Institutions, Oslo.
- 7-8 November Summit Meeting of the North Atlantic Council in Rome. Heads of State and Government publish the Alliance's new Strategic Concept and issue the Rome Declaration on Peace and Cooperation.
- 11 November NATO Secretary General Manfred Woerner receives Polish Foreign Minister Krzysztof Skubiszewski at NATO.
- 12 November Estonian Foreign Minister Lennart Meri is received at NATO.
Bulgarian Foreign Minister Stoyan Ganev visits NATO.
- 14 November Bulgarian President Zhelyu Zhelev visits NATO.
- 25 November Romanian Minister of National Defence Lt. General Nicolae Spiroiu is received at NATO.
- 1 December In a referendum 90 per cent of the voters in Ukraine opt for independence from the Soviet Union.
- 8 December Representatives of the three former Soviet Republics of Russia, Belarus and Ukraine meet in Minsk and agree to set up a Commonwealth of Independent States to replace the Soviet Union.
- 9-10 December At the Maastricht European Council, Heads of State and Government of the EC adopt treaties (subject to ratification) on Economic and Monetary Union and Political Union. WEU Member States also meeting in Maastricht invite members of the European Union to accede to

- the WEU or to become observers, and other European members of NATO to become associate members of the WEU.
- 12-13 December Ministerial meeting of the Defence Planning Committee in Brussels. Defence Ministers review major changes in force structures called for in the Alliance's new Strategic Concept, including substantial reductions in troops and equipment.
- 13 December First Deputy Prime Minister of Russia, Gennadij Burbulis, visits NATO for discussions with Secretary General Manfred Woerner on the situation in the Soviet Union following the foundation of the Commonwealth of Independent States by Russia, Ukraine and Belarus.
- 17 December During talks in Moscow President Yeltsin and President Gorbachev agree that the transition to the Commonwealth of Independent States would take place at the end of December 1991.
- 19 December Ministerial meeting of the North Atlantic Council in Brussels. Foreign Ministers condemn the violence in Yugoslavia and pursue initiatives taken at the Rome Summit Meeting in November, inter alia on NATO assistance in providing humanitarian aid to the Soviet Union.
- 20 December Inaugural meeting of the North Atlantic Cooperation Council attended by Foreign Ministers and Representatives of 16 NATO countries and 9 Central and Eastern European countries. On the same day, developments in Moscow mark the effective end of the USSR.
- 21 December Eleven of the constituent republics of the former Soviet Union meet in Alma Ata and sign agreements creating a new Commonwealth of Independent States.
- 25 December President Gorbachev announces his resignation as Soviet President and signs a Decree relinquishing his function as Supreme Commander-in-Chief of Soviet Forces.
- 1992**
- 1 January Boutros Boutros-Ghali of Egypt becomes Secretary General of the United Nations on the retirement of Javier Perez de Cuellar of Peru.
- 7-8 January NATO participates in arrangements for airlifting EC hu-

- manitarian assistance to Moscow and St Petersburg in aircraft provided by the Canadian and German governments.
- 8-10 January Meeting of CSCE Senior Officials, Prague.
- 10 January At the first meeting of an informal High Level Working Group established by the North Atlantic Cooperation Council to discuss ratification and implementation of the CFE Treaty, agreement is reached on a phased approach for bringing the CFE Treaty into force.
- 22-23 January A 47-nation international coordinating conference in Washington on assistance to the former Soviet Union, sponsored by the United States, is attended by NATO's Secretary General Manfred Woerner and representatives of other international organisations.
- 28 January In his State of the Union Address, US President Bush proposes major new arms control and disarmament initiatives.
- 30 January The first Summit Meeting of the 15 nation UN Security Council is attended by Boris Yeltsin, President of the Russian Federation.
- 30-31 January Meeting of CSCE Council of Foreign Ministers in Prague recognises the Russian Federation as the continuation of the legal personality of the former Soviet Union and admits 10 former Soviet Republics as CSCE participating states.
- 19 February Prime Minister Gasanov of Azerbaijan visits NATO.
- 21 February Manfred Woerner, Secretary General of NATO, visits Romania and opens a new Euro-Atlantic Centre in Bucharest.
- 22-23 February Secretary General Manfred Woerner visits Ukraine.
- 24-25 February Secretary General Manfred Woerner visits Russia.
- 26 February The Canadian Government informs the Alliance of its decision to cancel plans to maintain 1,100 Canadian forces in Europe after 1994, but confirms its intention to fulfil other commitments to the Alliance and to its Integrated Military Structure. The North Atlantic Council, in a Statement on Yugoslavia, appeals to all parties to respect cease-fire arrangements in order to allow the deployment of a UN peacekeeping force.
- 5-6 March Foreign Ministers of Denmark, Estonia, Finland, Ger-

- many, Latvia, Lithuania, Norway, Poland, Russia and Sweden meeting in Copenhagen, announce the formation of the Council of Baltic Sea States.
- 10 March Extraordinary Meeting of the North Atlantic Cooperation Council. Foreign Ministers and Representatives of the NACC countries publish a Work Plan for Dialogue, Partnership and Cooperation.
- 11 March President of the Italian Republic Francesco Cossiga visits NATO.
- 11-12 March Secretary General Manfred Woerner visits Poland and opens a Seminar on "Security in Central Europe".
- 13-16 March NATO Secretary General Manfred Woerner visits the Baltic States at the invitation of the Governments of Latvia, Estonia and Lithuania.
- 24 March Opening of Fourth CSCE Follow-Up Meeting in Helsinki. Croatia, Georgia and Slovenia become CSCE participating States. Signature of Open Skies Treaty permitting overflights of national territory on a reciprocal basis.
Mission of experts sponsored by the Medical Working Group of the Washington Coordinating Conference on Assistance to the Commonwealth of Independent States visits 10 cities on board a NATO Boeing 707 to assess medical needs.
- 1 April NATO Defence Ministers meet with Cooperation Partners and identify areas for further cooperation in defence-related matters.
- 8-10 April NATO Economics Colloquium on External Economic Relations of the Central and Eastern European countries.
- 10 April First Meeting of the NATO Military Committee in Cooperation Session with Chiefs of Defence and Chiefs of General Staff of Central and Eastern European States.
- 30 April NATO's Naval On-Call Force for the Mediterranean is replaced by a Standing Naval Force Mediterranean (STANAVFORMED).
- 4 May Visit to NATO by Japanese Minister of State for Defence, Mr. Sohei Miyashita.
- 7 May Meeting of Russian Secretary of State Gennady Burbulis with Acting Secretary General of NATO Amadeo de Franchis at NATO Headquarters.

- 11 May Visit of the Foreign Ministers of Estonia, Latvia and Lithuania to NATO Headquarters.
- 11-12 May CEAC Seminar with Cooperation Partners at NATO Headquarters on civil/military coordination of air traffic management.
- 15 May Agreements signed at the fifth Summit Meeting of the leaders of the Commonwealth of Independent States in Tashkent include the apportionment of rights and obligations between the eight former Soviet states concerned with respect to the CFE Treaty.
- 20-22 May NATO Defence Conversion Seminar with Cooperation Partners.
- 21 May First formal meeting of the North Atlantic Council with the Council of the Western European Union at NATO Headquarters.
- 26-27 May Ministerial Meetings of NATO's Defence Planning Committee and Nuclear Planning Group. Defence Ministers discuss NATO support for CSCE peacekeeping activities.
- 4 June NATO Foreign Ministers, meeting in Ministerial Session in Oslo, announce their readiness to support conditionally peacekeeping activities under the responsibility of the CSCE on a case-by-case basis. Foreign Ministers also issue statements on the crisis in the territory of the former Yugoslavia and on the crisis in Nagorno-Karabakh.
- 5 June Foreign Ministers and Representatives of the countries participating in the NACC, meeting in Oslo, consult on regional conflicts and other major security issues. Georgia and Albania are welcomed as members of the NACC. Finland attends as observer. The Final Document issued at the conclusion of an Extraordinary Conference held in Oslo in conjunction with these meetings formally establishes the obligations under the CFE Treaty of the eight countries of the former Soviet Union with territory in the area of application of the Treaty.
- 11-12 June Seminar with Cooperation Partners conducted by NATO's Verification Coordinating Committee on implementation of the CFE Treaty.
- 16 June Agreement is reached by US President Bush and Rus-

- sian President Yeltsin to cut nuclear warheads on strategic missiles significantly beyond the limits of the START Treaty.
- 19 June Foreign and Defence Ministers of WEU member states meet at Petersburg, near Bonn, and issue a Declaration setting out guidelines for the Organisation's future development.
- 1-3 July High Level Seminar on Defence Policy and Management at NATO Headquarters, attended by officials from 30 Allied and Cooperation Partner countries.
- 2 July The United States notifies its Allies of the completion of the withdrawal from Europe of land-based nuclear artillery shells, LANCE missile warheads and nuclear depth bombs, in accordance with the initiative announced on 27 September 1991, as well as the removal of all tactical nuclear weapons from US surface ships and attack submarines. The Parliament of Kazakhstan approves the ratification of START.
- 8 July Visit to NATO by Mr. Leonid Kravchuk, President of Ukraine.
- 10 July At the conclusion of the Helsinki CSCE Follow-Up Conference at Summit Level, leaders of the 51 participating nations approve a Final Document ("The Challenges of Change") addressing, inter alia, support for CSCE peace-keeping activities by NATO and other international organisations. The Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe (CFE 1A), is also signed. The North Atlantic Council in Ministerial Session in Helsinki agrees on a NATO maritime operation in the Adriatic in coordination and cooperation with the operation by the WEU, to monitor compliance with UN sanctions imposed on Serbia and Montenegro by Security Council Resolutions 713 and 757.
- 16 July WEU member countries meet in Rome with representatives of Denmark, Greece, Iceland, Ireland, Norway, and Turkey, to discuss steps towards enlargement.
- 16-18 July Official visit to Hungary by the Secretary General of NATO Manfred Woerner.
- 17 July The CFE Treaty, signed on 19 November 1990, enters

- into force provisionally, allowing verification procedures to be implemented.
- 26-28 August London Conference on Yugoslavia.
- 28 August Signature of NATO-Spanish coordination agreement on air defence.
- 2 September The North Atlantic Council agrees on measures to make available Alliance resources in support of UN, CSCE and EC efforts to bring about peace in the former Yugoslavia, including the provision of resources for the protection of humanitarian relief and support for UN monitoring of heavy weapons.
- 3 September An Italian relief plane is shot down west of Sarajevo in Bosnia-Herzegovina.
- 8 September Czechoslovak Foreign Minister Jozef Moravcik visits NATO.
- 12-13 Sept. UN begins monitoring of heavy weapons in Bosnia-Herzegovina. NATO Allies express readiness to support the UN in this endeavour.
- 22 September The CSCE Forum for Security Cooperation (FSC), established at the Helsinki Summit in July 1992, is inaugurated in Vienna. UN General Assembly votes to exclude Serbia and Montenegro and rules that Belgrade must make an application to be admitted to the United Nations.
- 23 September Visit to NATO by Lithuanian President, Vytautas Landsbergis.
- 29 September The Swedish Foreign Minister, Margaretha af Ugglas, is received at NATO by Secretary General Manfred Woerner. Foreign Minister of Argentina, Guido di Tella, visits NATO for discussions with Secretary General Manfred Woerner.
- 1 October US Senate ratifies START Treaty cutting US and Russian nuclear forces by one-third.
- 2 October NATO's new Allied Command Europe (ACE) Rapid Reaction Corps (ARRC) is inaugurated at Bielefeld, Germany, by SACEUR, General John Shalikashvili.
- 7 October Visit to NATO by Poland's Prime Minister, Mrs. Hanna Suchocka.
- 14 October WEU Permanent Council meets at Ambassadorial level with eight Central and Eastern European countries. The

- North Atlantic Council authorises the use of a NATO airborne early warning force (AWACS) to monitor the UN-mandated “no-fly” zone in effect over Bosnia-Herzegovina.
- 20-21 October NATO Ministers of Defence meeting in the Nuclear Planning Group (NPG) at Gleneagles, Scotland, focus on the implications of the Alliance’s role in peacekeeping activities for NATO’s collective defence planning. New political guidelines providing for reduced reliance on nuclear weapons are also adopted.
- 28 October Finnish President Mauno Koivisto meets with NATO Secretary General Manfred Woerner in Brussels.
- 30 October The Atlantic Club of Bulgaria becomes the first Partner country organisation to be associated with the Atlantic Treaty Association (ATA) as an observer.
- 1-5 November Secretary General Manfred Woerner visits Belarus, Kazakhstan and Kyrgyzstan.
- 3 November Governor Bill Clinton, the Democratic candidate, wins the US Presidential election.
- 6 November NATO supplies UN Protection Force in Bosnia-Herzegovina with an operational headquarters, including a staff of some 100 personnel, equipment, supplies and initial financial support.
- 9 November The CFE Treaty officially enters into force after ratification by all 29 signatory states.
- 16 November SACEUR, General John Shalikashvili, meets with President Leonid Kravchuk during a visit to Ukraine.
- 20 November NATO’s Secretary General, Manfred Woerner, is invited for the first time to attend WEU Ministerial meeting in Rome. Greece is invited to become the tenth WEU member; Denmark and Ireland are granted WEU observer status; and Turkey, Norway and Iceland are granted WEU associate member status.
- 22 November Enforcement operations in support of UN sanctions by NATO and WEU naval forces in the Adriatic begin as an extension of the maritime monitoring operations which began in July 1992.
- 25 November Estonia’s President, Lennart Meri, visits NATO Headquarters.
- 27 November NATO Secretary General Manfred Woerner visits Rus-

- sian troops stationed in former East Germany.
- 4 December European NATO Defence Ministers decide to dissolve the IEPG and transfer its functions forthwith to the WEU.
- 11 December Defence Ministers participating in NATO's Defence Planning Committee state that support for UN and CSCE peacekeeping should be included among the missions of NATO forces and headquarters.
- 14 December The Alliance commemorates the 25th anniversary of NATO's Harmel Report.
- 15 December UN Secretary General Boutros Boutros-Ghali requests access to NATO contingency plans for possible military operations in former Yugoslavia, including enforcement of the no-fly zone over Bosnia-Herzegovina, establishment of safe havens for civilians in Bosnia, and ways to prevent the spread of conflict to Kosovo and the Former Yugoslav Republic of Macedonia.
- 16 December Albanian President Sali Berisha meets with Secretary General Manfred Woerner at NATO Headquarters.
- 17 December At the Ministerial Session of the North Atlantic Council, Foreign Ministers announce their readiness to back further action by the UN in former Yugoslavia, and agree to strengthen Alliance coordination in peacekeeping and develop practical measures to enhance the Alliance's contribution in this area.
- 18 December NACC Foreign Ministers and representatives agree to exchange experience and expertise on peacekeeping and related matters and issue the 1993 NACC Work Plan.

1993

- 1 January The Czech Republic and the Republic of Slovakia become independent states.
- 3 January Presidents Bush and Yeltsin sign the START II Treaty in Moscow, further reducing US and Russian strategic offensive arms by eliminating all their multiple warhead Intercontinental Ballistic Missiles (ICBMs) and reducing their strategic nuclear stockpiles by two-thirds.
- 13 January The Chemical Weapons Convention (CWC), completely banning chemical weapons, opens for signature in Paris and is signed by 127 nations.
- 14 January Allies agree on plans for enforcement of no-fly zone over

- 21 January Bosnia-Herzegovina, if requested to do so by the UN. Signature of the agreement on conditions for employing the European Corps within the Alliance framework by NATO Supreme Allied Commander Europe and the Chiefs of Defence of France and Germany.
- 26-27 January NATO's Verification Coordinating Committee holds a seminar with Cooperation Partner countries on Cooperation in the Implementation of the CFE Treaty.
- 27 January WEU Secretary General Willem Van Eekelen meets with Secretary General Manfred Woerner at NATO headquarters for first time since WEU transferred its offices to Brussels on 18 January, to discuss practical cooperation between the two organisations.
- 1 February Nursultan Nazarbayev, President of Kazakhstan, meets with the NATO Secretary General at NATO Headquarters.
- 4 February Belarus ratifies START I Treaty.
- 17 February President of Romania, Ion Iliescu, meets with Secretary General Manfred Woerner at NATO Headquarters.
- 23 February The Prime Minister of Slovakia, Vladimir Meciar, pays an official visit to NATO Headquarters. NATO's CCMS, meeting for the first time in formal session with Cooperation Partners, discusses, inter alia, the problems of cross-border environmental pollution.
- 24 February The NATO Secretary General issues a statement supporting the US decision to undertake air drops of humanitarian assistance in eastern Bosnia.
- 25 Feb.-4 March NATO conducts crisis management procedural exercise ("NATO CMX 93").
- 26 February Special Ministerial meeting of the North Atlantic Council at NATO Headquarters, with the participation of the new US Secretary of State, Warren Christopher.
- 1-3 March On a visit to the US, NATO Secretary General Manfred Woerner meets with President Clinton, Secretary of State Christopher, Secretary of Defence Aspin, and key congressional leaders.
- 4 March The President of Italy, Oscar Luigi Scalfaro, visits NATO Headquarters.
- 8 March Greek Prime Minister Constantin Mitsotakis visits NATO Headquarters.

- 8-9 March The Chairman of the NATO Military Committee, Field Marshall Sir Richard Vincent, pays an official visit to Albania.
- 9 March The Prime Minister of Bulgaria, Lyuben Berov, visits NATO Headquarters.
Czech Foreign Minister Josef Zieleniec visits NATO Headquarters.
The Foreign Minister of Poland, Krzysztof Skubiszewski, visits NATO Headquarters.
- 10 March The North Atlantic Council directs NATO Military Authorities to develop contingency options for possible implementation of a UN peace plan for Bosnia-Herzegovina.
- 15 March North Korea ejects inspectors from the International Atomic Energy Agency (IAEA) and announces its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT) régime.
- 16 March Italy conducts the first joint multinational CFE inspection led by a NATO member state with the participation of Cooperation Partners (Azerbaijan, Hungary and Poland) to verify a declared site in Romania.
- 18-20 March NATO Secretary General Manfred Woerner makes an official visit to Albania.
- 26 March Czech Defence Minister Antonin Baudys meets with the NATO Secretary General and the Chairman of the Military Committee at NATO Headquarters.
- 29 March Meeting of NATO Defence Ministers with Cooperation Partners to review progress in cooperation on defence-related matters, as well as to exchange views on broader security issues.
- 2 April The North Atlantic Council directs SACEUR to take preparatory steps to implement UN Resolution 816, authorising enforcement of the no-fly zone over Bosnia-Herzegovina.
- 3-4 April The first US-Russian Summit between Presidents Clinton and Yeltsin takes place in Vancouver.
- 12 April Beginning of the NATO operation to enforce the no-fly zone over Bosnia-Herzegovina, under the authority of UN Security Council Resolution 816 and decided by the

- North Atlantic Council on 8 April. Fighter and surveillance aircraft from several allied nations participate, as well as aircraft from NATO's Airborne Early Warning Force (NAEFWF).
- 19 April US search and rescue units join Russians in Siberia in the first US-Russian joint training exercise on Russian soil since the Second World War.
- 22 April UN Secretary General Boutros Boutros-Ghali meets NATO Secretary General Manfred Woerner in Brussels, to discuss the situation in former Yugoslavia, NATO's role in peacekeeping and NATO-UN relations in general.
- 28 April The Military Committee meets at Chief of Defence/Chief of General Staff level with Cooperation Partners at NATO Headquarters.
- 6 May US Secretary of State Warren Christopher visits NATO Headquarters to discuss the Bosnia crisis.
- 17 May Hungarian Foreign Minister, Dr. Geza Jeszensky, visits NATO Headquarters.
Bosnian Serbs reject the Vance-Owen Peace Plan.
- 22 May Joint Action Programme on Bosnia-Herzegovina announced by members of the UN Security Council (France, Russia, Spain, UK, US) to stop the fighting, including provisions for "safe areas".
- 24 May Eurogroup Defence Ministers transfer Eurogroup training and medical activities to NATO and Eurogroup publicity and communications activities and communications to the WEU.
- 25-26 May DPC/NPG Ministerial meeting at NATO Headquarters to discuss, inter alia, defence planning implications of support for UN and CSCE peacekeeping activities and defence aspects of the proliferation of weapons of mass destruction.
- 8 June At the joint session of the North Atlantic Council and the Council of the Western European Union at NATO Headquarters, the two organisations approve a single command and control arrangement for the combined NATO/WEU naval operations in the Adriatic for the enforcement of the UN embargoes against Serbia and Montenegro.

- 10 June At the Ministerial meeting of the North Atlantic Council in Athens, NATO Foreign Ministers offer to provide protective air power in case of attack against UNPROFOR in the performance of its overall mandate, if so requested by the UN.
- 11 June NACC Foreign Ministers, meeting in Athens, announce a programme of cooperation in preparation for joint peacekeeping activities in support of the UN and CSCE and publish a report by the NACC Ad Hoc Group on Cooperation in Peacekeeping.
- 18 June The UN Security Council approves deployment of 300 US troops to the former Yugoslav Republic of Macedonia to join the 700 UN troops already there as a preventive measure to keep the Bosnian conflict from spreading.
- 23 June Eduard Shevardnadze, the Chairman of Parliament and Head of State of Georgia pays an official visit to NATO Headquarters.
- 28-30 June The Chairman of the NATO Military Committee, Field Marshall Sir Richard Vincent, visits the Czech Republic.
- 30 June-2 July NACC High Level seminar on peacekeeping is held in Prague, to further the work of the NACC Ad Hoc Group on Cooperation in Peacekeeping.
- 30 June-2 July The 1993 Economics Colloquium is held at NATO Headquarters on the theme "Economic Developments in Cooperation Partner Countries from a Sectoral Perspective".
- 22 July Belarus formally accedes to the NPT as a non nuclear weapon state, in accordance with the 1992 Lisbon Protocol to START I.
- 2 August At a special meeting on the situation in Bosnia-Herzegovina the North Atlantic Council announces immediate preparations for undertaking stronger measures, including air strikes against those responsible, if the strangulation of Sarajevo and other areas continues, including wide-scale interference with humanitarian assistance.
- 9 August The North Atlantic Council approves the operational options for air strikes in Bosnia-Herzegovina, as called

- for by the Council on 2 August, to be implemented on the authorisation of the UN Secretary General.
- Albert II, King of the Belgians, accedes to the throne following the death of King Baudouin I on 31 July.
- 16-18 August The Chairman of the Military Committee, Field Marshall Sir Richard Vincent, pays an official visit to Romania and Moldova.
- 31 August Russia completes the withdrawal of its troops from Lithuania.
- 1 September NATO Secretary General Manfred Woerner meets with UN Secretary General Boutros Boutros-Ghali in Geneva to discuss prospects for a peaceful settlement in Bosnia-Herzegovina and NATO's role in support of the UN's peacekeeping mission in the former Yugoslavia, as well as the development of closer links between NATO and the UN.
- 18 September Ukrainian Foreign Minister Anotoly Zlenko visits NATO Headquarters.
- 20 September NACC representatives meeting at NATO Headquarters issue a statement calling for an end to fighting in Georgia and condemning the cease-fire violations of the Abkhazian forces.
- 21 September The Chief of Defence of the Czech Republic, Major General Jiri Nekvasil, visits NATO Headquarters. Russian President Boris Yeltsin suspends parliament and calls for fresh elections on 11-12 December. Vice-President Alexander Rutskoi and the Parliamentary Chairman Ruslan Khasbulatov urge the armed forces to resist the suspension. They and other hardliners occupy the Russian White House.
- 22 September Thorvald Stoltenberg and Lord Owen, Co-Chairmen of the International Conference on the Former Yugoslavia, visit NATO Headquarters to discuss the implementation of an eventual peace plan for Bosnia-Herzegovina with the Secretary General and the Chairman of the Military Committee.
- 29 September Official visit of the President of Turkmenistan, Saparmurad Niyazov, to NATO Headquarters.
- 4 October Troops loyal to Russian President Yeltsin pound the White House, headquarters of the Russian Parliament,

with tanks and machine gun fire, ending the occupation of the building by parliamentarian hardliners opposing President Yeltsin's reform programme. The Security Council extends the mandate of UN peacekeepers in Croatia and Bosnia for six months. It authorises the peacekeepers in Croatia "to take the necessary measures, including the use of force, to ensure its security and its freedom of movement".

- 6-7 October NATO Secretary General Manfred Woerner, on a visit to the US, meets with President Bill Clinton in Washington, and with UN Secretary General Boutros Boutros-Ghali in New York.
- 18 October The Prime Minister of the Republic of Estonia, Mr. Mart Laar, pays an official visit to NATO Headquarters.
- 20-21 October NATO Defence Ministers meet in Travemunde, Germany, to discuss informally a range of subjects including the Partnership for Peace proposal and the CJTF concept and proliferation of weapons of mass destruction.
- 2-3 November The Chairman of the NATO Military Committee, Field Marshal Sir Richard Vincent, pays an official visit to Bulgaria, meeting with President Zhelyu Zhelev.
- 4 November The President of the Slovak Republic, Michael Kovac, pays an official visit to NATO Headquarters.
- 15-17 November NATO's Verification and Coordinating Committee conducts a seminar at NATO Headquarters with NACC Partner Countries on cooperation in the verification and implementation of conventional arms control provisions, including the CFE Treaty.
- 30 November NATO Secretary General Manfred Woerner addresses the CSCE Council of Foreign Ministers meeting in Rome.
- 2 December At the Ministerial meeting of the North Atlantic Council, NATO Foreign Ministers discuss the concept of Partnership for Peace and related proposals, in preparation for the January 1994 Summit.
- 3 December At the NACC Ministerial, NATO and NACC Foreign Ministers approve a second report by the NACC Ad Hoc Group on Cooperation in Peacekeeping, as well as the NACC Work Plan for 1994.
- 7 December EUROGROUP Ministers announce that several sub-groups will either be incorporated into NATO or trans-

- ferred to the WEU, and that the EUROGROUP itself will cease to exist as of 1 January 1994.
- 8-9 December NATO Defence Ministers meeting in the DPC/NPG in Brussels discuss new defence tasks of the Alliance, including support for UN and CSCE peacekeeping, and the concept of Combined Joint Task Forces. Ministers express their strong support for the Partnership for Peace.
- 9 December NATO Secretary General Manfred Woerner meets with Russian President Boris Yeltsin in Brussels.
- 12 December First multiparty parliamentary elections in Russia since 1917. A new constitution giving increased power to the President is approved by 58.4 per cent of votes cast.
- 14 December Joint meeting of the North Atlantic Council and the Council of the WEU at ambassadorial level at WEU Headquarters in Brussels.

1994

- 10-11 January At the Brussels Summit, Alliance Heads of State and Government launch Partnership for Peace (PfP), issuing an invitation to all NACC partner countries and CSCE states able and willing to participate. The PfP Framework Document is published. The concept of Combined Joint Task Forces is endorsed, as well as other measures to support the development of a European Security and Defence Identity. NATO Heads of State and Government reaffirm NATO's readiness to carry out air strikes to prevent the strangulation of Sarajevo and other UN-declared safe areas in Bosnia-Herzegovina.
- 14 January The Presidents of US, Russia and Ukraine sign a trilateral agreement in Moscow detailing procedures for the transfer of Ukrainian nuclear warheads to Russia and associated compensation and security assurances. US President Clinton and Russian President Yeltsin sign an accord bringing to an end the targeting of long-range nuclear missiles at each other's countries with effect from 30 May 1994.
- 18 January Elections for the Russian State Duma (Parliament) result in large gains for opponents of President Yeltsin.
- 20 January The President of Bosnia-Herzegovina, Alija Izetbegovic, visits NATO Headquarters.

- 24-27 January Second NATO/CCMS International Conference on the Role of the Military in Protecting the Ozone Layer. Participants pledge to meet the deadlines set by the Montreal Protocol on Substances that Deplete the Ozone Layer.
- 26 January Romania's Foreign Minister, Teodor Melescanu, comes to NATO Headquarters to sign the Partnership for Peace Framework Document.
- 27 January The President of Lithuania, Algirdas Brazauskas, pays an official visit to NATO Headquarters to sign the PfP Framework Document.
A programme of military cooperation between Russia and NATO, signed in Moscow, provides for exchanges of visits by senior commanders and military experts and for joint exercises and training.
- 1 February Sergio Silvio Balanzino (Italy) succeeds Ambassador Amadeo de Franchis as Deputy Secretary General of NATO.
- 2 February Polish Prime Minister Waldemar Pawlak signs the PfP Framework Document at NATO Headquarters.
- 3 February Mr. Juri Luik, Estonian Minister of Foreign Affairs, signs the PfP Framework Document at NATO Headquarters. The Ukrainian Parliament rescinds the conditions attached to its earlier ratification of START I on 18 November 1993, authorising the government to exchange instruments of ratification.
- 6 February UN Secretary General Boutros Boutros-Ghali requests NATO to prepare for possible air strikes against artillery positions in and around Sarajevo, following a mortar attack on a crowded market place in the city with extensive loss of life.
- 8 February Hungary's Minister of Foreign Affairs, Geza Jeszenszky, visits NATO Headquarters to sign the PfP Framework Document.
Mr. Anatoly Zlenko, Foreign Minister of Ukraine, signs the PfP Framework Document at NATO Headquarters.
- 9 February The North Atlantic Council condemns the continuing siege of Sarajevo and announces that heavy weapons of any of the parties remaining in an area within 20 kilometres of the centre of the city after 20 February would be

- subject to NATO air strikes conducted in close coordination with the UN Secretary General, consistent with the NAC's decisions of 2 and 9 August 1993. The Prime Minister of Slovakia, Vladimir Meciar, signs the PfP Framework Document at NATO Headquarters.
- 14 February Mr. Zhelyu Zhelev, President of Bulgaria, visits NATO Headquarters where he signs the PfP Framework Document.
- Latvian Prime Minister Vladis Birkavs signs the PfP Framework Document at NATO Headquarters.
- Kazakhstan formally accedes to the Non-Proliferation Treaty (NPT) as a non-nuclear weapon state, in accordance with the 1992 Lisbon Protocol to START I.
- 14-15 February The Chairman of the NATO Military Committee, Field Marshall Sir Richard Vincent, pays an official visit to Poland, under the auspices of the NACC programme.
- 15 February The UK and Russia agree to reprogramme their nuclear missiles so that as of 30 May 1994, they are no longer targeted at one another.
- 21 February Following expiry of the deadline of 9 February to withdraw heavy weapons from the Sarajevo exclusion zone, NATO's Secretary General announces that, because the objectives were being met, UN and NATO officials had recommended not to use air power at this stage.
- 23 February The President of Albania, Sali Berisha, comes to NATO Headquarters to sign the PfP Framework Document.
- 28 February Four warplanes violating the UN-mandated no-fly zone over Bosnia-Herzegovina are shot down by Alliance jets.
- 4 March The first shipment of 60 nuclear warheads are transferred from the Ukraine to Russia, under the terms of the Tripartite Statement of 14 January 1993 between Ukraine, Russia and the US.
- 10 March Vaclav Klaus, the Prime Minister of the Czech Republic, signs the PfP Framework Document at NATO Headquarters.
- 14-17 March Field Marshall Sir Richard Vincent, Chairman of the Military Committee, pays an official visit to Estonia, Latvia and Lithuania to discuss NATO's Military Cooperation Programme and the security interests of each country.

- 16 March The President of Moldova, Mircea Snegur, visits NATO Headquarters to sign the PfP Framework Document.
- 23 March Alexander Chikvaдзе, Foreign Minister of Georgia, signs the PfP Framework Document at NATO Headquarters.
- 30 March The Prime Minister of Slovenia, Janez Drnovsek, comes to NATO Headquarters to sign the PfP Framework Document.
- 10 April Following a request from the UN Force Command, NATO aircraft provide close air support to UN personnel in Gorazde, a UN-designated safe area in Bosnia-Herzegovina, under the guidance of a UN forward air controller.
- 16 April A British Sea Harrier jet is shot down while on a NATO close air support mission to protect UNPROFOR troops in Bosnia-Herzegovina.
- 22 April In a response to a request of 18 April by the UN Secretary General, the North Atlantic Council takes further decisions regarding the use of air power to protect UN personnel throughout Bosnia-Herzegovina and UN-designated safe areas. The Council also authorises air strikes unless all Bosnian Serb heavy weapons are withdrawn by 27 April from an area within 20 kilometres of Gorazde. This deadline also applies to any of the other UN-designated safe areas if they are attacked by heavy weapons.
- 25 April Poland's Defence Minister, Piotr Kolodziejczyk, visits NATO Headquarters to submit his country's PfP Presentation Document.
- 27 April The NATO Council, reviewing the implementation of its decisions of 22 April concerning the situation in and around Gorazde and other safe areas in Bosnia-Herzegovina, determines that there is general compliance with the deadline. The NATO Military Committee meets in Cooperation Session at Chiefs of Defence/Chiefs of General Staff level at NATO Headquarters.
- 27-29 April NACC seminar on Planning and Management of National Defence Programmes is held in Budapest, Hungary.

- 28 April Opening ceremonies of the Partnership Coordination Cell, collocated with SHAPE at Mons, Belgium. Defence Minister Gheorghe Tinca submits Romania's PfP Presentation Document at NATO Headquarters.
- 4 May The President of Azerbaijan, Gaidar Aliyev, signs the PfP Framework Document at NATO Headquarters.
- 9 May The Foreign Minister of Sweden, Baroness Margaretha af Ugglas, and the Foreign Minister of Finland, Mr. Heikki Haavisto, visit NATO Headquarters to sign the PfP Framework Document.
Meeting of the WEU Council of Ministers in Kirchberg, Luxembourg, with Foreign and Defence Ministers of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia. A new status is agreed whereby these countries become Associate Partners of the WEU.
- 10 May Finland and Sweden submit their PfP Presentation Documents to NATO.
Turkmenistan's Deputy Prime Minister, Boris Shikmuradov, signs the PfP Framework Document at NATO Headquarters.
- 11-14 May The Chairman of the NATO Military Committee, Field Marshall Sir Richard Vincent, visits Slovakia and Russia to meet with high ranking military and civilian government officials in both countries in the context of the NACC.
- 17 May The Czech Republic submits its PfP Presentation Document to NATO.
- 24 May At the DPC/NPG Ministerial meeting, NATO Defence Ministers review progress on the defence implications of PfP, the CJTF concept, counter-proliferation and peacekeeping efforts.
Russian Defence Minister Pavel Grachev comes to NATO Headquarters to brief NATO Defence Ministers on Russia's new defence doctrine.
- 25 May NATO Defence Ministers meet with Defence Ministers and Representatives of Cooperation Partner countries including, for the first time, those from Finland, Sweden and Slovenia, under the auspices of PfP, to discuss cooperation in defence-related matters, including peacekeep-

- ing.
Slovakia and Ukraine submit their PfP Presentation Documents to NATO.
- 26-27 May Inaugural Conference on a Pact on Stability in Europe, in Paris. European Foreign Ministers discuss a new initiative aimed at averting conflicts over borders and the rights of minorities, promoting good neighbourly relations in Central and Eastern Europe, and strengthening regional cooperation and democratic institutions.
- 27 May The Foreign Minister of the Republic of Kazakhstan, Kanet Saudabaev, visits NATO Headquarters to sign the PfP Framework Document.
- 1 June President Askar Akayev of Kyrgyzstan signs the PfP Framework Document at NATO Headquarters.
- 3 June Deputy Secretary General Sergio Balanzino formally opens the offices for Partners in the Manfred Woerner Wing at NATO Headquarters.
- 6 June Bulgaria and Hungary submit their PfP Presentation Documents to NATO.
- 9 June NATO Foreign Ministers meeting in Istanbul review progress on the implementation of the Brussels Summit decisions, noting that 20 countries had already joined PfP. Ministers adopt an overall policy framework on the Alliance's approach to the proliferation of weapons of mass destruction.
- 10 June Ministerial meeting of the NACC in Istanbul. Foreign Ministers issue a third Report on Peacekeeping by the Ad Hoc Group on Cooperation in Peacekeeping. Foreign Ministers from Finland, Sweden and Slovenia also attend.
Lithuania submits its PfP Presentation Document.
- 22 June Russian Foreign Minister Andrei Kozyrev visits NATO Headquarters to sign the PfP Framework Document and to hold discussions with the Council. A Summary of Conclusions of the discussions is issued.
- 26-28 June General George Joulwan (SACEUR) visits Moscow for discussions on Russia's participation in PfP as well as a specific cooperation programme with Russia.
- 29 June The Special Representative of the Secretary General of the UN, Yasushi Akashi, accompanied by Lt. Gen.

- Bertrand de Lapresle, Commander of the United Nations Protection Forces (UNPROFOR) in former Yugoslavia, and Lt. Gen. Sir Michael Rose, Commander of UNPROFOR in Bosnia-Herzegovina, visit NATO Headquarters to meet with the Deputy Secretary General, Sergio Balanzino.
- 29 June-1 July The annual NATO Economics Colloquium takes place, focusing on privatisation in the defence industry.
- 5 July Poland's PfP Individual Partnership Programme with NATO is formally accepted.
Russia submits its PfP Presentation Document.
- 8 July Estonia submits its PfP Presentation Document.
- 11 July The North Atlantic Council issues a statement reiterating the willingness of the Alliance to participate in the implementation of a peace agreement in Bosnia-Herzegovina; and agreeing that steps envisaged in the plan issued by Foreign Ministers in Geneva on 5 July could result in the assumption of new tasks by the Alliance in former Yugoslavia at the request of the UN.
- 12 July The German Federal Constitutional Court clarifies the constitutional basis for the deployment of German forces abroad, removing constitutional objections to German participation in UN, NATO or WEU peacekeeping missions.
- 13 July The Foreign Minister of Uzbekistan, Saidmukhtar Saidkasimov, and Defence Minister Rustam Ahmedov visit NATO Headquarters to sign the PfP Framework Document.
- 18 July Latvia submits its PfP Presentation Document.
- 20 July Slovenia submits its PfP Presentation Document.
- 5 August NATO aircraft attack a target within the Sarajevo Exclusion Zone at the request of UNPROFOR, after Bosnian Serbs seize weapons from a UN collection site near Sarajevo.
- 13 August Death of NATO Secretary General Manfred Woerner in Brussels. Deputy Secretary General Sergio Balanzino assumes duties as Acting Secretary General.
- 18 August Commemorative meeting of the NAC in honour of the late Secretary General Manfred Woerner.

- 22 August Sweden's PfP Individual Partnership Programme with NATO is formally accepted.
- 31 August The last Russian troops leave Estonia, completing their withdrawal from the three Baltic States.
- 1 September Russian troops leave Berlin, completing their withdrawal from German territory.
- 2-10 September The first joint US-Russian manoeuvres held on Russian territory focus on peacekeeping training exercises.
- 6 September Moldova submits its PfP Presentation Document to NATO.
- 8 September The US, UK and France withdraw remaining Allied troops from Berlin.
- 12-16 Sept. The first joint training exercise under PfP (Cooperative Bridge) is held near Poznan, Poland, with participation by soldiers from 13 NATO and Partner nations.
- 13 September Lt. Gen. John Sheehan is appointed Supreme Allied Commander Atlantic (SACLANT).
- 14 September Romania's PfP Individual Partnership Programme with NATO is formally accepted.
- 22 September Following an attack on an UNPROFOR vehicle near Sarajevo, NATO aircraft carry out an air strike against a Bosnian Serb tank, at the request of UNPROFOR.
Albania submits its PfP Presentation Document.
- 28 Sept.-7 Oct. Maritime PfP exercise Cooperative Venture takes place in the Skagerrak area of the North Sea, with NATO and Cooperation Partner maritime forces conducting peacekeeping, humanitarian and search and rescue operations.
- 29 September The North Atlantic Council, meeting at the level of Foreign Ministers in New York, invites Willy Claes, Belgian Minister of Foreign Affairs, to become Secretary General of NATO.
- 29-30 September The Defence Ministers and representatives of the 16 Alliance nations meet in Seville, Spain, for informal discussions on a range of subjects of mutual interest and concern, including the situation in the former Yugoslavia; peacekeeping and the concept of Combined Joint Task Forces; defence cooperation with Central and Eastern Europe, including Partnership for Peace; and security in the Mediterranean.
- 5 October The Minister of Foreign Affairs of Armenia, Vahan

- Papazian, signs the PfP Framework Document at NATO Headquarters.
- 5-7 October Seminar on Peacekeeping and its Relationship to Crisis Management at NATO Headquarters in Brussels, with participation of 38 countries in addition to other international organisations.
- 10 Oct.-2 Dec. CSCE Review Conference in Budapest.
- 12 October Finland's PfP Individual Partnership Programme with NATO is formally accepted.
German President Roman Herzog pays an official visit to NATO Headquarters.
- 17 October Willy Claes, former Deputy Prime Minister and Minister of Foreign Affairs of Belgium, succeeds Manfred Woerner as Secretary General of NATO.
- 17 Oct.-8 Nov. The Alliance's Rapid Reaction Corps (ARRC) holds exercises in Denmark.
- 21-28 Oct. The first PfP joint peacekeeping training exercise held on Allied territory "Cooperative Spirit" takes place in the Netherlands, with participation by 12 NATO and Partner countries.
- 28 October NATO and the UN issue a joint statement on the use of NATO airpower in Bosnia and Herzegovina in support of relevant UN resolutions. NATO Secretary General Willy Claes addresses the 40th General Assembly of the Atlantic Treaty Association in The Hague.
- 4 November Ion Iliescu, President of Romania, visits NATO Headquarters.
- 7 November Special Joint Meeting of allied National Armament Directors to address equipment implications of peacekeeping operations.
- 11 November NATO Secretary General Willy Claes issues a statement on the announcement of limitations to United States participation in Operation Sharp Guard.
- 14 November Meeting of the WEU Council of Ministers with the participation of Foreign and Defence Ministers of the nine Associate Partner countries. Publication of the Noordwijk Declaration endorsing inter alia preliminary policy conclusions on the formulation of a Common European Defence Policy.
- 15 November Hungarian Foreign Minister Laszlo Kovacs and Defence

- Minister Gyöergy Keleti visit NATO. Hungary's PfP Individual Partnership Programme with NATO is formally accepted.
- 21 November NATO aircraft attack the Udbina airfield in Serb-held Croatia at the request of and in close coordination with UNPROFOR, in response to attacks launched from Udbina against targets in the Bihac area of Bosnia-Herzegovina.
- 23 November Following attacks against NATO aircraft, NATO forces carry out an air strike on a surface-to-air missile site south of Otoka, in accordance with self-defence measures previously announced.
Slovakia's PfP Individual Partnership Programme with NATO is formally accepted.
- 24 November The North Atlantic Council issues a statement condemning recent attacks on the UN safe area of Bihac by Bosnian Serb and Krajinan Serb forces; and announcing measures being taken in support of United Nations negotiating efforts.
- 25 November Czech Vice-Minister of Foreign Affairs Alexander Vondra and Vice-Minister of Defence Jiri Pospisil visit NATO. The Czech Republic's PfP Individual Partnership Programme with NATO is formally accepted. Bulgarian Deputy Foreign Minister Todor Tchourov visits NATO. Bulgaria's PfP Individual Partnership Programme with NATO is formally accepted.
- 30 November Lithuanian Secretary of State for Foreign Affairs, Mr. Albinas Januska visits NATO. Lithuania's PfP Partnership Programme with NATO is formally accepted.
- 1 December Ministerial Meeting of the North Atlantic Council in Brussels attended by Russian Foreign Minister Andrei Kozyrev.
- 5 December Signature of the Nuclear Non-Proliferation Treaty (NPT) by President Kuchma of Ukraine, at the CSCE Summit Meeting in Budapest.
- 5-6 December Summit Meeting of CSCE Heads of State and Government in Budapest, attended by NATO Secretary General Willy Claes.
The CSCE is renamed the Organisation for Security and Cooperation in Europe (OSCE).

The Budapest Document “Towards a Genuine Partnership in a New Era” is published.

1995

- 1 January Four months cease-fire in Bosnia begins. Austria, Finland and Sweden join the European Union. The World Trade Organisation (WTO) is established as the successor to GATT.
- 11 January The Minister of Foreign Affairs of Belarus, Mr. Uladzmir Syanko, visits NATO and signs the Partnership for Peace Framework Document.
- 13 January 1993 UN Chemical Weapons Convention fails to be enacted: only 20 countries ratify the treaty. To be implemented 65 countries are needed.
- 18 January The NATO Council agrees on a NATO standardisation programme to improve the coordination of allied policies and programmes for materiel, technical and operational standardisation.
- 23 January The Albanian Vice-Minister of Foreign Affairs, Mr. Arjan Starova, and Vice Minister of Defence, Mr. Alfred Moisieu, visit NATO and declare acceptance of the Albanian Individual Partnership Programme.
- 24 January The NATO Council agrees on the establishment of a new NATO Standardisation Organisation.
- 31 January US announces a one-year extension of its unilateral moratorium on nuclear testing.
- 8 February The Latvian Defence Minister, Mr. Janis Trapans, visits NATO and declares acceptance of the Latvian Individual Partnership Programme. NATO approves plans for direct dialogue with Egypt, Israel, Mauritania, Morocco and Tunisia to combat the threat of Islamic fundamentalism.
- 9 February Visit to NATO by Hungarian Prime Minister Gyula Horn.
- 10 February The Austrian Minister of Foreign Affairs, Mr. Alois Mock, visits NATO to sign the PfP Framework Document.
- 14-21 February Ukraine’s Minister of Defence, Mr. Valery Shmarov, meets with the Chairman of NATO’s Military Committee and signs a protocol on mutual cooperation between Ukraine and NATO.
- 16 February The Vice-President of the Muslim-Croatian Federation

- approves an international plan for the suspension of economic sanctions against Serbia in exchange for recognition of Bosnia and Croatia under the condition of a completely closed Bosnian-Serbian border.
- 23 February Belarus suspends its weapons destruction programme, violating the CFE Treaty.
- 24 February NATO opens talks in Brussels with Morocco, Egypt, Mauritania, Tunisia and Israel to discuss security in North Africa.
- 27 February The Defence Ministers of Estonia, Latvia and Lithuania sign an agreement on military cooperation covering international policy and logistics.
Visit to NATO by US Vice-President Al Gore.
- 1 March The US, France, Germany and Italy agree in the scope of allied armaments cooperation to develop a Medium Extended Air Defence System (MEADS).
Estonia signs an individual military cooperation programme with NATO following their membership of PfP since 1994.
- 6 March Croatia forms a military alliance with the Bosnian Muslim-Croat federation. UNPROFOR remains in Croatia.
- 8 March Secretary General Willy Claes and US President Bill Clinton meet in Washington to discuss a possible pullout of UN peacekeeping forces from Croatia and Bosnia.
- 16 March A Slovak-Hungarian agreement is reached over a treaty on minority rights.
- 18-20 March A Pan-European Security Conference meeting in Paris, attended by 50 countries, adopts a stability pact to eliminate the dangers of crisis in Europe and agrees on a series of measures relating to borders and the rights of ethnic minorities.
- 30-31 March Meeting of the OSCE Senior Council discusses a Common and Comprehensive Security Model for the 21st century - a comprehensive, inclusive concept of security, designed to benefit all participating states.
- 11 April The UN Security Council adopts Resolution 984, guaranteeing assistance for non-nuclear states that have signed the 1970 nuclear Non-Proliferation Treaty (NPT) if subjected to nuclear threat or attack.

- 26 April The Deputy Prime Minister and Minister of Foreign Affairs of Malta, Professor Guido de Marco, signs the Partnership for Peace Framework Document (Malta subsequently withdraws from PfP).
- 7 May Commemoration of 50th anniversary of the end of World War II.
- 11 May The Non-Proliferation Treaty is extended indefinitely by consensus.
- 15 May The Ministers of Foreign Affairs and Defence of the WEU gathered in Lisbon, where they discussed the future relationship between the WEU and NATO.
- 25 May In response to a request from the UN, NATO aircraft attack a Bosnian Serb ammunition depot near Pale. This is followed by a second attack the next day.
- 27 May At a meeting, the North Atlantic Council demands that the Bosnian Serbs stop their attacks on UN safe areas and comply with the UNPROFOR ultimatum to remove all heavy weapons from the Sarajevo exclusion zone or place them under UN control. It condemns the killing and detention of UN peacekeepers.
- 30-31 May The NATO Foreign Ministers and the North Atlantic Cooperation Council meet in Noordwijk, The Netherlands. At a special meeting with Russian Foreign Minister Kozyrev, Russia formally accepts the Russian Individual Partnership Programme under PfP and the document on “Areas for Pursuance of a Broad, Enhanced NATO-Russia Dialogue and Cooperation.”
In a statement on the situation in former Yugoslavia, the North Atlantic Council condemns the escalation of violence by the parties and hostile acts against UN personnel.
- 1 June President of Ukraine, Mr. Leonid Kuchma, visits NATO.
- 28-30 June A NATO Economic Colloquium attended by participants from NATO and Partner countries discusses the status of economic reforms in Cooperation Partner countries.
- 2 July Srebrenica receives heaviest shelling since being declared a UN safe area. The UN War Crime Tribunal formally indicts Mr. Karadzic and General Mladic with charges of genocide and crimes against humanity.
- 11 July NATO aircrafts attack targets in the Srebrenica area of

- Bosnia-Herzegovina.
- 12 July The North Atlantic Council strongly condemns Bosnian Serb attacks in the safe area of Srebrenica.
- 1 August US House of Representatives votes to lift Bosnian arms embargo.
NATO launches Operation Deliberate Force, attacking Serb positions with aircraft and artillery in response to the shelling of Sarajevo.
- 30 August NATO aircraft strikes against Bosnian Serbs positions near Sarajevo.
- 1 September NATO aircraft resume bombing of Bosnian Serb positions; Bosnian Serbs respond by shelling Sarajevo.
NATO aircraft attack Bosnian Serb targets near Pale.
NATO suspends Operation Deliberate Force after Bosnian Serbs agree to withdraw heavy weapons from the 20 km exclusion zone around Sarajevo.
Agreement on the framework of constitutional arrangements for Bosnia-Herzegovina is signed in New York.
- 2 September NATO military commanders are authorised by the NATO Council to resume air strikes on Bosnian Serb positions at any time to counter further aggression against UN-designated safe areas.
- 5 September NATO aircraft resumed attacks on Bosnian-Serb military targets.
- 12 September A framework for the Wassenaar Arrangement, the successor to COCOM, establishing export controls on certain conventional weapons and dual-use technologies is reached in The Hague.
- 14 September Greece and the Former Yugoslav Republic of Macedonia³ sign an agreement to establish diplomatic relations and economic ties.
The NAC meets in a special session with the Ministers of Foreign Affairs of Ukraine, Mr. Gennadi Udovenko, to discuss the strengthening of NATO-Ukraine relations.
Bosnian Serb military and political leaders sign an agreement to withdraw their heavy weapons from the 20 km exclusion zone around Sarajevo.
- 20 September Council meeting with Russia on the implementation of

³ Turkey recognises the Republic of Macedonia with its constitutional name.

- the CFE Treaty.
- 21 September NATO ambassadors approve a Study on NATO Enlargement outlining the membership requirements for countries wanting to join the Alliance.
- 25 September The Review Conference of the UN Conventional Weapons opens in Vienna.
- 26 September NATO presents a draft proposal of a “Political Framework for NATO-Russia Relations” to Russian Ambassador Churkin.
- 28 September NATO presents the conclusions of the Study on NATO Enlargement to NACC and PfP Cooperation partners.
- 2 October Croats and Serbs strike deal over Eastern Slavonia to place it under Croatian administration after a transition period.
Three Serb SAM sites are attacked by NATO aircrafts.
The cease-fire in Bosnia comes into effect.
- 5-6 October NATO Ministers of Defence meet in Williamsburg, USA.
- 12 October Visit to NATO by President Sali Berisha of Albania.
- 13 October UN Conference on Conventional Weapons Conference ends without agreement on a global ban on anti-personnel landmines.
- 19 October NATO Council meets with Russian representative to discuss Peace Implementation Planning in Bosnia.
- 21 October Willy Claes resigns as NATO Secretary General.
- 27 October A Memorandum of Understanding is signed between NATO and the WEU to enable direct and plain communication between both organisations.
Visit to NATO by Special Representative of the UN Secretary General and Special Envoy to NATO, Mr. Kofi Annan.
- 1 November Bosnian peace talks start in Dayton, Ohio. An agreement is signed in Dayton on the reintegration of Eastern Slavonia into Croatia.
The UN Security Council suspends sanctions on the former Yugoslavia.
- 8 November US Secretary of Defence William Perry and Russian Defence Minister General Pavel Grachev visit NATO to discuss participation of Russian forces in IFOR.
- 13 November The US Senate Foreign Relations Committee and the Armed Services Committee block the ratification of the

- Chemical Weapons Convention.
- 14 November The Ministers of Foreign Affairs and Defence of the WEU nations meet in Madrid and affirm the objective of developing the WEU as a means to strengthen the European pillar in NATO.
- 15 November The President of the Former Yugoslav Republic of Macedonia⁴, Mr. Branko Crvenkovski, visits NATO. His country joins PfP.
- 22 November Visits to NATO by President Martti Ahtisaari of Finland, and OSCE Chairman Lazlo Kovacs.
- 27 November Recipients from 14 Alliance countries receive medals for service in relation to former Yugoslavia.
- 28 November The European Union and 12 Mediterranean neighbours sign an agreement in Barcelona on future political and economic cooperation.
- 1 December Javier Solana Madariaga is appointed Secretary General of NATO.
- 5 December The NAC meets at ministerial level. Foreign and Defence Ministers of all 16 nations affirm their commitment to continue the Alliance's efforts to bring peace to Bosnia-Herzegovina.
 NATO formally endorses the deployment of 60,000 troops in Bosnia. The German Parliament votes to contribute 4,000 troops.
 In Paris, the Presidents of Bosnia-Herzegovina, Croatia and Serbia sign the General Framework Accord for peace in Bosnia-Herzegovina.
 US troops arrive in Tuzla and UN hands over commands of military operations in Bosnia to NATO.
 NATO Commander, Admiral Leighton Smith, turns down requests by the Bosnian Serb Assembly leader, Momcilo Krajisnik, for delay of at least nine months in transferring Bosnian Serb areas of Sarajevo to Muslim control. France announces that it will resume its seat in the NATO Military Committee. The French Minister of Defence will also regularly attend the Defence Planning Committee and other meetings.
- 7-8 December OSCE Ministerial Council in Budapest gives guidelines for Security Model and confirms its role in Bosnia-Herzegovina.

- 14 December President Slobodan Milosevic of Serbia, President Alya Izetbegovic of Bosnia-Herzegovina and President Franjo Tudjman of Croatia sign the Bosnian Peace Agreement in Paris.
- 15 December The UN Secretary Council adopts Resolution 1031 on the establishment of a Multinational Military Implementation Force.
- 16 December Beginning of the deployment of the NATO-led Implementation Force (IFOR) in Bosnia.
- 19 December 28 Countries sign the Wassenaar Arrangement on armament and technology export controls.
- 20 December UN peacekeeping forces (UNPROFOR) hand over command of military operations in Bosnia to the NATO-led Implementation Force (IFOR).

1996

- 3 January US Defence Secretary William Perry flies to Sarajevo to discuss peacekeeping with NATO military officers and Bosnian leaders.
- 4 January Negotiations open in Vienna under OSCE auspices on confidence building and arms control measures in Bosnia. The parties to the Peace Agreement sign agreements on measures to enhance mutual confidence, reduce the risk of conflict, restrict military power and improve political cooperation.
- 5 January Russian parliament votes in favour the deployment of Russian forces to Bosnia to join the NATO-led peacekeeping mission. Special arrangements apply to the command and control of Russian forces in IFOR.
- 11 January Prince El-Hassan Bin Talal of Jordan meets with Secretary General Solana in the context of NATO's Mediterranean Dialogue.
- 13 January Beginning of deployment of Russian troops supporting IFOR in Bosnia.
- 15 January The UN Security Council authorises a 5,000 men strong force backed by NATO air power for Eastern Slavonia.
- 17 January Visits to NATO by President Aleksander Kwasniewski of Poland and by Mr. Hans Koschnik, EU Administrator

- for Mostar.
- 19 January Mr. Richard Goldstone, Prosecutor of UN War Crimes Tribunal, visits NATO.
- 23 January General George Joulwan (SACEUR) visits Russia for discussions with the Russian Defence Minister and Chief of Staff.
- 24 January Mr. Tiit Vähi, Prime Minister of Estonia, visits NATO.
- 26 January The Russian Federation joins the Council of Europe.
The American Senate ratifies the START II Treaty, which will reduce the levels of both American and Russian strategic nuclear missiles.
- 29 January The Secretary General of the OSCE begins a two-day visit to former Yugoslavia to pave the way for OSCE's supervision of postwar free elections.
- 12 February The NATO Secretary General visits Mostar.
Bosnian authorities give their approval for the release of two Bosnian Serb officers to the International War Crimes Tribunal.
- 26 February Visit to NATO by Austrian Vice-Chancellor Mr. Wolfgang Schüssel.
Austria signs its Individual Partnership Programme (IPP) with NATO.
- 8 March Permanent Representatives on the North Atlantic Council visit Sarajevo.
- 13 March Russia signs IFOR Participation and Financial Agreements.
- 15 March US Secretary of State Warren Christopher visits SHAPE to meet with Supreme Allied Commander Europe, General George Joulwan, to discuss efforts to obtain compliance with the Dayton Peace Agreement on Bosnia and the subject of NATO enlargement.
- 20-21 March NATO Secretary General Solana pays an official visit to Moscow to discuss NATO and Russia relations. He meets with Russian President Yeltsin, the Speaker of the Duma, Seleznev Gennady and other senior officials.
- 20 March A Memorandum of Understanding on Civil Emergency Cooperation between NATO and Russia is signed in Moscow.
- 23 March The Foreign Ministers of the contact group on the former Yugoslavia meet in Moscow.

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| 25 March | President Jeleu of Bulgaria visits NATO. |
| 26 March | The Prime Minister of Belarus, Mr. Mikhail Chygir, the President of Latvia, Mr. Guntis Ulmanis, and the President of Estonia, Mr. Lennart Meri visit NATO. |
| 23 April | Visits to NATO by Georgian President Eduard Shevardnadze and President of Armenia, Mr. Levon Ter Petrossian. |
| 24 April | The Minister of Foreign Affairs and Deputy Prime Minister of Malta, Professor Guido de Marco, visits NATO. |
| 26 April | H.M. King Juan Carlos of Spain visits NATO. |
| 29 April | The NAC states that IFOR has brought a secure environment to Bosnia and Herzegovina during its first four months of mission. |
| 2 May | NATO Secretary General Javier Solana and WEU Secretary-General José Cutileiro sign a security agreement. The Agreement sets out procedures for protecting and safeguarding classified information and material provided by either organisation. |
| 7 May | The Ministers of Foreign Affairs and Defence of the WEU nations meet in Birmingham. |
| 8 May | Mr. Carl Bildt, High Representative responsible for coordinating civilian aspects of the peace agreement for the former Yugoslavia, visits NATO. |
| 9 May | SHAPE and the International Criminal Tribunal for the former Yugoslavia conclude a Memorandum of Understanding which codifies practical arrangements for the detention and transfer of persons indicted for war crimes. |
| 15-31 May | First CFE Treaty Review Meeting is held in Vienna. Negotiations achieve a solution to the "Flank Agreement" and agreement on further negotiations relating to the Treaty. |
| 16 May | NATO Secretary General Solana visits Banja Luka and Belgrade along with General George Joulwan, SACEUR. |
| 19-21 May | Representatives from NATO and Cooperation Partner countries meet near Bonn to review worldwide efforts to destroy and dismantle chemical, nuclear and conventional weapons. |
| 21 May | Visit to NATO by Prime Minister Janez Drnovsek of Slovenia. |
| 3 June | Meeting of NATO Foreign Ministers in Berlin. Minis- |

- ters agree to build up the European Security and Defence Identity within NATO as part of the internal adaptation of the Alliance.
- 12 June The former Yugoslav Republic of Macedonia⁴ signs the individual Partnership for Peace Programme.
- 13 June The NAC meets in Defence Minister session.
- 14-15 June NATO Secretary General Solana visits Zagreb and Sarajevo.
- 18 June Following the termination of the UN arms embargo on the former Yugoslavia, Operation Sharp Guard is suspended.
- 26-28 June NATO Economics Colloquium on Economic Developments and Reforms in Cooperation Partner countries.
- 1 July Establishment of a new NATO Consulation, Command and Control (C3) Agency.
- 3 July Boris Yeltsin is re-elected President of the Russian Federation.
- 17 July Admiral Leighton Smith is honoured with the NATO medal for his role as Commander of the Implementation Force and Commander in Chief Southern Region.
- 19 July The North Atlantic Council endorses an overall NATO Standardisation Programme involving 50 harmonised standardisation objectives.
- 13 August NATO Secretary General Solana and US Secretary of State Warren Christopher meet in Brussels to discuss the Bosnian election, enlargement of the Alliance and relations with Russia.
- 27 August An agreement signed on ending the conflict in Chechnya which began at the end of 1995 is brokered by Russian special envoy Alexander Lebed.
- 14 September IFOR troops provide security for elections held in Bosnia-Herzegovina to be monitored by the OSCE.
- 16 September Visit to NATO of Hungarian President Arpad Göncz.
- 20 September Meeting of Secretary General Solana with Russian Foreign Minister Primakov in Vienna.
- 24 September China, France, Russia, United Kingdom and United States sign a Comprehensive Test Ban Treaty.

⁴ Turkey recognises the Republic of Macedonia with its constitutional name.

- 25-26 September Informal meeting of NATO Defence Ministers in Bergen, Norway to discuss the peacekeeping operation in Bosnia.
- 2 October The WEU Council decides to end the Danube Embargo Enforcement Operation against the Federal Republic of Yugoslavia.
- 7 October Secretary of the Security Council of the Russian Federation, General Alexander Lebed, visits NATO Headquarters.
- 16 October President Algirdas Brazauskas of Lithuania visits NATO.
- 17 October Visit to NATO by President Michal Kovac of Slovakia.
- 19 October Russian President Boris Yeltsin replaces his recently-appointed Secretary of the Security Council Alexander Lebed by the Speaker of the Duma Ivan Rybkin.
- 29 October Malta announces its intention to withdraw from the Partnership for Peace Programme.
- 5 November Bill Clinton is re-elected President of the United States.
- 13 November President of Uzbekistan Mr. Islam Karimov visits NATO.
- 14 November The Spanish Parliament endorses Spanish participation in NATO's new military structure.
- 27 November Prime Minister Paavo Lipponen of Finland visits NATO.
- 2-3 December OSCE summit in Lisbon on European Security issues, adopts a Declaration on a Common and Comprehensive Security Model for Europe for the 21st Century.
- 9 December German Chancellor Kohl and French President Jacques Chirac sign an agreement on mutual security and defence.
- 10 December Ministerial meeting of the North Atlantic Council at NATO Headquarters in Brussels confirms NATO readiness to organise and lead a Stabilisation Force (SFOR) in Bosnia and Herzegovina, subject to a UN Security Council mandate. Ministers also announce further steps to be taken in the internal and external transformation of the Alliance in preparation for the July 1997 Madrid Summit. NATO issues a statement on the stationing of nuclear forces.
- 11 December Switzerland signs the Partnership for Peace Framework Document, during a meeting with the North Atlantic Council.
- 17 December Kofi Annan becomes Secretary General of the United Nations.

- 18 December H.M. The Sultan of Brunei visits NATO.
20 December NATO's Implementation Force (IFOR) in Bosnia is replaced by SFOR (Stabilisation Force).

1997

- 16-17 January NATO Secretary General Javier Solana visits Austria and meets Federal Chancellor Franz Vranitzky and other political leaders.
17 January Mr. Richard C. Holbrooke receives the first Manfred Woerner Medal for his contribution to peace in the former Yugoslavia.
19-21 January First round of talks between Secretary General Javier Solana and Russian Foreign Minister Yevgeni Primakov on a NATO-Russia Document in Moscow.
21 January Negotiations on a revision of the 1990 CFE treaty start in Vienna.
22 January Prime Minister Thorbjörn Jagland of Norway visits NATO.
28 January NATO Secretary General Javier Solana visits Paris to meet French President Jacques Chirac.
29 January Visits to NATO by Bulgarian President Petar Stoyanov and Romanian President Emil Constantinescu.
30 January NATO Secretary General Javier Solana addresses the Parliamentary Assembly of the Council of Europe.
4 February In his State of the Union address American President Bill Clinton vows to pursue NATO's enlargement by 1999 and to establish a "stable partnership" with Russia.
5-6 February Secretary General Javier Solana meets Turkish President Suleyman Demirel and Prime Minister Necmettin Erbakan in Ankara to discuss the expansion of the Alliance and the broader issue of Turkey's place in Europe.
10-14 February NATO Secretary General Javier Solana visits Moldova, Georgia, Armenia, Azerbaijan to meet Heads of State and government and other leading politicians.
12 February Former guerilla leader Aslam Maskhadov is sworn in as new Chechen President.
18 February Newly appointed US Secretary of State, Madeleine Albright attends her first NATO Foreign Ministers Meeting in Brussels and proposes the creation of a permanent Russia-NATO brigade.

- 19 February EU High Representative in Bosnia Carl Bildt visits NATO.
- 21 February Visit to NATO by Polish Prime Minister Mr. Włodzimierz Cimosziewicz.
- 20 February NATO allies propose major changes to the CFE Treaty, which limits conventional forces in Europe. NATO now accepts the principle of limits on the arsenals of individual countries as opposed to regions. The Alliance also accepts Russia's wish on having territorial rather than national limits on troops deployment, which effectively prevents NATO from massing troops in one particular area near Russia's borders.
- 23 February NATO Secretary General Javier Solana meets Russian Foreign Minister Yevgeni Primakov for a second round of talks on a NATO-Russia document in Moscow.
- 7 March US Defence Secretary William Cohen makes his first visit to NATO headquarters in Brussels.
- 9-10 March Secretary General Javier Solana meets Russian Foreign Minister Yevgeni Primakov in Moscow for the third round of negotiations on a document to lay out the basis for NATO-Russia relations.
- 10-15 March Secretary General Javier Solana visits PfP members in Central Asia: Kazakhstan, the Kyrgyz Republic, Uzbekistan and Turkmenistan.
- 11 March WEU conference in Athens to discuss security problems in the light of NATO and EU enlargement.
- 16 March EU Foreign Ministers meet in Apeldoorn, the Netherlands, to discuss EU enlargement among other issues.
- 20-21 March US President Bill Clinton and his Russian counterpart Boris Yeltsin meet in Helsinki to talk about future NATO-Russian relations. The parties do not issue a joint statement on NATO plans to expand eastwards, but sign a general statement about European security.
- 21 March Official visit to NATO by HM Albert II, King of the Belgians.
- 24-25 March NATO Secretary General Javier Solana and General George A. Joulwan (SACEUR) visit the Former Yugoslav Republic of Macedonia⁵ and the Republic of Bosnia and Herzegovina.

- 2 April Baltic Defence Ministers meet in Vilnius, Lithuania, to discuss the formation of a joint peacekeeping battalion (BALTBAT) and a joint naval squadron (BALTRON).
- 9-11 April NATO Secretary General Javier Solana meets US Secretary of State Madeleine Albright on NATO-Russian relations and visits Canada.
- 15 April NATO Secretary General Javier Solana meets Russian Foreign Minister Yevgeni Primakov in Moscow for a fourth round of talks on a NATO-Russia document. The first of 6,000 Italian-led multinational security landing force arrive at Tirana's airport. Operation Alba aims at the protection of humanitarian aid to Albania. WEU members agree that non-members Turkey and Norway would have the option of playing a full role in any WEU operations launched with NATO equipment.
- 17 April Poland announces it will reduce its number of troops from 220,000 to 180,000 over the next seven years to meet NATO standards.
- 24 April US Senate approves the Chemical Weapons Convention, a global treaty banning chemical weapons. (The Convention comes into force on 29 April).
- 6 May NATO Secretary General Javier Solana has a fifth round of talks with Russian Foreign Minister Primakov in Luxembourg on a NATO-Russia document.
- 7 May NATO Secretary General Javier Solana visits Ukraine to meet President Leonid Kuchma and inaugurates a NATO Information and Documentation Centre in Kyiv.
- 12-13 May Foreign and Defence Ministers from 28 European countries meet in Paris, under the auspices of the WEU, to discuss security issues.
- 13-14 May NATO Secretary General Javier Solana and Russian Foreign Minister Yevgeni Primakov meet in Moscow for a sixth round of negotiations on a NATO-Russia document
- 14 May NATO Secretary General Javier Solana and Russian Foreign Minister Yevgeni Primakov reach agreement on the "Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation".

⁵ Turkey recognises the Republic of Macedonia with its constitutional name.

- 22 May Russian President Boris Yeltsin replaces Minister of Defence Igor Rodionov by Viktor Samsonov.
- 27 May NATO-Russia Summit Meeting in Paris. Signature of the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation.
- 29 May On the margins of the meeting of NATO Foreign Ministers in Sintra, Portugal, NATO Secretary General Solana and Ukrainian Foreign Minister Udovenko initial a “Charter for a Distinctive Partnership Between NATO and Ukraine”.
- 30 May Concluding meeting of the North Atlantic Cooperation Council (NACC) and inaugural meeting of the Euro-Atlantic Partnership Council (EAPC) in Sintra, Portugal. NATO and Cooperation Partner Foreign Ministers approve the EAPC Basic Document.
- 2 June Signature of Treaty of Friendship and Cooperation between Romania and Ukraine.
- 12-13 June NATO’s Defence Ministers meet in Brussels for their annual spring meetings.
- 16-17 June European Council summit in Amsterdam agrees on a new EU treaty, but makes no significant move towards taking charge of their joint defence. The WEU remains an independent body sub-contracted to carry out humanitarian, peace-keeping and crisis management missions for the Union.
- 16-27 June PfP naval exercise “Baltic Operations 1997” (BALTOPS) takes place in Poland and Germany to conduct maritime search and rescue operations, coastal surveillance and customs enforcement. Participants are the United States, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, the Netherlands, Norway, Poland, Russia, Sweden and the United Kingdom.
- 20-22 June Russia joins the “G7” Summit (hereafter “G 8”).
- 25-27 June NATO’s Economic Colloquium on Economic Developments in Cooperation Partner countries.
- 26 June The Conference on Disarmament (CD) in Geneva agrees to break its deadlock and to open global negotiations for the gradual elimination of land mines. The 61 participating countries appoint Ambassador John Campbell of Australia as special coordinator. Separate negotiations

- on a global land mine ban, initiated by Canada, continue in Brussels.
- 8 July Madrid Summit Meeting of the North Atlantic Council. NATO Heads of State and Government agree to invite the Czech Republic, Hungary and Poland to begin accession talks with NATO with a view to becoming members of the Alliance, after completion of the ratification process, in April 1999. They reaffirm that NATO remains open to new members under Article 10 of the North Atlantic Treaty and agree to review the process at their next meeting in 1999.
- Formal signature of the Charter on a Distinctive Partnership between NATO and Ukraine.
- NATO Heads of State and Government issue a special declaration on Bosnia and Herzegovina reaffirming their commitment to the full implementation of the Peace Agreement and to the establishment of Bosnia and Herzegovina as a single, democratic and multi-ethnic state.
- 9 July Meeting of the Heads of State and Government of NATO and Cooperation Partners under the aegis of the Euro-Atlantic Cooperation Council (EAPC). The meeting focuses on how the EAPC can most effectively be used to contribute to security and stability.
- 11 July US Army General Wesley Clark replaces General G. Joulwan to become the new Supreme Allied Commander Europe (SACEUR).
- 16 July Coordination of assistance for flooding in Poland takes place through NATO's Disaster Relief Policy at the request of the Polish government.
- 18 July First meeting of the NATO-Russia Permanent Joint Council (PJC) at Ambassadorial level in Brussels agrees on organisational and procedural arrangements.
- 22 July The WEU issues a Declaration on the Role of the Western European Union and its Relations with the European Union and the Atlantic Alliance.
- 10 September Representatives from Hungary begin accession talks with NATO.
- 15 September Operation Kozatskiy Step 97 under Partnership for Peace begins in Ukraine, involving NATO, Polish and

- Ukrainian troops. The exercise is designed to simulate an ethnic conflict.
- 16 September Representatives from Poland begin accession talks with NATO.
- 22 September Swedish Prime Minister Göran Persson visits NATO.
- 23 September Representatives from the Czech Republic begin accession talks with NATO.
- 24 September Latvian Prime Minister Guntars Krasts visits NATO.
- 26 September NATO and Russian Foreign Ministers meet for the first time as the NATO-Russia Permanent Joint Council. A Work Plan is approved, providing for consultations on confidence building measures in arms-control, joint peacekeeping in Bosnia and the stationing of Russian military representatives at NATO.
- 30 September NATO Ministers of Defence held two days of informal meetings in Maastricht, Netherlands. The planned opening up of NATO to new members, the continuation of NATO's mandate in Bosnia and the adaptation of Alliance's command structure are discussed.
- 1 October Russia's Defence Minister, Igor Sergeev, meeting with NATO Defence Ministers, agrees that Russia will send a military liaison officer to the Alliance's Brussels headquarters in the near future.
- At the request of the High Representative in Bosnia, SFOR takes action against Serbian Radio and TV transmitters, following violations and misuse.
- 2-8 October General Assembly of the Atlantic Treaty Association in Sofia, hosted by the Atlantic Club of Bulgaria.
- 8 October High Representative in Bosnia Carlos Westendorp and Ambassador Robert H. Frowick visit NATO.
- 9 October Ukraine and Hungary become the first non-NATO countries to open diplomatic missions to the Alliance.
- 13 October 43rd Annual Session of North Atlantic Assembly takes place in Bucharest.
- 24 October Following the 23 October visit to NATO of the Russian Chief of General Staff, General Kvashnin, participants in the third meeting of the NATO-Russia Permanent Joint Council at Ambassadorial level issue a statement welcoming the appointment of Lieutenant-General Zavarzin as Russia's military representative to NATO.

- 16 November Hungarians voted overwhelmingly (85%) to join NATO in a national referendum.
- 18 November Foreign and Defence Ministers of the WEU met in Erfurt, Germany and agreed on harmonising the EU and WEU presidencies.
- 25 November Russian military representative to NATO, Lieutenant-General Viktor Zavarzin, held his first official meeting with NATO Military Committee Chairman, Klaus Naumann.
- 27 November Visit to NATO by Polish Prime Minister Jerzy Buzek.
- 2-3 December First meeting of the NATO-Russia Permanent Joint Council at Defence Ministers level. Military chiefs of staff from 44 countries also meet in the framework of the Euro-Atlantic Partnership Council. Defence Ministers of 15 NATO member countries meet within the Nuclear Planning Group and Defence Planning Committee. The 16 members of the Alliance meet shortly afterwards in the North Atlantic Council.
- 4 December Meeting of NATO-Russia PJC at Chiefs of Staff level.
- 16 December NATO and Ukraine sign a Memorandum of Understanding on Civil Emergency Planning and Disaster Preparedness.
- 16-17 December NATO Foreign Ministers sign Protocols of Accession for the Czech Republic, Hungary and Poland in the presence of their respective Foreign Ministers.
- 18-19 December OSCE General Assembly meeting concludes with an agreement on guidelines to work out a European Security Charter.

1998

- 14 January Euro-Atlantic Partnership Council (EAPC) publishes its Action Plan for 1998-2000.
Visit to NATO by UN High Commissioner for Refugees, Mrs. Sadako Ogata.
- 26 January Visit to NATO by President Petra Lucinschi of Moldova.
- 4 February Visit to NATO by the Prime Minister of the Former Yugoslav Republic of Macedonia⁶, Mr. Branko Crevenkovski.

- 11 February Inauguration of the NATO Documentation Centre for European Security Issues at the Institute of Scientific Information for Social Sciences (INION) in Moscow.
- 12-18 February Annual NATO Crisis Management Exercise involving active participation of NATO Partner Countries for the first time.
- 20 February NATO announces readiness to organise and lead a multinational force in Bosnia and Herzegovina after the expiry of SFOR's mandate in June 1998, subject to UN Security Council mandate.
- 23 February Visit to NATO by President Saparmurat Niyazov of Turkmenistan.
- 25 February The Secretary General of NATO welcomes the agreement between the UN Secretary General and Iraq on a diplomatic situation to the Iraq crisis. He underlines the importance of providing immediate unconditional and unrestricted access to UNSCOM weapons inspectors in accordance with UN Security Council resolutions .
The NATO-Russia Permanent Joint Council discusses NATO-Russia cooperation in SFOR with a view to its continuation in the framework of the multinational force in Bosnia following the end of SFOR's current mandate in June 1998.
- 4 March The North Atlantic Council welcomes UN Security Council Resolution 1154 relating to Iraq and gives its strong support to UN insistence on full compliance by Iraq.
- 5 March The North Atlantic Council issues a statement expressing its concern over recent violent incidents in Kosovo and calls on all sides to take immediate steps to reduce tensions.
The Council issues a statement supporting the efforts of the OSCE Mission to Croatia relating to the resettlement of refugees and displaced persons and reminds Croatia of its obligations under the Bosnian Peace Agreement.
- 11 March Ambassadors and representatives of EAPC countries discuss the serious developments in Kosovo and enumerate the conditions needed for peaceful settlement.

6 Turkey recognises the Republic of Macedonia with its constitutional name.

- 7 April Official inauguration of the Manfred Woerner Building adjacent to the NATO Headquarters in Brussels, housing Partner countries' diplomatic missions to NATO.
- 20 April Permanent Representatives on the North Atlantic Council visit Bosnia and Herzegovina, accompanied by Secretary General Javier Solana and Chairman of the Military Committee General Naumann.
- 23 April Visit to NATO by President Valdas Adamkus of Lithuania.
- 27-28 April EAPC seminar in Bratislava on Democratic Control of Defence Expenditures.
- 28 April Visit to NATO by Mr. Josef Tosovsky, Prime Minister of the Czech Republic.
- 20 May The North Atlantic Council condemns India's decision to conduct nuclear tests.
- 28 May At the NATO-Russia Permanent Joint Council Meeting in Luxembourg, NATO and Russia condemn nuclear tests conducted by India and Pakistan.
At the meeting of the North Atlantic Council, NATO Foreign Ministers issue a statement expressing concern over the situation in Kosovo and outline measures being taken to contain the crisis and to seek a peaceful resolution.
- 29 May Establishment of the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) at NATO under the aegis of the EAPC.
- 30 May The NATO Secretary General condemns further nuclear tests by Pakistan and calls on India and Pakistan to halt nuclear and missile testing, adhere to the NPT and CTBT and begin a dialogue to reduce tensions.
- 12 June The NATO-Russia Permanent Joint Council (Defence Ministers) agrees to continue NATO-Russia cooperation in SFOR and condemns Belgrade's use of force in Kosovo as well as attacks by Kosovar extremists.
- 15 June NATO air exercise "Determined Falcon" takes place in Albania and the Former Yugoslav Republic of Macedonia⁷ in agreement with the respective governments.

7 Turkey recognises the Republic of Macedonia with its constitutional name.

- 18 June At a meeting of the NATO-Russia Permanent Joint Council, NATO and Russia reaffirm their determination to contribute to international efforts to find a peaceful solution to the crisis in Kosovo.
- 17-19 June NATO Economics Colloquium on Economic Developments and Reforms in Cooperation Partner Countries takes place in Ljubljana, Slovenia.
- 2-3 July NATO Information Seminar takes place in Sarajevo, aimed at encouraging the development of democratic practices in Bosnia and Herzegovina.
- 10 July Visit to NATO by Bulgarian President Petar Stoyanov.
- 24 July Visit to NATO by Hungarian Prime Minister Viktor Orban.
- 12 August NATO Secretary General Javier Solana expresses deep concern over the continuing violence in Kosovo, indicating that the North Atlantic Council had reviewed military planning for options to bring an end to the violence and create conditions for negotiations.
- 14 September NATO Secretary General Javier Solana calls on all sides to show restraint and establish conditions for a return to a peaceful and stable environment throughout Albania.
- 18 September M. Hubert Védrine, Minister of Foreign Affairs of France, becomes President of the North Atlantic Council⁸
- 24 September The North Atlantic Council approves the issuing of an ACT WARN for both a limited air option and a phased air campaign in Kosovo.
- 24-25 September Informal meeting of NATO Defence Ministers in Vilamoura, Portugal.
- 30 September At a meeting of the Permanent Joint Council NATO and Russia discuss continuation of NATO-Russia cooperation in SFOR and reiterate concern about the humanitarian situation in Kosovo.
- 5 October Visit to NATO by President Milan Kucan of Slovenia.
- 7 October Visits to NATO by the Prime Minister of the Czech Republic, Mr. Milos Zeman and by the Prime Minister of Bulgaria, Mr. Ivan Kostov.
- 9 October NATO and Russia express full support for diplomatic

8 An honorary position held in rotation by a Foreign Minister of one of the Member countries.

efforts aimed at securing a political solution to the crisis in Kosovo and stress the need for immediate full and irreversible compliance with UN Secretary Council Resolutions 1160 and 1199.

- 13 October In the absence of compliance by the Federal Republic of Yugoslavia with UNSCR 1119, the North Atlantic Council reviews the situation in Kosovo and issues activation orders (ACTORDs) for both limited air strikes and a phased air campaign in Yugoslavia after approximately 96 hours.
- 13-15 October Under the aegis of the NATO Air Defence Committee, a first joint exercise is held at Kayseri airbase in Turkey, involving the strategic loading of a NATO mobile air defence radar by a Russian Illuyshin 76 heavy transport aircraft. The exercise is in preparation for potential co-operation in combined peace support operations.
- 15 October Visits to NATO by the President of Latvia, Mr. Guntis Ulmanis and by the Prime Minister of Poland Mr. Jerzy Buzek.
NATO Secretary General Javier Solana visits Belgrade, accompanied by the Chairman of the Military Committee General Naumann and Supreme Allied Commander Europe (SACEUR) General Clark, to insist upon full and immediate compliance by President Milosevic with UNSCR 1119 relating to Kosovo. Agreement is signed on air verification force over Kosovo.
- 16 October The North Atlantic Council announces its decision to maintain its readiness to launch air operations against Yugoslavia and extends the period before execution of air strikes to 27 October.
- 20 October Supreme Allied Commander Europe (SACEUR) General Clark meets Serbian leadership in Belgrade over the Kosovo crisis.
- 21 October Mr. Carlos Westendorp, the High Representative responsible for coordinating the civilian organisations and agencies in Bosnia and Herzegovina, visits NATO for discussions with the Secretary General and to address the North Atlantic Council.

- At a meeting of the NATO-Russia Permanent Joint Council, Ambassadors discuss the situation in Bosnia and Herzegovina and in Kosovo. NATO and Russia support the aims of securing a political solution to the crisis in Kosovo based on strict compliance with UNSCR 1160 and 1199.
- 20 October Visit to NATO by Mr. Radu Vasile, Prime Minister of Romania.
- 22 October Visit to NATO by the Prime Minister of the Former Yugoslav Republic of Macedonia⁹ Mr. Branko Crvenkovski.
- 24-25 October The Chairman of the NATO Military Committee General Naumann and General Clark return to Belgrade to meet the Serbian leadership over the Kosovo crisis.
- 27 October NATO Secretary General Javier Solana issues a statement noting improvement of the security and humanitarian situation in Kosovo following the decisions taken by the North Atlantic Council on 13 October; reaffirming the need for full compliance with UNSCR 1119 and 1203; announcing the maintenance of NATO's ACTORD for limited air operations subject to decision and assessments by the Council and maintenance of the ACTORD for a phased air campaign; and calling for equal compliance with UNSC Resolutions by the Kosovar Albanians.
- 4 November Visit to NATO by President Lennart Meri of Estonia.
- 8 November Visit to NATO by Mr. Mikulas Dzurinda, Prime Minister of Slovakia.
- 11 November Meeting of the NATO-Ukraine Commission. Members welcome information on the State Programme of Ukraine on Cooperation with NATO recently approved by President Kuchma and discuss other matters including the stationing of two NATO liaison officers in Kyiv to facilitate Ukraine's participation in PfP.

9 Turkey recognises the Republic of Macedonia with its constitutional name.

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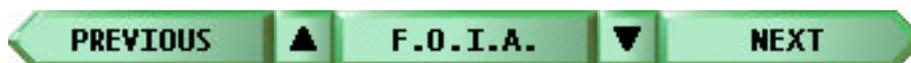


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EXECUTIVE ORDER 12356

NATIONAL SECURITY INFORMATION

April 2, 1982

This Order prescribes a uniform system for classifying, declassifying, and safeguarding national security information. It recognizes that it is essential that the public be informed concerning the activities of its Government, but that the interests of the United States and its citizens require that certain information concerning the national defense and foreign relations be protected against unauthorized disclosure. Information may not be classified under this Order unless its disclosure reasonably could be expected to cause damage to the national security. NOW, by the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:



PART 1

Original Classification

Section 1.1 Classification Levels.

- (a) National security information (hereinafter 'classified information') shall be classified at one of the following three levels:
 - (1) 'Top Secret' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.
 - (2) 'Secret' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.
 - (3) 'Confidential' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.
- (b) Except as otherwise provided by statute, no other terms shall be used to identify classified information.
- (c) If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within thirty (30) days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within thirty (30) days.

Sec. 1.2 Classification Authority.

- (a) Top Secret. The authority to classify information originally as Top Secret may be exercised only by:
 - (1) the President;
 - (2) agency heads and officials designated by the President in the Federal Register; and
 - (3) officials delegated this authority pursuant to Section 1.2(d).
- (b) Secret. The authority to classify information originally as Secret may be exercised only by:
 - (1) agency heads and officials designated by the President in the Federal Register; (
 - (2) officials with original Top Secret classification authority; and
 - (3) officials delegated such authority pursuant to Section 1.2(d).
- (c) Confidential. The authority to classify information originally as Confidential may be exercised only by:
 - (1) agency heads and officials designated by the President in the Federal Register;
 - (2) officials with original Top Secret or Secret classification authority; and
 - (3) officials delegated such authority pursuant to Section 1.2(d).
- (d) Delegation of Original Classification Authority.

- (1) Delegations of original classification authority shall be limited to the minimum required to administer this Order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.
 - (2) Original Top Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Section 1.2(a)(2); and the senior official designated under Section 5.3(a)(1), [FN1] provided that official has been delegated original Top Secret classification authority by the agency head.
 - (3) Original Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1.2(a)(2) and 1.2(b)(1); an official with original Top Secret classification authority; and the senior official designated under Section 5.3(a)(1), [FN1] provided that official has been delegated original Secret classification authority by the agency head.
 - (4) Original Confidential classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1.2(a)(2), 1.2(b)(1) and 1.2©(1); an official with original Top Secret classification authority; and the senior official designated under Section 5.3(a)(1), [FN1] provided that official has been delegated original classification authority by the agency head.
 - (5) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided in this Order. It shall identify the official delegated the authority by name or position title. Delegated classification authority includes the authority to classify information at the level granted and lower levels of classification.
- (e) Exceptional Cases. When an employee, contractor, licensee, or grantee of an agency that does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this Order and its implementing directives. The information shall be transmitted promptly as provided under this Order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within thirty (30) days whether to classify this information. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the agency having primary subject matter interest and forward the information, with appropriate recommendations, to that agency for a classification determination.

Sec. 1.3 Classification Categories.

- (a) Information shall be considered for classification if it concerns:
 - (1) military plans, weapons, or operations;
 - (2) the vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;
 - (3) foreign government information;
 - (4) intelligence activities (including special activities), or intelligence sources or methods;
 - (5) foreign relations or foreign activities of the United States;
 - (6) scientific, technological, or economic matters relating to the national security;
 - (7) United States Government programs for safeguarding nuclear materials or facilities;
 - (8) cryptology;
 - (9) a confidential source; or
 - (10) other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or by agency heads or other officials who have been delegated original classification authority by the President. Any determination made under this subsection shall be reported promptly to the Director of the Information Security Oversight Office.
- (b) Information that is determined to concern one or more of the categories in Section 1.3(a) shall be classified when an original classification authority also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security.
- (c) Unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security.
- (d) Information classified in accordance with Section 1.3 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

Sec. 1.4 Duration of Classification.

- (a) Information shall be classified as long as required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.
- (b) Automatic declassification determinations under predecessor orders shall remain valid unless the classification is extended by an authorized official of the originating agency. These extensions may be by individual documents or categories of information. The agency shall be responsible for notifying holders of the information of such extensions.
- (c) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of this Order.



Sec. 1.5 Identification and Markings.

- (a) At the time of original classification, the following information shall be shown on the face of all classified documents, or clearly associated with other forms of classified information in a manner appropriate to the medium involved, unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information:
 - (1) one of the three classification levels defined in Section 1.1;
 - (2) the identity of the original classification authority if other than the person whose name appears as the approving or signing official;
 - (3) the agency and office of origin; and (4) the date or event for declassification, or the notation 'Originating Agency's Determination Required.'
- (b) Each classified document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are not classified. Agency heads may, for good cause, grant and revoke waivers of this requirement for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.
- (c) Marking designations implementing the provisions of this Order, including abbreviations, shall conform to the standards prescribed in implementing directives issued by the Information Security Oversight Office.
- (d) Foreign government information shall either retain its original classification or be assigned a United States classification that shall ensure a degree of protection at least equivalent to that required by the entity that furnished the information.
- (e) Information assigned a level of classification under predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Omitted markings may be inserted on a document by the officials specified in Section 3.1(b).

Sec. 1.6 Limitations on Classification.

- (a) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of national security.
- (b) Basic scientific research information not clearly related to the national security may not be classified.
- (c) The President or an agency head or official designated under Sections 1.2(a)(2), 1.2(b)(1), or 1.2©(1) may reclassify information previously declassified and disclosed if it is determined in writing that
 - (1) the information requires protection in the interest of national security; and
 - (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office.
- (d) Information may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.A. 552a), or the mandatory review provisions of

this Order (Section 3.4) if such classification meets the requirements of this Order and is accomplished personally and on a document-by-document basis by the agency head, the deputy agency head, the senior agency official designated under Section 5.3(a)(1), [FN1] or an official with original Top Secret classification authority.



PART 2

Derivative Classification

Sec. 2.1 Use of Derivative Classification.

- (a) Derivative classification is
 - (1) the determination that information is in substance the same as information currently classified, and
 - (2) the application of the same classification markings. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.
- (b) Persons who apply derivative classification markings shall:
 - (1) observe and respect original classification decisions; and
 - (2) carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

Sec. 2.2 Classification Guides.

- (a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.
- (b) Each guide shall be approved personally and in writing by an official who:
 - (1) has program or supervisory responsibility over the information or is the senior agency official designated under Section 5.3(a)(1); [FN1] and
 - (2) is authorized to classify information originally at the highest level of classification prescribed in the guide. © Agency heads may, for good cause, grant and revoke waivers of the requirement to prepare classification guides for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.



PART 3

Declassification and Downgrading

Sec. 3.1 Declassification Authority.

- (a) Information shall be declassified or downgraded as soon as national security considerations permit. Agencies shall coordinate their review of classified information with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by Section 1.3 despite the passage of time will continue to be protected in accordance with this Order.
- (b) Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a supervisory official of either, or officials delegated such authority in writing by the agency head or the senior agency official designated pursuant to Section 5.3(a)(1). [FN1]
- (c) If the Director of the Information Security Oversight Office determines that information is classified in violation of this Order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the National Security Council. The information shall remain classified, pending a prompt decision on the appeal.
- (d) The provisions of this Section shall also apply to agencies that, under the terms of this Order, do not have original classification authority, but that had such authority under predecessor orders.

Sec. 3.2 Transferred Information.

- (a) In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this Order.
- (b) In the case of classified information that is not officially transferred as described in Section 3.2(a), but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purposes of this Order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the information.
- (c) Classified information accessioned into the National Archives of the United States shall be declassified or downgraded by the Archivist of the United States in accordance with this Order, the directives of the Information Security Oversight Office, and agency guidelines.

Sec. 3.3 Systematic Review for Declassification.

- (a) The Archivist of the United States shall, in accordance with procedures and timeframes prescribed in the Information Security Oversight Office's directives implementing this Order, systematically review for declassification or downgrading
 - (1) classified records accessioned into the National Archives of the United States, and
 - (2) classified presidential papers or records under the Archivist's control. Such information shall be reviewed by the Archivist for declassification or

downgrading in accordance with systematic review guidelines that shall be provided by the head of the agency that originated the information, or in the case of foreign government information, by the Director of the Information Security Oversight Office in consultation with interested agency heads.

- (b) Agency heads may conduct internal systematic review programs for classified information originated by their agencies contained in records determined by the Archivist to be permanently valuable but that have not been accessioned into the National Archives of the United States.
- (c) After consultation with affected agencies, the Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

Sec. 3.4. Mandatory Review for Declassification.

- (a) Except as provided in Section 3.4(b), all information classified under this Order or predecessor orders shall be subject to a review for declassification by the originating agency, if:
 - (1) the request is made by a United States citizen or permanent resident alien, a federal agency, or a State or local government; and
 - (2) the request describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort.
- (b) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from the provisions of Section 3.4(a). The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services or the Archivist pursuant to sections 2107, 2107 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest shall be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.
- (c) Agencies conducting a mandatory review for declassification shall declassify information no longer requiring protection under this Order. They shall release this information unless withholding is otherwise authorized under applicable law.
- (d) Agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They shall also provide a means for administratively appealing a denial of a mandatory review request.
- (e) The Secretary of Defense shall develop special procedures for the review of cryptologic information, and the Director of Central Intelligence shall develop

special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, after consultation with affected agencies. The Archivist shall develop special procedures for the review of information accessioned into the National Archives of the United States.

- (f) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this Order:
 - (1) An agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under this Order.
 - (2) When an agency receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response under Section 3.4(f)(1) is required, the referring agency shall respond to the requester in accordance with that Section.



PART 4

Safeguarding

Sec. 4.1 General Restrictions on Access.

- (a) A person is eligible for access to classified information provided that a determination of trustworthiness has been made by agency heads or designated officials and provided that such access is essential to the accomplishment of lawful and authorized Government purposes.
- (b) Control shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons.
- (c) Classified information shall not be disseminated outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch.
- (d) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this Section, the Department of Defense shall be considered one agency.

Sec. 4.2 Special Access Programs.

- (a) Agency heads designated pursuant to Section 1.2(a) may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to this Order or predecessor orders. Such programs may be created or continued only at the written direction of these agency heads. For special access programs pertaining to intelligence activities (including special activities but not including military operational, strategic and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence.
- (b) Each agency head shall establish and maintain a system of accounting for special access programs. The Director of the Information Security Oversight Office, consistent with the provisions of Section 5.2(b)(4), shall have non-delegable access to all such accountings.

Sec. 4.3 Access by Historical Researchers and Former Presidential Appointees.

- (a) The requirement in Section 4.1(a) that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in Section 4.3(b) for persons who: (1) are engaged in historical research projects, or (2) previously have occupied policy-making positions to which they were appointed by the President. (b) Waivers under Section 4.3(a) may be granted only if the originating agency: (1) determines in writing that access is consistent with the interest of national security; (2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this Order; and (3) limits the access granted to former presidential appointees to items that the person originated, reviewed, signed, or received while serving as a presidential appointee.



PART 5

Implementation and Review

Sec. 5.1 Policy Direction.

- (a) The National Security Council shall provide overall policy direction for the information security program. (b) The Administrator of General Services shall be responsible for implementing and monitoring the program established pursuant to this Order. The Administrator shall delegate the implementation and monitorship functions of this program to the Director of the Information Security Oversight Office.

Sec. 5.2 Information Security Oversight Office.

- (a) The Information Security Oversight Office shall have a full-time Director appointed by the Administrator of General Services subject to approval by the President. The Director shall have the authority to appoint a staff for the Office.
- (b) The Director shall:
- (1) develop, in consultation with the agencies, and promulgate, subject to the approval of the National Security Council, directives for the implementation of this Order, which shall be binding on the agencies;
 - (2) oversee agency actions to ensure compliance with this Order and implementing directives;
 - (3) review all agency implementing regulations and agency guidelines for systematic declassification review. The Director shall require any regulation or guideline to be changed if it is not consistent with this Order or implementing directives. Any such decision by the Director may be appealed to the National Security Council. The agency regulation or guideline shall remain in effect pending a prompt decision on the appeal;
 - (4) have the authority to conduct on-site reviews of the information security program of each agency that generates or handles classified information and to require of each agency those reports, information, and other cooperation that may be necessary to fulfill the Director's responsibilities. If these reports, inspections, or access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior official designated under Section 5.3(a)(1) [FN1] may deny access. The Director may appeal denials to the National Security Council. The denial of access shall remain in effect pending a prompt decision on the appeal;
 - (5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend presidential approval;
 - (6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the information security program;
 - (7) have the authority to prescribe, after consultation with affected agencies, standard forms that will promote the implementation of the information security program;
 - (8) report at least annually to the President through the National Security Council on the implementation of this Order; and

- (9) have the authority to convene and chair interagency meetings to discuss matters pertaining to the information security program.

Sec. 5.3 General Responsibilities.

Agencies that originate or handle classified information shall:

- (a) designate a senior agency official to direct and administer its information security program, which shall include an active oversight and security education program to ensure effective implementation of this Order;
- (b) promulgate implementing regulations. Any unclassified regulations that establish agency information security policy shall be published in the Federal Register to the extent that these regulations affect members of the public;
- (c) establish procedures to prevent unnecessary access to classified information, including procedures that
 - (i) require that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and (ii) ensure that the number of persons granted access to classified information is limited to the minimum consistent with operational and security requirements and needs; and (d) develop special contingency plans for the protection of classified information used in or near hostile or potentially hostile areas.

Sec. 5.4 Sanctions.

- (a) If the Director of the Information Security Oversight Office finds that a violation of this Order or its implementing directives may have occurred, the Director shall make a report to the head of the agency or to the senior official designated under Section 5.3(a)(1) [FN1] so that corrective steps, if appropriate, may be taken.
- (b) Officers and employees of the United States Government, and its contractors, licensees, and grantees shall be subject to appropriate sanctions if they:
 - (1) knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under this Order or predecessor orders;
 - (2) knowingly and willfully classify or continue the classification of information in violation of this Order or any implementing directive; or
 - (3) knowingly and willfully violate any other provision of this Order or implementing directive.
- (c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.
- (d) Each agency head or the senior official designated under Section 5.3(a)(1) [FN1] shall ensure that appropriate and prompt corrective action is taken whenever a violation under Section 5.4(b) occurs. Either shall ensure that the Director of the Information Security Oversight Office is promptly notified whenever a violation under Section 5.4(b)(1) or (2) occurs.



PART 6

General Provisions

Sec. 6.1 Definitions.

- (a) 'Agency' has the meaning provided at 5 U.S.C. 552(e).
- (b) 'Information' means any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government.
- (c) 'National security information' means information that has been determined pursuant to this Order or any predecessor order to require protection against unauthorized disclosure and that is so designated. (d) 'Foreign government information' means:
 - (1) information provided by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the information, or both, are to be held in confidence; or
 - (2) information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence.
- (e) 'National security' means the national defense or foreign relations of the United States.
- (f) 'Confidential source' means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation, expressed or implied, that the information or relationship, or both, be held in confidence.
- (g) 'Original classification' means an initial determination that information requires, in the interest of national security, protection against unauthorized disclosure, together with a classification designation signifying the level of protection required.

Sec. 6.2 General.

- (a) Nothing in this Order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended. 'Restricted Data' and 'Formerly Restricted Data' shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.
- (b) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this Order with respect to any question arising in the course of its administration.
- (c) Nothing in this Order limits the protection afforded any information by other provisions of law.
- (d) Executive Order No. 12065 of June 28, 1978, as amended, is revoked as of the effective date of this Order.
- (e) This Order shall become effective on August 1, 1982.

RONALD REAGAN THE WHITE HOUSE, April 2, 1982.



TREATY OF AMSTERDAM
AMENDING THE TREATY
ON EUROPEAN UNION,
THE TREATIES ESTABLISHING
THE EUROPEAN COMMUNITIES
AND CERTAIN RELATED ACTS

INTRODUCTORY NOTE

This publication reproduces the text of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, as signed in Amsterdam on 2 October 1997.

The text has been produced for documentary purposes and does not involve the responsibility of the institutions

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (<http://europa.eu.int>)

Cataloguing data can be found at the end of this publication

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PART ONE
SUBSTANTIVE AMENDMENTS

Article 1

The Treaty on European Union shall be amended in accordance with the provisions of this Article.

1. After the third recital the following recital shall be inserted:

‘CONFIRMING their attachment to fundamental social rights as defined in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers,’

2. The existing seventh recital shall be replaced by the following:

‘DETERMINED to promote economic and social progress for their peoples, taking into account the principle of sustainable development and within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,’

3. The existing ninth and tenth recitals shall be replaced by the following:

‘RESOLVED to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article J.7, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

RESOLVED to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty,’

4. In Article A the second paragraph shall be replaced by the following:

‘This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.’

5. Article B shall be replaced by the following:

‘Article B

The Union shall set itself the following objectives:

- to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;

- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with the provisions of Article J.7;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;
- to maintain in full the *acquis communautaire* and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 3b of the Treaty establishing the European Community.'

6. In Article C, the second paragraph shall be replaced by the following:

'The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end. They shall ensure the implementation of these policies, each in accordance with its respective powers.'

7. Article E shall be replaced by the following:

'Article E

The European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors shall exercise their powers under the conditions and for the purposes provided for, on the one hand, by the provisions of the Treaties establishing the European Communities and of the subsequent Treaties and Acts modifying and supplementing them and, on the other hand, by the other provisions of this Treaty.'

8. Article F shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

'1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.';

- (b) the existing paragraph 3 shall become paragraph 4 and a new paragraph 3 shall be inserted as follows:

'3. The Union shall respect the national identities of its Member States.'

9. The following Article shall be inserted at the end of Title I:

‘Article F.1

1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article F(1), after inviting the government of the Member State in question to submit its observations.

2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 2 in response to changes in the situation which led to their being imposed.

4. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 1. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 148(2) of the Treaty establishing the European Community.

This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 2.

5. For the purposes of this Article, the European Parliament shall act by a two thirds majority of the votes cast, representing a majority of its members.’

10. Title V shall be replaced by the following:

‘Title V

PROVISIONS ON A COMMON FOREIGN AND SECURITY POLICY

Article J.1

1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

— to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;

- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council shall ensure that these principles are complied with.

Article J.2

The Union shall pursue the objectives set out in Article J.1 by:

- defining the principles of and general guidelines for the common foreign and security policy;
- deciding on common strategies;
- adopting joint actions;
- adopting common positions;
- strengthening systematic cooperation between Member States in the conduct of policy.

Article J.3

1. The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

2. The European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common.

Common strategies shall set out their objectives, duration and the means to be made available by the Union and the Member States.

3. The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council.

The Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions.

The Council shall ensure the unity, consistency and effectiveness of action by the Union.

Article J.4

1. The Council shall adopt joint actions. Joint actions shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation.

2. If there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the Council has not acted, the joint action shall stand.

3. Joint actions shall commit the Member States in the positions they adopt and in the conduct of their activity.

4. The Council may request the Commission to submit to it any appropriate proposals relating to the common foreign and security policy to ensure the implementation of a joint action.

5. Whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.

6. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the joint action. The Member State concerned shall inform the Council immediately of any such measures.

7. Should there be any major difficulties in implementing a joint action, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the joint action or impair its effectiveness.

Article J.5

The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common positions.

Article J.6

Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action.

Article J.7

1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making.

3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article J.3 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision taking in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

4. The provisions of this Article shall not prevent the development of closer co-operation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article N.

Article J.8

1. The Presidency shall represent the Union in matters coming within the common foreign and security policy.

2. The Presidency shall be responsible for the implementation of decisions taken under this Title; in that capacity it shall in principle express the position of the Union in international organisations and international conferences.

3. The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy.

4. The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2. The Presidency shall be assisted in those tasks if need be by the next Member State to hold the Presidency.

5. The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.

Article J.9

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

2. Without prejudice to paragraph 1 and Article J.4(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

Article J.10

The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to

international organisations, shall cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented.

They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in Article 8c of the Treaty establishing the European Community.

Article J.11

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.

Article J.12

1. Any Member State or the Commission may refer to the Council any questions relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Article J.13

1. Decisions under this Title shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.

When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent more than one third of the votes weighted in accordance with Article 148(2) of the Treaty establishing the European Community, the decision shall not be adopted.

2. By derogation from the provisions of paragraph 1, the Council shall act by qualified majority:
 - when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
 - when adopting any decision implementing a joint action or a common position.

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance with Article 148(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members.

This paragraph shall not apply to decisions having military or defence implications.

3. For procedural questions, the Council shall act by a majority of its members.

Article J.14

When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this Title, the Council, acting unanimously, may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council acting unanimously on a recommendation from the Presidency. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them.

The provisions of this Article shall also apply to matters falling under Title VI.

Article J.15

Without prejudice to Article 151 of the Treaty establishing the European Community, a Political Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Article J.16

The Secretary-General of the Council, High Representative for the common foreign and security policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties.

Article J.17

The Commission shall be fully associated with the work carried out in the common foreign and security policy field.

Article J.18

1. Articles 137, 138, 139 to 142, 146, 147, 150 to 153, 157 to 163, 191a and 217 of the Treaty establishing the European Community shall apply to the provisions relating to the areas referred to in this Title.
2. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the budget of the European Communities.
3. Operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the budget of the European Communities it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article J.13(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

4. The budgetary procedure laid down in the Treaty establishing the European Community shall apply to the expenditure charged to the budget of the European Communities.'

11. Title VI shall be replaced by the following:

'Title VI

PROVISIONS ON POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS

Article K.1

Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.

That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles K.2 and K.4;
- closer cooperation between judicial and other competent authorities of the Member States in accordance with the provisions of Articles K.3(a) to (d) and K.4;

- approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article K.3(e).

Article K.2

1. Common action in the field of police cooperation shall include:
 - (a) operational cooperation between the competent authorities, including the police, customs and other specialised law enforcement services of the Member States in relation to the prevention, detection and investigation of criminal offences;
 - (b) the collection, storage, processing, analysis and exchange of relevant information, including information held by law enforcement services on reports on suspicious financial transactions, in particular through Europol, subject to appropriate provisions on the protection of personal data;
 - (c) cooperation and joint initiatives in training, the exchange of liaison officers, secondments, the use of equipment, and forensic research;
 - (d) the common evaluation of particular investigative techniques in relation to the detection of serious forms of organised crime.
2. The Council shall promote cooperation through Europol and shall in particular, within a period of five years after the date of entry into force of the Treaty of Amsterdam:
 - (a) enable Europol to facilitate and support the preparation, and to encourage the co-ordination and carrying out, of specific investigative actions by the competent authorities of the Member States, including operational actions of joint teams comprising representatives of Europol in a support capacity;
 - (b) adopt measures allowing Europol to ask the competent authorities of the Member States to conduct and coordinate their investigations in specific cases and to develop specific expertise which may be put at the disposal of Member States to assist them in investigating cases of organised crime;
 - (c) promote liaison arrangements between prosecuting/investigating officials specialising in the fight against organised crime in close cooperation with Europol;
 - (d) establish a research, documentation and statistical network on cross-border crime.

Article K.3

Common action on judicial cooperation in criminal matters shall include:

- (a) facilitating and accelerating cooperation between competent ministries and judicial or equivalent authorities of the Member States in relation to proceedings and the enforcement of decisions;
- (b) facilitating extradition between Member States;
- (c) ensuring compatibility in rules applicable in the Member States, as may be necessary to improve such cooperation;
- (d) preventing conflicts of jurisdiction between Member States;
- (e) progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking.

Article K.4

The Council shall lay down the conditions and limitations under which the competent authorities referred to in Articles K.2 and K.3 may operate in the territory of another Member State in liaison and in agreement with the authorities of that State.

Article K.5

This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Article K.6

1. In the areas referred to in this Title, Member States shall inform and consult one another within the Council with a view to coordinating their action. To that end, they shall establish collaboration between the relevant departments of their administrations.
2. The Council shall take measures and promote cooperation, using the appropriate form and procedures as set out in this Title, contributing to the pursuit of the objectives of the Union. To that end, acting unanimously on the initiative of any Member State or of the Commission, the Council may:
 - (a) adopt common positions defining the approach of the Union to a particular matter;
 - (b) adopt framework decisions for the purpose of approximation of the laws and regulations of the Member States. Framework decisions shall be binding upon the Member States as to the result to be achieved but shall leave to the national authorities the choice of form and methods. They shall not entail direct effect;
 - (c) adopt decisions for any other purpose consistent with the objectives of this Title, excluding any approximation of the laws and regulations of the Member States. These decisions shall be binding and shall not entail direct effect; the Council, acting by a qualified majority, shall adopt measures necessary to implement those decisions at the level of the Union;

- (d) establish conventions which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements. Member States shall begin the procedures applicable within a time limit to be set by the Council.

Unless they provide otherwise, conventions shall, once adopted by at least half of the Member States, enter into force for those Member States. Measures implementing conventions shall be adopted within the Council by a majority of two-thirds of the Contracting Parties.

3. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 148(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 62 votes in favour, cast by at least 10 members.

4. For procedural questions, the Council shall act by a majority of its members.

Article K.7

1. The Court of Justice of the European Communities shall have jurisdiction, subject to the conditions laid down in this Article, to give preliminary rulings on the validity and interpretation of framework decisions, and decisions on the interpretation of conventions established under this Title and on the validity and interpretation of the measures implementing them.

2. By a declaration made at the time of signature of the Treaty of Amsterdam or at any time thereafter, any Member State shall be able to accept the jurisdiction of the Court of Justice to give preliminary rulings as specified in paragraph 1.

3. A Member State making a declaration pursuant to paragraph 2 shall specify that either:

(a) any court or tribunal of that State against whose decisions there is no judicial remedy under national law may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment, or

(b) any court or tribunal of that State may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment.

4. Any Member State, whether or not it has made a declaration pursuant to paragraph 2, shall be entitled to submit statements of case or written observations to the Court in cases which arise under paragraph 1.

5. The Court of Justice shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

6. The Court of Justice shall have jurisdiction to review the legality of framework decisions and decisions in actions brought by a Member State or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers. The proceedings provided for in this paragraph shall be instituted within two months of the publication of the measure.

7. The Court of Justice shall have jurisdiction to rule on any dispute between Member States regarding the interpretation or the application of acts adopted under Article K.6(2) whenever such dispute cannot be settled by the Council within six months of its being referred to the Council by one of its members. The Court shall also have jurisdiction to rule on any dispute between Member States and the Commission regarding the interpretation or the application of conventions established under Article K.6(2)(d).

Article K.8

1. A Coordinating Committee shall be set up consisting of senior officials. In addition to its coordinating role, it shall be the task of the Committee to:

- give opinions for the attention of the Council, either at the Council's request or on its own initiative;
- contribute, without prejudice to Article 151 of the Treaty establishing the European Community, to the preparation of the Council's discussions in the areas referred to in Article K.1.

2. The Commission shall be fully associated with the work in the areas referred to in this Title.

Article K.9

Within international organisations and at international conferences in which they take part, Member States shall defend the common positions adopted under the provisions of this Title.

Articles J.8 and J.9 shall apply as appropriate to matters falling under this Title.

Article K.10

Agreements referred to in Article J.14 may cover matters falling under this Title.

Article K.11

1. The Council shall consult the European Parliament before adopting any measure referred to in Article K.6(2)(b), (c) and (d). The European Parliament shall deliver its opinion within a time-limit which the Council may lay down, which shall not be less than three months. In the absence of an opinion within that time-limit, the Council may act.

2. The Presidency and the Commission shall regularly inform the European Parliament of discussions in the areas covered by this Title.

3. The European Parliament may ask questions of the Council or make recommendations to it. Each year, it shall hold a debate on the progress made in the areas referred to in this Title.

Article K.12

1. Member States which intend to establish closer cooperation between themselves may be authorised, subject to Articles K.15 and K.16, to make use of the institutions, procedures and mechanisms laid down by the Treaties provided that the cooperation proposed:

- (a) respects the powers of the European Community, and the objectives laid down by this Title;
- (b) has the aim of enabling the Union to develop more rapidly into an area of freedom, security and justice.

2. The authorisation referred to in paragraph 1 shall be granted by the Council, acting by a qualified majority at the request of the Member States concerned and after inviting the Commission to present its opinion; the request shall also be forwarded to the European Parliament.

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the granting of an authorisation by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance with Article 148(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members.

3. Any Member State which wishes to become a party to cooperation set up in accordance with this Article shall notify its intention to the Council and to the Commission, which shall give an opinion to the Council within three months of receipt of that notification, possibly accompanied by a recommendation for such specific arrangements as it may deem necessary for that Member State to become a party to the cooperation in question. Within four months of the date of that notification, the Council shall decide on the request and on such specific arrangements as it may deem necessary. The decision shall be deemed to be taken unless the Council, acting by a qualified majority, decides to hold it in abeyance; in this case, the Council shall state the reasons for its decision and set a deadline for re-examining it. For the purposes of this paragraph, the Council shall act under the conditions set out in Article K.16.

4. The provisions of Articles K.1 to K.13 shall apply to the closer cooperation provided for by this Article, save as otherwise provided for in this Article and in Articles K.15 and K.16.

The provisions of the Treaty establishing the European Community concerning the powers of the Court of Justice of the European Communities and the exercise of those powers shall apply to paragraphs 1, 2 and 3.

5. This Article is without prejudice to the provisions of the Protocol integrating the Schengen *acquis* into the framework of the European Union.

Article K.13

1. Articles 137, 138, 138e, 139 to 142, 146, 147, 148(3), 150 to 153, 157 to 163, 191a and 217 of the Treaty establishing the European Community shall apply to the provisions relating to the areas referred to in this Title.

2. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the budget of the European Communities.

3. Operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except where the Council acting unanimously decides otherwise. In cases where expenditure is not charged to the budget of the European Communities it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise.

4. The budgetary procedure laid down in the Treaty establishing the European Community shall apply to the expenditure charged to the budget of the European Communities.

Article K.14

The Council, acting unanimously on the initiative of the Commission or a Member State, and after consulting the European Parliament, may decide that action in areas referred to in Article K.1 shall fall under Title IIIa of the Treaty establishing the European Community, and at the same time determine the relevant voting conditions relating to it. It shall recommend the Member States to adopt that decision in accordance with their respective constitutional requirements.'

12. The following new Title shall be inserted:

'Title VIa

PROVISIONS ON CLOSER COOPERATION

Article K.15

1. Member States which intend to establish closer cooperation between themselves may make use of the institutions, procedures and mechanisms laid down by this Treaty and the Treaty establishing the European Community provided that the cooperation:

- (a) is aimed at furthering the objectives of the Union and at protecting and serving its interests;
- (b) respects the principles of the said Treaties and the single institutional framework of the Union;

- (c) is only used as a last resort, where the objectives of the said Treaties could not be attained by applying the relevant procedures laid down therein;
- (d) concerns at least a majority of Member States;
- (e) does not affect the *acquis communautaire* and the measures adopted under the other provisions of the said Treaties;
- (f) does not affect the competences, rights, obligations and interests of those Member States which do not participate therein;
- (g) is open to all Member States and allows them to become parties to the cooperation at any time, provided that they comply with the basic decision and with the decisions taken within that framework;
- (h) complies with the specific additional criteria laid down in Article 5a of the Treaty establishing the European Community and Article K.12 of this Treaty, depending on the area concerned, and is authorised by the Council in accordance with the procedures laid down therein.

2. Member States shall apply, as far as they are concerned, the acts and decisions adopted for the implementation of the cooperation in which they participate. Member States not participating in such cooperation shall not impede the implementation thereof by the participating Member States.

Article K.16

1. For the purposes of the adoption of the acts and decisions necessary for the implementation of the cooperation referred to in Article K.15, the relevant institutional provisions of this Treaty and of the Treaty establishing the European Community shall apply. However, while all members of the Council shall be able to take part in the deliberations, only those representing participating Member States shall take part in the adoption of decisions. The qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 148(2) of the Treaty establishing the European Community. Unanimity shall be constituted by only those Council members concerned.

2. Expenditure resulting from implementation of the cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless the Council, acting unanimously, decides otherwise.

Article K.17

The Council and the Commission shall regularly inform the European Parliament of the development of closer cooperation established on the basis of this Title.'

13. Article L shall be replaced by the following:

'Article L

The provisions of the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community concerning the powers of the Court of Justice of the

European Communities and the exercise of those powers shall apply only to the following provisions of this Treaty:

- (a) provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community;
- (b) provisions of Title VI, under the conditions provided for by Article K.7;
- (c) provisions of Title VIa, under the conditions provided for by Article 5a of the Treaty establishing the European Community and Article K.12 of this Treaty;
- (d) Article F(2) with regard to action of the institutions, insofar as the Court has jurisdiction under the Treaties establishing the European Communities and under this Treaty;
- (e) Articles L to S.’

14. In Article N, paragraph 2 shall be deleted and paragraph 1 shall remain without a number.

15. In Article O, the first paragraph shall be replaced by the following:

‘Any European State which respects the principles set out in Article F(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.’

16. In Article S, a new paragraph shall be added as follows:

‘Pursuant to the 1994 Accession Treaty, the Finnish and Swedish versions of this Treaty shall also be authentic.’

Article 2

The Treaty establishing the European Community shall be amended in accordance with the provisions of this Article.

1. In the preamble the following recital shall be inserted after the eighth recital:

‘DETERMINED to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating,’

2. Article 2 shall be replaced by the following:

‘Article 2

The Community shall have as its task, by establishing a common market and an economic and monetary union and by implementing common policies or activities referred to in Articles 3 and 3a, to promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.’

3. Article 3 shall be amended as follows:

(a) the existing text shall be numbered and become paragraph 1;

(b) in new paragraph 1, point (d) shall be replaced by the following:

‘(d) measures concerning the entry and movement of persons as provided for in Title IIIa;’;

(c) in new paragraph 1, the following new point (i) shall be inserted after point (h):

‘(i) the promotion of coordination between employment policies of the Member States with a view to enhancing their effectiveness by developing a coordinated strategy for employment;’

(d) in new paragraph 1, the existing point (i) shall become point (j) and the subsequent points shall be renumbered accordingly;

(e) the following paragraph shall be added:

‘2. In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women.’

4. The following Article shall be inserted:

‘Article 3c

Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3, in particular with a view to promoting sustainable development.’

5. The following Article shall be inserted:

‘Article 5a

1. Member States which intend to establish closer cooperation between themselves may be authorised, subject to Articles K.15 and K.16 of the Treaty on the European Union, to make use of the institutions, procedures and mechanisms laid down by this Treaty, provided that the cooperation proposed:

(a) does not concern areas which fall within the exclusive competence of the Community;

(b) does not affect Community policies, actions or programmes;

(c) does not concern the citizenship of the Union or discriminate between nationals of Member States;

(d) remains within the limits of the powers conferred upon the Community by this Treaty; and

(e) does not constitute a discrimination or a restriction of trade between Member States and does not distort the conditions of competition between the latter.

2. The authorisation referred to in paragraph 1 shall be granted by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the granting of an authorisation by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the Council, meeting in the composition of the Heads of State or Government, for decision by unanimity.

Member States which intend to establish closer cooperation as referred to in paragraph 1 may address a request to the Commission, which may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

3. Any Member State which wishes to become a party to cooperation set up in accordance with this Article shall notify its intention to the Council and to the Commission, which shall give an opinion to the Council within three months of receipt of that notification. Within four months of the date of that notification, the Commission shall decide on it and on such specific arrangements as it may deem necessary.

4. The acts and decisions necessary for the implementation of cooperation activities shall be subject to all the relevant provisions of this Treaty, save as otherwise provided for in this Article and in Articles K.15 and K.16 of the Treaty on European Union.

5. This Article is without prejudice to the provisions of the Protocol integrating the Schengen *acquis* into the framework of the European Union.'

6. In Article 6, the second paragraph shall be replaced by the following:

'The Council, acting in accordance with the procedure referred to in Article 189b, may adopt rules designed to prohibit such discrimination.'

7. The following Article shall be inserted:

'Article 6a

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.'

8. The following Article shall be inserted at the end of Part One:

'Article 7d

Without prejudice to Articles 77, 90 and 92, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions.'

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9. Article 8(1) shall be replaced by the following:
- ‘1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.’
10. Article 8a(2) shall be replaced by the following:
- ‘2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act in accordance with the procedure referred to in Article 189b. The Council shall act unanimously throughout this procedure.’
11. In Article 8d, the following paragraph shall be added:
- ‘Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 4 in one of the languages mentioned in Article 248 and have an answer in the same language.’
12. Article 51 shall be replaced by the following:
- ‘Article 51*
- The Council shall, acting in accordance with the procedure referred to in Article 189b, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependants:
- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States.
- The Council shall act unanimously throughout the procedure referred to in Article 189b.’
13. Article 56(2) shall be replaced by the following:
- ‘2. The Council shall, acting in accordance with the procedure referred to in Article 189b, issue directives for the coordination of the abovementioned provisions.’
14. Article 57(2) shall be replaced by the following:
- ‘2. For the same purpose, the Council shall, acting in accordance with the procedure referred to in Article 189b, issue directives for the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons. The Council, acting unanimously throughout the procedure referred to in Article 189b, shall decide on directives the implementation of which involves in at least one Member State amendment of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons. In other cases the Council shall act by qualified majority.’

15. The following title shall be inserted in Part Three:

‘Title IIIa

VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATED TO FREE MOVEMENT OF PERSONS

Article 73i

In order to establish progressively an area of freedom, security and justice, the Council shall adopt:

- (a) within a period of five years after the entry into force of the Treaty of Amsterdam, measures aimed at ensuring the free movement of persons in accordance with Article 7a, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration, in accordance with the provisions of Article 73j(2) and (3) and Article 73k(1)(a) and (2)(a), and measures to prevent and combat crime in accordance with the provisions of Article K.3(e) of the Treaty on European Union;
- (b) other measures in the fields of asylum, immigration and safeguarding the rights of nationals of third countries, in accordance with the provisions of Article 73k;
- (c) measures in the field of judicial cooperation in civil matters as provided for in Article 73m;
- (d) appropriate measures to encourage and strengthen administrative cooperation, as provided for in Article 73n;
- (e) measures in the field of police and judicial cooperation in criminal matters aimed at a high level of security by preventing and combating crime within the Union in accordance with the provisions of the Treaty on European Union.

Article 73j

The Council, acting in accordance with the procedure referred to in Article 73o, shall, within a period of five years after the entry into force of the Treaty of Amsterdam, adopt:

- (1) measures with a view to ensuring, in compliance with Article 7a, the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders;
- (2) measures on the crossing of the external borders of the Member States which shall establish:
 - (a) standards and procedures to be followed by Member States in carrying out checks on persons at such borders;
 - (b) rules on visas for intended stays of no more than three months, including:
 - (i) the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;

- (ii) the procedures and conditions for issuing visas by Member States;
 - (iii) a uniform format for visas;
 - (iv) rules on a uniform visa;
- (3) measures setting out the conditions under which nationals of third countries shall have the freedom to travel within the territory of the Member States during a period of no more than three months.

Article 73k

The Council, acting in accordance with the procedure referred to in Article 73o, shall, within a period of five years after the entry into force of the Treaty of Amsterdam, adopt:

- (1) measures on asylum, in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties, within the following areas:
- (a) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States,
 - (b) minimum standards on the reception of asylum seekers in Member States,
 - (c) minimum standards with respect to the qualification of nationals of third countries as refugees,
 - (d) minimum standards on procedures in Member States for granting or withdrawing refugee status;
- (2) measures on refugees and displaced persons within the following areas:
- (a) minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection,
 - (b) promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons;
- (3) measures on immigration policy within the following areas:
- (a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion,
 - (b) illegal immigration and illegal residence, including repatriation of illegal residents;
- (4) measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

Measures adopted by the Council pursuant to points 3 and 4 shall not prevent any Member State from maintaining or introducing in the areas concerned national provisions which are compatible with this Treaty and with international agreements.

Measures to be adopted pursuant to points 2(b), 3(a) and 4 shall not be subject to the five year period referred to above.

Article 73l

1. This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

2. In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries and without prejudice to paragraph 1, the Council may, acting by qualified majority on a proposal from the Commission, adopt provisional measures of a duration not exceeding six months for the benefit of the Member States concerned.

Article 73m

Measures in the field of judicial cooperation in civil matters having cross-border implications, to be taken in accordance with Article 73o and insofar as necessary for the proper functioning of the internal market, shall include:

(a) improving and simplifying:

- the system for cross-border service of judicial and extrajudicial documents;
- cooperation in the taking of evidence;
- the recognition and enforcement of decisions in civil and commercial cases, including decisions in extrajudicial cases;

(b) promoting the compatibility of the rules applicable in the Member States concerning the conflict of laws and of jurisdiction;

(c) eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.

Article 73n

The Council, acting in accordance with the procedure referred to in Article 73o, shall take measures to ensure cooperation between the relevant departments of the administrations of the Member States in the areas covered by this Title, as well as between those departments and the Commission.

Article 73o

1. During a transitional period of five years following the entry into force of the Treaty of Amsterdam, the Council shall act unanimously on a proposal from the Commission or on the initiative of a Member State and after consulting the European Parliament.
2. After this period of five years:
 - the Council shall act on proposals from the Commission; the Commission shall examine any request made by a Member State that it submit a proposal to the Council;
 - the Council, acting unanimously after consulting the European Parliament, shall take a decision with a view to providing for all or parts of the areas covered by this Title to be governed by the procedure referred to in Article 189b and adapting the provisions relating to the powers of the Court of Justice.
3. By derogation from paragraphs 1 and 2, measures referred to in Article 73j(2)(b) (i) and (iii) shall, from the entry into force of the Treaty of Amsterdam, be adopted by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.
4. By derogation from paragraph 2, measures referred to in Article 73j(2)(b) (ii) and (iv) shall, after a period of five years following the entry into force of the Treaty of Amsterdam, be adopted by the Council acting in accordance with the procedure referred to in Article 189b.

Article 73p

1. Article 177 shall apply to this Title under the following circumstances and conditions: where a question on the interpretation of this Title or on the validity or interpretation of acts of the institutions of the Community based on this Title is raised in a case pending before a court or a tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court of Justice to give a ruling thereon.
2. In any event, the Court of Justice shall not have jurisdiction to rule on any measure or decision taken pursuant to Article 73j(1) relating to the maintenance of law and order and the safeguarding of internal security.
3. The Council, the Commission or a Member State may request the Court of Justice to give a ruling on a question of interpretation of this Title or of acts of the institutions of the Community based on this Title. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the Member States which have become *res judicata*.

Article 73q

The application of this Title shall be subject to the provisions of the Protocol on the position of the United Kingdom and Ireland and to the Protocol on the position of Denmark and without prejudice to the Protocol on the application of certain aspects of

Article 7a of the Treaty establishing the European Community to the United Kingdom and to Ireland.’

16. In Article 75(1), the introductory part shall be replaced by the following:

‘1. For the purpose of implementing Article 74, and taking into account the distinctive features of transport, the Council shall, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, lay down:’

17. In Article 100a, paragraphs 3, 4 and 5 shall be replaced by the following paragraphs:

‘3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

4. If, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article 36, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

5. Moreover, without prejudice to paragraph 4, if, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.

6. The Commission shall, within six months of the notifications as referred to in paragraphs 4 and 5, approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market.

In the absence of a decision by the Commission within this period the national provisions referred to in paragraphs 4 and 5 shall be deemed to have been approved.

When justified by the complexity of the matter and in the absence of danger for human health, the Commission may notify the Member State concerned that the period referred to in this paragraph may be extended for a further period of up to six months.

7. When, pursuant to paragraph 6, a Member State is authorised to maintain or introduce national provisions derogating from a harmonisation measure, the Commission shall immediately examine whether to propose an adaptation to that measure.

8. When a Member State raises a specific problem on public health in a field which has been the subject of prior harmonisation measures, it shall bring it to the attention of the Commission which shall immediately examine whether to propose appropriate measures to the Council.

9. By way of derogation from the procedure laid down in Articles 169 and 170, the Commission and any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.

10. The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Community control procedure.'

18. Articles 100c and 100d shall be repealed.

19. The following Title shall be inserted after Title VI:

'Title VIa

EMPLOYMENT

Article 109n

Member States and the Community shall, in accordance with this Title, work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives defined in Article B of the Treaty on European Union and in Article 2 of this Treaty.

Article 109o

1. Member States, through their employment policies, shall contribute to the achievement of the objectives referred to in Article 109n in a way consistent with the broad guidelines of the economic policies of the Member States and of the Community adopted pursuant to Article 103(2).

2. Member States, having regard to national practices related to the responsibilities of management and labour, shall regard promoting employment as a matter of common concern and shall coordinate their action in this respect within the Council, in accordance with the provisions of Article 109q.

Article 109p

1. The Community shall contribute to a high level of employment by encouraging cooperation between Member States and by supporting and, if necessary, complementing their action. In doing so, the competences of the Member States shall be respected.

2. The objective of a high level of employment shall be taken into consideration in the formulation and implementation of Community policies and activities.

Article 109q

1. The European Council shall each year consider the employment situation in the Community and adopt conclusions thereon, on the basis of a joint annual report by the Council and the Commission.
2. On the basis of the conclusions of the European Council, the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Employment Committee referred to in Article 109s, shall each year draw up guidelines which the Member States shall take into account in their employment policies. These guidelines shall be consistent with the broad guidelines adopted pursuant to Article 103(2).
3. Each Member State shall provide the Council and the Commission with an annual report on the principal measures taken to implement its employment policy in the light of the guidelines for employment as referred to in paragraph 2.
4. The Council, on the basis of the reports referred to in paragraph 3 and having received the views of the Employment Committee, shall each year carry out an examination of the implementation of the employment policies of the Member States in the light of the guidelines for employment. The Council, acting by a qualified majority on a recommendation from the Commission, may, if it considers it appropriate in the light of that examination, make recommendations to Member States.
5. On the basis of the results of that examination, the Council and the Commission shall make a joint annual report to the European Council on the employment situation in the Community and on the implementation of the guidelines for employment.

Article 109r

The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, may adopt incentive measures designed to encourage cooperation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects.

Those measures shall not include harmonisation of the laws and regulations of the Member States.

Article 109s

The Council, after consulting the European Parliament, shall establish an Employment Committee with advisory status to promote coordination between Member States on employment and labour market policies. The tasks of the Committee shall be:

- to monitor the employment situation and employment policies in the Member States and the Community;
- without prejudice to Article 151, to formulate opinions at the request of either the Council or the Commission or on its own initiative, and to contribute to the preparation of the Council proceedings referred to in Article 109q.

In fulfilling its mandate, the Committee shall consult management and labour.

Each Member State and the Commission shall appoint two members of the Committee.'

20. In Article 113, the following paragraph shall be added:

'5. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend the application of paragraphs 1 to 4 to international negotiations and agreements on services and intellectual property insofar as they are not covered by these paragraphs.'

21. The following Title shall be inserted after Title VII:

'Title VIIa

CUSTOMS COOPERATION

Article 116

Within the scope of application of this Treaty, the Council, acting in accordance with the procedure referred to in Article 189b, shall take measures in order to strengthen customs cooperation between Member States and between the latter and the Commission. These measures shall not concern the application of national criminal law or the national administration of justice.'

22. Articles 117 to 120 shall be replaced by the following Articles:

'Article 117

The Community and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Community and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Community economy.

They believe that such a development will ensue not only from the functioning of the common market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

Article 118

1. With a view to achieving the objectives of Article 117, the Community shall support and complement the activities of the Member States in the following fields:

- improvement in particular of the working environment to protect workers' health and safety;
- working conditions;
- the information and consultation of workers;
- the integration of persons excluded from the labour market, without prejudice to Article 127;
- equality between men and women with regard to labour market opportunities and treatment at work.

2. To this end, the Council may adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The Council shall act in accordance with the procedure referred to in Article 189b after consulting the Economic and Social Committee and the Committee of the Regions.

The Council, acting in accordance with the same procedure, may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences in order to combat social exclusion.

3. However, the Council shall act unanimously on a proposal from the Commission, after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions in the following areas:

- social security and social protection of workers;
- protection of workers where their employment contract is terminated;
- representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 6;
- conditions of employment for third-country nationals legally residing in Community territory;
- financial contributions for promotion of employment and job-creation, without prejudice to the provisions relating to the Social Fund.

4. A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraphs 2 and 3.

In this case, it shall ensure that, no later than the date on which a directive must be transposed in accordance with Article 189, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive.

5. The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with this Treaty.

6. The provisions of this Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

Article 118a

1. The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Community action.

3. If, after such consultation, the Commission considers Community action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of such consultation, management and labour may inform the Commission of their wish to initiate the process provided for in Article 118b. The duration of the procedure shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

Article 118b

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.

2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 118, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.

The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas referred to in Article 118(3), in which case it shall act unanimously.

Article 118c

With a view to achieving the objectives of Article 117 and without prejudice to the other provisions of this Treaty, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this chapter, particularly in matters relating to:

— employment;

- labour law and working conditions;
- basic and advanced vocational training;
- social security;
- prevention of occupational accidents and diseases;
- occupational hygiene;
- the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

Article 119

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.
2. For the purpose of this Article, “pay” means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
 - (b) that pay for work at time rates shall be the same for the same job.
3. The Council, acting in accordance with the procedure referred to in Article 189b, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.
 4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

Article 119a

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

Article 120

The Commission shall draw up a report each year on progress in achieving the objectives of Article 117, including the demographic situation in the Community. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

The European Parliament may invite the Commission to draw up reports on particular problems concerning the social situation.'

23. Article 125 shall be replaced by the following:

'Article 125

The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt implementing decisions relating to the European Social Fund.'

24. Article 127(4) shall be replaced by the following:

'4. The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States.'

25. Article 128(4) shall be replaced by the following:

'4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.'

26. Article 129 shall be replaced by the following:

'Article 129

1. A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.

Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education.

The Community shall complement the Member States' action in reducing drugs-related health damage, including information and prevention.

2. The Community shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action.

Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such co-ordination.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.

4. The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, shall contribute to the achievement of the objectives referred to in this Article through adopting:

- (a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;
- (b) by way of derogation from Article 43, measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;
- (c) incentive measures designed to protect and improve human health, excluding any harmonisation of the laws and regulations of the Member States.

The Council, acting by a qualified majority on a proposal from the Commission, may also adopt recommendations for the purposes set out in this Article.

5. Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care. In particular, measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.'

27. Article 129a shall be replaced by the following:

'Article 129a

1. In order to promote the interests of consumers and to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.

2. Consumer protection requirements shall be taken into account in defining and implementing other Community policies and activities.

3. The Community shall contribute to the attainment of the objectives referred to in paragraph 1 through:

- (a) measures adopted pursuant to Article 100a in the context of the completion of the internal market;

(b) measures which support, supplement and monitor the policy pursued by the Member States.

4. The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee, shall adopt the measures referred to in paragraph 3(b).

5. Measures adopted pursuant to paragraph 4 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with this Treaty. The Commission shall be notified of them.'

28. In the first subparagraph of Article 129c(1), the first part of the third indent shall be replaced by the following:

'— may support projects of common interest supported by Member States, which are identified in the framework of the guidelines referred to in the first indent, particularly through feasibility studies, loan guarantees or interest-rate subsidies;'

29. Article 129d shall be amended as follows:

(a) the first paragraph shall be replaced by the following:

'The guidelines and other measures referred to in Article 129c(1) shall be adopted by the Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions.';

(b) the third paragraph shall be deleted.

30. In Article 130a, the second paragraph shall be replaced by the following:

'In particular, the Community shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas.'

31. In Article 130e, the first paragraph shall be replaced by the following:

'Implementing decisions relating to the European Regional Development Fund shall be taken by the Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions.'

32. In Article 130i(1), the first subparagraph shall be replaced by the following:

'1. A multi-annual framework programme, setting out all the activities of the Community, shall be adopted by the Council, acting in accordance with the procedure referred to in Article 189b after consulting the Economic and Social Committee.'

33. Article 130o shall be replaced by the following:

'Article 130o

The Council, acting by qualified majority on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, shall adopt the provisions referred to in Article 130n.

The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee, shall adopt the provisions referred to in Articles 130j, 130k and 130l. Adoption of the supplementary programmes shall require the agreement of the Member States concerned.'

34. Article 130r(2) shall be replaced by the following:

'2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.'

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure.'

35. Article 130s shall be amended as follows:

(a) Paragraph 1 shall be replaced by the following:

'1. The Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Community in order to achieve the objectives referred to in Article 130r.';

(b) The introductory part of paragraph 2 shall be replaced by the following:

'2. By way of derogation from the decision making procedure provided for in paragraph 1 and without prejudice to Article 100a, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt:';

(c) The first subparagraph of paragraph 3 shall be replaced by the following:

'3. In other areas, general action programmes setting out priority objectives to be attained shall be adopted by the Council, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee and the Committee of the Regions.'

36. Article 130w(1) shall be replaced by the following:

'1. Without prejudice to the other provisions of this Treaty, the Council, acting in accordance with the procedure referred to in Article 189b, shall adopt the measures necessary to further the objectives referred to in Article 130u. Such measures may take the form of multi-annual programmes.'

37. In Article 137, the following paragraph shall be added:

‘The number of Members of the European Parliament shall not exceed seven hundred.’

38. Article 138 shall be amended as follows:

(a) in paragraph 3, the first subparagraph shall be replaced by the following:

‘3. The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.’;

(b) the following paragraph shall be added:

‘4. The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its Members.’

39. Article 151 shall be replaced by the following:

‘Article 151

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. The Committee may adopt procedural decisions in cases provided for in the Council’s Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, High Representative for the common foreign and security policy, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council acting unanimously.

The Council shall decide on the organisation of the General Secretariat.

3. The Council shall adopt its Rules of Procedure.

For the purpose of applying Article 191a(3), the Council shall elaborate in these Rules the conditions under which the public shall have access to Council documents. For the purpose of this paragraph, the Council shall define the cases in which it is to be regarded as acting in its legislative capacity, with a view to allowing greater access to documents in those cases, while at the same time preserving the effectiveness of its decision making process. In any event, when the Council acts in its legislative capacity, the results of votes and explanations of vote as well as statements in the minutes shall be made public.’

40. In Article 158(2), the first and second subparagraphs shall be replaced by the following:

‘2. The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission; the nomination shall be approved by the European Parliament.

The governments of the Member States shall, by common accord with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission.’

41. In Article 163, the following paragraph shall be inserted as the first paragraph:

‘The Commission shall work under the political guidance of its President.’

42. In Article 173, the third paragraph shall be replaced by the following:

‘The Court of Justice shall have jurisdiction under the same conditions in actions brought by the European Parliament, by the Court of Auditors and by the ECB for the purpose of protecting their prerogatives.’

43. Article 188c shall be amended as follows:

(a) The second subparagraph of paragraph 1 shall be replaced by the following:

‘The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the *Official Journal of the European Communities*.’;

(b) The first subparagraph of paragraph 2 shall be replaced by the following:

‘2. The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound. In doing so, it shall report in particular on any cases of irregularity.’;

(c) Paragraph 3 shall be replaced by the following:

‘3. The audit shall be based on records and, if necessary, performed on the spot in the other institutions of the Community, on the premises of any body which manages revenue or expenditure on behalf of the Community and in the Member States, including on the premises of any natural or legal person in receipt of payments from the budget. In the Member States the audit shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the Member States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions of the Community, any bodies managing revenue or expenditure on behalf of the Community, any natural or legal person in receipt of payments

from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

In respect of the European Investment Bank's activity in managing Community expenditure and revenue, the Court's rights of access to information held by the Bank shall be governed by an agreement between the Court, the Bank and the Commission. In the absence of an agreement, the Court shall nevertheless have access to information necessary for the audit of Community expenditure and revenue managed by the Bank.'

44. Article 189b shall be replaced by the following:

'Article 189b

1. Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply.

2. The Commission shall submit a proposal to the European Parliament and the Council.

The Council, acting by a qualified majority after obtaining the opinion of the European Parliament,

— if it approves all the amendments contained in the European Parliament's opinion, may adopt the proposed act thus amended;

— if the European Parliament does not propose any amendments, may adopt the proposed act;

— shall otherwise adopt a common position and communicate it to the European Parliament. The Council shall inform the European Parliament fully of the reasons which led it to adopt its common position. The Commission shall inform the European Parliament fully of its position.

If, within three months of such communication, the European Parliament:

(a) approves the common position or has not taken a decision, the act in question shall be deemed to have been adopted in accordance with that common position;

(b) rejects, by an absolute majority of its component members, the common position, the proposed act shall be deemed not to have been adopted;

(c) proposes amendments to the common position by an absolute majority of its component members, the amended text shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

3. If, within three months of the matter being referred to it, the Council, acting by a qualified majority, approves all the amendments of the European Parliament, the act in question shall be deemed to have been adopted in the form of the common position thus

amended; however, the Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion. If the Council does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.

4. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. In fulfilling this task, the Conciliation Committee shall address the common position on the basis of the amendments proposed by the European Parliament.

5. If, within six weeks of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by an absolute majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If either of the two institutions fails to approve the proposed act within that period, it shall be deemed not to have been adopted.

6. Where the Conciliation Committee does not approve a joint text, the proposed act shall be deemed not to have been adopted.

7. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.'

45. The following Article shall be inserted:

'Article 191a

1. Any citizen of the Union, and any natural or legal person residing or having their registered office in a Member State, shall have a right of access to European Parliament, Council and Commission documents, subject to the principles and the conditions to be defined in accordance with paragraphs 2 and 3.

2. General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the Council, acting in accordance with the procedure referred to in Article 189b within two years of the entry into force of the Treaty of Amsterdam.

3. Each institution referred to above shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents.'

46. In Article 198, the following paragraph shall be added:

'The Committee may be consulted by the European Parliament.'

47. In Article 198a, the third paragraph shall be replaced by the following:

‘The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council acting unanimously on proposals from the respective Member States. Their term of office shall be renewable. No member of the Committee shall at the same time be a Member of the European Parliament.’

48. In Article 198b the second paragraph shall be replaced by the following:

‘It shall adopt its Rules of Procedure.’

49. Article 198c shall be amended as follows:

(a) the first paragraph shall be replaced by the following:

‘The Committee of the Regions shall be consulted by the Council or by the Commission where this Treaty so provides and in all other cases, in particular those which concern cross-border cooperation, in which one of these two institutions considers it appropriate.’;

(b) after the third paragraph, the following paragraph shall be inserted:

‘The Committee of the Regions may be consulted by the European Parliament.’

50. In Article 205, the first paragraph shall be replaced by the following:

‘The Commission shall implement the budget, in accordance with the provisions of the regulations made pursuant to Article 209, on its own responsibility and within the limits of the appropriations, having regard to the principles of sound financial management. Member States shall cooperate with the Commission to ensure that the appropriations are used in accordance with the principles of sound financial management.’

51. Article 206(1) shall be replaced by the following:

‘1. The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in Article 205a, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 188c(1), second subparagraph and any relevant special reports by the Court of Auditors.’

52. Article 209a shall be replaced by the following:

‘Article 209a

1. The Community and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Community through measures to be taken in accordance with this Article, which shall act as a deterrent and be such as to afford effective protection in the Member States.

2. Member States shall take the same measures to counter fraud affecting the financial interests of the Community as they take to counter fraud affecting their own financial interests.

3. Without prejudice to other provisions of this Treaty, the Member States shall co-ordinate their action aimed at protecting the financial interests of the Community against fraud. To this end they shall organise, together with the Commission, close and regular cooperation between the competent authorities.

4. The Council, acting in accordance with the procedure referred to in Article 189b, after consulting the Court of Auditors, shall adopt the necessary measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Community with a view to affording effective and equivalent protection in the Member States. These measures shall not concern the application of national criminal law or the national administration of justice.

5. The Commission, in cooperation with Member States, shall each year submit to the European Parliament and to the Council a report on the measures taken for the implementation of this Article.'

53. The following Article shall be inserted:

'Article 213a

1. Without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, the Council, acting in accordance with the procedure referred to in Article 189b, shall adopt measures for the production of statistics where necessary for the performance of the activities of the Community.

2. The production of Community statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators.'

54. The following Article shall be inserted:

'Article 213b

1. From 1 January 1999, Community acts on the protection of individuals with regard to the processing of personal data and the free movement of such data shall apply to the institutions and bodies set up by, or on the basis of, this Treaty.

2. Before the date referred to in paragraph 1, the Council, acting in accordance with the procedure referred to in Article 189b, shall establish an independent supervisory body responsible for monitoring the application of such Community acts to Community institutions and bodies and shall adopt any other relevant provisions as appropriate.'

55. Article 227(2) shall be replaced by the following:

‘2. The provisions of this Treaty shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands.

However, taking account of the structural social and economic situation of the French overseas departments, the Azores, Madeira and the Canary Islands, which is compounded by their remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products, the permanence and combination of which severely restrain their development, the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, shall adopt specific measures aimed, in particular, at laying down the conditions of application of the present Treaty to those regions, including common policies.

The Council shall, when adopting the relevant measures referred to in the second subparagraph, take into account areas such as customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions for supply of raw materials and essential consumer goods, State aids and conditions of access to structural funds and to horizontal Community programmes.

The Council shall adopt the measures referred to in the second subparagraph taking into account the special characteristics and constraints of the outermost regions without undermining the integrity and the coherence of the Community legal order, including the internal market and common policies.’

56. Article 228 shall be amended as follows:

(a) the second subparagraph of paragraph 1 shall be replaced by the following:

‘In exercising the powers conferred upon it by this paragraph, the Council shall act by a qualified majority, except in the cases where the first subparagraph of paragraph 2 provides that the Council shall act unanimously.’;

(b) paragraph 2 shall be replaced by the following:

‘2. Subject to the powers vested in the Commission in this field, the signing, which may be accompanied by a decision on provisional application before entry into force, and the conclusion of the agreements shall be decided on by the Council, acting by a qualified majority on a proposal from the Commission. The Council shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of internal rules and for the agreements referred to in Article 238.

By way of derogation from the rules laid down in paragraph 3, the same procedures shall apply for a decision to suspend the application of an agreement, and for the purpose of establishing the positions to be adopted on behalf of the Community in a body set up by an agreement based on Article 238, when that body is called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending the institutional framework of the agreement.

The European Parliament shall be immediately and fully informed on any decision under this paragraph concerning the provisional application or the suspension of agreements, or the establishment of the Community position in a body set up by an agreement based on Article 238.’

57. The following Article shall be inserted:

‘Article 236

1. Where a decision has been taken to suspend the voting rights of the representative of the government of a Member State in accordance with Article F.1(2) of the Treaty on European Union, these voting rights shall also be suspended with regard to this Treaty.

2. Moreover, where the existence of a serious and persistent breach by a Member State of principles mentioned in Article F(1) of the Treaty on European Union has been determined in accordance with Article F.1(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken in accordance with paragraph 2 in response to changes in the situation which led to their being imposed.

4. When taking decisions referred to in paragraphs 2 and 3, the Council shall act without taking into account the votes of the representative of the government of the Member State in question. By way of derogation from Article 148(2) a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 148(2).

This paragraph shall also apply in the event of voting rights being suspended in accordance with paragraph 1. In such cases, a decision requiring unanimity shall be taken without the vote of the representative of the government of the Member State in question.’

58. The Protocol on Social Policy and the Agreement on social policy attached thereto shall be repealed.

59. The Protocol on the Economic and Social Committee and the Committee of the Regions shall be repealed.

Article 3

The Treaty establishing the European Coal and Steel Community shall be amended in accordance with the provisions of this Article.

1. In Article 10(2) the first and second subparagraphs shall be replaced by the following:

‘2. The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission; the nomination shall be approved by the European Parliament.

The governments of the Member States shall, by common accord with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission.'

2. In Article 13, the following paragraph shall be inserted as the first paragraph:

'The Commission shall work under the political guidance of its President.'

3. In Article 20, the following paragraph shall be added:

'The number of Members of the European Parliament shall not exceed seven hundred.'

4. Article 21 shall be amended as follows:

- (a) in paragraph 3, the first subparagraph shall be replaced by the following:

'3. The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.';

- (b) the following paragraph shall be added:

'4. The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its Members.'

5. Article 30 shall be replaced by the following:

'Article 30

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, High Representative for the common foreign and security policy, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council acting unanimously.

The Council shall decide on the organisation of the General Secretariat.

3. The Council shall adopt its Rules of Procedure.'

6. In Article 33, the fourth paragraph shall be replaced by the following:

'The Court of Justice shall have jurisdiction under the same conditions in actions brought by the European Parliament and by the Court of Auditors for the purpose of protecting their prerogatives.'

7. Article 45c shall be amended as follows:

- (a) The second subparagraph of paragraph 1 shall be replaced by the following:

‘The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the *Official Journal of the European Communities*.’;

- (b) The first subparagraph of paragraph 2 shall be replaced by the following:

‘2. The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound. In doing so, it shall report in particular on any cases of irregularity.’;

- (c) Paragraph 3 shall be replaced by the following:

‘3. The audit shall be based on records and, if necessary, performed on the spot in the other institutions of the Community, on the premises of any body which manages revenue or expenditure on behalf of the Community and in the Member States, including on the premises of any natural or legal person in receipt of payments from the budget. In the Member States the audit shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the Member States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions of the Community, any bodies managing revenue or expenditure on behalf of the Community, any natural or legal person in receipt of payments from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

In respect of the European Investment Bank’s activity in managing Community expenditure and revenue, the Court’s rights of access to information held by the Bank shall be governed by an agreement between the Court, the Bank and the Commission. In the absence of an agreement, the Court shall nevertheless have access to information necessary for the audit of Community expenditure and revenue managed by the Bank.’

8. In Article 78c, the first paragraph shall be replaced by the following:

‘The Commission shall implement the budget, in accordance with the provisions of the regulations made pursuant to Article 78h, on its own responsibility and within the limits of the appropriations, having regard to the principles of sound financial management. Member States shall cooperate with the Commission to ensure that the appropriations are used in accordance with the principles of sound financial management.’

9. Article 78g(1) shall be replaced by the following:

‘1. The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in Article 78d, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 45c(1), second subparagraph, and any relevant special reports by the Court of Auditors.’

10. The following Article shall be inserted:

‘Article 96

1. Where a decision has been taken to suspend the voting rights of the representative of the government of a Member State in accordance with Article F.1(2) of the Treaty on European Union, these voting rights shall also be suspended with regard to this Treaty.

2. Moreover, where the existence of a serious and persistent breach by a Member State of principles mentioned in Article F(1) of the Treaty on European Union has been determined in accordance with Article F.1(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken in accordance with paragraph 2 in response to changes in the situation which led to their being imposed.

4. When taking decisions referred to in paragraphs 2 and 3, the Council shall act without taking into account the votes of the representative of the government of the Member State in question. By way of derogation from Article 28, fourth paragraph, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 28, fourth paragraph.

This paragraph shall also apply in the event of voting rights being suspended in accordance with paragraph 1. In such cases, a decision requiring unanimity shall be taken without the vote of the representative of the government of the Member State in question.’

Article 4

The Treaty establishing the European Atomic Energy Community shall be amended in accordance with the provisions of this Article.

1. In Article 107, the following paragraph shall be added:

‘The number of Members of the European Parliament shall not exceed seven hundred.’

2. Article 108 shall be amended as follows:

(a) in paragraph 3, the first subparagraph shall be replaced by the following:

‘3. The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.’;

(b) the following paragraph shall be added:

‘4. The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its Members.’

3. Article 121 shall be replaced by the following:

‘Article 121

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. The Committee may adopt procedural decisions in cases provided for in the Council’s Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, High Representative for the common foreign and security policy, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council acting unanimously.

The Council shall decide on the organisation of the General Secretariat.

3. The Council shall adopt its Rules of Procedure.’

4. In Article 127, the first and second subparagraphs of paragraph 2 shall be replaced by the following:

‘2. The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission; the nomination shall be approved by the European Parliament.

The governments of the Member States shall, by common accord with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission.’

5. In Article 132, the following paragraph shall be inserted as the first paragraph:

‘The Commission shall work under the political guidance of its President.’

6. In Article 146, the third paragraph shall be replaced by the following:

‘The Court of Justice shall have jurisdiction under the same conditions in actions brought by the European Parliament and by the Court of Auditors for the purpose of protecting their prerogatives.’

7. Article 160c shall be amended as follows:

(a) the second subparagraph of paragraph 1 shall be replaced by the following:

‘The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the *Official Journal of the European Communities*.’;

(b) the first subparagraph of paragraph 2 shall be replaced by the following:

‘2. The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound. In doing so, it shall report in particular on any cases of irregularity.’;

(c) paragraph 3 shall be replaced by the following:

‘3. The audit shall be based on records and, if necessary, performed on the spot in the other institutions of the Community, on the premises of any body which manages revenue or expenditure on behalf of the Community and in the Member States, including on the premises of any natural or legal person in receipt of payments from the budget. In the Member States the audit shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the Member States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions of the Community, any bodies managing revenue or expenditure on behalf of the Community, any natural or legal person in receipt of payments from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

In respect of the European Investment Bank’s activity in managing Community expenditure and revenue, the Court’s rights of access to information held by the Bank shall be governed by an agreement between the Court, the Bank and the Commission. In the absence of an agreement, the Court shall nevertheless have access to information necessary for the audit of Community expenditure and revenue managed by the Bank.’

8. In Article 170, the following paragraph shall be added:

‘The Committee may be consulted by the European Parliament.’

9. In Article 179, the first paragraph shall be replaced by the following:

‘The Commission shall implement the budget, in accordance with the provisions of the regulations made pursuant to Article 183, on its own responsibility and within the limits of the appropriations, having regard to the principles of sound financial management. Member States shall cooperate with the Commission to ensure that the appropriations are used in accordance with the principles of sound financial management.’

10. Article 180b(1) shall be replaced by the following:

‘1. The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in Article 179a, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 160c(1), second subparagraph, and any relevant special reports by the Court of Auditors.’

11. The following Article shall be inserted:

‘Article 204

1. Where a decision has been taken to suspend the voting rights of the representative of the government of a Member State in accordance with Article F.1(2) of the Treaty on European Union, these voting rights shall also be suspended with regard to this Treaty.

2. Moreover, where the existence of a serious and persistent breach by a Member State of principles mentioned in Article F(1) of the Treaty on European Union has been determined in accordance with Article F.1(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.

3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken in accordance with paragraph 2 in response to changes in the situation which led to their being imposed.

4. When taking decisions referred to in paragraphs 2 and 3, the Council shall act without taking into account the votes of the representative of the government of the Member State in question. By way of derogation from Article 118(2) a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 118(2).

This paragraph shall also apply in the event of voting rights being suspended in accordance with paragraph 1. In such cases, a decision requiring unanimity shall be taken without the vote of the representative of the government of the Member State in question.'

Article 5

The Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to the Council Decision of 20 September 1976 shall be amended in accordance with the provisions of this Article.

1. In Article 2, the following paragraph shall be added:

'In the event of amendments to this Article, the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the States brought together in the Community.'

2. In Article 6(1), the following indent shall be inserted after the fifth indent:

'— member of the Committee of the Regions,'

3. Article 7(2) shall be replaced by the following:

'2. Pending the entry into force of a uniform electoral procedure or a procedure based on common principles and subject to the other provisions of this Act, the electoral procedure shall be governed in each Member State by its national provisions.'

4. Article 11 shall be replaced by the following:

'Pending the entry into force of the uniform electoral procedure or the procedure based on common principles referred to in Article 7, the European Parliament shall verify the credentials of representatives. For this purpose it shall take note of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act other than those arising out of the national provisions to which the Act refers.'

5. Article 12(1) shall be replaced by the following:

'1. Pending the entry into force of the uniform electoral procedure or the procedure based on common principles referred to in Article 7 and subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 3 for the remainder of that period.'

PART TWO
SIMPLIFICATION

Article 6

The Treaty establishing the European Community, including the annexes and protocols thereto, shall be amended in accordance with the provisions of this Article for the purpose of deleting lapsed provisions of the Treaty and adapting in consequence the text of certain of its provisions.

I. TEXT OF THE ARTICLES OF THE TREATY

1. In Article 3, point (a), the word ‘elimination’ shall be replaced by ‘prohibition’.
2. Article 7 shall be repealed.
3. Article 7a shall be amended as follows:
 - (a) the first and second paragraphs shall be numbered and thus become paragraphs 1 and 2;
 - (b) in the new paragraph 1, the following references shall be deleted: ‘7b’, ‘70(1)’ and ‘and 100b’; before the citation of Article 100a, the comma shall be replaced by the word ‘and’;
 - (c) there shall be added a paragraph 3 with the wording of the second paragraph of Article 7b which reads as follows:

‘3. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned.’.
4. Article 7b shall be repealed.
5. Article 8b shall be amended as follows:
 - (a) in paragraph 1 the words ‘to be adopted before 31 December 1994’ shall be replaced by ‘adopted’;
 - (b) in paragraph 2, first sentence, the reference to ‘Article 138(3)’ shall become ‘Article 138(4)’;
 - (c) in paragraph 2, second sentence, the words ‘to be adopted before 31 December 1993’ shall be replaced by ‘adopted’.
6. In Article 8c, second sentence, the words ‘Before 31 December 1993, Member States ...’ shall be replaced by ‘Member States ...’.
7. In Article 8e, first paragraph, the words ‘before 31 December 1993 and then,’ shall be deleted, as well as the comma after the words ‘every three years’.

8. In Article 9(2), the words ‘The provisions of Chapter 1, Section 1, and of Chapter 2 ...’ shall be replaced by ‘The provisions of Article 12 and of Chapter 2 ...’.
9. In Article 10, paragraph 2 shall be deleted and paragraph 1 shall remain without a number.
10. Article 11 shall be repealed.
11. In Chapter 1, The Customs Union, the heading ‘Section 1 — Elimination of customs duties between Member States’ shall be deleted.
12. Article 12 shall be replaced by the following:

‘Article 12

Customs duties on imports and exports and charges having equivalent effect shall be prohibited between Member States. This prohibition shall also apply to customs duties of a fiscal nature.’.
13. Articles 13 to 17 shall be repealed.
14. The heading ‘Section 2 — Setting up of the Common Customs Tariff’ shall be deleted.
15. Articles 18 to 27 shall be repealed.
16. Article 28 shall be replaced by the following:

‘Article 28

Common Customs Tariff duties shall be fixed by the Council acting by a qualified majority on a proposal from the Commission.’.
17. In the introductory part of Article 29, the words ‘this Section’ shall be replaced by ‘this Chapter’.
18. In the title of Chapter 2, the word ‘Elimination’ shall be replaced by ‘Prohibition’.
19. In Article 30, the words ‘shall, without prejudice to the following provisions, be prohibited ...’ shall be replaced by ‘shall be prohibited ...’.
20. Articles 31, 32 and 33 shall be repealed.
21. In Article 34, paragraph 2 shall be deleted and paragraph 1 shall remain without a number.
22. Article 35 shall be repealed.
23. In Article 36, the words ‘The provisions of Articles 30 to 34’ shall be replaced by ‘The provisions of Articles 30 and 34’.

24. Article 37 shall be amended as follows:

- (a) in paragraph 1, first subparagraph, the word 'progressively' and the words 'when the transitional period has ended' shall be deleted;
- (b) in paragraph 2, the word 'abolition' shall be replaced by 'prohibition';
- (c) paragraphs 3, 5 and 6 shall be deleted and paragraph 4 shall become paragraph 3;
- (d) in the new paragraph 3, the words 'account being taken of the adjustments that will be possible and the specialization that will be needed with the passage of time.' shall be deleted and the comma after 'concerned' shall become a full stop.

25. Article 38 shall be amended as follows:

- (a) in paragraph 3, first sentence, the reference to Annex II shall be replaced by a reference to Annex I and the second sentence, beginning with the words 'Within two years of the entry into force ...' shall be deleted;
- (b) in paragraph 4, the words 'among the Member States.' shall be deleted.

26. Article 40 shall be amended as follows:

- (a) paragraph 1 shall be deleted and paragraphs 2, 3 and 4 shall become paragraphs 1, 2 and 3;
- (b) (does not concern the English language version);
- (c) in new paragraph 2, the reference to 'paragraph 2' shall become 'paragraph 1';
- (d) in new paragraph 3, the reference to 'paragraph 2' shall become 'paragraph 1';

27. Article 43 shall be amended as follows:

- (a) in paragraph 2, third subparagraph, the words 'acting unanimously during the first two stages and by a qualified majority thereafter' shall be replaced by 'acting by a qualified majority';
- (b) in paragraphs 2 and 3, the reference to 'Article 40(2)' shall become 'Article 40(1)'.

28. Articles 44 and 45 and Article 47 shall be repealed.

29. In Article 48(1), the words 'by the end of the transitional period at the latest' shall be deleted.

30. Article 49 shall be amended as follows:

- (a) in the introductory part, the words 'As soon as this Treaty enters into force, the Council ...' shall be replaced by 'The Council ...' and the words 'by progressive stages' together with the commas preceding and following those words shall be deleted;
- (b) in points (b) and (c) respectively, the words 'systematically and progressively' shall be deleted.

31. The first paragraph of Article 52 shall be amended as follows:
 - (a) in the first sentence, the words ‘abolished by progressive stages in the course of the transitional period’ shall be replaced by the word ‘prohibited’;
 - (b) in the second sentence, the words ‘progressive abolition’ shall be replaced by the word ‘prohibition’.
32. Article 53 shall be repealed.
33. Article 54 shall be amended as follows:
 - (a) paragraph 1 shall be deleted and paragraphs 2 and 3 shall become paragraphs 1 and 2;
 - (b) in new paragraph 1, the words ‘implement this general programme or, in the absence of such a programme, in order to achieve a stage in attaining’ shall be replaced by ‘attain’.
34. In Article 59, first paragraph, the words ‘progressively abolished during the transitional period’ shall be replaced by ‘prohibited’.
35. In Article 61(2), the word ‘progressive’ shall be deleted.
36. Article 62 shall be repealed.
37. Article 63 shall be amended as follows:
 - (a) paragraph 1 shall be deleted and paragraphs 2 and 3 shall become paragraphs 1 and 2;
 - (b) in new paragraph 1, the words ‘implement this general programme or, in the absence of such a programme, in order to achieve a stage in’ shall be replaced by the word ‘achieve’ and the words ‘unanimously until the end of the first stage and by a qualified majority thereafter’ shall be replaced by the words ‘by a qualified majority’;
 - (c) in new paragraph 2, the words ‘As regards the proposals and decisions referred to in paragraphs 1 and 2’ shall be replaced by ‘As regards the directives referred to in paragraph 1’.
38. In Article 64, first paragraph, ‘Article 63(2)’ shall be replaced by ‘Article 63(1)’.
39. Articles 67 to 73a, Article 73e and Article 73h shall be repealed.
40. Article 75(2) shall be deleted and paragraph 3 shall become paragraph 2.
41. In Article 76, the words ‘when this Treaty enters into force’ shall be replaced by ‘on 1 January 1958 or, for acceding States, the date of their accession’.

42. Article 79 shall be amended as follows:

- (a) in paragraph 1 the words ‘at the latest, before the end of the second stage’ shall be deleted;
- (b) in paragraph 3, the words ‘Within two years of the entry into force of this Treaty, the Council shall’ shall be replaced by ‘The Council shall’.

43. In Article 80(1), the words ‘as from the beginning of the second stage’ shall be deleted.

44. In Article 83, the words ‘without prejudice to the powers of the transport section of the Economic and Social Committee.’ shall be replaced by ‘without prejudice to the powers of the Economic and Social Committee.’

45. In Article 84(2), second subparagraph, the words ‘procedural provisions of Article 75(1) and (3)’ shall be replaced by ‘procedural provisions of Article 75’.

46. In Article 87, the two subparagraphs of paragraph 1 shall be merged into a single paragraph. This new paragraph shall read as follows:

‘1. The appropriate regulations or directives to give effect to the principles set out in Articles 85 and 86 shall be laid down by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.’

47. In Article 89(1), the words ‘, as soon as it takes up its duties,’ shall be deleted.

48. After Article 90, the heading ‘Section 2 — Dumping’ shall be deleted.

49. Article 91 shall be repealed.

50. Before Article 92, the heading ‘Section 3’ shall be replaced by ‘Section 2’.

51. In Article 92(3)(c), the second sentence, beginning ‘However, the aids granted to ship-building . . .’ and ending ‘towards third countries;’ shall be deleted and the remaining part of point (c) shall end with a semicolon.

52. In Article 95, the third paragraph shall be deleted.

53. Article 97 and Article 100b shall be repealed.

54. In Article 101, second paragraph, the words ‘acting unanimously during the first stage and by a qualified majority thereafter’ shall be replaced by ‘acting by a qualified majority’.

55. In Article 109e(2)(a), first indent, the following words shall be deleted: ‘, without prejudice to Article 73e.’

56. Article 109f shall be amended as follows:

- (a) in paragraph 1, second subparagraph, the words ‘on a recommendation from, as the case may be, the Committee of Governors of the central banks of the Member States (hereinafter referred to as “Committee of Governors”) or the Council of the EMI’ shall be replaced by ‘on a recommendation from the Council of the EMI’;
- (b) in paragraph 1, the fourth subparagraph which states ‘The Committee of Governors shall be dissolved at the start of the second stage.’ shall be deleted;
- (c) in paragraph 8, the second subparagraph which states ‘Where this Treaty provides for a consultative role for the EMI, references to the EMI shall be read, before 1 January 1994, as referring to the Committee of Governors.’ shall be deleted.

57. Article 112 shall be amended as follows:

- (a) in paragraph 1, first subparagraph, the words ‘before the end of the transitional period’ shall be deleted;
- (b) in paragraph 1, second subparagraph, the words ‘acting unanimously until the end of the second stage and by a qualified majority thereafter’ shall be replaced by ‘acting by a qualified majority’.

58. In Article 129c(1), first subparagraph, third indent, the words ‘Cohesion Fund to be set up no later than 31 December 1993’ shall be replaced by ‘Cohesion Fund set up’.

59. In Article 130d, second paragraph, the words ‘The Council, acting in accordance with the same procedure, shall before 31 December 1993 set up a Cohesion Fund to’ shall be replaced by ‘A Cohesion Fund set up by the Council in accordance with the same procedure shall’.

60. In Article 130s, paragraph 5, second indent, the words ‘Cohesion Fund to be set up no later than 31 December 1993 pursuant to Article 130d’ shall be replaced by ‘Cohesion Fund set up pursuant to Article 130d.’

61. In Article 130w, paragraph 3, the words ‘ACP-EEC Convention’ shall be replaced by ‘ACP-EC Convention’.

62. In Article 131, first paragraph, the words ‘Belgium’ and ‘Italy’ shall be deleted and the reference to Annex IV shall be replaced by a reference to Annex II.

63. Article 133 shall be amended as follows:

- (a) in paragraph 1, the words ‘completely abolished’ shall be replaced by the word ‘prohibited’ and the words ‘progressive abolition’ shall be replaced by the word ‘prohibition’;

- (b) in paragraph 2, the words ‘progressively abolished’ shall be replaced by the word ‘prohibited’ and the references to Articles 13, 14, 15 and 17 shall be deleted with the result that the paragraph ends with the words ‘... in accordance with the provisions of Article 12.’;
- (c) in paragraph 3, second subparagraph, the words ‘shall nevertheless be progressively reduced to’ shall be replaced by ‘may not exceed’ and the second sentence beginning ‘The percentages and the timetable ...’ and ending with ‘importing country or territory.’ shall be deleted;
- (d) in paragraph 4, the words ‘when this Treaty enters into force’ shall be deleted.

64. Article 136 shall be replaced by the following:

‘Article 136

The Council, acting unanimously, shall, on the basis of the experience acquired under the association of the countries and territories with the Community and of the principles set out in this Treaty, lay down provisions as regards the detailed rules and the procedure for the association of the countries and territories with the Community.’.

65. Article 138 shall be amended as follows, to include Article 1, Article 2 as amended by Article 5 of this Treaty, and Article 3(1) of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to the Council Decision of 20 September 1976; Annex II of that Act shall continue to be applied:

- (a) in the place of paragraphs 1 and 2, which lapsed in accordance with Article 14 of the Act concerning the election of the representatives of the European Parliament, there shall be inserted the text of Articles 1 and 2 of the said Act as paragraphs 1 and 2; the new paragraphs 1 and 2 shall read as follows:

‘1. The representatives in the European Parliament of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.

2. The number of representatives elected in each Member State shall be as follows:

| | |
|----------------|-----|
| Belgium | 25 |
| Denmark | 16 |
| Germany | 99 |
| Greece | 25 |
| Spain | 64 |
| France | 87 |
| Ireland | 15 |
| Italy | 87 |
| Luxembourg | 6 |
| Netherlands | 31 |
| Austria | 21 |
| Portugal | 25 |
| Finland | 16 |
| Sweden | 22 |
| United Kingdom | 87. |

In the event of amendments to this paragraph, the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the States brought together in the Community.’;

(b) after the new paragraphs 1 and 2, there shall be inserted the text of Article 3(1) of the aforesaid Act as paragraph 3; the new paragraph 3 shall read as follows:

‘3. Representatives shall be elected for a term of five years.’;

(c) the existing paragraph 3 as amended by Article 2 of this Treaty shall become paragraph 4;

(d) paragraph 4 as added by Article 2 of this Treaty shall become paragraph 5.

66. Article 158(3) shall be deleted.

67. In Article 166, first paragraph, the words ‘as from the date of accession’ shall be replaced by ‘as from 1 January 1995’.

68. In Article 188b(3), the second subparagraph, commencing ‘However, when the first appointments ...’ shall be deleted.

69. In Article 197, the second paragraph, commencing ‘In particular, it shall ...’ shall be deleted.

70. In Article 207, the second, third, fourth and fifth paragraphs shall be deleted.

71. In the place of Article 212 there shall be inserted the text of Article 24(1), second subparagraph, of the Treaty establishing a Single Council and a Single Commission of the European Communities; the new Article 212 shall accordingly read as follows:

‘Article 212

The Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, lay down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of those Communities.’.

72. In the place of Article 218 there shall be inserted the adapted text of Article 28, first paragraph, of the Treaty establishing a Single Council and a Single Commission of the European Communities; the new Article 218 shall accordingly read as follows:

‘Article 218

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol of 8 April 1965 on the privileges and immunities of the European Communities. The same shall apply to the European Central Bank, the European Monetary Institute, and the European Investment Bank.’.

73. In Article 221 the words ‘Within three years of the entry into force of this Treaty, Member States shall accord ...’ shall be replaced by ‘Member States shall accord ...’.

74. In Article 223, paragraphs 2 and 3 shall be merged and replaced by the following:

‘2. The Council may, acting unanimously on a proposal from the Commission, make changes to the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.’.

75. Article 226 shall be repealed.

76. Article 227 shall be amended as follows:

(a) in paragraph 3, the reference to Annex IV shall be replaced by a reference to Annex II;

(b) after paragraph 4, a new paragraph shall be inserted as follows:

‘5. The provisions of this Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol No 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.’;

(c) the former paragraph 5 shall become paragraph 6 and point (d) thereof, concerning the Åland Islands shall be deleted; point (c) shall end with a full stop.

77. In Article 229, first paragraph, the words ‘organs of the United Nations, of its specialised agencies and of the General Agreement on Tariffs and Trade.’ shall be replaced by ‘organs of the United Nations and of its specialised agencies.’

78. In Article 234, first paragraph, the words ‘before the entry into force of this Treaty’ shall be replaced by ‘before 1 January 1958 or, for acceding States, before the date of their accession’.

79. The heading preceding Article 241 entitled ‘Setting up of the institutions’ shall be deleted.

80. Articles 241 to 246 shall be repealed.

81. In Article 248 a new paragraph shall be added as follows:

‘Pursuant to the Accession Treaties, the Danish, English, Finnish, Greek, Irish, Portuguese, Spanish and Swedish versions of this Treaty shall also be authentic.’.

II. ANNEXES

1. Annex I ‘Lists A to G referred to in Articles 19 and 20 of the Treaty’ shall be deleted.

2. Annex II ‘List referred to in Article 38 of the Treaty’ shall become Annex I and the reference to ‘Annex II to the Treaty’ under numbers ex 22.08 and ex 22.09 shall become a reference to ‘Annex I to the Treaty’.

3. Annex III ‘List of invisible transactions referred to in Article 73h of the Treaty’ shall be deleted.

4. Annex IV 'Overseas countries and territories to which the provisions of Part IV of the Treaty apply' shall become Annex II. It is brought up to date and reads as follows:

'ANNEX II

OVERSEAS COUNTRIES AND TERRITORIES

to which the provisions of Part IV of the Treaty apply

- | | |
|--|---|
| <ul style="list-style-type: none"> — Greenland, — New Caledonia and Dependencies, — French Polynesia, — French Southern and Antarctic Territories, — Wallis and Futuna Islands, — Mayotte, — Saint Pierre and Miquelon, — Aruba, — Netherlands Antilles: <ul style="list-style-type: none"> — Bonaire, — Curaçao, — Saba, — Sint Eustatius, — Sint Maarten, | <ul style="list-style-type: none"> — Anguilla, — Cayman Islands, — Falkland Islands, — South Georgia and the South Sandwich Islands, — Montserrat, — Pitcairn, — Saint Helena and Dependencies, — British Antarctic Territory, — British Indian Ocean Territory, — Turks and Caicos Islands, — British Virgin Islands, — Bermuda.'. |
|--|---|

III. PROTOCOLS AND OTHER ACTS

1. The following protocols and acts shall be repealed:
 - (a) Protocol amending the Protocol on the privileges and immunities of the European Communities;
 - (b) Protocol on German internal trade and connected problems;
 - (c) Protocol on certain provisions relating to France;
 - (d) Protocol on the Grand Duchy of Luxembourg;
 - (e) Protocol on the treatment to be applied to products within the province of the European Coal and Steel Community in respect of Algeria and the overseas departments of the French Republic;
 - (f) Protocol on mineral oils and certain of their derivatives;

-
- (g) Protocol on the application of the Treaty establishing the European Community to the non-European parts of the Kingdom of the Netherlands;
- (h) Implementing Convention on the Association of the Overseas Countries and Territories with the Community;
- Protocol on the tariff quota for imports of bananas (ex 08.01 of the Brussels Nomenclature);
 - Protocol on the tariff quota for imports of raw coffee (ex 09.01 of the Brussels Nomenclature).
2. At the end of the Protocol on the Statute of the European Investment Bank, the list of signatories shall be deleted.
3. Protocol on the Statute of the Court of Justice of the European Community shall be amended as follows:
- (a) the words ‘HAVE DESIGNATED as their plenipotentiaries for this purpose:’ and the list of Heads of State and their plenipotentiaries shall be deleted;
 - (b) the words ‘WHO, having exchanged their full powers, found in good and due form,’ shall be deleted;
 - (c) in Article 3, the adapted text of Article 21 of the Protocol on the privileges and immunities of the European Communities shall be added as a fourth paragraph; this new fourth paragraph shall accordingly read as follows:

‘Articles 12 to 15 and 18 of the Protocol on the privileges and immunities of the European Communities shall apply to the Judges, Advocates-General, Registrar and Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the preceding paragraphs.’;
 - (d) Article 57 shall be repealed;
 - (e) the concluding formula ‘IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.’ shall be deleted;
 - (f) the list of signatories shall be deleted.
4. In Article 40 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, the words ‘annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities’ shall be deleted.
5. In Article 21 of the Protocol on the Statute of the European Monetary Institute, the words ‘annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities’ shall be deleted.
6. The Protocol on Italy shall be amended as follows:
- (a) in the last paragraph commencing ‘RECOGNISE that in the event . . .’, the reference to Articles 108 and 109 shall be replaced by a reference to Articles 109h and 109i;

- (b) the list of signatories shall be deleted.
7. The Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State shall be amended as follows:
- (a) in the introductory part of point 1:
- the words ‘applicable, at the time of the entry into force of this Treaty’ shall be replaced by ‘applicable on 1 January 1958.’;
 - after the words ‘to imports’, the text of point (a) shall follow on immediately; the text resulting therefrom shall read as follows:
‘... to imports into the Benelux countries of goods originating in and coming from Suriname or the Netherlands Antilles.’;
- (b) in point 1, points (a), (b) and (c) shall be deleted;
- (c) in point 3, the words ‘Before the end of the first year after the entry into force of this Treaty, Member States ...’ shall be replaced by ‘Member States’;
- (d) the list of signatories shall be deleted.
8. The Protocol concerning imports into the European Community of petroleum products refined in the Netherlands Antilles shall be amended as follows:
- (a) the concluding formula ‘IN WITNESS WHEREOF the undersigned Plenipotentiaries have placed their signatures below this Protocol.’ shall be deleted;
- (b) the list of signatories shall be deleted.
9. In the Protocol on special arrangements for Greenland, Article 3 shall be repealed.

Article 7

The Treaty establishing the European Coal and Steel Community, including the annexes, protocols and other acts annexed thereto, shall be amended in accordance with the provisions of this Article for the purpose of deleting lapsed provisions of the Treaty and adapting in consequence the text of certain of its provisions.

I. TEXT OF THE ARTICLES OF THE TREATY

1. In Article 2, second paragraph, the word ‘progressively’ shall be deleted.
2. In Article 4, in the introductory part, the words ‘abolished and’ shall be deleted.
3. Article 7 shall be amended as follows:
 - (a) in the first indent, the words ‘a HIGH AUTHORITY (hereinafter referred to as “the Commission”)’ shall be replaced by ‘a COMMISSION’;

- (b) in the second indent, the words ‘a COMMON ASSEMBLY (hereinafter referred to as “the European Parliament”)’ shall be replaced by ‘a EUROPEAN PARLIAMENT’;
- (c) in the third indent, the words ‘a SPECIAL COUNCIL OF MINISTERS (hereinafter referred to as “the Council”)’ shall be replaced by ‘a COUNCIL’;

4. Article 10(3) shall be deleted.

5. In Article 16, the first and second paragraphs shall be deleted.

6. Article 21 shall be amended as follows, to include Article 1, Article 2 as amended by Article 5 of this Treaty, and Article 3(1) of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to the Council Decision of 20 September 1976; Annex II of that Act shall continue to be applied:

- (a) in the place of paragraphs 1 and 2, which lapsed in accordance with Article 14 of the Act concerning the election of the representatives of the European Parliament, there shall be inserted the text of Articles 1 and 2 of the said Act as paragraphs 1 and 2; the new paragraphs 1 and 2 shall read as follows:

‘1. The representatives in the European Parliament of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.

2. The number of representatives elected in each Member State shall be as follows:

| | |
|----------------|-----|
| Belgium | 25 |
| Denmark | 16 |
| Germany | 99 |
| Greece | 25 |
| Spain | 64 |
| France | 87 |
| Ireland | 15 |
| Italy | 87 |
| Luxembourg | 6 |
| Netherlands | 31 |
| Austria | 21 |
| Portugal | 25 |
| Finland | 16 |
| Sweden | 22 |
| United Kingdom | 87. |

In the event of amendments to this paragraph, the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the States brought together in the Community.’;

(b) after the new paragraphs 1 and 2, there shall be inserted the text of Article 3(1) of the aforesaid Act as paragraph 3; the new paragraph 3 shall read as follows:

‘3. Representatives shall be elected for a term of five years.’;

(c) the existing paragraph 3 as amended by Article 3 of this Treaty shall become paragraph 4;

(d) paragraph 4 as added by Article 3 of this Treaty shall become paragraph 5.

7. In Article 32a, first paragraph, the words ‘the date of accession’ shall be replaced by ‘1 January 1995’.

8. In Article 45b(3), the second subparagraph commencing ‘However, when the first appointments ...’ shall be deleted.

9. In Article 50, the adapted text of paragraphs 2 and 3 of Article 20 of the Treaty establishing a Single Council and a Single Commission of the European Communities shall be inserted as new paragraphs 4 and 5; the new paragraphs 4 and 5 shall accordingly read as follows:

‘4. The portion of the expenditure of the budget of the Communities covered by the levies provided for in Article 49 shall be fixed at 18 million units of account.

The Commission shall submit annually to the Council a report on the basis of which the Council shall examine whether there is reason to adjust this figure to changes in the budget of the Communities. The Council shall act by the majority laid down in the first sentence of the fourth paragraph of Article 28. The adjustment shall be made on the basis of an assessment of developments in expenditure arising from the application of this Treaty.

5. The portion of the levies assigned to cover expenditure under the budget of the Communities shall be allocated by the Commission for the implementation of that budget in accordance with the timetable provided for in the financial regulations adopted pursuant to Article 209(b) of the Treaty establishing the European Community and Article 183(b) of the Treaty establishing the Atomic Energy Community.’.

10. Article 52 shall be repealed.

11. In the place of Article 76 there shall be inserted the adapted text of Article 28, first paragraph, of the Treaty establishing a Single Council and a Single Commission of the European Communities; the new Article 76 shall accordingly read as follows:

‘Article 76

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.’.

12. Article 79 shall be amended as follows:

(a) in the second sentence of the first paragraph, the part of the sentence which commences ‘as regards the Saar ...’ shall be deleted and the semicolon shall be replaced by a full stop;

(b) after the first paragraph, a second paragraph shall be inserted as follows:

‘The provisions of this Treaty shall apply to the Åland Islands in accordance with the provisions of Protocol No 2 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.’;

(c) in the existing second paragraph, in the introductory part, the words ‘Notwithstanding the preceding paragraph:’ shall be replaced by ‘Notwithstanding the preceding paragraphs:’;

(d) in the existing second paragraph, point (d) concerning the Åland Islands shall be deleted.

13. In Article 84, the words ‘Treaty and its Annexes, of the Protocols annexed thereto and of the Convention on the transitional Provisions.’ shall be replaced by ‘Treaty and its Annexes and of the Protocols annexed thereto.’

14. Article 85 shall be repealed.

15. In Article 93, the words ‘Organisation for European Economic Cooperation’ shall be replaced by ‘Organisation for Economic Cooperation and Development’.

16. In Article 95, third paragraph, the words ‘If, after the end of the transitional period provided in the Convention on the Transitional Provisions, unforeseen difficulties ...’ shall be replaced by ‘If unforeseen difficulties ...’.

17. In Article 97, the wording ‘This Treaty is concluded for a period of 50 years from its entry into force.’ shall be replaced by ‘This Treaty shall expire on 23 July 2002.’.

II. TEXT OF ANNEX III ‘Special steels’

At the end of Annex III, the initials of the plenipotentiaries of the Heads of State and Government shall be deleted.

III. PROTOCOLS AND OTHER ACTS ANNEXED TO THE TREATY

1. The following acts shall be repealed:

(a) Exchange of letters between the Government of the Federal Republic of Germany and the Government of the French Republic concerning the Saar;

(b) Convention on the Transitional Provisions.

2. The Protocol on the Statute of the Court of Justice of the European Coal and Steel Community shall be amended as follows:

(a) Titles I and II of the Protocol shall be replaced by the text of Titles I and II of the Protocol on the Statute of the Court of Justice of the European Community annexed to the Treaty establishing the European Community;

- (b) Article 56 shall be repealed and the heading 'Transitional provision' which precedes it shall be deleted;
 - (c) the list of signatories shall be deleted.
3. The Protocol on relations with the Council of Europe shall be amended as follows:
- (a) Article 1 shall be repealed;
 - (b) the list of signatories shall be deleted.

Article 8

The Treaty establishing the European Atomic Energy Community, including the annexes and protocols thereto, shall be amended in accordance with the provisions of this Article for the purpose of deleting lapsed provisions of the Treaty and adapting in consequence the text of certain of its provisions.

I. TEXT OF THE ARTICLES OF THE TREATY

1. In Article 76, second paragraph, the words 'after the entry into force of this Treaty' shall be replaced by 'after 1 January 1958'.
2. In the introductory part to the first paragraph of Article 93, the words 'Member States shall abolish between themselves, one year after the entry into force of this Treaty, all customs duties ...' shall be replaced by 'Member States shall prohibit between themselves all customs duties ...'.
3. Articles 94 and 95 shall be repealed.
4. In Article 98, second paragraph, the words 'Within two years of the entry into force of this Treaty, the Council ...' shall be replaced by 'The Council ...'.
5. Article 100 shall be repealed.
6. Article 104 shall be amended as follows:
 - (a) in the first paragraph, the words 'after the entry into force of this Treaty' shall be replaced by 'after 1 January 1958 or, for acceding States, after the date of their accession,';
 - (b) in the second paragraph the words 'after the entry into force of this Treaty, within the purview thereof' shall be replaced by 'after the dates referred to in the first paragraph, within the scope of this Treaty'.

7. Article 105 shall be amended as follows:

- (a) in the first paragraph, the words ‘concluded before its entry into force by a Member State’ shall be replaced by ‘concluded before 1 January 1958 or, for acceding States, before the date of their accession, by a Member State’. At the end of that paragraph the words ‘the entry into force of this Treaty’ shall be replaced by ‘the aforesaid dates’;
- (b) in the second paragraph, the words ‘concluded between the signature and the entry into force of this Treaty’ shall be replaced by ‘concluded between 25 March 1957 and 1 January 1958 or, for acceding States, between the signature of the instrument of accession and the date of their accession’.

8. In Article 106, first paragraph, the words ‘before the entry into force of this Treaty’ shall be replaced by ‘before 1 January 1958 or, for acceding States, before the date of their accession’.

9. Article 108 shall be amended as follows, to include Article 1, Article 2 as amended by Article 5 of this Treaty, and Article 3(1) of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to the Council Decision of 20 September 1976; Annex II of that Act shall continue to be applied:

- (a) in the place of paragraphs 1 and 2, which lapsed in accordance with Article 14 of the Act concerning the election of the representatives of the European Parliament, there shall be inserted the text of Articles 1 and 2 of the said Act as paragraphs 1 and 2; the new paragraphs 1 and 2 shall read as follows:

‘1. The representatives in the European Parliament of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.

2. The number of representatives elected in each Member State shall be as follows:

| | |
|----------------|-----|
| Belgium | 25 |
| Denmark | 16 |
| Germany | 99 |
| Greece | 25 |
| Spain | 64 |
| France | 87 |
| Ireland | 15 |
| Italy | 87 |
| Luxembourg | 6 |
| Netherlands | 31 |
| Austria | 21 |
| Portugal | 25 |
| Finland | 16 |
| Sweden | 22 |
| United Kingdom | 87. |

In the event of amendments to this paragraph, the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the States brought together in the Community.’;

(b) after the new paragraphs 1 and 2, there shall be inserted the text of Article 3(1) of the aforesaid Act as paragraph 3; the new paragraph 3 shall read as follows:

‘3. Representatives shall be elected for a term of five years.’;

(c) the existing paragraph 3 as amended by Article 4 of this Treaty shall become paragraph 4;

(d) paragraph 4 as added by Article 4 of this Treaty shall become paragraph 5.

10. In Article 127, paragraph 3 shall be deleted.

11. In Article 138, first paragraph, the words ‘the date of accession’ shall be replaced by ‘1 January 1995’.

12. In Article 160b(3), the second subparagraph commencing ‘However, when the first appointments ...’ shall be deleted.

13. In Article 181, the second, third and fourth paragraphs shall be deleted.

14. In the place of Article 191 there shall be inserted the adapted text of Article 28, first paragraph, of the Treaty establishing a Single Council and a Single Commission of the European Communities; the new Article 191 shall accordingly read as follows:

‘Article 191

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.’.

15. Article 198 shall be amended as follows:

(a) after the second paragraph there shall be inserted a third paragraph as follows:

‘The provisions of this Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol No 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.’;

(b) in the existing third paragraph, point (e) concerning the Åland Islands shall be deleted.

16. In Article 199, first paragraph, the words ‘and of the General Agreement on Tariffs and Trade’ shall be replaced by ‘and of the World Trade Organisation’.

17. Title VI, 'Provisions relating to the initial period', comprising Section 1, 'Setting up of the institutions', Section 2, 'Provisions for the initial application of this Treaty' and Section 3, 'Transitional provisions' and Articles 209 to 223, shall be repealed.
18. In Article 225 there shall be added a new paragraph as follows:

'Pursuant to the Accession treaties the Danish, English, Finnish, Greek, Irish, Portuguese, Spanish and Swedish versions of this Treaty shall also be authentic.'

II. ANNEXES

Annex V, 'Initial research and training programme referred to in Article 215 of this Treaty' including the table 'Breakdown by main headings ...' shall be deleted.

III. PROTOCOLS

1. The Protocol on the application of the Treaty establishing the European Atomic Energy Community to the non-European parts of the Kingdom of the Netherlands shall be repealed.
2. The Protocol on the Statute of the Court of Justice of the European Atomic Energy Community shall be amended as follows:
 - (a) the words 'HAVE DESIGNATED as their Plenipotentiaries for this Purpose:' and the list of Heads of State and their plenipotentiaries shall be deleted;
 - (b) the words 'WHO, having exchanged their full powers, found in good and due form,' shall be deleted;
 - (c) in Article 3, the adapted text of Article 21 of the Protocol on the privileges and immunities of the European Communities shall be added as a fourth paragraph; this new fourth paragraph shall accordingly read as follows:

'Articles 12 to 15 and 18 of the Protocol on the privileges and immunities of the European Community shall apply to the Judges, Advocates-General, Registrar and Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the preceding paragraphs.'
 - (d) Article 58 shall be repealed;
 - (e) the concluding formula 'IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.' shall be deleted;
 - (f) the list of signatories shall be deleted.

Article 9

1. Without prejudice to the paragraphs following hereinafter, which have as their purpose to retain the essential elements of their provisions, the Convention of 25 March 1957 on

certain institutions common to the European Communities and the Treaty of 8 April 1965 establishing a Single Council and a Single Commission of the European Communities, but with the exception of the Protocol referred to in paragraph 5, shall be repealed.

2. The powers conferred on the European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors by the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community shall be exercised by the single institutions under the conditions laid down respectively by the said Treaties and this Article.

The functions conferred on the Economic and Social Committee by the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community shall be exercised by a single committee under the conditions laid down respectively by the said Treaties. The provisions of Articles 193 and 197 of the Treaty establishing the European Community shall apply to that Committee.

3. The officials and other staff of the European Communities shall form part of the single administration of those Communities and shall be governed by the provisions adopted pursuant to Article 212 of the Treaty establishing the European Community.

4. The European Communities shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks under the conditions set out in the Protocol referred to in paragraph 5. The position shall be the same as regards the European Central Bank, the European Monetary Institute and the European Investment Bank.

5. In the Protocol of 8 April 1965 on the privileges and immunities of the European Communities there shall be inserted an Article 23, as laid down in Protocol amending the said Protocol; that Article reads as follows:

‘Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.’

6. The revenue and expenditure of the European Community, the administrative expenditure of the European Coal and Steel Community and the revenue relating thereto and the revenue and expenditure of the European Atomic Energy Community, except for those of the Supply Agency and Joint Undertakings, shall be shown in the budget of the European Communities, under the conditions laid down respectively in the Treaties establishing the three Communities.

7. Without prejudice to the application of Article 216 of the Treaty establishing the European Community, Article 77 of the Treaty establishing the European Coal and Steel Community, Article 189 of the Treaty establishing the European Atomic Energy Community and the second paragraph of Article 1 of the Protocol on the Statute of the European Investment Bank, the representatives of the Governments of the Member States shall adopt by common accord the necessary provisions for the purpose of dealing with certain problems particular to the Grand Duchy of Luxembourg which arise from the creation of a Single Council and a Single Commission of the European Communities.

Article 10

1. The repeal or deletion in this Part of lapsed provisions of the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community as in force before the entry into force of this Treaty of Amsterdam and the adaptation of certain of their provisions shall not bring about any change in the legal effects of the provisions of those Treaties, in particular the legal effects arising from the time limits laid down by the said Treaties, nor of Accession Treaties.

2. There shall be no change in the legal effects of the acts in force adopted on the basis of the said Treaties.

3. The position shall be the same as regards the repeal of the Convention of 25 March 1957 on certain institutions common to the European Communities and the repeal of the Treaty of 8 April 1965 establishing a Single Council and a Single Commission of the European Communities.

Article 11

The provisions of the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community relating to the powers of the Court of Justice of the European Communities and to the exercise of those powers shall apply to the provisions of this Part and to the Protocol on privileges and immunities referred to in Article 9(5).

PART THREE

GENERAL AND FINAL PROVISIONS

Article 12

1. The articles, titles and sections of the Treaty on European Union and of the Treaty establishing the European Community, as amended by the provisions of this Treaty, shall be renumbered in accordance with the tables of equivalences set out in the Annex to this Treaty, which shall form an integral part thereof.

2. The cross references to articles, titles and sections in the Treaty on European Union and in the Treaty establishing the European Community, as well as between them, shall be adapted in consequence. The same shall apply as regards references to articles, titles and sections of those treaties contained in the other Community treaties.

3. The references to the articles, titles and sections of the Treaties referred to in paragraph 2 contained in other instruments or acts shall be understood as references to the articles, titles and sections of the Treaties as renumbered pursuant to paragraph 1 and, respectively, to the paragraphs of the said articles, as renumbered by certain provisions of Article 6.

4. References, contained in other instruments or acts, to paragraphs of articles of the Treaties referred to in Articles 7 and 8 shall be understood as referring to those paragraphs as renumbered by certain provisions of the said Articles 7 and 8.

Article 13

This Treaty is concluded for an unlimited period.

Article 14

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. This Treaty shall enter into force on the first day of the second month following that in which the instrument of ratification is deposited by the last signatory State to fulfil that formality.

Article 15

This Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Tratado.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne traktat.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι υπέγραψαν τὴν παρούσα Συνθήκη.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent traité.

Dá fhianú sin, chuir na Lánchumhachtaigh thíos-síithe a lámh leis an gConradh seo.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente trattato.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Verdrag hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no presente Tratado.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

Til bevis härpå har undertecknade befullmäktigade undertecknat detta fördrag.

Hecho en Amsterdam, el dos de octubre de mil novecientos noventa y siete.

Udfærdiget i Amsterdam, den anden oktober nittenhundrede og syvoghalvfems.

Geschehen zu Amsterdam am zweiten Oktober neunzehnhundertsiebenundneunzig.

Έγινε στο Άμστερνταμ, στις δύο Οκτωβρίου του έτους χίλια εννιακόσια ενενήντα επτά.

Done at Amsterdam this second day of October in the year one thousand nine hundred and ninety-seven.

Fait à Amsterdam, le deux octobre de l'an mil neuf cent quatre-vingt-dix-sept.

Arna dhéanamh in Amstardam ar an dara lá de Dheireadh Fómhair sa bhliain míle naoi gcéad nócha a seacht.

Fatto ad Amsterdam, addì due ottobre millenovecentonovantasette.

Gedaan te Amsterdam, de tweede oktober negentienhonderd zevenennegentig.

Feito em Amesterdão, em dois de Outubro de mil novecentos e noventa e sete.

Tehty Amsterdammassa 2 päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Utfärdat i Amsterdam den andra oktober år nittonhundranittiosju.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

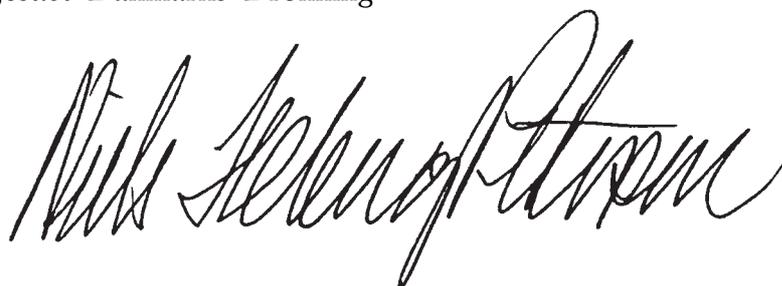
A handwritten signature in black ink, appearing to be 'Amor' with a period at the end.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Hendes Majestæt Danmarks Dronning

A large, stylized handwritten signature in black ink, appearing to be 'Alexandra'.

Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, appearing to be 'Klein'.

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



Por Su Majestad el Rey de España



Pour le Président de la République française



Thar ceann an Choimisiúin arna údarú le hAirteagal 14 de Bhunreacht na hÉireann chun cumhachtaí agus feidhmeanna Uachtarán na hÉireann a oibriú agus a chomhlíonadh

For the Commission authorised by Article 14 of the Constitution of Ireland to exercise and perform the powers and functions of the President of Ireland



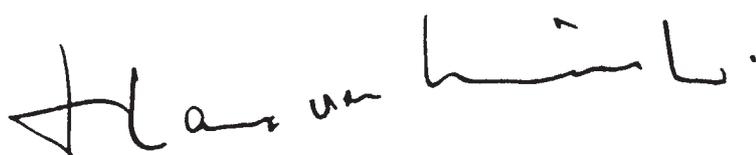
Per il Presidente della Repubblica italiana

A handwritten signature in black ink, appearing to read 'Scalfaro', written in a cursive style.

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A handwritten signature in black ink, appearing to read 'Jean', written in a cursive style.

Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature in black ink, appearing to read 'Beatrix', written in a cursive style.

Für den Bundespräsidenten der Republik Österreich

A handwritten signature in black ink, appearing to read 'Franz Josef', written in a cursive style.

Pelo Presidente da República Portuguesa

João Gama

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

Tarja Halonen

För Hans Majestät Konungen av Sverige

Lena Hjelm-Wallin

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Naomi T. Anderson.

ANNEX

TABLES OF EQUIVALENCES REFERRED TO IN ARTICLE 12 OF THE
TREATY OF AMSTERDAM

A. Treaty on European Union

| Previous numbering | New numbering | Previous numbering | New numbering |
|--------------------|---------------|--------------------|---------------|
| TITLE I | TITLE I | TITLE VI (***) | TITLE VI |
| Article A | Article 1 | Article K.1 | Article 29 |
| Article B | Article 2 | Article K.2 | Article 30 |
| Article C | Article 3 | Article K.3 | Article 31 |
| Article D | Article 4 | Article K.4 | Article 32 |
| Article E | Article 5 | Article K.5 | Article 33 |
| Article F | Article 6 | Article K.6 | Article 34 |
| Article F.1 (*) | Article 7 | Article K.7 | Article 35 |
| TITLE II | TITLE II | Article K.8 | Article 36 |
| Article G | Article 8 | Article K.9 | Article 37 |
| TITLE III | TITLE III | Article K.10 | Article 38 |
| Article H | Article 9 | Article K.11 | Article 39 |
| TITLE IV | TITLE IV | Article K.12 | Article 40 |
| Article I | Article 10 | Article K.13 | Article 41 |
| TITLE V (***) | TITLE V | Article K.14 | Article 42 |
| Article J.1 | Article 11 | TITLE VIa (**) | TITLE VII |
| Article J.2 | Article 12 | Article K.15 (*) | Article 43 |
| Article J.3 | Article 13 | Article K.16 (*) | Article 44 |
| Article J.4 | Article 14 | Article K.17 (*) | Article 45 |
| Article J.5 | Article 15 | TITLE VII | TITLE VIII |
| Article J.6 | Article 16 | Article L | Article 46 |
| Article J.7 | Article 17 | Article M | Article 47 |
| Article J.8 | Article 18 | Article N | Article 48 |
| Article J.9 | Article 19 | Article O | Article 49 |
| Article J.10 | Article 20 | Article P | Article 50 |
| Article J.11 | Article 21 | Article Q | Article 51 |
| Article J.12 | Article 22 | Article R | Article 52 |
| Article J.13 | Article 23 | Article S | Article 53 |
| Article J.14 | Article 24 | | |
| Article J.15 | Article 25 | | |
| Article J.16 | Article 26 | | |
| Article J.17 | Article 27 | | |
| Article J.18 | Article 28 | | |

(*) New Article introduced by the Treaty of Amsterdam.

(**) New Title introduced by the Treaty of Amsterdam.

(***) Title restructured by the Treaty of Amsterdam.

B. Treaty establishing the European Community

| Previous numbering | New numbering | Previous numbering | New numbering |
|-----------------------|---------------|-----------------------|---------------|
| PART ONE | | PART ONE | |
| Article 1 | Article 1 | Article 15 (repealed) | — |
| Article 2 | Article 2 | Article 16 (repealed) | — |
| Article 3 | Article 3 | Article 17 (repealed) | — |
| Article 3a | Article 4 | Section 2 (deleted) | — |
| Article 3b | Article 5 | Article 18 (repealed) | — |
| Article 3c (*) | Article 6 | Article 19 (repealed) | — |
| Article 4 | Article 7 | Article 20 (repealed) | — |
| Article 4a | Article 8 | Article 21 (repealed) | — |
| Article 4b | Article 9 | Article 22 (repealed) | — |
| Article 5 | Article 10 | Article 23 (repealed) | — |
| Article 5a (*) | Article 11 | Article 24 (repealed) | — |
| Article 6 | Article 12 | Article 25 (repealed) | — |
| Article 6a (*) | Article 13 | Article 26 (repealed) | — |
| Article 7 (repealed) | — | Article 27 (repealed) | — |
| Article 7a | Article 14 | Article 28 | Article 26 |
| Article 7b (repealed) | — | Article 29 | Article 27 |
| Article 7c | Article 15 | | |
| Article 7d (*) | Article 16 | | |
| PART TWO | | PART TWO | |
| Article 8 | Article 17 | | |
| Article 8a | Article 18 | | |
| Article 8b | Article 19 | | |
| Article 8c | Article 20 | | |
| Article 8d | Article 21 | | |
| Article 8e | Article 22 | | |
| PART THREE | | CHAPTER 2 | |
| TITLE I | | CHAPTER 2 | |
| Article 9 | Article 23 | Article 30 | Article 28 |
| Article 10 | Article 24 | Article 31 (repealed) | — |
| Article 11 (repealed) | — | Article 32 (repealed) | — |
| | | Article 33 (repealed) | — |
| CHAPTER 1 | | Article 34 | Article 29 |
| Section 1 (deleted) | — | Article 35 (repealed) | — |
| Article 12 | Article 25 | Article 36 | Article 30 |
| Article 13 (repealed) | — | Article 37 | Article 31 |
| Article 14 (repealed) | — | | |

(*) New Article introduced by the Treaty of Amsterdam.

| Previous numbering | New numbering | Previous numbering | New numbering |
|-----------------------|---------------|------------------------|---------------|
| TITLE II | TITLE II | Article 69 (repealed) | — |
| Article 38 | Article 32 | Article 70 (repealed) | — |
| Article 39 | Article 33 | Article 71 (repealed) | — |
| Article 40 | Article 34 | Article 72 (repealed) | — |
| Article 41 | Article 35 | Article 73 (repealed) | — |
| Article 42 | Article 36 | Article 73a (repealed) | — |
| Article 43 | Article 37 | Article 73b | Article 56 |
| Article 44 (repealed) | — | Article 73c | Article 57 |
| Article 45 (repealed) | — | Article 73d | Article 58 |
| Article 46 | Article 38 | Article 73e (repealed) | — |
| Article 47 (repealed) | — | Article 73f | Article 59 |
| TITLE III | TITLE III | Article 73g | Article 60 |
| CHAPTER 1 | CHAPTER 1 | Article 73h (repealed) | — |
| Article 48 | Article 39 | TITLE IIIa (**) | TITLE IV |
| Article 49 | Article 40 | Article 73i (*) | Article 61 |
| Article 50 | Article 41 | Article 73j (*) | Article 62 |
| Article 51 | Article 42 | Article 73k (*) | Article 63 |
| CHAPTER 2 | CHAPTER 2 | Article 73l (*) | Article 64 |
| Article 52 | Article 43 | Article 73m (*) | Article 65 |
| Article 53 (repealed) | — | Article 73n (*) | Article 66 |
| Article 54 | Article 44 | Article 73o (*) | Article 67 |
| Article 55 | Article 45 | Article 73p (*) | Article 68 |
| Article 56 | Article 46 | Article 73q (*) | Article 69 |
| Article 57 | Article 47 | TITLE IV | TITLE V |
| Article 58 | Article 48 | Article 74 | Article 70 |
| CHAPTER 3 | CHAPTER 3 | Article 75 | Article 71 |
| Article 59 | Article 49 | Article 76 | Article 72 |
| Article 60 | Article 50 | Article 77 | Article 73 |
| Article 61 | Article 51 | Article 78 | Article 74 |
| Article 62 (repealed) | — | Article 79 | Article 75 |
| Article 63 | Article 52 | Article 80 | Article 76 |
| Article 64 | Article 53 | Article 81 | Article 77 |
| Article 65 | Article 54 | Article 82 | Article 78 |
| Article 66 | Article 55 | Article 83 | Article 79 |
| CHAPTER 4 | CHAPTER 4 | Article 84 | Article 80 |
| Article 67 (repealed) | — | | |
| Article 68 (repealed) | — | | |

(*) New Article introduced by the Treaty of Amsterdam.

(**) New Title introduced by the Treaty of Amsterdam.

| Previous numbering | New numbering | Previous numbering | New numbering |
|-------------------------|---------------|------------------------|---------------|
| TITLE V | TITLE VI | Article 104 | Article 101 |
| CHAPTER 1 | CHAPTER 1 | Article 104a | Article 102 |
| SECTION 1 | SECTION 1 | Article 104b | Article 103 |
| Article 85 | Article 81 | Article 104c | Article 104 |
| Article 86 | Article 82 | CHAPTER 2 | CHAPTER 2 |
| Article 87 | Article 83 | Article 105 | Article 105 |
| Article 88 | Article 84 | Article 105a | Article 106 |
| Article 89 | Article 85 | Article 106 | Article 107 |
| Article 90 | Article 86 | Article 107 | Article 108 |
| Section 2 (deleted) | — | Article 108 | Article 109 |
| Article 91 (repealed) | — | Article 108a | Article 110 |
| SECTION 3 | SECTION 2 | Article 109 | Article 111 |
| Article 92 | Article 87 | CHAPTER 3 | CHAPTER 3 |
| Article 93 | Article 88 | Article 109a | Article 112 |
| Article 94 | Article 89 | Article 109b | Article 113 |
| CHAPTER 2 | CHAPTER 2 | Article 109c | Article 114 |
| Article 95 | Article 90 | Article 109d | Article 115 |
| Article 96 | Article 91 | CHAPTER 4 | CHAPTER 4 |
| Article 97 (repealed) | — | Article 109e | Article 116 |
| Article 98 | Article 92 | Article 109f | Article 117 |
| Article 99 | Article 93 | Article 109g | Article 118 |
| CHAPTER 3 | CHAPTER 3 | Article 109h | Article 119 |
| Article 100 | Article 94 | Article 109i | Article 120 |
| Article 100a | Article 95 | Article 109j | Article 121 |
| Article 100b (repealed) | — | Article 109k | Article 122 |
| Article 100c (repealed) | — | Article 109l | Article 123 |
| Article 100d (repealed) | — | Article 109m | Article 124 |
| Article 101 | Article 96 | TITLE VIa (**) | TITLE VIII |
| Article 102 | Article 97 | Article 109n (*) | Article 125 |
| TITLE VI | TITLE VII | Article 109o (*) | Article 126 |
| CHAPTER 1 | CHAPTER 1 | Article 109p (*) | Article 127 |
| Article 102a | Article 98 | Article 109q (*) | Article 128 |
| Article 103 | Article 99 | Article 109r (*) | Article 129 |
| Article 103a | Article 100 | Article 109s (*) | Article 130 |
| | | TITLE VII | TITLE IX |
| | | Article 110 | Article 131 |
| | | Article 111 (repealed) | — |
| | | Article 112 | Article 132 |
| | | Article 113 | Article 133 |

(*) New Article introduced by the Treaty of Amsterdam.

(**) New Title introduced by the Treaty of Amsterdam.

| Previous numbering | New numbering | Previous numbering | New numbering |
|------------------------|---------------|-------------------------|---------------|
| Article 114 (repealed) | — | TITLE XIV | TITLE XVII |
| Article 115 | Article 134 | Article 130a | Article 158 |
| TITLE VIIa (**) | TITLE X | Article 130b | Article 159 |
| Article 116 (*) | Article 135 | Article 130c | Article 160 |
| TITLE VIII | TITLE XI | Article 130d | Article 161 |
| CHAPTER 1 (***) | CHAPTER 1 | Article 130e | Article 162 |
| Article 117 | Article 136 | TITLE XV | TITLE XVIII |
| Article 118 | Article 137 | Article 130f | Article 163 |
| Article 118a | Article 138 | Article 130g | Article 164 |
| Article 118b | Article 139 | Article 130h | Article 165 |
| Article 118c | Article 140 | Article 130i | Article 166 |
| Article 119 | Article 141 | Article 130j | Article 167 |
| Article 119a | Article 142 | Article 130k | Article 168 |
| Article 120 | Article 143 | Article 130l | Article 169 |
| Article 121 | Article 144 | Article 130m | Article 170 |
| Article 122 | Article 145 | Article 130n | Article 171 |
| CHAPTER 2 | CHAPTER 2 | Article 130o | Article 172 |
| Article 123 | Article 146 | Article 130p | Article 173 |
| Article 124 | Article 147 | Article 130q (repealed) | — |
| Article 125 | Article 148 | TITLE XVI | TITLE XIX |
| CHAPTER 3 | CHAPTER 3 | Article 130r | Article 174 |
| Article 126 | Article 149 | Article 130s | Article 175 |
| Article 127 | Article 150 | Article 130t | Article 176 |
| TITLE IX | TITLE XII | TITLE XVII | TITLE XX |
| Article 128 | Article 151 | Article 130u | Article 177 |
| TITLE X | TITLE XIII | Article 130v | Article 178 |
| Article 129 | Article 152 | Article 130w | Article 179 |
| TITLE XI | TITLE XIV | Article 130x | Article 180 |
| Article 129a | Article 153 | Article 130y | Article 181 |
| TITLE XII | TITLE XV | PART FOUR | PART FOUR |
| Article 129b | Article 154 | Article 131 | Article 182 |
| Article 129c | Article 155 | Article 132 | Article 183 |
| Article 129d | Article 156 | Article 133 | Article 184 |
| TITLE XIII | TITLE XVI | Article 134 | Article 185 |
| Article 130 | Article 157 | Article 135 | Article 186 |
| | | Article 136 | Article 187 |
| | | Article 136a | Article 188 |

(*) New Article introduced by the Treaty of Amsterdam.

(**) New Title introduced by the Treaty of Amsterdam.

(***) Chapter 1 restructured by the Treaty of Amsterdam.

| Previous numbering | New numbering | Previous numbering | New numbering |
|--------------------|---------------|--------------------|---------------|
| PART FIVE | PART FIVE | Article 166 | Article 222 |
| TITLE I | TITLE I | Article 167 | Article 223 |
| CHAPTER 1 | CHAPTER 1 | Article 168 | Article 224 |
| SECTION 1 | SECTION 1 | Article 168 a | Article 225 |
| Article 137 | Article 189 | Article 169 | Article 226 |
| Article 138 | Article 190 | Article 170 | Article 227 |
| Article 138a | Article 191 | Article 171 | Article 228 |
| Article 138b | Article 192 | Article 172 | Article 229 |
| Article 138c | Article 193 | Article 173 | Article 230 |
| Article 138d | Article 194 | Article 174 | Article 231 |
| Article 138e | Article 195 | Article 175 | Article 232 |
| Article 139 | Article 196 | Article 176 | Article 233 |
| Article 140 | Article 197 | Article 177 | Article 234 |
| Article 141 | Article 198 | Article 178 | Article 235 |
| Article 142 | Article 199 | Article 179 | Article 236 |
| Article 143 | Article 200 | Article 180 | Article 237 |
| Article 144 | Article 201 | Article 181 | Article 238 |
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(*) New Article introduced by the Treaty of Amsterdam.

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| TITLE II | TITLE II | Article 223 | Article 296 |
| Article 199 | Article 268 | Article 224 | Article 297 |
| Article 200 (repealed) | — | Article 225 | Article 298 |
| Article 201 | Article 269 | Article 226 (repealed) | — |
| Article 201a | Article 270 | Article 227 | Article 299 |
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| Article 203 | Article 272 | Article 228a | Article 301 |
| Article 204 | Article 273 | Article 229 | Article 302 |
| Article 205 | Article 274 | Article 230 | Article 303 |
| Article 205a | Article 275 | Article 231 | Article 304 |
| Article 206 | Article 276 | Article 232 | Article 305 |
| Article 206a (repealed) | — | Article 233 | Article 306 |
| Article 207 | Article 277 | Article 234 | Article 307 |
| Article 208 | Article 278 | Article 235 | Article 308 |
| Article 209 | Article 279 | Article 236 (*) | Article 309 |
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| Article 212 (*) | Article 283 | Article 241 (repealed) | — |
| Article 213 | Article 284 | Article 242 (repealed) | — |
| Article 213a (*) | Article 285 | Article 243 (repealed) | — |
| Article 213b (*) | Article 286 | Article 244 (repealed) | — |
| Article 214 | Article 287 | Article 245 (repealed) | — |
| Article 215 | Article 288 | Article 246 (repealed) | — |
| | | FINAL PROVISIONS | FINAL PROVISIONS |
| | | Article 247 | Article 313 |
| | | Article 248 | Article 314 |

(*) New Article introduced by the Treaty of Amsterdam.

PROTOCOLS

A. PROTOCOL ANNEXED TO THE TREATY ON EUROPEAN UNION

Protocol on Article J.7 of the Treaty on European Union

THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article J.7(1), second subparagraph, and (3) of the Treaty on European Union,

BEARING IN MIND that the policy of the Union in accordance with Article J.7 shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in NATO, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty on European Union,

The European Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam.

B. PROTOCOLS ANNEXED TO THE TREATY ON EUROPEAN UNION AND TO THE
TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Protocol integrating the Schengen *acquis* into the framework of the European Union

THE HIGH CONTRACTING PARTIES,

NOTING that the Agreements on the gradual abolition of checks at common borders signed by some Member States of the European Union in Schengen on 14 June 1985 and on 19 June 1990, as well as related agreements and the rules adopted on the basis of these agreements, are aimed at enhancing European integration and, in particular, at enabling the European Union to develop more rapidly into an area of freedom, security and justice,

DESIRING to incorporate the abovementioned agreements and rules into the framework of the European Union,

CONFIRMING that the provisions of the Schengen *acquis* are applicable only if and as far as they are compatible with the European Union and Community law,

TAKING INTO ACCOUNT the special position of Denmark,

TAKING INTO ACCOUNT the fact that Ireland and the United Kingdom of Great Britain and Northern Ireland are not parties to and have not signed the abovementioned agreements; that provision should, however, be made to allow those Member States to accept some or all of the provisions thereof,

RECOGNISING that, as a consequence, it is necessary to make use of the provisions of the Treaty on European Union and of the Treaty establishing the European Community concerning closer cooperation between some Member States and that those provisions should only be used as a last resort,

TAKING INTO ACCOUNT the need to maintain a special relationship with the Republic of Iceland and the Kingdom of Norway, both States having confirmed their intention to become bound by the provisions mentioned above, on the basis of the Agreement signed in Luxembourg on 19 December 1996,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty establishing the European Community,

Article 1

The Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland and the Kingdom of Sweden, signatories to the Schengen agreements, are authorised to establish closer cooperation among themselves within the scope of those agreements and related provisions, as they are listed in the Annex to this Protocol, hereinafter referred to as the 'Schengen *acquis*'. This cooperation shall be conducted within the institutional and legal framework of the European Union and with respect for the relevant provisions of the Treaty on European Union and of the Treaty establishing the European Community.

Article 2

1. From the date of entry into force of the Treaty of Amsterdam, the Schengen *acquis*, including the decisions of the Executive Committee established by the Schengen agreements which have been adopted before this date, shall immediately apply to the thirteen Member States referred to in Article 1, without prejudice to the provisions of paragraph 2 of this Article. From the same date, the Council will substitute itself for the said Executive Committee.

The Council, acting by the unanimity of its Members referred to in Article 1, shall take any measure necessary for the implementation of this paragraph. The Council, acting unanimously, shall determine, in conformity with the relevant provisions of the Treaties, the legal basis for each of the provisions or decisions which constitute the Schengen *acquis*.

With regard to such provisions and decisions and in accordance with that determination, the Court of Justice of the European Communities shall exercise the powers conferred upon it by the relevant applicable provisions of the Treaties. In any event, the Court of Justice shall have no jurisdiction on measures or decisions relating to the maintenance of law and order and the safeguarding of internal security.

As long as the measures referred to above have not been taken and without prejudice to Article 5(2), the provisions or decisions which constitute the Schengen *acquis* shall be regarded as acts based on Title VI of the Treaty on European Union.

2. The provisions of paragraph 1 shall apply to the Member States which have signed accession protocols to the Schengen agreements, from the dates decided by the Council, acting with the unanimity of its Members mentioned in Article 1, unless the conditions for the accession of any of those States to the Schengen *acquis* are met before the date of the entry into force of the Treaty of Amsterdam.

Article 3

Following the determination referred to in Article 2(1), second subparagraph, Denmark shall maintain the same rights and obligations in relation to the other signatories to the Schengen agreements, as before the said determination with regard to those parts of the Schengen *acquis* that are determined to have a legal basis in Title IIIa of the Treaty establishing the European Community.

With regard to those parts of the Schengen *acquis* that are determined to have legal base in Title VI of the Treaty on European Union, Denmark shall continue to have the same rights and obligations as the other signatories to the Schengen agreements.

Article 4

Ireland and the United Kingdom of Great Britain and Northern Ireland, which are not bound by the Schengen *acquis*, may at any time request to take part in some or all of the provisions of this *acquis*.

The Council shall decide on the request with the unanimity of its members referred to in Article 1 and of the representative of the Government of the State concerned.

Article 5

1. Proposals and initiatives to build upon the Schengen *acquis* shall be subject to the relevant provisions of the Treaties.

In this context, where either Ireland or the United Kingdom or both have not notified the President of the Council in writing within a reasonable period that they wish to take part, the authorisation referred to in Article 5a of the Treaty establishing the European Community or Article K.12 of the Treaty on European Union shall be deemed to have been granted to the Member States referred to in Article 1 and to Ireland or the United Kingdom where either of them wishes to take part in the areas of cooperation in question.

2. The relevant provisions of the Treaties referred to in the first subparagraph of paragraph 1 shall apply even if the Council has not adopted the measures referred to in Article 2(1), second subparagraph.

Article 6

The Republic of Iceland and the Kingdom of Norway shall be associated with the implementation of the Schengen *acquis* and its further development on the basis of the Agreement signed in Luxembourg on 19 December 1996. Appropriate procedures shall be agreed to that effect in an Agreement to be concluded with those States by the Council, acting by the unanimity of its Members mentioned in Article 1. Such Agreement shall include provisions on the contribution of Iceland and Norway to any financial consequences resulting from the implementation of this Protocol.

A separate Agreement shall be concluded with Iceland and Norway by the Council, acting unanimously, for the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and Iceland and Norway on the other, in domains of the Schengen *acquis* which apply to these States.

Article 7

The Council shall, acting by a qualified majority, adopt the detailed arrangements for the integration of the Schengen Secretariat into the General Secretariat of the Council.

Article 8

For the purposes of the negotiations for the admission of new Member States into the European Union, the Schengen *acquis* and further measures taken by the institutions within its scope shall be regarded as an *acquis* which must be accepted in full by all States candidates for admission.

*ANNEX***SCHENGEN ACQUIS**

1. The Agreement, signed in Schengen on 14 June 1985, between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.
 2. The Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Agreement on the gradual abolition of checks at their common borders, signed in Schengen on 14 June 1985, with related Final Act and common declarations.
 3. The Accession Protocols and Agreements to the 1985 Agreement and the 1990 Implementation Convention with Italy (signed in Paris on 27 November 1990), Spain and Portugal (signed in Bonn on 25 June 1991), Greece (signed in Madrid on 6 November 1992), Austria (signed in Brussels on 28 April 1995) and Denmark, Finland and Sweden (signed in Luxembourg on 19 December 1996), with related Final Acts and declarations.
 4. Decisions and declarations adopted by the Executive Committee established by the 1990 Implementation Convention, as well as acts adopted for the implementation of the Convention by the organs upon which the Executive Committee has conferred decision making powers.
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Protocol on the application of certain aspects of Article 7a of the Treaty establishing the European Community to the United Kingdom and to Ireland

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland,

HAVING REGARD to the existence for many years of special travel arrangements between the United Kingdom and Ireland,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing the European Community and to the Treaty on European Union,

Article 1

The United Kingdom shall be entitled, notwithstanding Article 7a of the Treaty establishing the European Community, any other provision of that Treaty or of the Treaty on European Union, any measure adopted under those Treaties, or any international agreement concluded by the Community or by the Community and its Member States with one or more third States, to exercise at its frontiers with other Member States such controls on persons seeking to enter the United Kingdom as it may consider necessary for the purpose:

- (a) of verifying the right to enter the United Kingdom of citizens of States which are Contracting Parties to the Agreement on the European Economic Area and of their dependants exercising rights conferred by Community law, as well as citizens of other States on whom such rights have been conferred by an agreement by which the United Kingdom is bound; and
- (b) of determining whether or not to grant other persons permission to enter the United Kingdom.

Nothing in Article 7a of the Treaty establishing the European Community or in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them shall prejudice the right of the United Kingdom to adopt or exercise any such controls. References to the United Kingdom in this Article shall include territories for whose external relations the United Kingdom is responsible.

Article 2

The United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories ('the Common Travel Area'), while fully respecting the rights of persons referred to in Article 1, first paragraph, point (a) of this Protocol. Accordingly, as long as they maintain such arrangements, the provisions of

Article 1 of this Protocol shall apply to Ireland under the same terms and conditions as for the United Kingdom. Nothing in Article 7a of the Treaty establishing the European Community, in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them, shall affect any such arrangements.

Article 3

The other Member States shall be entitled to exercise at their frontiers or at any point of entry into their territory such controls on persons seeking to enter their territory from the United Kingdom or any territories whose external relations are under its responsibility for the same purposes stated in Article 1 of this Protocol, or from Ireland as long as the provisions of Article 1 of this Protocol apply to Ireland.

Nothing in Article 7a of the Treaty establishing the European Community or in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them shall prejudice the right of the other Member States to adopt or exercise any such controls.

Protocol on the position of the United Kingdom and Ireland

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland,

HAVING REGARD to the Protocol on the application of certain aspects of Article 7a of the Treaty establishing the European Community to the United Kingdom and to Ireland,

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community and to the Treaty on European Union,

Article 1

Subject to Article 3, the United Kingdom and Ireland shall not take part in the adoption by the Council of proposed measures pursuant to Title IIIa of the Treaty establishing the European Community. By way of derogation from Article 148(2) of the Treaty establishing the European Community, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in the said Article 148(2). The unanimity of the members of the Council, with the exception of the representatives of the governments of the United Kingdom and Ireland, shall be necessary for decisions of the Council which must be adopted unanimously.

Article 2

In consequence of Article 1 and subject to Articles 3, 4 and 6, none of the provisions of Title IIIa of the Treaty establishing the European Community, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Community pursuant to that Title, and no decision of the Court of Justice interpreting any such provision or measure shall be binding upon or applicable in the United Kingdom or Ireland; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of those States; and no such provision, measure or decision shall in any way affect the *acquis communautaire* nor form part of Community law as they apply to the United Kingdom or Ireland.

Article 3

1. The United Kingdom or Ireland may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title IIIa of the Treaty establishing the European Community, that it wishes to take part in the adoption and application of any such proposed measure, whereupon that State shall be entitled to do so. By way of derogation from Article 148(2) of the Treaty establishing the European Community, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in the said Article 148(2).

The unanimity of the members of the Council, with the exception of a member which has not made such a notification, shall be necessary for decisions of the Council which must be adopted unanimously. A measure adopted under this paragraph shall be binding upon all Member States which took part in its adoption.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure in accordance with Article 1 without the participation of the United Kingdom or Ireland. In that case Article 2 applies.

Article 4

The United Kingdom or Ireland may at any time after the adoption of a measure by the Council pursuant to Title IIIa of the Treaty establishing the European Community notify its intention to the Council and to the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article 5a(3) of the Treaty establishing the European Community shall apply *mutatis mutandis*.

Article 5

A Member State which is not bound by a measure adopted pursuant to Title IIIa of the Treaty establishing the European Community shall bear no financial consequences of that measure other than administrative costs entailed for the institutions.

Article 6

Where, in cases referred to in this Protocol, the United Kingdom or Ireland is bound by a measure adopted by the Council pursuant to Title IIIa of the Treaty establishing the European Community, the relevant provisions of that Treaty, including Article 73p, shall apply to that State in relation to that measure.

Article 7

Articles 3 and 4 shall be without prejudice to the Protocol integrating the Schengen *acquis* into the framework of the European Union.

Article 8

Ireland may notify the President of the Council in writing that it no longer wishes to be covered by the terms of this Protocol. In that case, the normal treaty provisions will apply to Ireland.

Protocol on the position of Denmark

THE HIGH CONTRACTING PARTIES,

RECALLING the Decision of the Heads of State or Government, meeting within the European Council at Edinburgh on 12 December 1992, concerning certain problems raised by Denmark on the Treaty on European Union,

HAVING NOTED the position of Denmark with regard to Citizenship, Economic and Monetary Union, Defence Policy and Justice and Home Affairs as laid down in the Edinburgh Decision,

BEARING IN MIND Article 3 of the Protocol integrating the Schengen *acquis* into the framework of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing the European Community and to the Treaty on European Union,

PART I

Article 1

Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title IIIa of the Treaty establishing the European Community. By way of derogation from Article 148(2) of the Treaty establishing the European Community, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in the said Article 148(2). The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the decisions of the Council which must be adopted unanimously.

Article 2

None of the provisions of Title IIIa of the Treaty establishing the European Community, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Community pursuant to that Title, and no decision of the Court of Justice interpreting any such provision or measure shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the *acquis communautaire* nor form part of Community law as they apply to Denmark.

Article 3

Denmark shall bear no financial consequences of measures referred to in Article 1, other than administrative costs entailed for the institutions.

Article 4

Articles 1, 2 and 3 shall not apply to measures determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States, or measures relating to a uniform format for visas.

Article 5

1. Denmark shall decide within a period of 6 months after the Council has decided on a proposal or initiative to build upon the Schengen *acquis* under the provisions of Title IIIa of the Treaty establishing the European Community, whether it will implement this decision in its national law. If it decides to do so, this decision will create an obligation under international law between Denmark and the other Member States referred to in Article 1 of the Protocol integrating the Schengen *acquis* into the framework of the European Union as well as Ireland or the United Kingdom if those Member States take part in the areas of cooperation in question.

2. If Denmark decides not to implement a decision of the Council as referred to in paragraph 1, the Member States referred to in Article 1 of the Protocol integrating the Schengen *acquis* into the framework of the European Union will consider appropriate measures to be taken.

PART II*Article 6*

With regard to measures adopted by the Council in the field of Articles J.3(1) and J.7 of the Treaty on European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications, but will not prevent the development of closer cooperation between Member States in this area. Therefore Denmark shall not participate in their adoption. Denmark shall not be obliged to contribute to the financing of operational expenditure arising from such measures.

PART III*Article 7*

At any time Denmark may, in accordance with its constitutional requirements, inform the other Member States that it no longer wishes to avail itself of all or part of this Protocol. In that event, Denmark will apply in full all relevant measures then in force taken within the framework of the European Union.

C. PROTOCOLS ANNEXED TO THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Protocol on asylum for nationals of Member States of the European Union

THE HIGH CONTRACTING PARTIES,

WHEREAS pursuant to the provisions of Article F(2) of the Treaty on European Union the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;

WHEREAS the Court of Justice of the European Communities has jurisdiction to ensure that in the interpretation and application of Article F(2) of the Treaty on European Union the law is observed by the European Community;

WHEREAS pursuant to Article O of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the principles set out in Article F(1) of the Treaty on European Union;

BEARING IN MIND that Article 236 of the Treaty establishing the European Community establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those principles;

RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in accordance with the provisions of Part Two of the Treaty establishing the European Community;

BEARING IN MIND that the Treaty establishing the European Community establishes an area without internal frontiers and grants every citizen of the Union the right to move and reside freely within the territory of the Member States;

RECALLING that the question of extradition of nationals of Member States of the Union is addressed in the European Convention on Extradition of 13 December 1957 and the Convention of 27 September 1996 drawn up on the basis of Article K.3 of the Treaty on European Union relating to extradition between the Member States of the European Union;

WISHING to prevent the institution of asylum being resorted to for purposes alien to those for which it is intended;

WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees;

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community,

Sole Article

Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:

- (a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;
 - (b) if the procedure referred to in Article F.1(1) of the Treaty on European Union has been initiated and until the Council takes a decision in respect thereof;
 - (c) if the Council, acting on the basis of Article F.1(1) of the Treaty on European Union, has determined, in respect of the Member State which the applicant is a national, the existence of a serious and persistent breach by that Member State of principles mentioned in Article F(1);
 - (d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State.
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Protocol on the application of the principles of subsidiarity and proportionality

THE HIGH CONTRACTING PARTIES,

DETERMINED to establish the conditions for the application of the principles of subsidiarity and proportionality enshrined in Article 3b of the Treaty establishing the European Community with a view to defining more precisely the criteria for applying them and to ensure their strict observance and consistent implementation by all institutions;

WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union;

TAKING ACCOUNT of the Interinstitutional Agreement of 25 October 1993 between the European Parliament, the Council and the Commission on procedures for implementing the principle of subsidiarity;

HAVE CONFIRMED that the conclusions of the Birmingham European Council on 16 October 1992 and the overall approach to the application of the subsidiarity principle agreed by the European Council meeting in Edinburgh on 11-12 December 1992 will continue to guide the action of the Union's institutions as well as the development of the application of the principle of subsidiarity, and, for this purpose,

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community:

- (1) In exercising the powers conferred on it, each institution shall ensure that the principle of subsidiarity is complied with. It shall also ensure compliance with the principle of proportionality, according to which any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty.
- (2) The application of the principles of subsidiarity and proportionality shall respect the general provisions and the objectives of the Treaty, particularly as regards the maintaining in full of the *acquis communautaire* and the institutional balance; it shall not affect the principles developed by the Court of Justice regarding the relationship between national and Community law, and it should take into account Article F(4) of the Treaty on European Union, according to which 'the Union shall provide itself with the means necessary to attain its objectives and carry through its policies'.
- (3) The principle of subsidiarity does not call into question the powers conferred on the European Community by the Treaty, as interpreted by the Court of Justice. The criteria referred to in the second paragraph of Article 3b of the Treaty shall relate to areas for which the Community does not have exclusive competence. The principle of subsidiarity provides a guide as to how those powers are to be exercised at the Community level. Subsidiarity is a dynamic concept and should be applied in the light of the objectives set

out in the Treaty. It allows Community action within the limits of its powers to be expanded where circumstances so require, and conversely, to be restricted or discontinued where it is no longer justified.

- (4) For any proposed Community legislation, the reasons on which it is based shall be stated with a view to justifying its compliance with the principles of subsidiarity and proportionality; the reasons for concluding that a Community objective can be better achieved by the Community must be substantiated by qualitative or, wherever possible, quantitative indicators.
- (5) For Community action to be justified, both aspects of the subsidiarity principle shall be met: the objectives of the proposed action cannot be sufficiently achieved by Member States' action in the framework of their national constitutional system and can therefore be better achieved by action on the part of the Community.

The following guidelines should be used in examining whether the abovementioned condition is fulfilled:

- the issue under consideration has transnational aspects which cannot be satisfactorily regulated by action by Member States;
 - actions by Member States alone or lack of Community action would conflict with the requirements of the Treaty (such as the need to correct distortion of competition or avoid disguised restrictions on trade or strengthen economic and social cohesion) or would otherwise significantly damage Member States' interests;
 - action at Community level would produce clear benefits by reason of its scale or effects compared with action at the level of the Member States.
- (6) The form of Community action shall be as simple as possible, consistent with satisfactory achievement of the objective of the measure and the need for effective enforcement. The Community shall legislate only to the extent necessary. Other things being equal, directives should be preferred to regulations and framework directives to detailed measures. Directives as provided for in Article 189 of the Treaty, while binding upon each Member State to which they are addressed as to the result to be achieved, shall leave to the national authorities the choice of form and methods.
 - (7) Regarding the nature and the extent of Community action, Community measures should leave as much scope for national decision as possible, consistent with securing the aim of the measure and observing the requirements of the Treaty. While respecting Community law, care should be taken to respect well established national arrangements and the organisation and working of Member States' legal systems. Where appropriate and subject to the need for proper enforcement, Community measures should provide Member States with alternative ways to achieve the objectives of the measures.

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- (8) Where the application of the principle of subsidiarity leads to no action being taken by the Community, Member States are required in their action to comply with the general rules laid down in Article 5 of the Treaty, by taking all appropriate measures to ensure fulfilment of their obligations under the Treaty and by abstaining from any measure which could jeopardise the attainment of the objectives of the Treaty.
- (9) Without prejudice to its right of initiative, the Commission should:
- except in cases of particular urgency or confidentiality, consult widely before proposing legislation and, wherever appropriate, publish consultation documents;
 - justify the relevance of its proposals with regard to the principle of subsidiarity; whenever necessary, the explanatory memorandum accompanying a proposal will give details in this respect. The financing of Community action in whole or in part from the Community budget shall require an explanation;
 - take duly into account the need for any burden, whether financial or administrative, falling upon the Community, national governments, local authorities, economic operators and citizens, to be minimised and proportionate to the objective to be achieved;
 - submit an annual report to the European Council, the European Parliament and the Council on the application of Article 3b of the Treaty. This annual report shall also be sent to the Committee of the Regions and to the Economic and Social Committee.
- (10) The European Council shall take account of the Commission report referred to in the fourth indent of point 9 within the report on the progress achieved by the Union which it is required to submit to the European Parliament in accordance with Article D of the Treaty on European Union.
- (11) While fully observing the procedures applicable, the European Parliament and the Council shall, as an integral part of the overall examination of Commission proposals, consider their consistency with Article 3b of the Treaty. This concerns the original Commission proposal as well as amendments which the European Parliament and the Council envisage making to the proposal.
- (12) In the course of the procedures referred to in Articles 189b and 189c of the Treaty, the European Parliament shall be informed of the Council's position on the application of Article 3b of the Treaty, by way of a statement of the reasons which led the Council to adopt its common position. The Council shall inform the European Parliament of the reasons on the basis of which all or part of a Commission proposal is deemed to be inconsistent with Article 3b of the Treaty.
- (13) Compliance with the principle of subsidiarity shall be reviewed in accordance with the rules laid down by the Treaty.
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Protocol on external relations of the Member States with regard to the crossing of external borders

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT the need of the Member States to ensure effective controls at their external borders, in cooperation with third countries where appropriate,

HAVE AGREED UPON the following provision, which shall be annexed to the Treaty establishing the European Community,

The provisions on the measures on the crossing of external borders included in Article 73j(2)(a) of Title IIIa of the Treaty shall be without prejudice to the competence of Member States to negotiate or conclude agreements with third countries as long as they respect Community law and other relevant international agreements.

Protocol on the system of public broadcasting in the Member States

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the system of public broadcasting in the Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism,

HAVE AGREED UPON the following interpretative provisions, which shall be annexed to the Treaty establishing the European Community,

The provisions of the Treaty establishing the European Community shall be without prejudice to the competence of Member States to provide for the funding of public service broadcasting insofar as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest, while the realisation of the remit of that public service shall be taken into account.

Protocol on protection and welfare of animals

THE HIGH CONTRACTING PARTIES,

DESIRING to ensure improved protection and respect for the welfare of animals as sentient beings,

HAVE AGREED UPON the following provision which shall be annexed to the Treaty establishing the European Community,

In formulating and implementing the Community's agriculture, transport, internal market and research policies, the Community and the Member States shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

D. PROTOCOLS ANNEXED TO THE TREATY ON EUROPEAN UNION AND THE TREATIES ESTABLISHING THE EUROPEAN COMMUNITY, THE EUROPEAN COAL AND STEEL COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY

Protocol on the institutions with the prospect of enlargement of the European Union

THE HIGH CONTRACTING PARTIES,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

Article 1

At the date of entry into force of the first enlargement of the Union, notwithstanding Article 157(1) of the Treaty establishing the European Community, Article 9(1) of the Treaty establishing the European Coal and Steel Community and Article 126(1) of the Treaty establishing the European Atomic Energy Community, the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, whether by re-weighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission.

Article 2

At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.

**Protocol on the location of the seats of the institutions and of certain bodies and departments
of the European Communities and of Europol**

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

HAVING REGARD to Article 216 of the Treaty establishing the European Community, Article 77 of the Treaty establishing the European Coal and Steel Community and Article 189 of the Treaty establishing the European Atomic Energy Community,

HAVING REGARD to the Treaty on European Union,

RECALLING AND CONFIRMING the Decision of 8 April 1965, and without prejudice to the decisions concerning the seat of future institutions, bodies and departments,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaties establishing the European Communities,

Sole Article

- (a) The European Parliament shall have its seat in Strasbourg where the 12 periods of monthly plenary sessions, including the budget session, shall be held. The periods of additional plenary sessions shall be held in Brussels. The committees of the European Parliament shall meet in Brussels. The General Secretariat of the European Parliament and its departments shall remain in Luxembourg.
 - (b) The Council shall have its seat in Brussels. During the months of April, June and October, the Council shall hold its meetings in Luxembourg.
 - (c) The Commission shall have its seat in Brussels. The departments listed in Articles 7, 8 and 9 of the Decision of 8 April 1965 shall be established in Luxembourg.
 - (d) The Court of Justice and the Court of First Instance shall have their seats in Luxembourg.
 - (e) The Court of Auditors shall have its seat in Luxembourg.
 - (f) The Economic and Social Committee shall have its seat in Brussels.
 - (g) The Committee of the Regions shall have its seat in Brussels.
 - (h) The European Investment Bank shall have its seat in Luxembourg.
 - (i) The European Monetary Institute and the European Central Bank shall have their seat in Frankfurt.
 - (j) The European Police Office (Europol) shall have its seat in The Hague.
-

Protocol on the role of national parliaments in the European Union

THE HIGH CONTRACTING PARTIES,

RECALLING that scrutiny by individual national parliaments of their own government in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State,

DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaties establishing the European Communities,

I. INFORMATION FOR NATIONAL PARLIAMENTS OF MEMBER STATES

1. All Commission consultation documents (green and white papers and communications) shall be promptly forwarded to national parliaments of the Member States.
2. Commission proposals for legislation as defined by the Council in accordance with Article 151(3) of the Treaty establishing the European Community, shall be made available in good time so that the government of each Member State may ensure that its own national parliament receives them as appropriate.
3. A six-week period shall elapse between a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision either for the adoption of an act or for adoption of a common position pursuant to Article 189b or 189c of the Treaty establishing the European Community, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position.

II. THE CONFERENCE OF EUROPEAN AFFAIRS COMMITTEES

4. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16-17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union, in particular on the basis of draft legal texts which representatives of governments of the Member States may decide by common accord to forward to it, in view of the nature of their subject matter.

5. COSAC may examine any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice which might have a direct bearing on the rights and freedoms of individuals. The European Parliament, the Council and the Commission shall be informed of any contribution made by COSAC under this point.
 6. COSAC may address to the European Parliament, the Council and the Commission any contribution which it deems appropriate on the legislative activities of the Union, notably in relation to the application of the principle of subsidiarity, the area of freedom, security and justice as well as questions regarding fundamental rights.
 7. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position.
-

FINAL ACT

The CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES convened in Turin on the twenty-ninth day of March in the year nineteen hundred and ninety-six to adopt by common accord the amendments to be made to the Treaty on European Union, the Treaties establishing respectively the European Community, the European Coal and Steel Community and the European Atomic Energy Community and certain related Acts has adopted the following texts:

I. The Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts

II. Protocols

A. Protocol annexed to the Treaty on European Union:

1. Protocol on Article J.7 of the Treaty on European Union

B. Protocols annexed to the Treaty on European Union and to the Treaty establishing the European Community:

2. Protocol integrating the Schengen *acquis* into the framework of the European Union
3. Protocol on the application of certain aspects of Article 7a of the Treaty establishing the European Community to the United Kingdom and to Ireland
4. Protocol on the position of the United Kingdom and Ireland
5. Protocol on the position of Denmark

C. Protocols annexed to the Treaty establishing the European Community:

6. Protocol on asylum for nationals of Member States of the European Union
7. Protocol on the application of the principles of subsidiarity and proportionality
8. Protocol on external relations of the Member States with regard to the crossing of external borders
9. Protocol on the system of public broadcasting in the Member States
10. Protocol on protection and welfare of animals

D. Protocols annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community

11. Protocol on the institutions with the prospect of enlargement of the European Union
12. Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol
13. Protocol on the role of national parliaments in the European Union

III. Declarations

The Conference adopted the following declarations annexed to this Final Act:

1. Declaration on the abolition of the death penalty
2. Declaration on enhanced cooperation between the European Union and the Western European Union
3. Declaration relating to Western European Union
4. Declaration on Articles J.14 and K.10 of the Treaty on European Union
5. Declaration on Article J.15 of the Treaty on European Union
6. Declaration on the establishment of a policy planning and early warning unit
7. Declaration on Article K.2 of the Treaty on European Union
8. Declaration on Article K.3(e) of the Treaty on European Union
9. Declaration on Article K.6(2) of the Treaty on European Union
10. Declaration on Article K.7 of the Treaty on European Union
11. Declaration on the status of churches and non-confessional organisations
12. Declaration on environmental impact assessments
13. Declaration on Article 7d of the Treaty establishing the European Community
14. Declaration on the repeal of Article 44 of the Treaty establishing the European Community

15. Declaration on the preservation of the level of protection and security provided by the Schengen *acquis*
16. Declaration on Article 73j(2)(b) of the Treaty establishing the European Community
17. Declaration on Article 73k of the Treaty establishing the European Community
18. Declaration on Article 73k(3)(a) of the Treaty establishing the European Community
19. Declaration on Article 73l(1) of the Treaty establishing the European Community
20. Declaration on Article 73m of the Treaty establishing the European Community
21. Declaration on Article 73o of the Treaty establishing the European Community
22. Declaration regarding persons with a disability
23. Declaration on incentive measures referred to in Article 109r of the Treaty establishing the European Community
24. Declaration on Article 109r of the Treaty establishing the European Community
25. Declaration on Article 118 of the Treaty establishing the European Community
26. Declaration on Article 118(2) of the Treaty establishing the European Community
27. Declaration on Article 118b(2) of the Treaty establishing the European Community
28. Declaration on Article 119(4) of the Treaty establishing the European Community
29. Declaration on sport
30. Declaration on island regions
31. Declaration relating to the Council Decision of 13 July 1987
32. Declaration on the organisation and functioning of the Commission
33. Declaration on Article 188c(3) of the Treaty establishing the European Community
34. Declaration on respect for time limits under the co-decision procedure
35. Declaration on Article 191a(1) of the Treaty establishing the European Community

36. Declaration on the Overseas Countries and Territories
37. Declaration on public credit institutions in Germany
38. Declaration on voluntary service activities
39. Declaration on the quality of the drafting of Community legislation
40. Declaration concerning the procedure for concluding international agreements by the European Coal and Steel Community
41. Declaration on the provisions relating to transparency, access to documents and the fight against fraud
42. Declaration on the consolidation of the Treaties
43. Declaration relating to the Protocol on the application of the principles of subsidiarity and proportionality
44. Declaration on Article 2 of the Protocol integrating the Schengen *acquis* into the framework of the European Union
45. Declaration on Article 4 of the Protocol integrating the Schengen *acquis* into the framework of the European Union
46. Declaration on Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union
47. Declaration on Article 6 of the Protocol integrating the Schengen *acquis* into the framework of the European Union
48. Declaration relating to the Protocol on asylum for nationals of Member States of the European Union
49. Declaration relating to subparagraph (d) of the Sole Article of the Protocol on asylum for nationals of Member States of the European Union
50. Declaration relating to the Protocol on the institutions with the prospect of enlargement of the European Union
51. Declaration on Article 10 of the Treaty of Amsterdam

The Conference also took note of the following declarations annexed to this Final Act:

1. Declaration by Austria and Luxembourg on credit institutions
2. Declaration by Denmark relating to Article K.14 of the Treaty on European Union
3. Declaration by Germany, Austria and Belgium on subsidiarity
4. Declaration by Ireland on Article 3 of the Protocol on the position of the United Kingdom and Ireland
5. Declaration by Belgium on the Protocol on asylum for nationals of Member States of the European Union
6. Declaration by Belgium, France and Italy on the Protocol on the institutions with the prospect of enlargement of the European Union
7. Declaration by France concerning the situation of the overseas departments in the light of the Protocol integrating the Schengen *acquis* into the framework of the European Union
8. Declaration by Greece concerning the Declaration on the status of churches and non-confessional organisations

Finally, the Conference agreed to attach, for illustrative purposes, to this Final Act the texts of the Treaty on European Union and the Treaty establishing the European Community, as they result from the amendments made by the Conference.

Hecho en Amsterdam, el dos de octubre de mil novecientos noventa y siete.

Udfærdiget i Amsterdam, den anden oktober nittenhundrede og syvoghalvfems.

Geschehen zu Amsterdam am zweiten Oktober neunzehnhundertsiebenundneunzig.

Έγινε στο Άμστερνταμ, στις δύο Οκτωβρίου του έτους χίλια εννιακόσια ενενήντα επτά.

Done at Amsterdam this second day of October in the year one thousand nine hundred and ninety-seven.

Fait à Amsterdam, le deux octobre de l'an mil neuf cent quatre-vingt-dix-sept.

Arna dhéanamh in Amstardam ar an dara lá de Dheireadh Fómhair sa bhliain míle naoi gcéad nócha a seacht.

Fatto ad Amsterdam, addì due ottobre millenovecentonovantasette.

Gedaan te Amsterdam, de tweede oktober negentienhonderd zevenennegentig.

Feito em Amesterdão, em dois de Outubro de mil novecentos e noventa e sete.

Tehty Amsterdamissa 2 päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Utfärdat i Amsterdam den andra oktober år nittonhundranittiosju.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

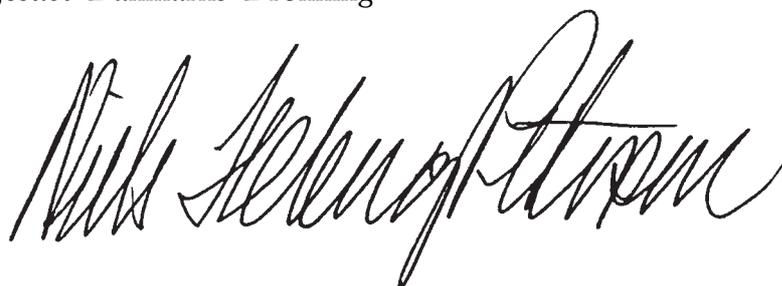


Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Hendes Majestæt Danmarks Dronning



Für den Präsidenten der Bundesrepublik Deutschland



Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



Por Su Majestad el Rey de España



Pour le Président de la République française



Thar ceann an Choimisiúin arna údarú le hAirteagal 14 de Bhunreacht na hÉireann chun cumhachtaí agus feidhmeanna Uachtarán na hÉireann a oibriú agus a chomhlíonadh

For the Commission authorised by Article 14 of the Constitution of Ireland to exercise and perform the powers and functions of the President of Ireland



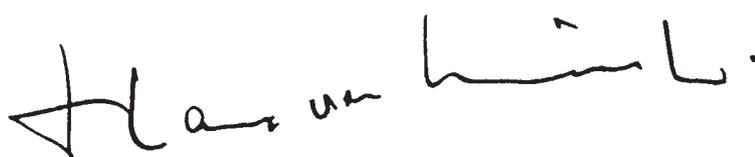
Per il Presidente della Repubblica italiana

A handwritten signature in black ink, appearing to be 'Scalfaro', written in a cursive style.

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A handwritten signature in black ink, appearing to be 'Jean', written in a cursive style.

Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature in black ink, appearing to be 'Beatrix', written in a cursive style.

Für den Bundespräsidenten der Republik Österreich

A handwritten signature in black ink, appearing to be 'Franz Josef', written in a cursive style.

Pelo Presidente da República Portuguesa

João Gouveia

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

Tarja Halonen

För Hans Majestät Konungen av Sverige

Lena Hjelm-Wallin

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Donna T. Henderson

DECLARATIONS ADOPTED BY THE CONFERENCE

1. Declaration on the abolition of the death penalty

With reference to Article F(2) of the Treaty on European Union, the Conference recalls that Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, and which has been signed and ratified by a large majority of Member States, provides for the abolition of the death penalty.

In this context, the Conference notes the fact that since the signature of the abovementioned Protocol on 28 April 1983, the death penalty has been abolished in most of the Member States of the Union and has not been applied in any of them.

2. Declaration on enhanced cooperation between the European Union and the Western European Union

With a view to enhanced cooperation between the European Union and the Western European Union, the Conference invites the Council to seek the early adoption of appropriate arrangements for the security clearance of the personnel of the General Secretariat of the Council.

3. Declaration relating to Western European Union

The Conference notes the following Declaration, adopted by the Council of Ministers of the Western European Union on 22 July 1997

'DECLARATION OF WESTERN EUROPEAN UNION ON THE ROLE OF WESTERN EUROPEAN UNION AND ITS RELATIONS WITH THE EUROPEAN UNION AND WITH THE ATLANTIC ALLIANCE

INTRODUCTION

1. The Western European Union (WEU) Member States agreed at Maastricht in 1991 on the need to develop a genuine European Security and Defence Identity (ESDI) and to assume a greater European responsibility for defence matters. In the light of the Treaty of Amsterdam, they reaffirm the importance of continuing and strengthening these efforts. WEU is an integral part of the development of the European Union (EU) providing the Union with access to an operational capability, notably in the context of the Petersberg tasks and is an essential element of the development of the ESDI within the Atlantic Alliance in accordance with the Paris Declaration and with the decisions taken by NATO ministers in Berlin.
2. Today the WEU Council brings together all the Member States of the European Union and all the European Members of the Atlantic Alliance in accordance with their respective status. The Council also brings together those States with the Central and Eastern

European States linked to the European Union by an Association Agreement and that are applicants for accession to both the European Union and the Atlantic Alliance. WEU is thus establishing itself as a genuine framework for dialogue and cooperation among Europeans on wider European security and defence issues.

3. In this context, WEU takes note of Title V of the Treaty on European Union regarding the EU's common foreign and security policy, in particular Articles J.3(1), J.7 and the Protocol to Article J.7, which read as follows:

Article J.3(1)

“1. The European Council shall define the principles and general guidelines for the common foreign and security policy, including for matters with defence implications.”

Article J.7

“1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace making.

3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article J.3 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2, all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision-taking in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article N.”

Protocol on Article J.7

“THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article J.7(1), second subparagraph, and (3) of the Treaty on European Union,

BEARING IN MIND that the policy of the Union in accordance with Article J.7 shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in NATO, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty on European Union,

The European Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam.”

A. WEU'S RELATIONS WITH THE EUROPEAN UNION: ACCOMPANYING THE IMPLEMENTATION OF THE TREATY OF AMSTERDAM

4. In the "Declaration on the Role of the Western European Union and its Relations with the European Union and with the Atlantic Alliance" of 10 December 1991, WEU Member States set as their objective "to build up WEU in stages as the defence component of the European Union". They today reaffirm this aim as developed by the Treaty of Amsterdam.
5. When the Union avails itself of WEU, WEU will elaborate and implement decisions and actions of the EU which have defence implications.

In elaborating and implementing decisions and actions of the EU for which the Union avails itself of WEU, WEU will act consistently with guidelines established by the European Council.

WEU supports the Union in framing the defence aspects of the European Union Common Foreign and Security Policy as set out in Article J.7 of the Treaty on European Union.

6. WEU confirms that when the European Union avails itself of WEU to elaborate and implement decisions of the Union on the tasks referred to in Article J.7(2) of the Treaty on European Union, all Member States of the Union shall be entitled to participate fully in the tasks in question in accordance with Article J.7(3) of the Treaty on European Union.

WEU will develop the role of the Observers in WEU in line with provisions contained in Article J.7(3) and will adopt the necessary practical arrangements to allow all Member States of the EU contributing to the tasks undertaken by WEU at the request of the EU to participate fully and on an equal footing in planning and decision-taking in the WEU.

7. Consistent with the Protocol on Article J.7 of the Treaty on European Union, WEU shall draw up, together with the European Union, arrangements for enhanced cooperation between them. In this regard, a range of measures, on some of which work is already at hand in WEU, can be taken forward now, such as:
 - arrangements for improving the coordination of the consultation and decision-making processes of the respective Organisations, in particular in crisis situations;
 - holding of joint meetings of the relevant bodies of the two Organisations;
 - harmonisation as much as possible of the sequence of the Presidencies of WEU and the EU, as well as the administrative rules and practices of the two Organisations;
 - close coordination of the work of the staff of the Secretariat-General of the WEU and the General Secretariat of the Council of the EU, including through the exchange and secondment of personnel;

- arrangements to allow the relevant bodies of the EU, including its Policy Planning and Early Warning Unit, to draw on the resources of WEU's Planning Cell, Situation Centre and Satellite Centre;
- cooperation in the field of armaments, as appropriate, within the framework of the Western European Armaments Group (WEAG), as the European forum for armaments cooperation, the EU and WEU in the context of rationalisation of the European armaments market and the establishment of a European Armaments Agency;
- practical arrangements for ensuring cooperation with the European Commission reflecting its role in the CFSP as defined in the revised Treaty on European Union;
- improved security arrangements with the European Union.

B. RELATIONS BETWEEN WEU AND NATO IN THE FRAMEWORK OF THE DEVELOPMENT OF AN ESDI WITHIN THE ATLANTIC ALLIANCE

8. The Atlantic Alliance continues to be the basis of collective defence under the North Atlantic Treaty. It remains the essential forum for consultation among Allies and the framework in which they agree on policies bearing on their security and defence commitments under the Washington Treaty. The Alliance has embarked on a process of adaptation and reform so that it can more effectively carry out the full range of its missions. This process is aimed at strengthening and renewing the transatlantic partnership, including building an ESDI within the Alliance.
9. WEU is an essential element of the development of the European Security and Defence Identity within the Atlantic Alliance and will accordingly continue its efforts to strengthen institutional and practical cooperation with NATO.
10. In addition to its support for the common defence enshrined in Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, WEU takes an active role in conflict prevention and crisis management as provided for in the Petersberg Declaration. In this context, WEU undertakes to perform its role to the full, respecting the full transparency and complementarity between the two Organisations.
11. WEU affirms that this identity will be grounded on sound military principles and supported by appropriate military planning and will permit the creation of militarily coherent and effective forces capable of operating under the political control and strategic direction of WEU.
12. To this end, WEU will develop its cooperation with NATO, in particular in the following fields:
 - mechanisms for consultation between WEU and NATO in the context of a crisis;

- WEU's active involvement in the NATO defence planning process;
- operational links between WEU and NATO for the planning, preparation and conduct of operations using NATO assets and capabilities under the political control and strategic direction of WEU, including:
 - military planning, conducted by NATO in coordination with WEU, and exercises;
 - a framework agreement on the transfer, monitoring and return of NATO assets and capabilities;
 - liaison between WEU and NATO in the context of European command arrangements.

This cooperation will continue to evolve, also taking account of the adaptation of the Alliance.

C. WEU's OPERATIONAL ROLE IN THE DEVELOPMENT OF THE ESDI

13. WEU will develop its role as the European politico-military body for crisis management, by using the assets and capabilities made available by WEU nations on a national or multinational basis, and having recourse, when appropriate, to NATO's assets and capabilities under arrangements being worked out. In this context, WEU will also support the UN and OSCE in their crisis management tasks.

WEU will contribute, in the framework of Article J.7 of the Treaty on European Union, to the progressive framing of a common defence policy and carry forward its concrete implementation through the further development of its own operational role.

14. To this end, WEU will take forward work in the following fields:

- WEU has developed crisis management mechanisms and procedures which will be updated as WEU gains experience through exercises and operations. The implementation of Petersberg missions calls for flexible modes of action geared to the diversity of crisis situations and making optimum use of the available capabilities including through recourse to national headquarters, which might be one provided by a framework nation, or to multinational headquarters answerable to WEU or to NATO assets and capabilities;
- WEU has already worked out Preliminary Conclusions on the Formulation of a Common European Defence Policy which is an initial contribution on the objectives, scope and means of a common European defence policy.

WEU will continue this work on the basis in particular of the Paris Declaration and taking account of the relevant elements of the decisions of WEU and NATO summits and ministerial meetings since Birmingham. It will focus on the following fields:

- definition of principles for the use of armed forces of the WEU States for WEU Petersberg operations in pursuit of common European security interests;
- organisation of operational means for Petersberg tasks, such as generic and contingency planning and exercising, preparation and interoperability of forces, including through participation in the NATO defence planning process, as appropriate;
- strategic mobility on the basis of its current work;
- defence intelligence, through its Planning Cell, Situation Centre and Satellite Centre;
- WEU has adopted many measures to strengthen its operational role (Planning Cell, Situation Centre, Satellite Centre). The improvement of the functioning of the military components at WEU Headquarters and the establishment, under the Council's authority, of a military committee will represent a further enhancement of structures which are important for the successful preparation and conduct of WEU operations;
- with the aim of opening participation in all its operations to Associate Members and Observer States, WEU will also examine the necessary modalities to allow Associate Members and Observer States to participate fully in accordance with their status in all operations undertaken by WEU;
- WEU recalls that Associate Members take part on the same basis as full members in operations to which they contribute, as well as in relevant exercises and planning. WEU will also examine the question of participation of the Observers as fully as possible in accordance with their status in planning and decision-taking within WEU in all operations to which they contribute;
- WEU will, in consultation where appropriate with the relevant bodies, examine the possibilities for maximum participation in its activities by Associate Members and Observer States in accordance with their status. It will address in particular activities in the fields of armaments, space and military studies;
- WEU will examine how to strengthen the Associate Partners' participation in an increasing number of activities.'

4. Declaration on Articles J.14 and K.10 of the Treaty on European Union

The provisions of Articles J.14 and K.10 of the Treaty on European Union and any agreements resulting from them shall not imply any transfer of competence from the Member States to the European Union.

5. Declaration on Article J.15 of the Treaty on European Union

The Conference agrees that Member States shall ensure that the Political Committee referred to in Article J.15 of the Treaty on European Union is able to meet at any time, in the event of international crises or other urgent matters, at very short notice at Political Director or deputy level.

6. Declaration on the establishment of a policy planning and early warning unit

The Conference agrees that:

1. A policy planning and early warning unit shall be established in the General Secretariat of the Council under the responsibility of its Secretary-General, High Representative for the CFSP. Appropriate cooperation shall be established with the Commission in order to ensure full coherence with the Union's external economic and development policies.
2. The tasks of the unit shall include the following:
 - (a) monitoring and analysing developments in areas relevant to the CFSP;
 - (b) providing assessments of the Union's foreign and security policy interests and identifying areas where the CFSP could focus in future;
 - (c) providing timely assessments and early warning of events or situations which may have significant repercussions for the Union's foreign and security policy, including potential political crises;
 - (d) producing, at the request of either the Council or the Presidency or on its own initiative, argued policy options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP.
3. The unit shall consist of personnel drawn from the General Secretariat, the Member States, the Commission and the WEU.
4. Any Member State or the Commission may make suggestions to the unit for work to be undertaken.
5. Member States and the Commission shall assist the policy planning process by providing, to the fullest extent possible, relevant information, including confidential information.

7. Declaration on Article K.2 of the Treaty on European Union

Action in the field of police cooperation under Article K.2 of the Treaty on European Union, including activities of Europol, shall be subject to appropriate judicial review by the competent national authorities in accordance with rules applicable in each Member State.

8. Declaration on Article K.3(e) of the Treaty on European Union

The Conference agrees that the provisions of Article K.3(e) of the Treaty on European Union shall not have the consequence of obliging a Member State whose legal system does not provide for minimum sentences to adopt them.

9. Declaration on Article K.6(2) of the Treaty on European Union

The Conference agrees that initiatives for measures referred to in Article K.6(2) of the Treaty on European Union and acts adopted by the Council thereunder shall be published in the *Official Journal of the European Communities*, in accordance with the relevant Rules of Procedure of the Council and the Commission.

10. Declaration on Article K.7 of the Treaty on European Union

The Conference notes that Member States may, when making a declaration pursuant to Article K.7(2) of the Treaty on European Union, reserve the right to make provisions in their national law to the effect that, where a question relating to the validity or interpretation of an act referred to in Article K.7(1) is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

11. Declaration on the status of churches and non-confessional organisations

The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

The European Union equally respects the status of philosophical and non-confessional organisations.

12. Declaration on environmental impact assessments

The Conference notes that the Commission undertakes to prepare environmental impact assessment studies when making proposals which may have significant environmental implications.

13. Declaration on Article 7d of the Treaty establishing the European Community

The provisions of Article 7d of the Treaty establishing the European Community on public services shall be implemented with full respect for the jurisprudence of the Court of Justice, *inter alia* as regards the principles of equality of treatment, quality and continuity of such services.

14. Declaration on the repeal of Article 44 of the Treaty establishing the European Community

The repeal of Article 44 of the Treaty establishing the European Community, which contains a reference to a natural preference between Member States in the context of fixing minimum prices during the transitional period, has no effect on the principle of Community preference as defined by the case law of the Court of Justice.

15. Declaration on the preservation of the level of protection and security provided by the Schengen *acquis*

The Conference agrees that measures to be adopted by the Council, which will have the effect of replacing provisions on the abolition of checks at common borders contained in the 1990 Schengen Convention, should provide at least the same level of protection and security as under the aforementioned provisions of the Schengen Convention.

16. Declaration on Article 73j(2)(b) of the Treaty establishing the European Community

The Conference agrees that foreign policy considerations of the Union and the Member States shall be taken into account in the application of Article 73j(2)(b) of the Treaty establishing the European Community.

17. Declaration on Article 73k of the Treaty establishing the European Community

Consultations shall be established with the United Nations High Commissioner for Refugees and other relevant international organisations on matters relating to asylum policy.

18. Declaration on Article 73k(3)(a) of the Treaty establishing the European Community

The Conference agrees that Member States may negotiate and conclude agreements with third countries in the domains covered by Article 73k(3)(a) of the Treaty establishing the European Community as long as such agreements respect Community law.

19. Declaration on Article 73l(1) of the Treaty establishing the European Community

The Conference agrees that Member States may take into account foreign policy considerations when exercising their responsibilities under Article 73l(1) of the Treaty establishing the European Community.

20. Declaration on Article 73m of the Treaty establishing the European Community

Measures adopted pursuant to Article 73m of the Treaty establishing the European Community shall not prevent any Member State from applying its constitutional rules relating to freedom of the press and freedom of expression in other media.

21. Declaration on Article 73o of the Treaty establishing the European Community

The Conference agrees that the Council will examine the elements of the decision referred to in Article 73o(2), second indent, of the Treaty establishing the European Community before the end of the five year period referred to in Article 73o with a view to taking and applying this decision immediately after the end of that period.

22. Declaration regarding persons with a disability

The Conference agrees that, in drawing up measures under Article 100a of the Treaty establishing the European Community, the institutions of the Community shall take account of the needs of persons with a disability.

23. Declaration on incentive measures referred to in Article 109r of the Treaty establishing the European Community

The Conference agrees that the incentive measures referred to in Article 109r of the Treaty establishing the European Community should always specify the following:

- the grounds for taking them based on an objective assessment of their need and the existence of an added value at Community level;
- their duration, which should not exceed five years;
- the maximum amount for their financing, which should reflect the incentive nature of such measures.

24. Declaration on Article 109r of the Treaty establishing the European Community

It is understood that any expenditure under Article 109r of the Treaty establishing the European Community will fall within Heading 3 of the financial perspectives.

25. Declaration on Article 118 of the Treaty establishing the European Community

It is understood that any expenditure under Article 118 of the Treaty establishing the European Community will fall within Heading 3 of the financial perspectives.

26. Declaration on Article 118(2) of the Treaty establishing the European Community

The High Contracting Parties note that in the discussions on Article 118(2) of the Treaty establishing the European Community it was agreed that the Community does not intend, in laying down minimum requirements for the protection of the safety and health of employees, to discriminate in a manner unjustified by the circumstances against employees in small and medium-sized undertakings.

27. Declaration on Article 118b(2) of the Treaty establishing the European Community

The High Contracting Parties declare that the first of the arrangements for application of the agreements between management and labour at Community level — referred to in Article 118b(2) of the Treaty establishing the European Community — will consist in developing, by collective bargaining according to the rules of each Member State, the content of the agreements, and that consequently this arrangement implies no obligation on the Member States to apply the agreements directly or to work out rules for their transposition, nor any obligation to amend national legislation in force to facilitate their implementation.

28. Declaration on Article 119(4) of the Treaty establishing the European Community

When adopting measures referred to in Article 119(4) of the Treaty establishing the European Community, Member States should, in the first instance, aim at improving the situation of women in working life.

29. Declaration on sport

The Conference emphasises the social significance of sport, in particular its role in forging identity and bringing people together. The Conference therefore calls on the bodies of the European Union to listen to sports associations when important questions affecting sport are at issue. In this connection, special consideration should be given to the particular characteristics of amateur sport.

30. Declaration on island regions

The Conference recognises that island regions suffer from structural handicaps linked to their island status, the permanence of which impairs their economic and social development.

The Conference accordingly acknowledges that Community legislation must take account of these handicaps and that specific measures may be taken, where justified, in favour of these regions in order to integrate them better into the internal market on fair conditions.

31. Declaration relating to the Council Decision of 13 July 1987

The Conference calls on the Commission to submit to the Council by the end of 1998 at the latest a proposal to amend the Council decision of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission.

32. Declaration on the organisation and functioning of the Commission

The Conference notes the Commission's intention to prepare a reorganization of tasks within the college in good time for the Commission which will take up office in 2000, in order to ensure an optimum division between conventional portfolios and specific tasks.

In this context, it considers that the President of the Commission must enjoy broad discretion in the allocation of tasks within the college, as well as in any reshuffling of those tasks during a Commission's term of office.

The Conference also notes the Commission's intention to undertake in parallel a corresponding reorganisation of its departments. It notes in particular the desirability of bringing external relations under the responsibility of a Vice-President.

33. Declaration on Article 188c(3) of the Treaty establishing the European Community

The Conference invites the Court of Auditors, the European Investment Bank and the Commission to maintain in force the present Tripartite Agreement. If a succeeding or amending text is required by any party, they shall endeavour to reach agreement on such a text having regard to their respective interests.

34. Declaration on respect for time limits under the co-decision procedure

The Conference calls on the European Parliament, the Council and the Commission to make every effort to ensure that the co-decision procedure operates as expeditiously as possible. It recalls the importance of strict respect for the deadlines set out in Article 189b of the Treaty establishing the European Community and confirms that recourse, provided for in paragraph 7 of that Article, to extension of the periods in question should be considered only when strictly necessary. In no case should the actual period between the second reading by the European Parliament and the outcome of the Conciliation Committee exceed nine months.

35. Declaration on Article 191a(1) of the Treaty establishing the European Community

The Conference agrees that the principles and conditions referred to in Article 191a(1) of the Treaty establishing the European Community will allow a Member State to request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.

36. Declaration on the Overseas Countries and Territories

The Conference recognises that the special arrangements for the association of the overseas countries and territories (OCTs) under Part Four of the Treaty establishing the European Community were designed for countries and territories that were numerous, covered vast areas and had large populations. The arrangements have changed little since 1957.

The Conference notes that there are today only 20 OCTs and that they are extremely scattered island territories with a total population of approximately 900 000. Moreover, most OCTs lag far behind in structural terms, a fact linked to their particularly severe geographical and economic handicaps. In these circumstances, the special arrangements for association as they were conceived in 1957 can no longer deal effectively with the challenges of OCT development.

The Conference solemnly restates that the purpose of association is to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole.

The Conference invites the Council, acting in accordance with the provisions of Article 136 of the Treaty establishing the European Community, to review the association arrangements by February 2000, with the fourfold objective of:

- promoting the economic and social development of the OCTs more effectively;
- developing economic relations between the OCTs and the European Union;
- taking greater account of the diversity and specific characteristics of the individual OCTs, including aspects relating to freedom of establishment;
- ensuring that the effectiveness of the financial instrument is improved.

37. Declaration on public credit institutions in Germany

The Conference notes the Commission's opinion to the effect that the Community's existing competition rules allow services of general economic interest provided by public credit institutions existing in Germany and the facilities granted to them to compensate for the costs connected with such services to be taken into account in full. In this context, the way in which Germany enables local authorities to carry out their task of making available in their regions a comprehensive and efficient financial infrastructure is a matter for the organisation of that Member State. Such facilities may not adversely affect the conditions of competition to an extent beyond that required in order to perform these particular tasks and which is contrary to the interests of the Community.

The Conference recalls that the European Council has invited the Commission to examine whether similar cases exist in the other Member States, to apply as appropriate the same standards on similar cases and to inform the Council in its ECOFIN formation.

38. Declaration on voluntary service activities

The Conference recognises the important contribution made by voluntary service activities to developing social solidarity.

The Community will encourage the European dimension of voluntary organisations with particular emphasis on the exchange of information and experiences as well as on the participation of the young and the elderly in voluntary work.

39. Declaration on the quality of the drafting of Community legislation

The Conference notes that the quality of the drafting of Community legislation is crucial if it is to be properly implemented by the competent national authorities and better understood by the public and in business circles. It recalls the conclusions on this subject reached by the Presidency of the European Council in Edinburgh on 11 and 12 December 1992, as well as the Council Resolution on the quality of drafting of Community legislation adopted on 8 June 1993 (*Official Journal of the European Communities*, C 166 of 17 June 1993, p. 1).

The Conference considers that the three institutions involved in the procedure for adopting Community legislation, the European Parliament, the Council and the Commission, should lay down guidelines on the quality of drafting of the said legislation. It also stresses that Community legislation should be made more accessible and welcomes in this regard the adoption and first implementation of an accelerated working method for official codification of legislative texts, established by the Interinstitutional Agreement of 20 December 1994 (*Official Journal of the European Communities*, C 102 of 4 April 1996, p. 2).

Therefore, the Conference declares that the European Parliament, the Council and the Commission ought to:

- establish by common accord guidelines for improving the quality of the drafting of Community legislation and follow those guidelines when considering proposals for Community legislation or draft legislation, taking the internal organisational measures they deem necessary to ensure that these guidelines are properly applied;
- make their best efforts to accelerate the codification of legislative texts.

40. Declaration concerning the procedure for concluding international agreements by the European Coal and Steel Community

The repeal of Article 14 of the Convention on the Transitional Provisions annexed to the Treaty establishing the European Coal and Steel Community does not alter existing practice concerning the procedure for the conclusion of international agreements by the European Coal and Steel Community.

41. Declaration on the provisions relating to transparency, access to documents and the fight against fraud

The Conference considers that the European Parliament, the Council and the Commission, when they act in pursuance of the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, should draw guidance from the provisions relating to transparency, access to documents and the fight against fraud in force within the framework of the Treaty establishing the European Community.

42. Declaration on the consolidation of the Treaties

The High Contracting Parties agreed that the technical work begun during the course of this Intergovernmental Conference shall continue as speedily as possible with the aim of drafting a consolidation of all the relevant Treaties, including the Treaty on European Union.

They agreed that the final results of this technical work, which shall be made public for illustrative purposes under the responsibility of the Secretary-General of the Council, shall have no legal value.

43. Declaration relating to the Protocol on the application of the principles of subsidiarity and proportionality

The High Contracting Parties confirm, on the one hand, the Declaration on the implementation of Community law annexed to the Final Act of the Treaty on European Union and, on the other, the conclusions of the Essen European Council stating that the administrative implementation of Community law shall in principle be the responsibility of the Member States in accordance with their constitutional arrangements. This shall not affect the supervisory, monitoring and implementing powers of the Community Institutions as provided under Articles 145 and 155 of the Treaty establishing the European Community.

44. Declaration on Article 2 of the Protocol integrating the Schengen *acquis* into the framework of the European Union

The High Contracting Parties agree that the Council shall adopt all the necessary measures referred to in Article 2 of the Protocol integrating the Schengen *acquis* into the framework of the European Union upon the date of entry into force of the Treaty of Amsterdam. To that end, the necessary preparatory work shall be undertaken in due time in order to be completed prior to that date.

45. Declaration on Article 4 of the Protocol integrating the Schengen *acquis* into the framework of the European Union

The High Contracting Parties invite the Council to seek the opinion of the Commission before it decides on a request under Article 4 of the Protocol integrating the Schengen *acquis* into the framework of the European Union by Ireland or the United Kingdom of Great Britain and Northern Ireland to take part in some or all of the provisions of the Schengen *acquis*.

They also undertake to make their best efforts with a view to allowing Ireland or the United Kingdom of Great Britain and Northern Ireland, if they so wish, to use the provisions of Article 4 of the said Protocol so that the Council may be in a position to take the decisions referred to in that Article upon the date of entry into force of that Protocol or at any time thereafter.

46. Declaration on Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union

The High Contracting Parties undertake to make all efforts in order to make action among all Member States possible in the domains of the Schengen *acquis*, in particular whenever Ireland and the United Kingdom of Great Britain and Northern Ireland have accepted some or all of the provisions of that *acquis* in accordance with Article 4 of the Protocol integrating the Schengen *acquis* into the framework of the European Union.

47. Declaration on Article 6 of the Protocol integrating the Schengen *acquis* into the framework of the European Union

The High Contracting Parties agree to take all necessary steps so that the Agreements referred to in Article 6 of the Protocol integrating the Schengen *acquis* into the framework of the European Union may enter into force on the same date as the date of entry into force of the Treaty of Amsterdam.

48. Declaration relating to the Protocol on asylum for nationals of Member States of the European Union

The Protocol on asylum for nationals of Member States of the European Union does not prejudice the right of each Member State to take the organisational measures it deems necessary to fulfil its obligations under the Geneva Convention of 28 July 1951 relating to the status of refugees.

49. Declaration relating to subparagraph (d) of the Sole Article of the Protocol on asylum for nationals of Member States of the European Union

The Conference declares that, while recognising the importance of the Resolution of the Ministers of the Member States of the European Communities responsible for immigration of 30 November/1 December 1992 on manifestly unfounded applications for asylum and of the Resolution of the Council of 20 June 1995 on minimum guarantees for asylum procedures, the question of abuse of asylum procedures and appropriate rapid procedures to dispense with manifestly unfounded applications for asylum should be further examined with a view to introducing new improvements in order to accelerate these procedures.

50. Declaration relating to the Protocol on the institutions with the prospect of enlargement of the European Union

Until the entry into force of the first enlargement it is agreed that the decision of the Council of 29 March 1994 ('the Ioannina Compromise') will be extended and, by that date, a solution for the special case of Spain will be found.

51. Declaration on Article 10 of the Treaty of Amsterdam

The Treaty of Amsterdam repeals and deletes lapsed provisions of the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community as they were in force before the entry into force of the Treaty of Amsterdam and adapts certain of their provisions, including the insertion of certain provisions of the Treaty establishing a single Council and a single Commission of the European Communities and the Act concerning the election of the representatives of the European Parliament by direct universal suffrage. Those operations do not affect the *'acquis communautaire'*.

DECLARATIONS OF WHICH THE CONFERENCE TOOK NOTE

1. Declaration by Austria and Luxembourg on credit institutions

Austria and Luxembourg consider that the Declaration on public credit institutions in Germany also applies to credit institutions in Austria and Luxembourg with a comparable organisational structure.

2. Declaration by Denmark on Article K.14 of the Treaty on European Union

Article K.14 of the Treaty on European Union requires the unanimity of all members of the Council of the European Union, i.e. all Member States, for the adoption of any decision to apply the provisions of Title IIIa of the Treaty establishing the European Community on visas, asylum, immigration and other policies related to free movement of persons to action in areas referred to in Article K.1. Moreover, any unanimous decision of the Council, before coming into force, will have to be adopted in each Member State, in accordance with its constitutional requirements. In Denmark, such adoption will, in the case of a transfer of sovereignty, as defined in the Danish constitution, require either a majority of five sixths of members of the Folketing or both a majority of the members of the Folketing and a majority of voters in a referendum.

3. Declaration by Germany, Austria and Belgium on subsidiarity

It is taken for granted by the German, Austrian and Belgian governments that action by the European Community in accordance with the principle of subsidiarity not only concerns the Member States but also their entities to the extent that they have their own law-making powers conferred on them under national constitutional law.

4. Declaration by Ireland on Article 3 of the Protocol on the position of the United Kingdom and Ireland

Ireland declares that it intends to exercise its right under Article 3 of the Protocol on the position of the United Kingdom and Ireland to take part in the adoption of measures pursuant to Title IIIa of the Treaty establishing the European Community to the maximum extent compatible with the maintenance of its Common Travel Area with the United Kingdom. Ireland recalls that its participation in the Protocol on the application of certain aspects of Article 7a of the Treaty establishing the European Community reflects its wish to maintain its Common Travel Area with the United Kingdom in order to maximise freedom of movement into and out of Ireland.

5. Declaration by Belgium on the Protocol on asylum for nationals of Member States of the European Union

In approving the Protocol on asylum for nationals of Member States of the European Union, Belgium declares that, in accordance with its obligations under the 1951 Geneva Convention and the 1967 New York Protocol, it shall, in accordance with the provision set out in point (d) of the sole Article of that Protocol, carry out an individual examination of any asylum request made by a national of another Member State.

6. Declaration by Belgium, France and Italy on the Protocol on the institutions with the prospect of enlargement of the European Union

Belgium, France and Italy observe that, on the basis of the results of the Intergovernmental Conference, the Treaty of Amsterdam does not meet the need, reaffirmed at the Madrid European Council, for substantial progress towards reinforcing the institutions.

Those countries consider that such reinforcement is an indispensable condition for the conclusion of the first accession negotiations. They are determined to give the fullest effect appropriate to the Protocol as regards the composition of the Commission and the weighting of votes and consider that a significant extension of recourse to qualified majority voting forms part of the relevant factors which should be taken into account.

7. Declaration by France concerning the situation of the overseas departments in the light of the Protocol integrating the Schengen *acquis* into the framework of the European Union

France considers that the implementation of the Protocol integrating the Schengen *acquis* into the framework of the European Union does not affect the geographical scope of the Convention implementing the Schengen Agreement of 14 June 1985 signed in Schengen on 19 June 1990, as it is defined by Article 138, first paragraph, of that Convention.

8. Declaration by Greece concerning the Declaration on the status of churches and non-confessional organisations

With reference to the Declaration on the status of churches and non-confessional organisations, Greece recalls the Joint Declaration on Mount Athos annexed to the Final Act of the Treaty of Accession of Greece to the European Communities.

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W O O R D V O O R A F



Nederland lijkt op een kleine, veilige haven in een wereld vol conflicten. Een democratisch land waar veel kan en mag en waar we niet voortdurend stil hoeven te staan bij bedreigingen die ons omringen. Toch wordt ook ons land af en toe opgeschrikt door gewelddadige acties, berichten over anti-democratische organisaties of ongeoorloofde inmenging in Nederlandse aangelegenheden vanuit het buitenland. Met andere woorden, door verschijnselen en ontwikkelingen die de stabiliteit van onze samenleving kunnen ondermijnen.

De Binnenlandse Veiligheidsdienst (BVD) heeft de taak tijdig te waarschuwen voor dergelijke verschijnselen en ontwikkelingen die veelal voor de buitenwereld verborgen zijn. Op die manier draagt de BVD er aan bij risico's voor de nationale veiligheid te beperken.

Het dagelijkse werk van de BVD speelt zich grotendeels buiten de openbaarheid af. Dat neemt niet weg dat in een democratisch land als het onze helderheid moet bestaan over de organisatie, de taken en werkwijze van deze dienst. Met deze brochure wil ik u daarom graag informeren over het werk van de BVD.

De minister van Binnenlandse Zaken en Koninkrijksrelaties

A. Peper

DE GESCHIEDENIS VAN DE BINNENLANDSE VEILIGHEIDSDIENST

De geschiedenis van de Binnenlandse Veiligheidsdienst begint direct na de Tweede Wereldoorlog met de oprichting van het Bureau Nationale Veiligheid (BNV) in 1945. Deze voorloper van de BVD krijgt als opdracht de restanten van het Duitse inlichtingennetwerk in Nederland in kaart te brengen. De Binnenlandse Veiligheidsdienst wordt in 1949 opgericht. De dienst richt zich vooral op spionage vanuit Oost-Europa en op de activiteiten van de Communistische Partij Nederland (CPN). Het is het tijdperk van de Koude Oorlog en het communisme in binnen- en buitenland wordt als voornaamste dreiging gezien.

Over het werk van de BVD in de periode van de Koude Oorlog verscheen in 1995 het boek 'Geschiedenis van de Binnenlandse Veiligheidsdienst' van dr. D. Engelen.

In de jaren zeventig maakt Nederland kennis met terrorisme en ontstaat een nieuwe taak voor de BVD. Gewelddadige politieke groeperingen vormen nog altijd een belangrijk aandachtsgebied van de BVD. Ontwikkelingen in het buitenland worden daarbij nauwlettend gevolgd, aangezien politieke conflicten elders in de wereld hun weerslag kunnen hebben op de veiligheidssituatie in Nederland.

Andere onderwerpen die op dit moment de aandacht van de BVD vragen zijn illegale wapenhandel, de activiteiten van buitenlandse inlichtingendiensten in Nederland en de aantasting van de integriteit van de overheid.

DE TAKEN VAN DE BINNENLANDSE VEILIGHEIDSDIENST

De BVD levert een bijdrage aan de bescherming van de nationale veiligheid door het uitvoeren van drie taken: het verzamelen van gegevens, het verrichten van veiligheidsonderzoeken en het bevorderen van beveiligingsmaatregelen. Deze taken zijn vastgelegd in de Wet op de inlichtingen- en veiligheidsdiensten (1987).

1. De BVD verzamelt gegevens

De BVD verzamelt gegevens over personen en organisaties die een bedreiging kunnen vormen voor de samenleving. Veel van de gegevens die de BVD verzamelt, komen uit openbare bronnen zoals de media, wetenschappelijke publicaties of voor iedereen toegankelijke databestanden. De bevolking speelt eveneens een belangrijke rol bij het vergaren van informatie. Tal van zaken zijn tijdig ontdekt omdat burgers de BVD daarop attendeerden. De BVD staat altijd open voor bijdragen uit de samenleving en vraagt daar ook om.

Vaak ontstaan risico's voor de nationale veiligheid buiten onze landsgrenzen. Om daar tijdig op te kunnen reageren, is de BVD ook actief in het buitenland. In een aantal landen beschikt de BVD over een steunpunt op de Nederlandse ambassade namelijk in Washington, Caracas, Amman, Singapore en Moskou.



Soms leveren bovenstaande bronnen niet voldoende gegevens op over de personen of organisaties die een veiligheidsrisico vormen. Om achter hun werkelijke intenties te komen, moeten de nodige gegevens dan op andere manieren worden ingewonnen. Hoewel de overheid gehouden is de grondrechten van de burger te respecteren, is het verzamelen van gegevens in die gevallen meestal alleen mogelijk met middelen die inbreuk maken op de persoonlijke levenssfeer. De BVD heeft de wettelijke bevoegdheid in bepaalde omstandigheden die middelen te gebruiken. Het voorgaande in aanmerking genomen, gebruikt de BVD deze zogenaamde bijzondere inlichtingenmiddelen pas na een zorgvuldige afweging. En alleen dan wanneer de inzet van het middel in verhouding staat tot de ernst van de zaak én het onmogelijk is de gegevens op een minder ingrijpende wijze te verkrijgen.

Eén van de manieren om gedetailleerde gegevens te verzamelen, is het opvragen van persoonsgegevens uit de bevolkingsadministratie of het strafregister. Maar ook de Militaire Inlichtingendienst (MID) of buitenlandse inlichtingen- en veiligheidsdiensten kunnen als bron fungeren.

In een enkel geval is het nodig om bepaalde personen enige tijd te volgen en observeren, gesprekken af te luisteren met behulp van microfoons, dan wel door telefoonlijnen af te tappen. Hier gaat een extra zorgvuldige procedure aan vooraf. Zo is er schriftelijke toestemming nodig van de minister-president en de ministers van Binnenlandse Zaken en Koninkrijksrelaties en Justitie. In geval van het aftappen van telefoongesprekken moet ook de minister van Verkeer en Waterstaat goedkeuring geven.

Ook komt het voor dat de BVD aan mensen vraagt bij een onderzoek te assisteren. Bijvoorbeeld door lid te worden van een organisatie of onder een dekmantel gegevens te vergaren. Deze medewerking vindt altijd plaats op basis van vrijwilligheid.

2. De BVD verricht veiligheidsonderzoeken.

De BVD voert veiligheidsonderzoeken uit naar kandidaten voor vertrouwensfuncties. Het gaat onder meer om functies bij de overheid en in het bedrijfsleven, waarin men de veiligheid of andere gewichtige belangen van de staat schade kan berokkenen. In het bedrijfsleven komen vertrouwensfuncties voor bij zogenaamde vitale bedrijven: ondernemingen die essentieel zijn voor het goed functioneren van de maatschappij. Voorbeelden daarvan zijn elektriciteits- en waterleidingbedrijven, ondernemingen in de olie- en chemiesector, telecommunicatiebedrijven, de transportsector en de financiële sector.



In Nederland kennen we circa 50.000 vertrouwensfuncties, exclusief de functies bij het ministerie van Defensie. Er worden drie categorieën vertrouwensfuncties onderscheiden: A, B en C. Bij een A-functie kan men de bovengenoemde belangen van de staat meer schade toebrengen dan bij een B- of C-functie.

In de Wet veiligheidsonderzoeken die op 1 februari 1997 in werking trad, staat beschreven wanneer een veiligheidsonderzoek wordt ingesteld en wat een vertrouwensfunctie is. De onderzoeken bestaan voor het overgrote deel uit het opvragen van gegevens uit databestanden. Bij de zogenaamde A-functies - vijf procent van het totale aantal vertrouwensfuncties - vindt bovendien een 'veldonderzoek' plaats. Het veldonderzoek bestaat uit gesprekken met betrokkene en enkele andere personen uit zijn of haar directe omgeving.

De personen naar wie een veiligheidsonderzoek wordt ingesteld, zijn daarover (en over hun beroepsmogelijkheden) altijd van tevoren ingelicht. Zij vullen zelf een inlichtingenformulier in. Indien uit het veiligheidsonderzoek blijkt dat betrokkene zonder gevaar voor de veiligheid van de staat de vertrouwensfunctie kan vervullen, geeft de minister van Binnenlandse Zaken en Koninkrijksrelaties een 'verklaring van geen bezwaar' af. Dit betekent dat de werkgever kan overgaan tot aanstelling.

3. *De BVD bevordert beveiligingsmaatregelen.*

De BVD bevordert de beveiliging van gegevens waarvan geheimhouding door het belang van de staat wordt geboden. Tevens bevordert de BVD de beveiliging van onderdelen van overheid en bedrijfsleven die van vitaal belang zijn voor de instandhouding van het maatschappelijk leven. Deze taak houdt in dat de BVD overheidsinstellingen en vitale bedrijven informeert over de veiligheidsrisico's en adviseert over noodzakelijke beveiligingsmaatregelen. Het advies kan betrekking hebben op uiteenlopende onderwerpen. De fysieke beveiliging van gebouwen en bedrijfsterreinen is daar slechts een onderdeel van. De BVD houdt eveneens procedures tegen het licht voor de wijze waarop met vertrouwelijke informatie moet worden omgegaan. En wanneer die informatie in geautomatiseerde systemen is opgeslagen, kan de BVD in overleg met de betrokken instantie overgaan tot het testen van beveiligingsmaatregelen. Ook voor adviezen over de beveiliging van personen en het geven van aanwijzingen voor de instelling van vertrouwensfuncties is de BVD het aangewezen orgaan.



EEN NIEUWE WET

De huidige Wet op de inlichtingen- en veiligheidsdiensten zal worden vervangen door een nieuwe wet. Deze zal in werking treden nadat het parlement het inmiddels ingediende wetsvoorstel heeft aanvaard. In de nieuwe wet worden regelingen vastgelegd voor de inzet van bijzondere inlichtingenmiddelen. Ook voorziet de wet in een regeling voor de kennisneming van persoonsgegevens en andere gegevens die verwerkt worden door de dienst. Het takenpakket van de BVD wordt uitgebreid met de taak inlichtingen te verzamelen over het buitenland. Tenslotte legt deze wet een basis voor een nieuwe onafhankelijke commissie van toezicht

voor de inlichtingen- en veiligheidsdiensten.

De naam van de BVD wordt in het voorstel gewijzigd in Algemene Inlichtingen- en Veiligheidsdienst (AIVD), waarmee de naam meer in overeenstemming komt met het takenpakket.

WANNEER WORDT DE BVD INGEZET?

Alleen als de veiligheidssituatie in ons land dit vereist, is de inzet van de BVD gerechtvaardigd. Elke keer opnieuw moet de vraag gesteld worden of er in een bepaalde situatie een taak voor de BVD is. Dit gebeurt door een grondige risico-analyse.

De BVD heeft geen opsporingsbevoegdheid. Wanneer er concrete aanwijzingen zijn dat er strafbare feiten worden gepleegd, meldt de BVD dit aan justitie. De politie of een andere opsporingsinstantie kan dan een justitieel onderzoek instellen. De BVD zal hierbij nooit de identiteit van haar bron prijsgeven.

Daarnaast kunnen BVD-prognoses bijdragen tot een bijstelling van beleid. De BVD is een flexibele organisatie die haar taken voortdurend aanpast aan nieuwe ontwikkelingen en rekening houdt met de eisen die de politiek en de maatschappij aan een dergelijke organisatie stelt.



DE Plicht tot GEHEIMHOUDING

De medewerkers van de BVD hebben een geheimhoudingsplicht. In eerste instantie dient deze ter bescherming van de mensen die meewerken aan een onderzoek van de BVD waardoor mogelijke risico's voor hun veiligheid kunnen ontstaan. Bescherming van informatiebronnen is voor de BVD een zeer belangrijk uitgangspunt bij de taakuitoefening.

Voorts houdt de BVD de verzamelde gegevens geheim om te voorkomen dat de actuele kennis van de BVD over een persoon of organisatie, die een veiligheidsrisico vormt, in de openbaarheid komt en daardoor afbreuk wordt gedaan aan de werkwijze van de dienst.

De geheimhoudingsplicht geldt voor iedere medewerker van de BVD en voor iedereen die betrokken is bij de uitvoering van de taken van de BVD. Uiteraard krijgen instanties die de informatie van de BVD nodig hebben om hun taak uit te oefenen alle noodzakelijke informatie. De identiteit van informanten blijft echter altijd geheim.

Overigens probeert de BVD zoveel mogelijk openheid te geven over zijn taken, organisatie en werkwijze in het algemeen (o.a. via een jaarverslag). Informatie over de BVD kan men ook vinden op de website van het ministerie van Binnenlandse zaken en Koninkrijksrelaties: (www.minbzk.nl).

S A M E N W E R K I N G

Alleen door nauwe samenwerking van de verantwoordelijke instanties is het mogelijk aantastingen van de nationale veiligheid met succes te voorkomen. De Binnenlandse Veiligheidsdienst onderhoudt daarom contacten met onder andere het Openbaar Ministerie, de politie, andere opsporings- en controlediensten, de Militaire Inlichtingendienst en buitenlandse inlichtingen- en veiligheidsdiensten.



Het Openbaar Ministerie

Tussen het hoofd van de BVD en de procureurs-generaal vindt regelmatig overleg plaats. Daarbij gaat het vooral over de vraag of informatie van de BVD aanleiding is om een strafzaak te starten en zo ja, in welk stadium en aan welke officier van justitie de informatie moet worden overgedragen. Een speciaal daartoe aangewezen landelijk officier van justitie heeft, op voorwaarde van geheimhouding, inzage in alle gegevens van de BVD die op een concrete zaak betrekking hebben. Overigens kan de informatie van de BVD nooit als bewijslast dienen.

De politie en andere opsporingsinstanties

De BVD en de politie stemmen hun werkzaamheden regelmatig op elkaar af, omdat er in de taakuitoefening duidelijke raakvlakken zijn. Deze samenwerking is officieel geregeld in samenwerkingsprotocollen tussen de BVD en de politiekorpsen. Uitgangspunt is dat, gelet op het verschil in bevoegdheden en verantwoordelijkheden, het werk van politie en BVD gescheiden blijft.

In de samenwerking tussen de BVD en de politie spelen bepaalde, aangewezen politieambtenaren een belangrijke rol. Deze ambtenaren vormen de regionale inlichtingendiensten van de politiekorpsen en verrichten (een deel van) hun taken onder verantwoordelijkheid van de BVD.

Behalve met de politie werkt de BVD nauw samen met de Koninklijke marechaussee en de douane, en de bijzondere opsporingsdiensten als de Economische Controle Dienst (ECD) en de Fiscale Inlichtingen- en Opsporingsdienst (FIOD). Een aantal medewerkers van de Koninklijke marechaussee en douane die belast zijn met de grensbewaking, werken eveneens onder verantwoordelijkheid van de BVD.

Militaire Inlichtingendienst

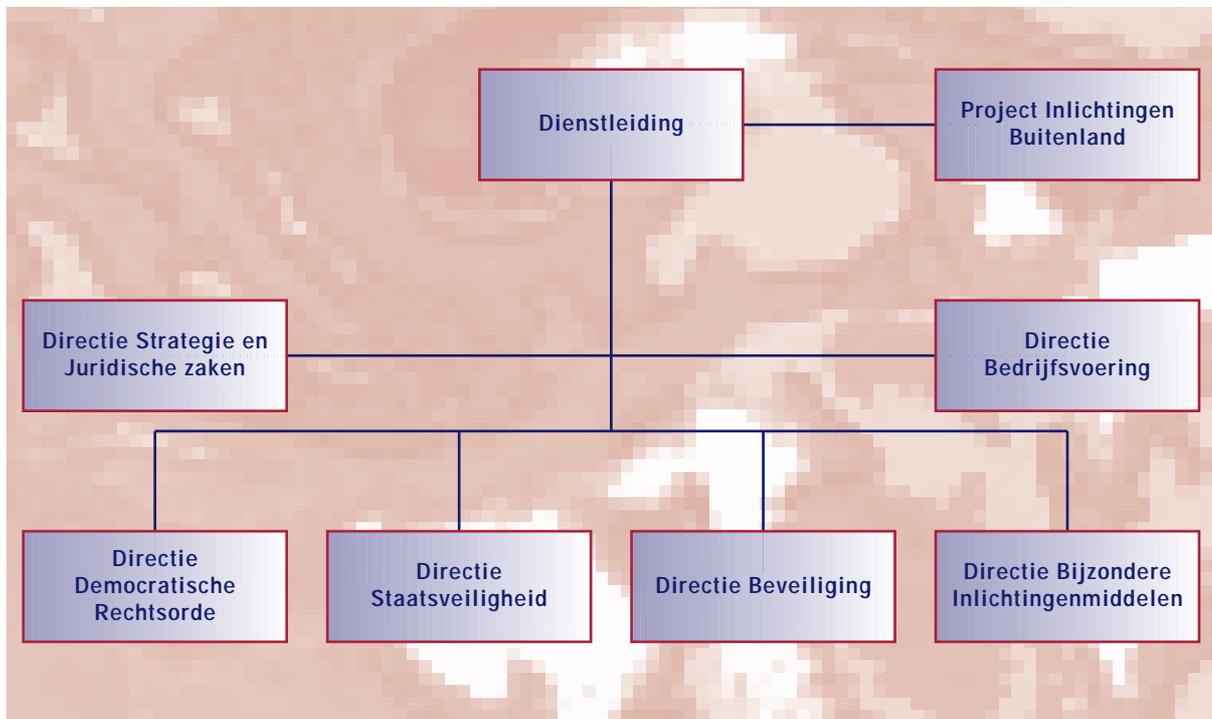
De zusterdienst van de BVD in Nederland is de Militaire Inlichtingendienst (MID). De MID werkt op vergelijkbare wijze als de BVD, maar heeft zijn taken toegespitst op militair relevante onderwerpen. De MID verzamelt gegevens over het potentieel en de strijdkrachten van buitenlandse mogendheden en stelt de dienst veiligheidsonderzoeken in naar personeel van de krijgsmacht en bedrijven die voor defensie werken. Bovendien moet de MID voorkomen dat de veiligheid of paraatheid van de Nederlandse krijgsmacht in gevaar wordt gebracht. Omdat er raakvlakken zijn tussen de twee diensten, vindt voortdurend afstemming plaats over de werkzaamheden.

Buitenlandse inlichtingen- en veiligheidsdiensten

Veiligheidsvraagstukken hebben in veel gevallen een grensoverschrijdend karakter. Terrorisme, de ongecontroleerde verbreiding van massavernietigingswapens en radicale ideologieën bijvoorbeeld zijn alleen goed te bestrijden in internationaal verband. Daarom werkt de BVD samen met zo'n negentig inlichtingen- en veiligheidsdiensten in de gehele wereld.

De Binnenlandse Veiligheidsdienst maakt deel uit van het ministerie van Binnenlandse Zaken en Koninkrijksrelaties. De BVD bestaat - behalve uit twee stafdirecties- uit vier directies die werken aan het verzamelen van gegevens, het verwerken en analyseren van gegevens en het verstrekken van informatie aan de voor de staatsveiligheid verantwoordelijke instanties. Tevens is er een project Inlichtingen Buitenland dat, gelet op de nieuwe wetgeving, voorbereidingen treft voor de toekomstige inlichtingentaak buitenland.

De werkzaamheden binnen de directies worden uitgevoerd door teams en afdelingen. Zo zijn er teams die zich bezig houden met onderzoek naar illegale wapenhandel, extremistische organisaties van linkse en rechtse signatuur en aspecten van de georganiseerde misdaad. Daarnaast kent de BVD afdelingen die zich onder meer richten op beveiligingsbevordering, veiligheidsonderzoeken en contacten met de buitenlandse relaties van de BVD.



Bij de BVD werken circa 560 mensen. Het jaarlijks budget bedraagt zo'n 80 miljoen gulden. Dit is verdeeld over de posten personeel (75%), materieel (19%) en geheime uitgaven (6%).

De politieke verantwoordelijkheid voor de BVD en het toezicht op de taakuitvoering is in Nederland op verschillende manieren geregeld.

De minister en het parlement

De minister van Binnenlandse Zaken en Koninkrijksrelaties is verantwoordelijk voor de BVD. Het hoofd van de BVD overlegt regelmatig met de minister over de taakuitoefening van de dienst. De minister informeert het parlement over de werkzaamheden van de BVD en brengt jaarlijks een openbaar verslag uit over onderwerpen die dat jaar de aandacht van de BVD kregen. Dit jaarverslag wordt met de Kamer besproken. Ook bij andere gelegenheden wordt de Kamer - al dan niet op verzoek - geïnformeerd.

De Commissie voor de inlichtingen- en veiligheidsdiensten

De Tweede Kamer heeft een controlerende taak ten aanzien van de BVD. Om die taak zo goed mogelijk te vervullen heeft de Kamer een speciale commissie in het leven geroepen die behalve de werkzaamheden van de BVD ook die van de MID controleert. De nadruk ligt vooral op de vertrouwelijke aspecten van het werk van de diensten, reden waarom de leden een geheimhoudingsplicht hebben. De commissie - die bestaat uit de fractievoorzitters van de vier grote partijen - behandelt ook klachten van burgers over de handelwijze van de BVD. Een taak waarmee eveneens de Nationale ombudsman is belast.

Accountantsdienst en Algemene Rekenkamer

De uitgaven van de BVD vallen - net als die van de andere onderdelen van Binnenlandse Zaken en Koninkrijksrelaties - onder de normale departementale accountantscontrole. De directeur van de accountantsdienst van het ministerie van Binnenlandse Zaken en Koninkrijksrelaties controleert jaarlijks de geheime uitgaven (slechts zes procent van de begroting) van de BVD. Zijn rapport wordt voorgelegd aan de President van de Algemene Rekenkamer. De president heeft inzage in alle dossiers en is tot geheimhouding verplicht over de operationele bijzonderheden.

Nationale ombudsman

Klachten over de BVD kunnen worden onderzocht door de Nationale ombudsman die daarvoor toegang heeft tot alle relevante informatie. Ook de ombudsman heeft een geheimhoudingsplicht over de operationele bijzonderheden.

C O L O F O N

Uitgave en productie

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties
Binnenlandse Veiligheidsdienst
Afdeling Interne en Externe Betrekkingen
Postbus 20010
2500 EA Den Haag
Internet: www.minbzk.nl

Ontwerp

Heike Slingerland

Zetwerk en druk

De Bink - Leiden

juni 1999

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✓ [Patterns of Global Terrorism: 1998](#)

Publication of the US Department of State

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The articles are based on reviewing cognitive psychology literature concerning how people process information to make judgments on incomplete and ambiguous information. I selected the experiments and findings that seem most relevant to intelligence analysis and most in need of communication to intelligence analysts. I then translated the technical reports into language that intelligence analysts can understand and interpreted the relevance of these findings to the problems intelligence analysts face.

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